

Schedule No: 3.2

Procedure no. **EU/37/RS/ZZ/2025** for awarding a contract in the open tender procedure:

DELIVERY OF: 1 Unit REACHSTACKER

**Contract for the purchase of equipment
for the project entitled:**

**“ Equipping the BCT intermodal terminal
with modern reloading devices”**

as a part of the investment E2.1.3 “Intermodal Projects “of the National
Recovery Plan Project no: KPOD.09.09-IW.02-0033/24

DECLARATION BY THE APPLICANT

In connection with the entry into force on April 16, 2022 of the Act of April 13, 2022 on special solutions for counteracting support for aggression against Ukraine and for the protection of national security (Journal of Laws of 2022, item 835) (hereinafter "Act on Counteracting Support for Aggression"), which complements the package of restrictive measures (sanctions) adopted at the European Union and international level, binding on Poland, for the purpose of enforcing these sanctions,

I/we*, the undersigned/signed*, authorized to represent
with its registered office in, at ul.,
....., entered into the register of entrepreneurs of the National Court
Register kept by the District Court for in,Commercial Division of the
National Court Register under KRS number:, NIP:, REGON:
..... with share capital zloty; correspondence address:
.....;

("Applicant") I/We* declare as follows.

§ 1

1. The applicant declares that, directly or indirectly:
 - a) does not support the aggression of the Russian Federation against Ukraine launched on February 24, 2022,
 - b) does not support human rights violations or repression of civil society and the democratic opposition or whose activities constitute another serious threat to democracy or the rule of law in the Russian Federation or Belarus,

- c) is not directly related to persons or entities that do not meet the criteria referred to in point (a). a and b above, in particular due to relationships of a personal, organizational, economic or financial nature, or which are likely to use such financial resources, funds or economic resources at their disposal for this purpose,
 - d) does not evade any restrictive measures (sanctions), does not violate the provisions imposing sanctions or facilitates the evasion of sanctions by other entities.
2. The applicant declares that he is not on the list of persons and entities subject to restrictive measures (sanctions) referred to in Art. 2 of the Act on Counteracting Support for Aggression, in particular:
- a) is not included in the lists set out in Council Regulation (EC) No. 765/2006 of 18 May 2006 concerning restrictive measures in view of the situation in Belarus and the participation of Belarus in Russia's aggression against Ukraine (hereinafter referred to as "Regulation 765/2006"),
 - b) is not included in the lists set out in Council Regulation (EU) No 269/2014 of 17 March 2014 on restrictive measures in respect of activities undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (hereinafter referred to as "Regulation 269 /2014")
 - c) no decision has been issued against the Applicant regarding entry on the list of persons and entities against which measures are applied to prevent support for the aggression of the Russian Federation against Ukraine, with a measure of exclusion from a public procurement procedure or a competition conducted pursuant to the Act of September 11, 2019 - Public Procurement Law,
 - d) The applicant is not included in the list of foreigners whose stay on the territory of the Republic of Poland is undesirable, referred to in Art. 434 of the Act of 12 December 2013 on foreigners (hereinafter referred to as the "Act on foreigners"),
 - e) in relation to the Applicant, a member of the bodies, a managerial employee or a beneficial owner, within the meaning of the Act of March 1, 2018 on counteracting money laundering and terrorism financing, or their relatives (for the purposes of this declaration, a relative, in relation to a person natural person, means her spouse, siblings, descendants and ascendants) is not a person on the list of persons and entities to which restrictive measures are applied, referred to in Art. 2 of the Act on Counteracting Support for Aggression, in particular it is not included in the lists specified in Regulation 765/2006, Regulation 269/2014 or Art. 434 of the Act on Foreigners,
 - f) in relation to the Applicant, the parent entity within the meaning of Art. 3 section 1 point 37 of the Act of 29 September 1994 on Accounting is not an entity listed in the lists specified in Regulation 765/2006 and Regulation 269/2014;
 - g) none of the shares in the share capital of the Applicant is owned directly or indirectly, and no pledge or usufruct has been established on it in favor of entities to which the restrictive measures (sanctions) referred to in this § 2 are applied, or any entity or a person who benefits from capital or financing provided by such an entity or the Russian authorities; for the purposes of this declaration, the Russian authorities shall mean the Russian Federation (and its federal states), federal and local state authorities, state

organizational units and state-owned enterprises, public institutions, all companies and entities directly or indirectly controlled by the above-mentioned and any entities related to the above. **

****point g) should the applicant be a public company (listed on stock exchange) statement applies to shareholders who hold more than 5% of shares in the share capital.**

3. Moreover, the Applicant declares that he is not on the list of persons and entities subject to restrictive measures (sanctions) imposed by the United Nations, a member state of the United Nations or any other intergovernmental organization introduced in connection with the violation of the territorial integrity of Ukraine and invasion of Ukraine (including the annexation of Crimea and the conflict in the Donbas region) against the Russian Federation, Belarus, and designated natural persons and entities.

§ 2

1. The Applicant acknowledges that the Applicant's declarations referred to in § 1 above concern restrictive measures (sanctions) that are in force on the date of submission of this declaration and should remain true and valid throughout the entire period of the application examination process by BCT .

2. The Applicant undertakes to monitor its investments, business relationships and business/professional activities to ensure compliance with the above-mentioned declarations, while exercising due diligence generally required in business relationships.

3. The applicant undertakes to immediately inform BCT about any change in the circumstances referred to in § 1 above, which occurred, arose or existed before the date of submitting this declaration, and of which he was not aware, or which occurred, arose or existed after submitting this declaration. .

.....

/the applicant's signature/

* Delete what is not needed