*Appendix 3. Statement of no grounds for exclusion (counteracting aggression against Ukraine)*

**Statement of no grounds for exclusion**

**(counteracting aggression against Ukraine)**

**Full name of the Supplier (Tenderer)**

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By participating in the procurement procedure conducted under Request for Proposal No. 01/07/2025 in accordance with the principle of competitiveness, I declare that:

The Economic Operator is not subject to exclusion from the procedure pursuant to Article 5k of Council Regulation (EU) No. 833/2014 of July 31, 2014 concerning restrictive measures in view of Russia's actions destabilizing the situation in Ukraine (OJ EU No. L 229 of July 31, 2014, p. 1), as amended by Council Regulation (EU) 2022/576 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilizing the situation in Ukraine (OJ EU No. L 111 of 8.4.2022, p. 1), as amended.1

1 Pursuant to Article 5k of Regulation 833/2014: 1. The award or continued performance of any public contracts or concessions falling within the scope of the public procurement directives and within the scope of Article 10(1), (3), (6)(a) to (e), (8), (9) and (10), Articles 11, 12, 13 and 14 of Directive 2014/23/EU, 6(a) to (e), (8), (9) and (10), Articles 11, 12, 13 and 14 of Directive 2014/23/EU, Articles 7(a) to (d), Article 8, Article 10(b) to (f) and (h) to (j) of Directive 2014/24/EU, Article 18, Article 21(b) to (e) and (g) to (i), Article 29 and 30 of Directive 2014/25/EU and Article 13(a) to (d), (f) to (h) and (j) of Directive 2009/81/EC and Title VII of Regulation (EU, Euratom) 2018/1046 shall be prohibited for or with the participation of:

* 1. Russian citizens, natural persons residing in Russia, or legal persons, entities, or bodies with their registered office in Russia;
  2. legal persons, entities, or bodies in which more than 50% of the ownership rights are directly or indirectly held by an entity referred to in point (a) of this paragraph; or
  3. natural or legal persons, entities or bodies acting on behalf of or under the direction of an entity referred to in point (a) or (b) of this paragraph, including subeconomic operators, suppliers or entities on whose capacity it relies within the meaning of the public procurement directives, where they account for more than 10% of the value of the contract.

1. By way of derogation from paragraph 1, the competent authorities may authorize the award and continued performance of contracts having as their subject matter:
   1. the operation, maintenance, decommissioning of nuclear facilities for civilian use, and the management of radioactive waste arising from such facilities, the supply of fuel, the reprocessing of fuel and the ensuring of its safety, and the continuation of the design, construction and commissioning necessary for the completion of civil nuclear facilities, as well as the supply of precursors for the production of medical radioisotopes and for similar medical applications, critical technologies for environmental radiation monitoring, as well as cooperation in the field of civil nuclear energy, in particular in the field of research and development;
   2. intergovernmental cooperation in space programs;
   3. the supply of absolutely essential goods or the provision of absolutely essential services which can only be supplied or provided by the persons referred to in paragraph 1, or whose supply or provision in sufficient quantities or to a sufficient extent can only be ensured by the persons referred to in paragraph 1;
2. there are no grounds for excluding the Economic Operator from the procedure pursuant to Article 7(1) 1 in conjunction with Article 7(9) of the Act of April 13, 2022, *on special measures to counteract support for aggression against Ukraine and to protect national security* (Journal of Laws, item 835, as amended)*.*2

# I/we declare that all information provided in the above statements is current and true.

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# (place and date) signature of the person(s) authorized to represent the Tenderer

* 1. the functioning of diplomatic and consular missions of the Union and Member States in Russia, including delegations, embassies, and missions, or international organizations in Russia enjoying immunities in accordance with international law;
  2. unless prohibited under Articles 3m or 3n, the purchase, import or transport of natural gas and petroleum, including petroleum products, as well as titanium, aluminum, copper, nickel, palladium and iron ore from Russia or through Russia to the Union; or
  3. the purchase, import or transport to the Union of coal and other solid fossil fuels listed in Annex XXII until August 10, 2022.

1. The Member State concerned shall inform the other Member States and the Commission of any authorization granted under this Article within two weeks of granting the authorization.
2. The prohibitions laid down in paragraph 1 shall not apply to the performance, until October 10, 2022, of contracts concluded before April 9, 2022.

2 Pursuant to Article 7 of the Act of April 13, 2022*, on special measures to counteract support for aggression against Ukraine and to protect national security:*

*1.The following shall be excluded from public procurement procedures or competitions conducted pursuant to the Act of September 11, 2019 - Public Procurement Law:*

*1) economic operators and competition participants listed in the registers specified in Regulation 765/2006 and Regulation 269/2014 or entered in the list on the basis of a decision on entry in the list determining the application of the measure referred to in Article 1(3);*

*2) economic operator and tenderer whose beneficial owner, within the meaning of the Act of March 1, 2018, on counteracting money laundering and terrorist financing (Journal of Laws of 2022, items 593, 655, 835, 2180 and 2185) is a person listed in the lists specified in Regulation 765/2006 and Regulation 269/2014 or entered on the list or who is such a beneficial owner as of February 24, 2022, provided that they have been entered on the list on the basis of a decision on entry on the list determining the application of the measure referred to in Article 1(3);*

*3) the economic operator and the participant in the competition whose parent entity within the meaning of Article 3(1)(37) of the Accounting Act of September 29, 1994 on accounting (Journal of Laws of 2021, items 217, 2105 and 2106, and of 2022, item 1488) is an entity listed in the lists specified in Regulation 765/2006 and Regulation 269/2014 or entered in the list or being such a parent entity as of February 24, 2022, provided that it was entered on the list on the basis of a decision on entry on the list determining the application of the measure referred to in Article 1(3).*

1. *Exclusion shall apply for the duration of the circumstances specified in paragraph 1.*

*3. In the case of an economic operator or tenderer excluded on the basis of paragraph 1, the contracting entity shall reject the application for admission to participate in the public procurement procedure or the tender of such economic operator or tenderer, shall not invite it to submit a preliminary tender, a tender subject to negotiation, an additional tender, a tender or a final tender, shall not invite it to negotiations or dialogue, and shall not conduct negotiations or dialogue with such an economic operator, shall reject the application for admission to the competition, shall not invite it to submit a competition entry or shall not evaluate the competition entry, in accordance with the procedure applicable to the award of the public contract and the stage of the public procurement procedure.*

*4. Control of the award of public contracts in terms of compliance with paragraph 1 shall be carried out in accordance with Article 596 of the Act of September 11, 2019 - Public Procurement Law.*

*5.Applying for a public contract or admission to a competition shall be understood as submitting an application for admission to a public procurement procedure or competition, submitting a tender, entering into negotiations or submitting a competition entry, as appropriate.*

*6.A person or entity subject to exclusion under paragraph 1 who, during the period of such exclusion, applies for a public contract or admission to a competition or participates in a public procurement procedure or competition shall be subject to a financial penalty.*

*7.The financial penalty referred to in paragraph 6 shall be imposed by the President of the Public Procurement Office, by way of a decision, in an amount of up to PLN 20,000,000.*

*8.The proceeds from the financial penalties referred to in paragraph 6 shall constitute state budget revenue.*

*9.The provisions of paragraphs 1-8 shall apply to proceedings for the award of a public contract and competitions with a value lower than the amounts specified in Article 2(1) of the Act of September 11, 2019 - Public Procurement Law or with the exclusion of the application of that Act.*