

Standard self-declaration in accordance with sections 123 and 124 of the German Competition Act (GWB)

Procurement procedure:

Information on the economic operator

Name of the declaring party:

Company name of the entity:

candidate/bidder member of candidate/bidding consortium sub-contractor¹

A. Declarations regarding the mandatory grounds for exclusion in accordance with section 123 of the Competition Act

I. Information on final conviction

Has the economic operator/candidate, or a person belonging to its administrative, management or supervisory bodies (or having powers of representation, decision-making or control in such body), been convicted with final effect for one of the following reasons?²

1. section 129 of the German Criminal Code (*Strafgesetzbuch*) (Forming criminal organisations), section 129a of the Criminal Code (Forming terrorist organisations) or section 129b of the Criminal Code (Criminal and terrorist organisations abroad),
2. section 89a subsection (1) of the Criminal Code (Preparation of a serious violent offence endangering the state) in cases coming under section 89a subsection (2) Number 4 of the Criminal Code or because of participation in such an offence or because of supplying or collecting funds, knowing that such funds are being used, or are to be used, in full or in part, in order to commit an offence in accordance with section 89a subsection (2) Number 2 of the Criminal Code,
3. section 261 of the Criminal Code (Money laundering; hiding unlawfully-obtained financial benefits),
4. section 263 of the Criminal Code (Fraud), insofar as the criminal offence is directed against the budget of the European Union or against budgets managed by the European Union or on its behalf,
5. section 264 of the Criminal Code (Subsidy fraud), insofar as the criminal offence is directed against the budget of the European Union or against budgets managed by the European Union or on its behalf,
6. section 299 of the Criminal Code (Taking and giving bribes in commercial practice),
7. section 108e of the Criminal Code (Bribing delegates),
8. sections 333 and 334 of the Criminal Code (Granting advantages and giving bribes), also in conjunction with Article 2 of the German EU Bribery Act (*EU-Bestechungsgesetz*), Article 2 paras. 1 and 2 of the German Act to Combat International Bribery (*Gesetz zur Bekämpfung internationaler Bestechung*), section 1 subsection (2) Number 10 of the German NATO Troop Protection Act (*NATO-Truppenschutzgesetz*) and section 2 of the German Act on the Staying of the Lapse of Prosecution and Equal Treatment of Judges and Employees of the International Criminal Court (*Gesetz über das Ruhen der Verfol-*

¹ If you rely on the capacities of other entities in order to fulfil the suitability criteria (suitability via third parties), the present declaration must also be submitted by this entity.

² A conviction in accordance with comparable provisions of other countries is equivalent to a conviction in accordance with these provisions.

gungsverjähmung und die Gleichstellung der Richter und Bediensteten des International Strafgerichtshofes),

9. Article 2 para. 2 of the German Act to Combat International Bribery (*Gesetz zur Bekämpfung internationaler Bestechung*) (Bribery of foreign delegates in connection with international commercial practice),
10. sections 232 and 233 of the Criminal Code (Human trafficking), section 233a of the Criminal Code (Assisting in human trafficking) or section 236 of the Criminal Code (Child trafficking), or
11. section 370 of the German Fiscal Code (*Abgabenordnung*) (Tax evasion), also in conjunction with section 12 of the German Act on the Transposition of the Common Market Organisations and Direct Payments (*Gesetz zur Durchführung der gemeinsamen Marktorganisationen und der Direktzahlungen*), insofar as the criminal offence is directed against the budget of the European Union or against budgets managed by the European Union or on its behalf.

<input type="checkbox"/>	No.
<input type="checkbox"/>	Yes. Details of the conviction:

II. Information on the payment of taxes and social security contributions

Has a court ruling or administrative decision been handed down in accordance with the legal provisions of the country of establishment of the economic operator/candidate, or of the Member State of the contracting authority, containing a finding that the economic operator/candidate has failed to meet its obligations to pay taxes or social security contributions?

<input type="checkbox"/>	No.
<input type="checkbox"/>	Yes. Precise information on the court ruling or administrative decision:
	(only if you answer Yes) Has the economic operator/candidate fulfilled its obligations by effecting the payment, or has it entered into a binding agreement with respect to the payment of the taxes or social security contributions due, including any interest or penalties, where appropriate, or will it comply therewith? <input type="checkbox"/> Yes <input type="checkbox"/> No

B. Declaration on the optional grounds for exclusion in accordance with section 124 of the Competition Act

Is the economic operator/candidate aware that one or more of the following grounds applies or may apply?

1. The entity/The candidate has acted in breach of obligations applicable under environmental, social and labour law in the performance of public contracts,
2. the entity /the candidate is insolvent; insolvency or comparable proceedings have been requested or opened for the assets of the entity/of the candidate; the request to open such proceedings has been refused for insufficiency of assets; the entity is in the process of liquidation or has discontinued operations,
3. the entity or a person responsible for the entity in accordance with section 123 subsection (4) has been proven to have committed serious misconduct in the course of his or her professional activity which might call into question the integrity of the entity,
4. the entity/candidate has entered into agreements with other entities/candidates which are intended to or have the effect of preventing, restricting or distorting competition,

5. there is a conflict of interest with regard to the implementation of the procurement procedure which could adversely affect the impartiality and independence of a person acting for the contracting authority in implementing the procurement procedure, and which cannot be effectively remedied by other, less incisive measures,
6. a distortion of competition stems from the fact that the entity/candidate was already involved in the preparation of the procurement procedure, and that this distortion of competition cannot be remedied by other, less incisive measures,
7. the entity/candidate has failed to a considerable or persistent degree to fulfil a material requirement in the performance of a previous public contract or concession agreement, and this has led to premature termination, to damages or to a comparable sanction,
8. the entity/candidate has committed serious misrepresentation regarding grounds for exclusion or suitability criteria, has withheld information or has failed to provide necessary evidence, or
9. the entity/the candidate has attempted
 - a) to influence the decision-making process of the contracting authority in an unauthorised manner,
 - b) to obtain confidential information that could result in impermissible benefits accruing to it in the procurement process, or
 - c) to communicate misleading information that could significantly affect the contracting authority's procurement decision.

<input type="checkbox"/>	No.
<input type="checkbox"/>	Yes. Precise information on application of the above grounds:

C. Self-correction

(only complete if "Yes" has been ticked at A or B)

What measures has the economic operator/candidate taken for self-correction ³ :

_____ Place

_____ Date

_____ Stamp and signature

³ see section 125 subsection (1) of the Competition Act with regard to the measures