

# Self-declaration according to §§ 123, 124 of the German Competition Act (GWB)

Annex 4

## Negotiated award "AIDS Action Europe Visual Identity Relaunch"

According to § 31 of the German Regulation on Sub-Threshold Procurement (UVgO) in conjunction with §§ 123, 124 GWB, I/we hereby declare the following:

I/we, or a person whose conduct is imputable to the company (§ 123 Abs. 3 GWB) have not been convicted by final judgement and no final administrative fine has been issued against the company under § 30 of the German Administrative Offences Act [Gesetz über Ordnungswidrigkeiten] for a criminal offence under:

- ✓ § 129 of the German Criminal Code [Strafgesetzbuch] (forming criminal organisations), § 129a of the German Criminal Code (forming terrorist organisations) or § 129b of the German Criminal Code (criminal and terrorist organisations abroad),
- ✓ § 261 of the German Criminal Code (money laundering; hiding unlawfully obtained financial benefits)
- ✓ § 263 of the German Criminal Code (fraud), provided that the criminal offence is directed against the budget of the European Union or against budgets administered by the European Union or on its behalf;
- ✓ § 264 of the German Criminal Code (subsidy fraud), provided that the criminal offence is directed against the budget of the European Union or against budgets administered by the European Union or on its behalf;
- ✓ § 334 of the German Criminal Code (bribery), in conjunction with mit Article 2 of the EU Bribery Act [EU-Bestechungsgesetz], Article 2 § 1 of the German Act on Combating International Bribery [Gesetz zur Bekämpfung internationaler Bestechung], Article 7 (2.10) of the Fourth Criminal Code Amendment Act [Viertes Strafrechtsänderungsgesetz] and Article 2 of the Act on Suspending the Statute of Limitation and Equal Treatment of Judges and Employees of the International Criminal Court [Gesetz über das Ruhen der Verfolgungsverjährung und die Gleichstellung der Richter und Bediensteten des Internationalen Strafgerichtshofes];
- ✓ Article 2 § 2 of the German Act on Combating International Bribery (Bribery of Foreign Public Officials In International Business Transactions);
- ✓ § 370 of the German Fiscal Code [Abgabenordnung ], in conjunction with § 12 of the Act on Implementing the Common Market Organization and Direct Payments [Gesetzes zur Durchführung der gemeinsamen Marktorganisationen und der Direktzahlungen], provided that the criminal offence is directed against the budget of the European Union or against budgets administered by the European Union or on its behalf;
- ✓ Equivalent criminal provisions of other states.

According to § 124 GWB, I/we declare that:

- ✓ the company has demonstrably not breached applicable environmental, social or labour obligations in carrying out public contracts;
- ✓ the company is not insolvent, an insolvency proceeding or a comparable proceeding over the assets of the company has not been filed or opened and that the company is not in liquidation proceedings and has not ceased to do business;
- ✓ the company has demonstrably not committed grave professional misconduct which renders its integrity questionable;
- ✓ the company has not concluded agreements with other companies, which have the prevention, restriction, or distortion of competition as their object or effect;

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- ✓ a conflict of interest, which could compromise the impartiality and independence of a person working for the public contracting authority in the execution of the procurement procedure and which cannot be effectively remedied by other, less intrusive measures, does not exist in the execution of the procurement procedure;
- ✓ the company has not produced significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract or concession contract, which led to an early termination, damages or other comparable sanction;
- ✓ the company has not committed any serious misrepresentation or withheld information.
- ✓ the company
  - has not attempted to unduly influence the decision-making process of the public contracting authority
  - has not attempted to obtain confidential information that may confer upon it undue advantages in the procurement procedure, or
  - has not negligently or intentionally provided misleading information that may have a material influence on the decision of the public contracting authority concerning the award decision, or has attempted to provide such information.

**I/we declare:**

- There is a pending
  - preliminary investigation
  - non-compliance proceeding

against me/us, due to a violation of legal regulations, which could be classified as grave professional misconduct in accordance with § 124 Section 1.3 of GWB.

*Please describe the exact circumstances here:\**

*\*in a separate attachment, if necessary*

- There is **no** pending preliminary investigation or non-compliance proceeding against me/us.

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I/we am/are aware that knowingly made false statements in the preceding self-declaration can result in

- my/our exclusion from the awarding procedure according to § 31 Section 1 of UVgO in conjunction with § 124 Section 1.8 of GWB
- the termination of the contract without notice, in case a contract has been awarded.

\_\_\_\_\_, \_\_\_\_\_  
(Place, Date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Stamp)