



## Self-declaration on the absence of a prohibition of procurement or performance

Between msg systems ag (hereinafter referred to as “msg”) and your suppliers (hereinafter referred to as “supplier”)



The sanctions package imposed by the EU in connection with Russia's war of aggression against Ukraine also has an impact on our working and contractual relationship in the joint fulfilment of public contracts.

In accordance with Article 5k of EU Regulation No. 833/2014 (see annex), as amended by EU Regulation 2022/576 of April 8, 2022, contractors must confirm at the request of contracting authorities for existing contractual relationships or in the course of public procurement that they do not fall within the scope of the aforementioned standard.

**msg must therefore submit the following declaration to the above-mentioned contracting authority and in the above-mentioned award procedure:**

1. The / **applicant(s) / bidder(s) / contractor(s)** do not belong to the persons or companies, referred to in Article 5 k) paragraph 1 of EU Regulation No. 833/2014 as amended by Article 1(23) of Council Regulation (EU) 2022/576 of April 8, 2022 concerning restrictive measures in view of Russia's actions destabilizing the situation in Ukraine,

**which have a connection to Russia within the meaning of the regulation**

- a) **a) through the Russian nationality of the applicant/bidder or contractor or the establishment of the applicants/bidder or contractor in Russia,**
- b) **b) through the participation of a natural person or a company to which one of the criteria under point a) applies in the applicant/bidder or contractor through the holding of shares of more than 50%,**
- c) **c) by the applicants/bidders or contractors acting on behalf of or on the instructions of persons or companies to whom the criteria in point (a) and/or (b) apply.**

2. The companies involved in the contract as **subcontractors, suppliers or companies whose capacities are used in connection with the provision of the proof of suitability**, which account for more than 10% of the contract value, also do not belong to the group of persons mentioned in the regulation (No. 1) with a connection to Russia within the meaning of the regulation.

3. It is confirmed and ensured that no companies involved as **subcontractors, suppliers or companies whose capacities are used in connection with the provision of the proof of suitability** will be used during the further term of the contract that account for more than 10% of the contract value.

For contractors of public procurement contracts – i.e., also for us as msg – this self-declaration, which must be submitted and has contractual effect, means that they now have to check the circle of subcontractors, suppliers or companies whose capacities are used in connection with the provision of the proof of suitability for corresponding connections and, if necessary, take measures.

**The supplier hereby confirms that in connection with the service rendered or still to be rendered to msg there is no connection to Russia in accordance with the aforementioned No. 2 and No. 3 and undertakes to inform us of any changes in the situation without delay and without further request by msg.**

**Name of the Company**

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**Surname, First Name**

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**Date, Signature**

**Annex**

**Article 5k of EU Regulation No. 833/2014 as amended by Article 1(23) of Council Regulation (EU) 2022/576 of April 8, 2022 reads as follows:**

(1) It shall be prohibited to award or continue the execution of any public or concession contract falling within the scope of the public procurement Directives, as well as Article 10, paragraphs 1, 3, 6(a) to 6(e), 8, 9 and 10, Articles 11, 12, 13 and 14 of Directive 2014/23/EU, Article 7 and 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), Articles 29 and 30 of Directive 2014/25/EU and Article 13 (a) to (d), (f) to (h) and (j) of Directive 2009/81/EC, to or with:

a) a Russian national, or a natural or legal person, entity or body established in Russia;

b) a legal person, entity or body whose proprietary rights are directly or indirectly owned for more than 50 % by an

entity referred to in point (a) of this paragraph; or

c) a natural or legal person, entity or body acting on behalf or at the direction of an entity referred to in point (a) or (b) of this paragraph,

including, where they account for more than 10 % of the contract value, subcontractors, suppliers or entities whose capacities are being relied on within the meaning of the public procurement Directives.

(2) By way of derogation from paragraph 1, the competent authorities may authorise the award and continued execution of contracts intended for:

a) the operation, maintenance, decommissioning and radioactive waste management, fuel supply and retreatment

and safety of civil nuclear capabilities, and the continuation of design, construction and commissioning required for the completion of civil nuclear facilities, as well as the supply of precursor material for the production of medical radioisotopes and similar medical applications, critical technology for environmental radiation monitoring, as well as civil nuclear cooperation, in particular in the field of research and development;

b) intergovernmental cooperation in space programmes;

c) the provision of strictly necessary goods or services which can only be provided, or which can only be provided in sufficient quantities, by the persons referred to in paragraph 1;

d) the functioning of diplomatic and consular representations of the Union and of the Member States in Russia, including delegations, embassies and missions, or international organisations in Russia enjoying immunities in

accordance with international law;

e) the purchase, import or transport of natural gas and oil, including refined petroleum products, as well as titanium, aluminium, copper, nickel, palladium and iron ore from or through Russia into the Union; or

f) the purchase, import or transport into the Union of coal and other solid fossil fuels, as listed in Annex XXII until 10 August 2022.

(3) The Member State concerned shall inform the other Member States and the Commission of any authorisations granted under this Article within two weeks of the authorisation.

(4) The prohibitions in paragraph 1 shall not apply to the execution until 10 October 2022 of contracts concluded before 9 April 2022.