

## Q&A

Pursuant to Section 4 of the Tender Conditions, all questions and answers will be depersonalized and published at Finansielt Stabilitet's ("FS") website: <https://www.finansieltstabilitet.dk/Default.aspx?ID=1808>.

### Question 1:

Is it possible for FS to specify what is required as documentation that neither the company nor any member of the management has been caught by the exclusion grounds in section 135 of the Public Procurement Act within the last four years, when the tenderer is not domiciled in Denmark?

### Answer:

Pursuant to section 153 (1) of the Public Procurement Act, the tenderer must, as a main rule, submit an extract from the relevant register or similar document issued by a competent legal or administrative authority showing that neither the company nor any member of the management has been caught by any of the exclusion grounds in section 135 of the Public Procurement Act within the last four years. The exclusion grounds in section 135 the Public Procurement Act are equivalent to the exclusion grounds in Article 57 of Directive 2014/24/EU.

However, if the tenderer is not domiciled in Denmark and the country in which the tenderer is domiciled does not issue such certificate or document, or if it does not cover all the exclusion grounds in section 135 of the Public Procurement Act, the certificate or document can be replaced by a solemn declaration made before a competent judicial or administrative authority, a notary or a competent professional organization in the country in which the tenderer is registered can be provided, cf. section 153 (2) of the Public Procurement Act.

FS cannot comment on whether other countries have a legal or administrative authority that issues an official document showing that neither the company nor any member of the management has been caught by any of the exclusion grounds in section 135 of the Public Procurement Act within the last four years.

However, if this is not the case, FS will - in accordance with the above - accept documentation in the form of a solemn declaration made before a competent judicial or administrative authority, a notary or a competent professional organization in the country in which the tenderer is registered. In order to ensure that such declaration contains the required information, FS has made the below draft, which the tenderers is welcome to use.

## SOLEMN DECLARATION

On behalf of [insert the name of the insurance company] I, the undersigned, solemnly declare the information below to be true:

Neither [insert the name of the insurance company] nor any member of the management of [insert the name of the insurance company] have been caught by any of the mandatory grounds for exclusion in section 135 of the public Procurement Act within the last four years.

The exclusion grounds are the following:

- participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA;
- corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union and Article 2(1) of Council Framework Decision 2003/568/JHA as well as corruption as defined in the national law of the contracting authority or the economic operator;
- fraud within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests;
- terrorist offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA respectively, or inciting or aiding or abetting or attempting to commit an offence, as referred to in Article 4 of that Framework Decision;
- money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council;
- child labour and other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;
- unpaid overdue debt of DKK 100,000 or more to public authorities in relation to tax, duties or social security contributions under Danish law or under the law of the country in which the candidate or tenderer is established.

Declared [insert date] in [insert city, country]

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[insert name]

[insert position]

On behalf of [insert the name of the insurance company]