

INSTRUCTIONS FOR COMPLETION

European Single Procurement Document (ESPD)

I. Directives and the subjective qualification of tenderers

In accordance with the provisions of Article 59 of Directive 2014/24/EU¹ and Article 80(3) of Directive 2014/25/EU², hereinafter referred to as “the Directive” or “the Directives”, as well as the Act of 11 September 2019 – Public Procurement Law (Journal of Laws, item 2019, and of 2020: items 288, 1492, 1517, 2275 and 2320), hereinafter referred to as *the “PPL”*, with regard to procedures for the award of classic and sectoral contracts whose value is equal to or exceeds the EU thresholds³, the basic document confirming:

- 1) the tenderer’s fulfilment of the conditions for participation in the procedure
- 2) the absence of grounds for exclusion
- 3) as well as fulfilment of the selection criteria (objective and non-discriminatory criteria established by the contracting authority for the purpose of limiting the number of eligible tenderers or contest participants)

is **a statement by the tenderer** temporarily replacing the subjective evidence required by the contracting authority.

II. European Single Procurement Document form

This declaration is submitted on the standard European Single Procurement Document (**ESPD**) form, the template for which is set out in Commission Implementing Regulation (EU) 2016/7 of 5 January 2016 (OJ EU No L 3 of 6.1.2016, p. 16), hereinafter referred to as the “ESPD Regulation”. This Regulation is directly applicable in Member States.

III. Entities submitting the ESPD

The provisions of the directives, followed by the PPL, provide for subjective verification using the ESPD form in relation to:

- 1) tenderers
- in the case of tenderers jointly applying for a contract, the ESPD form is submitted by each tenderer (with regard to the conditions of participation in the procedure and selection criteria, completed to the extent that the tenderer demonstrates compliance with them);

¹ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ EU L 94 of 28.3.2014, p. 65)

² Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ EU L 94 of 28.3.2014, p. 243)

³ The thresholds set out in:

– Commission Delegated Regulation (EU) 2019/1828 of 30 October 2019 amending Directive 2014/24/EU of the European Parliament and of the Council with regard to the thresholds for public supply, service and works contracts and design contests

– Commission Delegated Regulation (EU) 2019/1829 of 30 October 2019 amending Directive 2014/25/EU of the European Parliament and of the Council as regards the thresholds for supply, service and works contracts and design contests

2) entities providing resources

- The ESPD of the entity providing resources shall be completed by the tenderer if he relies on his resources to demonstrate that he meets the conditions for participation in the procedure or the selection criteria;
- The ESPD should be completed to the extent that the tenderer uses the resources of the entity making resources available;
- The ESPD should also concern the verification of the grounds for exclusion of the entity providing resources;
- This applies both to situations where the entity providing resources will not be a subcontractor during the performance of the contract and to situations where it will be such a subcontractor.

3) subcontractors

- This applies to subcontractors indicated by the tenderer to whom the tenderer intends to outsource the performance of part of the contract, including subcontractors for construction works and subcontractors for services, regardless of whether they are to be performed in a place subject to the direct supervision of the contracting authority, and subcontractors for supply contracts, excluding further subcontractors and suppliers participating in the performance of a construction works or services contract;
- The ESPD should cover the verification of grounds for exclusion if such verification has been provided for by the contracting authority in a specific procedure;
- The ESPD for subcontractors shall be submitted by the tenderer if required by the contracting authority.

IV. Deadline for submitting the ESPD

The completed ESPD form shall be submitted:

- in an open tender – together with the tender or before the selection of the most advantageous letter of tender, if, in the case referred to in Article 139(1) of the PPL, the contracting authority has provided for the possibility of requesting an ESPD only from the tenderer whose letter of tender has been rated highest;
- in multi-stage procedures – together with the application for admission to the procedure;
- in a negotiated procedure without publication – together with the letter of tender⁴;

⁴ unless the contracting authority has waived the requirement for the tenderer to submit this declaration pursuant to Article 212(4) of the PPL

- in single-source procurement procedures – before concluding the contract⁵;
- at the contract performance stage – in relation to new subcontractors to whom the tenderer intends to outsource the performance of part of the contract at a later date.

V. ESPD form

In the case of contracts with a value equal to or exceeding the EU thresholds, tenderers are required to submit a declaration **on the standard ESPD form**, otherwise null and void, in electronic form. To uphold the duty of using the electronic form, it is sufficient to submit the ESPD in electronic form and affix a qualified electronic signature to it. In cases where the contracting authority waives the requirement to use electronic means of communication in relation to the ESPD, this document shall be submitted, at the contracting authority's discretion, in writing or in electronic form (e.g. on a CD), otherwise shall be null and void .

An electronic tool prepared by the Public Procurement Office based on a tool developed by the European Commission is available at: <https://espd.uzp.gov.pl/>, which can be used to fulfil the obligation to submit the ESPD in electronic form.

VI. Contents of the ESPD

In accordance with the Directive, the ESPD should contain at least the following information:

- a statement by the tenderer that there are no grounds for exclusion in relation to him;
- a statement by the tenderer that he meets the conditions for participation in the procedure;
- a statement by the tenderer that he meets the selection criteria used to limit the number of tenderers admitted to the procedure;
- identification of the public authority or third party responsible for issuing documents confirming the absence of grounds for exclusion and, where applicable, fulfilment of the conditions for participation in the procedure and the selection criteria;
- a formal statement by the tenderer that he will be able to provide, upon request and without delay, documents confirming that there are no grounds for exclusion and that he meets the conditions for participation in the procedure and the selection criteria;
- information necessary for the contracting authority to obtain documents confirming directly through a database (under the conditions specified in Article 59(5) of the Directive).

The ESPD form consists of six parts:

⁵ unless the contracting authority has waived the requirement for the tenderer to submit this declaration on the basis of Article 217(3) of the PPL Law

Part I. identification of the public procurement procedure – to be completed by the contracting authority or the tenderer
and

Part II. Identification of the tenderer

Part III. grounds for exclusion

Part IV. conditions for participation in the procedure

Part V. Selection criteria

Part VI. signature(s)

– to be completed by the tenderer.

Detailed instructions on how to complete the standard ESPD form can be found in the third column of the attached table.

NOTE: Declaration in procedures below EU thresholds

In the case of public procurement procedures whose value does not exceed the equivalent of the EU thresholds, there is no obligation to require/submit a declaration of compliance with the conditions for participation in the procedure and the absence of grounds for exclusion from the procedure, or of compliance with the selection criteria, on the standard ESPD form established by the EC Regulation referred to in point II.

Part I: Information on the procurement procedure and the contracting authority or entity

<p>In the case of procurement procedures for which the invitation to tender has been published in the Official Journal of the European Union, the information required in Part I will be automatically retrieved, provided that the electronic service dedicated to the European Single Procurement Document is used to create and complete the European Single Procurement Document.⁽¹⁾ Publication reference of the relevant notice⁽²⁾ in <i>the Official Journal of the European Union</i>:</p> <p>OJ EU S number [], date [], page [],</p> <p>Notice number in OJ S: [][][][]/S [][][]-[][][][][][][]</p> <p>If the invitation to tender has not been published in the OJ, the contracting authority or contracting entity must provide information enabling the procurement procedure to be clearly identified:</p> <p>Where publication of the notice in the Official Journal of the European Union is not required, please provide other information enabling the procurement procedure to be clearly identified (e.g. publication address at national level): [....]</p>	<p>In this field, the contracting authority shall enter the address of the publication of the notice in the OJEU.</p> <p>If the notice has not been published in the OJEU, the contracting authority must enter information here that allows the procurement procedure to be clearly identified.</p>
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¹ The Commission services shall make available to contracting authorities, contracting entities, tenderers, electronic service providers and other interested parties a free electronic service dedicated to the European Single Procurement Document.

² For **contracting authorities**: a **prior information notice** used as a call for competition or a **contract notice**. For **contracting entities**: a **periodic information notice** used as a call for competition, a **contract notice** or a **notice on the existence of a qualification system**.

INFORMATION ON THE PROCUREMENT PROCEDURE

The information required in Part I will be automatically retrieved, provided that the aforementioned electronic service dedicated to the European Single Procurement Document will be used to create and complete this document. Otherwise, this information must be completed by the tenderer.		
Identity of the contracting authority ⁽³⁾	Answer:	The scope of information required in this part of the form corresponds to the information contained in points I.1, II.1.1 and II.1.3 of the contract notice published in the OJEU. This part of the form should be completed with basic information about the procurement procedure: the name of the contracting authority, the title or brief description of the contract and, where applicable, the reference number assigned to the procedure by the contracting authority.
Name:	[]	
To which contract does this document relate?	Answer:	
Title or brief description of the contract being awarded ⁽⁴⁾ :	[]	
Reference number assigned to the case by the contracting authority or contracting entity (if applicable) ⁽⁵⁾ :	[]	
All other information in all sections of the European Single Procurement Document should be completed by the tenderer.		

³ This information should be copied from Section I, point I.1 of the relevant notice. In the case of a joint procurement, please indicate the names of all participating contracting authorities.

⁴ See points II.1.1 and II.1.3 of the relevant notice.

⁵ See point II.1.1 of the relevant notice.

Part II: Information about the tenderer

A: TENDERER DATA

Identification:	Answer:	<p>First, identify the tenderer submitting the ESPD.</p> <p>In the case of tenders jointly applying for the contract, only indicate the tenderer to whom the ESPD applies in this section. All tenders jointly applying for the contract ("consortium") are indicated further down in the form (last items in section A).</p> <p>In the case of tenderers using a VAT number, enter this number (Tax Identification Number preceded by the symbol PL).</p> <p>In the case of tenderers who do not use a VAT number, enter the number used by the tenderer in connection with their business activity: REGON (National Business Registry Number) or Tax Identification Number, as appropriate.</p> <p>In the case of natural persons who do not conduct business activity and who use a PESEL registration number for tax purposes, enter this number.</p>
Name:	[]	
VAT number, if applicable:	[]	
If the VAT number does not apply, please provide another national identification number, if required and applicable.	[]	
Postal address:	[.....]	
Designated contact person(s) ⁽⁶⁾ :	[.....]	The contact details of the designated persons should be repeated as many times as necessary.
Telephone:	[.....]	
E-mail address:	[.....]	
Website address (if applicable):	[.....]	
General information:	Answer:	To answer this question, please refer to the

Is the tenderer a micro, small or medium-sized enterprise (7)?	<input type="checkbox"/> Yes <input type="checkbox"/> No	definitions contained in the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ EU L 124 of 20.5.2003, p. 36).
Only if the contract is reserved (8): is the tenderer a sheltered workshop, a 'social enterprise' (9) or will he perform the contract under sheltered employment programmes? If so, what is the appropriate percentage of disabled or disadvantaged employees? If required, please specify to which category or categories of disabled or disadvantaged persons the employees in question belong.	<input type="checkbox"/> Yes <input type="checkbox"/> No [...] [...]	This section of the form should be completed with a 'Yes' if the contracting authority has exercised the option provided for in Article 94(1) of the PPL in a specific procedure.

⁶ Please repeat the information concerning the designated contact persons as many times as necessary.

⁷ See the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36). This information is required for statistical purposes only.

Microenterprise: an enterprise which **employs fewer than 10 persons** and whose annual turnover or annual balance sheet total **does not exceed EUR 2 million**. **Small enterprise:** an enterprise which **employs fewer than 50 persons** and whose annual turnover or annual balance sheet total **does not exceed EUR 10 million**.

Medium-sized enterprises: enterprises that are not micro or small enterprises and that **employ fewer than 250 persons** and have an annual turnover not exceeding EUR 50 million *or* annual balance sheet total not exceeding EUR 43 million.

⁸ See procurement notice, point III.1.5.

⁹ I.e. an enterprise whose main objective is the social and professional integration of disabled or disadvantaged persons.

		<p>This provision allows the contracting authority to stipulate in the contract notice that only the following entities are eligible for contract award: sheltered workshops, social cooperatives and other tenderers whose main objective or main activity of their separate organisational structure of the entities that will perform the contract is the social and professional integration of socially marginalised persons, provided that the percentage of such persons employed is not less than 30% of the tenderer's employees or of the employees of the entity that will perform the contract. In particular, the provision indicates examples of socially marginalised groups in this regard. Information on whether the contract has been reserved in this way can be found in point III.1.5 of the contract notice (Official Journal of the EU). A "social enterprise" is defined as an enterprise whose main objective is the social and professional integration of disabled or disadvantaged persons.</p>
If applicable, whether the tenderer is listed in the official register of approved tenderers or holds an equivalent certificate (e.g. under a national (preliminary) qualification system)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable	<p>Article 64 of Directive^A provides for the possibility for Member States to establish and maintain official lists of approved tenderers and their certification. The transposition of these provisions is not mandatory. The Polish legislator has not made use of the possibility to establish official lists of approved tenderers.</p>

^A Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ EU L 94 of 28.3.2014, p. 65)

		<p>Polish tenderers in this subsection should select the option “Not applicable” and leave the rest of the subsection blank.</p> <p>Such lists exist in some other EU Member States. For example, Germany has an official list of approved construction tenderers: http://www.pq-verein.de/, while the Czech Republic has lists and certification for all types of contracts http://www.isvz.cz/isvz/Podpora/ISVZ.aspx</p> <p>If a (foreign) tenderer is included in such a list, they should tick “Yes” and complete the rest of the form in the section below. Tenderers who are not included in such a list should tick “No” and not complete the rest of the form in the section below.</p>
<p>If yes: Please answer the remaining questions in this section, in section B and, where applicable, section C of this part, complete part V (where applicable) and, in all cases, complete and sign part VI.</p> <p>a) Please provide the name of the list or certificate and the relevant registration number or certificate number, if applicable:</p> <p>b) If the certificate of entry in the register or issuance of the certificate is available in electronic form, please provide:</p> <p>c) the reference data on which the entry in the list or the issue of the certificate is based and, where applicable, the classification given in the official list⁽¹⁰⁾:</p> <p>d) Does the entry in the list or the certificate issued cover all the required qualification criteria?</p> <p>If not: Please additionally complete the missing</p>	<p>a) [.....]</p> <p>b) (web address, issuing authority or body, precise reference details of the documentation): [.....][.....][.....][.....]</p> <p>c) [.....]</p> <p>d) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>To be completed by a tenderer from a country where official lists of approved tenderers exist and who is included in such a list.</p> <p>Whenever the European Single Procurement Document form refers to the availability of relevant documents or certificates in electronic form, this shall be understood as the possibility of obtaining them through free and publicly available databases, including public registers within the meaning of the Act of 17 February 2005 on the computerisation of the activities of entities performing public tasks.</p>

<p>information in Part IV, sections A, B, C or D, as applicable. ONLY if required in the relevant notice or procurement documents: e) Will the tenderer be able to provide a certificate relating to the payment of social security contributions and taxes or provide information that will enable the contracting authority or entity obtain this certificate directly from a free national database in any Member State? If the relevant documentation is available in electronic form, please indicate:</p>	<p>e) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(web address, issuing authority or body, precise reference details of the documentation): [.....][.....][.....][.....]</p>	
<p>Type of participation:</p>	<p>Answer:</p>	

¹⁰ Reference data and classification, if any, are specified in the certificate.

Is the tenderer participating in the procurement procedure jointly with other tenderers ⁽¹¹⁾ ?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Each tenderer jointly applying for the contract shall complete this field in their form, indicating their role in the group of tenderers jointly applying for the contract ("consortium"), the names of the other members of the consortium and, where applicable, the name of the consortium. A tenderer applying for the contract independently shall tick "No" and leave the rest of this subsection blank.
If so, please ensure that the other participants submit separate European Single Procurement Documents.		
If so: a) Please indicate the tenderer's role in the group (leader, responsible for specific tasks, etc.): b) Please indicate the other tenderers participating jointly in the procurement procedure: c) Where applicable, name of the participating group:	a) : [.....] b) : [.....] c) : [.....]	If the contracting authority has allowed for the possibility of submitting partial letters of tender within a single procedure, this field should indicate the part for which the tenderer is applying.
Parts Where applicable, indicate the part(s) of the contract for which the tenderer intends to submit a letter of tender.	Answer: []	

B: INFORMATION ON THE TENDERER'S REPRESENTATIVES

¹¹ In particular within a group, consortium, *joint venture* or similar entity.

B: INFORMATION ON THE TENDERER'S REPRESENTATIVES

<i>Where applicable, please provide the name(s) and address(es) of the person(s) authorised to represent the tenderer for the purposes of this procurement procedure:</i>		
Persons authorised to represent, if any:	Answer:	<p>In this section, please provide the names and addresses of the persons authorised to represent the tenderer for the purposes of the procurement procedure, as well as the scope of the powers of attorney granted.</p> <p>The term “representation” should be understood broadly as representation or power of attorney within the meaning of the Civil Code.</p> <p>In the case of a detailed specification in this section of the scope of the power of attorney granted and a declaration of intent in this regard in the ESPD, as well as the correct (in accordance with the rules of representation) signing of the ESPD, it is not necessary to create and attach a separate power of attorney document to the letter of tender or request for admission to participate in the procedure. If the data contained in this item is for information purposes only and the power of attorney has been granted separately, the power of attorney should be attached to the letter of tender or application for admission to participate in the procedure.</p>
First and last name, together with date and place of birth, if required:	[.....], [.....]	
Position/Acting as:	[.....]	
Postal address:	[.....]	
Telephone:	[.....]	
E-mail address:	[.....]	
If necessary, please provide detailed information about the representation (its form, scope, purpose, etc.):	[.....]	

C: INFORMATION ON RELIANCE ON THE CAPACITY OF OTHER ENTITIES

Reliance on other entities:	Answer:	<p>Pursuant to Article 118(1) of the PPL, the tenderer may, in order to confirm that he meets the conditions for participation in the procedure or selection criteria, in appropriate situations and in relation to a specific contract or part thereof, rely on the technical or professional capacity or financial or economic situation of entities providing</p>
Does the tenderer rely on the capacity of other entities to meet the criteria set out in Part IV below and (where applicable) the criteria and rules set out in Part V below?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

		<p>resources, regardless of the legal nature of the legal relations between them.</p> <p>If the tenderer relies on the capacities of other entities to demonstrate that he meets the conditions for participation in the procedure or the selection criteria, pursuant to Article 125(5) of the PPL, he shall be required to submit, for each of the entities concerned, a separate form of the single document containing the information required in Part II, Sections A (information on the tenderer) and B (information on the tenderer's representatives), in Part III (grounds for exclusion) and, to the extent that he uses the resources of a third party, in Part IV (qualification criteria) and Part V (selection criteria). Such forms should be completed and signed by those entities.</p>
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		<p>The above also applies to all technical staff or technical services, i.e. human resources not directly belonging to the tenderer's company.</p> <p>However, this does not apply to the tenderer's direct human resources, i.e. cases where the tenderer engages a natural person on the basis of various legal relationships of a natural person, regardless of whether they conduct business activity with the help of an enterprise (workplace) or provide services on the basis of, inter alia, a contract of mandate, if that person will perform only personally, as agreed with the tenderer, activities related to the performance of the public contract, e.g. act as a construction manager. In such a case, we are dealing with the direct disposal of a person capable of performing the contract, and not with the use of the resources of a third party. This classification is determined by the content of the legal relationship between the tenderer and such a person.⁸</p> <p>Insofar as it is relevant to the specific capabilities on which the tenderer relies, the information required in Parts IV (eligibility criteria) and V (selection criteria) must be attached for each of the entities concerned.</p>
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⁸ see <https://www.uzp.gov.pl/baza-wiedzy/interpretacja-przepisow/opinie-archiwalne/dopuszczalnosc-zadania-przez-zamawiajacego-przedstawienia-przez-tenderer-dokumentow-podmiotowych-dotyczacych-third-party>

<p>If so, please provide, for each of the entities concerned, a separate European Single Procurement Document form containing the information required in sections A and B of this part and in part III, duly completed and signed by the entities concerned.</p> <p>Please note that this also applies to all technical staff or technical services not directly belonging to the tenderer's company, in particular those responsible for quality control and, in the case of public works contracts, those to whom the tenderer may turn for the execution of the works.</p> <p>Where relevant to the specific capacities relied on by the tenderer, please attach, for each of the entities concerned — the information required in Parts IV and V⁽¹²⁾.</p>	
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¹² E.g. for technical services involved in quality control: Part IV, Section C, point 3.

D: INFORMATION ON SUBCONTRACTORS ON WHOSE CAPACITY THE TENDERER DOES NOT RELY

(Section to be completed only if the contracting authority or contracting entity expressly requests it.)		
Subcontracting:	Answer:	
Does the tenderer intend to subcontract any part of the contract to third parties?	<input type="checkbox"/> Yes <input type="checkbox"/> No If so, and if known , please provide a list of proposed subcontractors: [...]	<p>The tenderer may subcontract the performance of the contract or a separate part thereof to a subcontractor, unless the contracting authority has made an appropriate reservation in accordance with Article 60 or Article 121 of the PPL or Article 214(9) of the PPL applies.</p> <p>If the contracting authority has not made such a reservation and the tenderer intends to subcontract the whole or part of the contract, he shall tick "Yes" on the form, indicating the list of subcontractors he proposes and identifying them. The information about subcontractors contained in this section of the ESPD form is used for the subjective verification of tenderers (by checking subcontractors).</p>
		<p>Pursuant to Article 462(5) of the PPL, the contracting authority may require a tenderer who intends to subcontract part of the contract to submit uniform documents in order to demonstrate that there are no grounds for exclusion from the procedure concerning subcontractors (the existence of grounds for exclusion concerning a subcontractor does not, however, result in the exclusion of the tenderer from the procedure, but only means that a negatively verified subcontractor cannot be admitted to the contract).</p> <p>In such a case, the tenderer shall submit a separate ESPD form for each of the indicated subcontractors, completed by the subcontractor with regard to the grounds for exclusion (Part III) and signed by him</p>

		<p>(the subcontractor).</p> <p>If the contracting authority does not verify subcontractors for the absence of grounds for exclusion (has not provided for this possibility in the procurement documents), tenderers should also provide answers in this section of the form concerning subcontractors.</p> <p>In such a situation, however, tenderers are not required to submit separate ESPD forms for the subcontractors they have indicated.</p>
<p>If the contracting authority or contracting entity expressly requests this information in addition to the information required in this section, please provide the information required in this part, sections A and B, and in part III for each subcontractor (each category of subcontractors) concerned.</p>		

Part III: Grounds for exclusion

A: GROUNDS RELATED TO CRIMINAL CONVICTIONS

<p>Article 57(1) of Directive 2014/24/EU specifies the following grounds for exclusion:</p> <ol style="list-style-type: none"> 1. participation in a criminal organisation⁽¹³⁾; 2. corruption⁽¹⁴⁾; 3. financial fraud⁽¹⁵⁾; 4. terrorist offences or offences linked to terrorist activities⁽¹⁶⁾ 5. money laundering or terrorist financing⁽¹⁷⁾ 6. child labour and other forms of human trafficking⁽¹⁸⁾ 		
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Grounds related to convictions for crimes under national provisions implementing the grounds specified in Article 57(1) of the Directive:	Answer:	The provision of Article 57(1) of the Directive has been implemented in Article 108(1)(1) and (2) of the PPL, except that the list of offences provided for in the aforementioned provisions of the PPL is broader than that resulting from Article 57(1) of the Directive.
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¹³ As defined in Article 2 of Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (OJ L 300, 11.11.2008, p. 42).

¹⁴ 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 (OJ C 195, 25.6.1997, p. 1) and in Article 2(1) of Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (OJ L 192, 31.7.2003, p. 54). This ground for exclusion also covers corruption as defined in the national law of the contracting authority (entity) or tenderer.

¹⁵ Within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests (OJ C 316, 27.11.1995, p. 48).

¹⁶ As defined in Articles 1 and 3 of the Council Framework Decision of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p. 3). This ground for exclusion also covers incitement, aiding and abetting, participation in a criminal enterprise and attempts to commit the offences referred to in Article 4 of that Framework Decision.

¹⁷ As defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (OJ L 309, 25.11.2005, p. 15).

¹⁸ As defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1).

<p>Is it in relation to the tenderer himself or any person who is a member of the administrative, management or supervisory staff of the tenderer, or having powers of representation, decision-making or control in the tenderer's undertaking, has been convicted by a final judgment for one of the above-mentioned reasons, a decision issued no more than five years ago or in which the period of exclusion specified directly in the judgment is still in force?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If the relevant documentation is available in electronic form, please indicate: (web address, issuing authority or body, exact reference details of the documentation): [.....][.....][.....][.....]⁽¹⁹⁾</p>	<p>Pursuant to the above provisions of the PPL, persons convicted of the following crimes shall be subject to criminal background check:</p> <p>(a) participation in an organised criminal group or an association for the purpose of committing a crime or a fiscal offence referred to in Article 258 of the Criminal Code (Journal of Laws of 2020, items 1444 and 1517);</p> <p>(b) human trafficking referred to in Article 189a of the Criminal Code;</p> <p>(c) referred to in Articles 228-230a, Article 250a of the Criminal Code or in Articles 46-48 of the Act of 25 June 2010 on sport (Journal of Laws of 2020, item 1133 and of 2021, item 2054) or in Article 54(1)-(4) of the Act of 12 May 2011 on the reimbursement of medicines, foodstuffs intended for particular nutritional uses and medical devices (Journal of Laws of 2021, item 523, 1292, 1559 and 2054);</p> <p>(d) financing of a terrorist offence, referred to in Article 165a of the Criminal Code, or the offence of preventing or hindering the determination of the criminal origin of money or concealment their origin, referred to in Article 299 of the Criminal Code;</p>
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¹⁹ Please repeat as many times as necessary.

		<p>(e) of a terrorist nature, referred to in Article 115 § 20 of the Criminal Code, or aimed at committing this offence;</p> <p>(f) outsourcing work to a minor foreigner, as referred to in Article 9(2) of the Act of 15 June 2012 on the consequences of outsourcing work to foreigners staying illegally in the territory of the Republic of Poland (Journal of Laws, item 769);</p> <p>(g) against economic turnover, referred to in Articles 296-307 of the Criminal Code, the offence of fraud referred to in Article 286 of the Criminal Code, the offence against the authenticity of documents referred to in Articles 270-277d of the Criminal Code, or a fiscal offence;</p> <p>(h) referred to in Article 9 or Article 10 of the Act of 15 June 2012 on the consequences of outsourcing work to foreigners staying illegally in the territory of the Republic of Poland (Journal of Laws, item 769) (in this case, this relates to the implementation of <i>Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 laying down minimum standards for sanctions and measures to employers of illegally staying third-country nationals</i>).</p> <p>A detailed list of offences referred to in Article 108(1)(1) of the Act, together with the relevant sections of the form, is provided in the annex to the instructions.</p> <p>At this point in the form, the tenderer shall make a declaration of no criminal record only in respect of the specific offences listed below, which are covered by the statutory conditions set out in Article 108(1)(1) and (2) of the PPL and which at the same time</p>
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		<p>implement Article 57(1) of the Directive, i.e.:</p> <ul style="list-style-type: none"> (1) participation in a criminal organisation, i.e. under national law – Article 258 of the Criminal Code; (2) corruption, i.e. Articles 228-230a or 250a of the Criminal Code, Articles 46 or 48 of the Act on Sport, or Article 54(1)-(4) of the Act on the Reimbursement of Medicines, Special Foodstuffs, and Medicinal Devices; (3) financial abuse – the offence of fraud referred to in Article 286 of the Criminal Code, as well as fiscal offences referred to in Article 108(1)(1)(g) of the Act; (4) terrorist offences or offences related to terrorist activities, i.e. offences of terrorism referred to in Article 24(1)(13)(c) of the Act; (5) money laundering or terrorist financing – Article 299 or Article 165a of the Criminal Code; (6) child labour and other forms of human trafficking – outsourcing work to a minor foreigner referred to in Article 9(2) of the Act on the consequences of outsourcing work to foreigners staying illegally in the territory of the Republic of Poland, and human trafficking referred to in Article 189a of the Criminal Code. <p>Other grounds for exclusion under Article 108(1)(1) and (2) of the PPL, which do not implement Article 57(1) of the Directive, should be taken into account in other sections of this part of the form:</p>
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		<ul style="list-style-type: none"> • in section C, in the subsection concerning breaches of obligations in the field of environmental law, social law and labour law <ul style="list-style-type: none"> ○ the offence referred to in Article 9(1) and (3) or Article 10 of the Act of 15 June 2012 on the consequences of outsourcing work to foreigners staying illegally in the territory of the Republic of Poland); • in section D concerning national grounds for exclusion: <ul style="list-style-type: none"> ○ offences against the authenticity of documents listed in Articles 270–277d of the Criminal Code; ○ offences against economic turnover listed in Articles 296–307 of the Criminal Code, <u>with the exception of Article 299 (money laundering).</u>
<p>If so, please specify⁽²⁰⁾:</p> <p>a) the date of the judgment, specify which of points 1–6 it concerns, and state the reason(s) for the conviction;</p> <p>b) indicate who was convicted [];</p> <p>c) to the extent that this was directly determined in the judgment:</p>	<p>a) date: [], point(s): [], reason(s): []</p> <p>b) [.....]</p> <p>c) length of the exclusion period [.....] and point(s) to which it applies. If the relevant documentation is available in electronic form, please indicate: (web address, issuing authority or body, exact reference details of the documentation): [.....][.....][.....][.....]⁽²¹⁾</p>	<p>In the case of a final conviction for one of the offences referred to in Article 57(1) of the Directive, indicate the date of the conviction offence, while assigning the specific offence listed in the relevant provision of the Directive in points 1-6 (see above).</p> <p>If the conviction specifies a period of exclusion from participation in public procurement procedures, this information should also be indicated in this section of the form.</p> <p>The Polish e-KRK system generally allows public contracting authorities to obtain information about specific persons, but in such cases, it is necessary to submit a request for such information containing detailed data (e.g. the surname of the person concerned) which the contracting authority will not have in relation to persons verified for criminal</p>

		records on the tenderer's side. Therefore, under the current legal framework, it is impossible to obtain such a document in electronic form.
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²⁰ Please repeat as many times as necessary.

²¹ Please repeat as many times as necessary.

<p>In the event of a conviction, has the tenderer taken measures to demonstrate his reliability despite the existence of a relevant ground for exclusion⁽²²⁾ (“self-cleaning”)?</p> <p>If so, please describe the measures taken to self-clean.⁽²³⁾</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[.....]</p>	<p>Pursuant to Article 110(2) of the Act, the tenderer shall not be excluded in the circumstances specified in Article 108(1)(1), (2) and (5) or Article 109(1)(2)-(5) and (7)-(10) if he proves to the contracting authority that he meets all of the following conditions:</p> <ul style="list-style-type: none"> - he has repaired or undertaken to repair the damage caused by a criminal offence, misdemeanour or his own misconduct, including through financial compensation; - he has comprehensively explained the facts and circumstances relating to the crime, offence or his misconduct and the damage caused by them, actively cooperating with the competent authorities, including law enforcement authorities, or the contracting authority, as appropriate; - he has taken specific technical, organisational and personnel measures appropriate to prevent further crimes, offences or improper conduct, in particular: <ul style="list-style-type: none"> a) he has severed all ties with persons or entities responsible for the tenderer’s misconduct; b) he has reorganised his personnel;
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²² In accordance with national provisions implementing Article 57(6) of Directive 2014/24/EU.

²³ Taking into account the nature of the offences committed (one-off, repeated, systematic, etc.), the explanation should demonstrate the appropriateness of the measures taken.

		<p>c) he has implemented a reporting and control system;</p> <p>d) he has established internal audit structures to monitor compliance with regulations, internal rules or standards;</p> <p>e) he has introduced internal regulations concerning liability and compensation for non-compliance with regulations, internal regulations or standards.</p> <p>The contracting authority, pursuant to Article 110(3) of the PPL, taking into account the gravity and specific circumstances of the tenderer's act, shall assess the evidence provided by the tenderer in the above form. If it considers it sufficient, the tenderer shall not be subject to exclusion.</p>
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B: GROUNDS RELATED TO THE PAYMENT OF TAXES OR SOCIAL SECURITY CONTRIBUTIONS

Payment of taxes or social security contributions:	Answer:	
Has the tenderer fulfilled all his obligations relating to the payment of taxes or social security contributions , both in the country where he is established and in the Member State of the contracting authority, if different from the country of establishment?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>At this point in the form, the tenderer makes a declaration of compliance with public law obligations relating to the payment of taxes and social security contributions, regardless of whether there are grounds for mandatory exclusion of the tenderer (Article 108(1)(3) of the PPL) or an optional ground (Article 109(1)(1) of the PPL). Of course, if the contracting authority has not allowed an optional ground in the proceedings, the tenderer's declaration concerns only the mandatory ground.</p> <p>The tenderer shall complete the rest of the form concerning the payment of taxes and insurance contributions only if they have ticked "No" in this section.[®]</p>
If not , please indicate: a) the country or Member State it concerns;	Taxes	Social security contributions
		In the case of specific public law arrears, the tenderer is required to provide specific information

b) what amount is involved? c) how was this breach of obligations established: 1) by a judicial or administrative decision : – Is this decision final and binding?	a) [.....] b) [.....] c1) <input type="checkbox"/> Yes <input type="checkbox"/> No – <input type="checkbox"/> Yes <input type="checkbox"/> No – [.....]	a) [.....] b) [.....] c1) <input type="checkbox"/> Yes <input type="checkbox"/> No – <input type="checkbox"/> Yes <input type="checkbox"/> No – [.....]	as specified in the ESPD form (specified in points (a) to (d)). The form requires separate specification of the grounds for exclusion for the mandatory condition under Article 108(1)(3) of the PPL (point 1) and the optional condition under Article 109(1)(1) of the PPL (point 2).
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¹⁴ In the electronic tool for completing the ESPD form available at <https://espd.uzp.gov.pl/> the questions are formulated as follows: Has the tenderer committed any breach of his obligations relating to the payment of taxes or social security contributions, both in the country where he is established and in the Member State of the contracting authority or contracting entity, if different from the country of establishment? Therefore, when using this tool, the tenderer only completes the rest of the form concerning the payment of taxes and social security contributions if they have selected 'Yes' at this point.

<p>— Please indicate the date of the judgment or decision.</p> <p>— In the case of a judgment, if specified therein, the length of the exclusion period:</p> <p>2) otherwise? Please specify how:</p> <p>d) Has the tenderer fulfilled or will fulfil his obligations by paying the taxes or social security contributions due or by entering into binding agreements to repay these amounts, including, where applicable, any interest or fines accrued?</p>	<p>— [.....]</p> <p>c2) [...]</p> <p>d) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, please provide detailed information on this subject:</p> <p>[.....]</p>	<p>— [.....]</p> <p>c2) [...]</p> <p>d) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, please provide detailed information on this subject:</p> <p>[.....]</p>	<p>The information contained in point (d) refers to circumstances related to the tenderer's application of specific corrective measures to demonstrate that there are no grounds for exclusion from the procedure on the basis of both mandatory and optional criteria.</p>
<p>If the relevant documentation concerning the payment of taxes or social security contributions available in electronic form, please indicate:</p>	<p>(web address, issuing authority or body, exact reference details of the documentation):⁽²⁴⁾</p> <p>[.....][.....][.....]</p>		<p>In Poland, neither the tax administration nor the Social Insurance Institution allow third parties, including contracting authorities, to obtain certificates or relevant information directly from a free database.</p>

C: GROUNDS RELATED TO INSOLVENCY, CONFLICT OF INTEREST OR PROFESSIONAL MISCONDUCT²⁵

<p>It should be noted that for the purposes of this contract, some of the following grounds for exclusion may be defined more precisely in national law, in the relevant notice or in the contract documents. For example, national law may stipulate that the concept of ‘serious professional misconduct’ may cover several different types of misconduct.</p>		
<p>Information on possible insolvency, conflict of interest or professional misconduct</p>	<p>Answer:</p>	
<p>Has the tenderer, to the best of his knowledge, breached his obligations in the field of environmental law, social law and labour law ^{(26) ?}</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The tenderer shall make a statement in this section of the form regarding specific grounds for exclusion from the procedure resulting from the directive and the implemented provisions of the PPL. The PPL provides for mandatory and optional grounds for examining the grounds for exclusion of a tenderer from the procedure, which are related to a breach of obligations in the field of environmental protection, social law and labour law.</p>

²⁵ See Article 57(4) of Directive 2014/24/EC.

²⁶ Referred to, for the purposes of this contract, in national law, in the relevant notice or in the contract documents, or in Article 18(2) of Directive 2014/24/EU.

	<p>If so, has the tenderer taken measures to demonstrate his reliability despite the existence of the relevant grounds for exclusion (“self-cleaning”)?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If so, please describe the measures taken: [.....]</p>	<p>As part of the mandatory grounds, the legislator has provided in Article 108(1)(1)(h) and (2) of the PPL for grounds for exclusion of a tenderer from the proceedings if persons acting on his behalf have been punished for an offence referred to in Article 9(1) and (3) or Article 10 of the Act of 15 June 2012 on the consequences of outsourcing work to foreigners staying illegally in the territory of the Republic of Poland (Journal of Laws, item 769). Exclusion on this basis is mandatory. The tenderer always submits a statement in this regard.</p> <p>As part of the optional grounds, the legislator has provided in Article 109(1)(2) and (3) of the PPL for grounds for exclusion of a tenderer from the proceedings if:</p> <ul style="list-style-type: none"> • persons acting on behalf of the tenderer have been convicted of an offence referred to in Articles 181-188 [offences against the environment] and 218-221 [offences against the rights of persons performing gainful employment] of the Criminal Code; • persons acting on his behalf have been validly punished for an offence against the rights of an employee or an offence against the environment, if the offence was punishable by arrest, restriction of liberty or a fine was imposed for committing them; • a final administrative decision has been issued against the tenderer on the violation of obligations under labour law, environmental protection law or social security regulations, if a financial penalty was imposed by that decision. <p>The aforesaid grounds for exclusion from the procedure are optional, i.e. the contracting authority may provide for them in the contract</p>
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		<p>notice or in the contract documents for tenderer examination.</p> <p>The tenderer shall complete the form on this basis only if the contracting authority has provided for such a basis for exclusion.</p> <p>Pursuant to Article 110(2) of the PPL, a tenderer shall not be excluded in the circumstances specified in Article 108(1)(1), (2) and (5) or Article 109(1)(2)-(5) and (7)-(10) if he proves to the contracting authority that he meets all of the following conditions:</p> <p>he has repaired or undertaken to repair the damage caused by a crime, misdemeanour or his own misconduct, including through monetary compensation;</p> <ul style="list-style-type: none"> - he has comprehensively explained the facts and circumstances related to the crime, offence or his misconduct and the damage caused by them, actively cooperating with the competent authorities, including law enforcement authorities, or the contracting authority, as appropriate; - he has taken specific technical, organisational and personnel measures appropriate to prevent further crimes, offences or improper conduct, in particular: <ul style="list-style-type: none"> a) he has severed all ties with persons or entities responsible for the tenderer's misconduct; b) he has reorganised his personnel; c) he has implemented a reporting and control system; d) he has established internal audit structures to monitor compliance with regulations, internal rules or standards; <p>he has introduced internal regulations concerning liability and compensation for non-compliance with</p>
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<p>Is the tenderer guilty of serious professional misconduct²⁹⁾?</p> <p>If so, please provide detailed information on this matter:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[.....]</p>	<p>At this point in the form, the tenderer makes a statement on whether or not there are grounds for exclusion relating to serious professional misconduct.</p> <p>“Serious professional misconduct” under EU law, tenderer is broadly understood and covers all culpable misconduct that affects the professional credibility of a given tenderer, including violations of the ethical standards applicable to the profession practised by the tenderer, which are established by a disciplinary body established for that profession or in a final court ruling.^ΔIn this context, it should be recognised that the concept of ‘serious professional misconduct’ also covers offences established by a final judgment which may affect the professional credibility of the tenderer.</p>
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²⁹ Where applicable, see definitions in national law, the relevant notice or procurement documents.

^Δ See the judgment of the Court of Justice of the European Union of 13 December 2012 in Case C-465/11 *Forposta SA and ABC Direct Contact sp. z o.o. v Poczta Polska SA*, ECLI:EU:C:2012:801, paragraph 27

	<p>If so, has the tenderer taken measures in order to self-clean? <input type="checkbox"/> Yes <input type="checkbox"/> No If so, please describe the measures taken: [.....]</p>	<p>Pursuant to Article 109(1)(5) of the Act, the contracting authority may exclude a tenderer from a public procurement procedure if the contractor has seriously breached his obligations of professional conduct, which undermines his integrity, in particular where, as a result of deliberate action or gross negligence, the tenderer has failed to perform or has performed a public contract improperly, which the contracting authority is able to demonstrate by means of appropriate evidence.</p> <p>The indicated grounds for exclusion from the procedure are optional, i.e. the contracting authority may provide for them in the examination of tenderers in the content of the contract notice or in the contract documents.</p> <p>The tenderer shall complete the form in this respect only if the contracting authority has provided for such a ground for exclusion.</p> <p>Pursuant to Article 110(2) of the PPL, a tenderer shall not be excluded in the circumstances specified in Article 108(1)(1), (2) and (5) or Article 109(1)(2)-(5) and (7)-(10) if he proves to the contracting authority that he meets all of the following conditions:</p> <ul style="list-style-type: none"> - he has repaired or undertaken to repair the damage caused by a criminal offence, misdemeanour or his own improper conduct, including through monetary compensation; - he has comprehensively explained the facts and circumstances related to the crime, offence or his improper conduct and the damage caused by them, by actively cooperating with the competent authorities, including law enforcement authorities
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		<p>or the contracting authority, as appropriate;</p> <ul style="list-style-type: none"> - he has taken specific technical, organisational and personnel measures appropriate to prevent further crimes, offences or improper conduct, in particular: <ul style="list-style-type: none"> a) he has severed all ties with persons or entities responsible for the tenderer's misconduct; b) he has reorganised his personnel; c) he has implemented a reporting and control system; d) he has established internal audit structures to monitor compliance with regulations, internal rules or standards; e) he has introduced internal regulations concerning liability and compensation for non-compliance with regulations, internal regulations or standards. <p>The contracting authority, pursuant to Article 110(3) of the PPL, taking into account the gravity and specific circumstances of the tenderer's actions, shall assess the evidence provided by the tenderer in the above form. If it considers it sufficient, the tenderer shall not be subject to exclusion.</p>
<p>Has the tenderer entered into agreements with other tenderers with the aim of distorting competition?</p> <p>If so, please provide detailed information on this subject:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[...]</p>	<p>At this point in the form, the tenderer makes a statement regarding any unauthorised agreement concluded by him in this or any other public procurement procedure, which leads to distortion of fair competition.</p> <p>Pursuant to Article 108(1)(5) of the PPL, the legislator has introduced a mandatory condition for the exclusion of a tenderer from a public procurement procedure if the contracting authority may establish, on the basis of reliable evidence, that the tenderer has concluded an agreement with</p>

	<p>other tenderers with the aim of distorting competition, in particular if, belonging to the same capital group within the meaning of the Act of 16 February 2007 on competition and consumer protection, they have submitted separate letters of tender partial letters of tender or applications for admission to participate in the procedure, unless they demonstrate that they prepared these letters of tender or applications independently of each other.</p> <p>Pursuant to Article 110(2) of the PPL, a tenderer shall not be excluded in the circumstances specified in Article 108(1)(1), (2) and (5) or Article 109(1)(2)-(5) and (7)-(10) if he proves to the contracting authority that he meets all of the following conditions:</p>
<p>If so, has the tenderer taken measures to self-clean? <input type="checkbox"/> Yes <input type="checkbox"/> No If so, please describe the measures taken: [.....]</p>	<ul style="list-style-type: none"> - he has repaired or undertaken to repair the damage caused by a crime, misdemeanour or his own misconduct, including through monetary compensation; - he has comprehensively explained the facts and circumstances relating to the crime, offence or his improper conduct and the damage caused by them, actively cooperating with the competent authorities, including law enforcement authorities, or the contracting authority, as appropriate; - he has taken specific technical, organisational and personnel measures appropriate to prevent further crimes, offences or improper conduct, in particular: <ul style="list-style-type: none"> a) he has severed all ties with persons or entities responsible for the tenderer's misconduct; b) he has reorganised his personnel; c) he has implemented a reporting and control

		<p>system;</p> <p>d) he has established internal audit structures to monitor compliance with regulations, internal rules or standards;</p> <p>e) he introduced internal regulations on liability and compensation for non-compliance with regulations, internal rules or standards.</p> <p>The contracting authority, pursuant to Article 110(3) of the PPL, taking into account the gravity and specific circumstances of the tenderer's actions, shall assess the evidence provided by the tenderer in the above form. If it considers it sufficient, the tenderer shall not be subject to exclusion.</p>
<p>Is the tenderer aware of any conflict of interest⁽³⁰⁾ caused by his participation in the procurement procedure?</p> <p>If so, please provide detailed information on this subject:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[...]</p>	<p>At this point in the form, the tenderer makes a statement regarding the existence or non-existence of a specific conflict of interest in the proceedings. In the event of such a conflict, the form requires the contractor to provide detailed information on this matter.</p> <p>The premise for examining a conflict of interest indicating an optional basis for excluding a tenderer from the proceedings is specified in Article 109(1)(6) of the PPL. Pursuant to its provisions, the contracting authority may exclude a tenderer from participation in the proceedings if the head of the contracting authority, a member of the tender committee and other persons performing activities related to the conduct of the procurement procedure on the contracting authority or persons who may influence the outcome of that procedure or the persons awarding the contract:</p>

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Indicated in national law, the relevant notice or procurement documents.

		<p>1) are applying for the award of that contract;</p> <p>2) are married, in a direct family relationship or affinity, a collateral family relationship or affinity up to the second degree, or are related by adoption, guardianship or curatorship, or cohabit with the tenderer, his legal representative or members of the management or supervisory bodies of tenderers applying for the contract;</p> <p>3) within 3 years prior to the commencement of the procurement procedure, they were in an employment or contract relationship with the tenderer, received remuneration from the tenderer on other grounds, or were members of the management or supervisory bodies of tenderers applying for the contract;</p> <p>4) have a legal or factual relationship with the tenderer such that there are reasonable doubts as to their impartiality or independence in connection with the procurement procedure due to their direct or indirect financial, economic or personal interest in a specific outcome of that procedure;</p> <p>- unless it is possible to effectively eliminate the conflict of interest described above by means other than excluding the tenderer from participation in the procedure.</p> <p>The provision therefore assumes, first and foremost, the possibility of eliminating the conflict of interest in another way, e.g. by excluding from the contract in question persons acting on behalf of the contracting authority. Only as a last resort, if it is not possible to eliminate the conflict in any other way, will the contracting authority be obliged to exclude a tenderer from the procedure on the basis indicated.</p>
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		<p>The indicated basis for exclusion from the procedure is optional, i.e. the contracting authority may provide for it for the examination of tenderers in the content of the contract notice or in the contract documents or in the invitation to negotiate.</p> <p>The tenderer shall complete the form in this respect only if the contracting authority has provided for such a basis for exclusion.</p>
<p>Has the tenderer or a company associated with the tenderer advised the contracting authority or contracting entity or been otherwise involved in the preparation of the procurement procedure? If so, please provide detailed information on this subject:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[...]</p>	<p>At this point in the form, the tenderer makes a statement regarding their involvement in the preparation of the public procurement procedure. In the event of such involvement leading to distortion of competition in the procedure, the form requires the contractor to provide detailed information on this subject.</p> <p>In Article 108(1)(6) of the PPL, the legislator has introduced a mandatory condition for the exclusion of a tenderer from the procedure. According to this provision, the contracting authority is obliged to exclude a tenderer from participation in the procedure if there has been a distortion of competition resulting from the prior involvement of that tenderer or an entity belonging to the same capital group as the tenderer within the meaning of the Act of 16 February 2007 on competition and consumer protection, unless the distortion of competition caused by this can be eliminated in a manner other than by excluding the tenderer from participation in the proceedings.</p> <p>Pursuant to Article 85(1) of the PPL, if the tenderer or an entity belonging to the same capital group as the tenderer within the meaning of the Act of 16 February 2007 on competition and consumer</p>

		<p>protection (Journal of Laws of 2019, items 369, 1571 and 1667), advised or was otherwise involved in the preparation of the procurement procedure, the contracting authority shall take appropriate measures to ensure that the participation of that tenderer in the procedure does not distort competition, in particular by providing the other tenderers with relevant information which it has provided or obtained in connection with the involvement of the tenderer or that entity in the preparation of the procedure, and shall set an appropriate deadline for the submission of letters of tender. The contracting authority shall also be required to indicate in the minutes of the procedure the measures taken to prevent distortion of competition.</p> <p>Pursuant to Article 85(2) of the PPL, a tenderer involved in the preparation of a procurement procedure shall be excluded from that procedure only if the distortion of competition caused by that involvement cannot be eliminated in any other way than by excluding the tenderer from participation in that procedure. Before excluding the tenderer, the contracting authority shall give that tenderer the opportunity to prove that its participation in the preparation of the procurement procedure will not distort competition.</p>
<p>Was the tenderer in a situation in which a previous public procurement contract, a previous contract with a contracting entity or a previous concession contract was terminated prematurely, or in which compensation or other comparable sanctions were imposed in connection with that previous contract? If so, please provide detailed information on this</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>At this point in the form, the tenderer shall submit a statement regarding irregularities in the performance of a previous public procurement contract or concession contract in the circumstances specified in Article 109(1)(7) of the PPL.</p> <p>Pursuant to this provision, the contracting</p>

<p>matter:</p>	<p>[...] If so, has the tenderer taken measures to self-clean? <input type="checkbox"/> Yes <input type="checkbox"/> No If so, please describe the measures taken: [.....]</p>	<p>authority may exclude from the public procurement procedure a tenderer who, for reasons attributable to him, has failed to perform or has performed improperly, to a significant extent or scope, or has performed improperly over a long period of time, a significant obligation under a previous contract or concession agreement, which has led to the termination or withdrawal from the contract, compensation, substitute performance or the exercise of rights under the warranty for defects.</p> <p>Taking into account the content of the provision, no contracts are indicated here in which deviations from their performance other than those indicated in the provision or consequences other than those indicated in the provision occurred during their performance.</p> <p>The indicated basis for exclusion from the procedure is optional, i.e. the contracting authority may provide for it for the examination of tenderers in the content of the contract notice or in the procurement documents.</p> <p>The tenderer shall complete the form in this respect only if the contracting authority has provided for such a basis for exclusion.</p> <p>In the event of such irregularities, the form requires the contractor to provide detailed information on this subject.</p> <p>Pursuant to Article 110(2) of the PPL, a tenderer shall not be excluded in the circumstances specified in Article 108(1)(1), (2) and (5) or Article 109(1)(2)-(5) and (7)-(10) if he proves to the contracting authority that he meets all of the following conditions:</p>
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		<ul style="list-style-type: none"> - he has repaired or undertaken to repair the damage caused by a crime, misdemeanour or his own misconduct, including through monetary compensation; - he has comprehensively explained the facts and circumstances relating to the crime, offence or his misconduct and the damage caused by them, actively cooperating with the competent authorities, including law enforcement authorities, or the contracting authority, as appropriate; - he has taken specific technical, organisational and personnel measures appropriate to prevent further crimes, offences or irregular conduct, in particular: <ul style="list-style-type: none"> a) he has severed all ties with persons or entities responsible for the tenderer's misconduct; b) he has reorganised his personnel; c) he has implemented a reporting and control system; d) he has established internal audit structures to monitor compliance with regulations, internal rules or standards; e) he has introduced internal regulations on liability and compensation for non-compliance with regulations, internal rules or standards. <p>The contracting authority, pursuant to Article 110(3) of the PPL, taking into account the gravity and specific circumstances of the tenderer's actions, shall assess the evidence provided by the tenderer in the above form. If it considers it sufficient, the tenderer shall not be subject to exclusion.</p>
Can the tenderer confirm that: a) he is not guilty of serious	<input type="checkbox"/> Yes <input type="checkbox"/> No	At this point in the form, the tenderer makes a statement regarding misleading the contracting

<p>misrepresentation in providing the information required to verify the absence of grounds for exclusion or to verify that the qualification criteria have been met;</p> <p>b) he did not conceal this information;</p> <p>c) he is able to immediately provide the documents required by the contracting authority or contracting entity; and</p> <p>d) he has not taken steps to unlawfully influence the decision-making process of the contracting authority or contracting entity, obtain confidential information that may give him an undue advantage in the procurement procedure, or, as a result of negligence, to present misleading information that could have a significant impact on decisions regarding exclusion, qualification or award the contract?</p>		<p>authority in the procurement procedure.</p> <p>The legislator has provided for optional grounds for exclusion from the procedure in Article 109(1)(8)-(10) of the PPL. Pursuant to these provisions, the contracting authority may exclude from participation in the procedure:</p> <ul style="list-style-type: none"> • a tenderer who, as a result of deliberate action or gross negligence, misled the contracting authority by presenting information that he is not subject to exclusion, meets the conditions for participation in the proceedings or the selection criteria, which could have had a significant impact on the decisions taken by the contracting authority in the procurement procedure, or who has concealed this information or is not in able to provide the required subjective evidence; • a tenderer who unlawfully influenced or attempted to influence the contracting authority's activities or attempted to obtain or obtained confidential information that could give him an advantage in the procurement procedure; • a tenderer who, as a result of recklessness or negligence, has provided misleading information which could have a significant impact on the decisions taken by the contracting authority in the procurement procedure.
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D: OTHER GROUNDS FOR EXCLUSION THAT MAY BE PROVIDED FOR IN THE NATIONAL LAW OF THE MEMBER STATE OF THE CONTRACTING AUTHORITY OR CONTRACTING ENTITY

Grounds for exclusion (exclusively domestic)	Answer:	This section of the form concerns all grounds for examining the grounds for exclusion of a tenderer from the procedure which are not listed in detail above and which constitute national grounds for examining the grounds for exclusion of tenderers from the procedure. This applies to the following grounds for exclusion:
<p>Are the grounds for exclusion of a purely national nature set out in the applicable notice or contract documents applicable?</p> <p>If the documentation requested in the relevant</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(web address, issuing authority or body,</p>	

notice or contract documents is available in electronic form, please indicate:	exact reference details of the documentation): [.....][.....][.....] ⁽³¹⁾	<ul style="list-style-type: none"> • exclusion of a tenderer in the event of a conviction for an offence referred to in Article 47 of the Act on Sport; • exclusion of a tenderer in the event of a conviction for offences against the authenticity of documents and offences against economic turnover (Article 108(1)(1)(g) and (2) of the PPL), i.e. for offences referred to in Articles 270-277d of the Criminal Code [offences against the authenticity of documents] and offences referred to in Articles 296-307 of the Criminal Code [offences against economic turnover], with the exception of the offence of preventing or hindering the detection of a criminal origin of money or concealing its origin, referred to in Article 299 of the Criminal Code – in this regard, the tenderer should additionally demonstrate any corrective measures;
<p>Where any of the grounds for exclusion of a purely domestic nature apply, has the tenderer taken measures to self-clean?</p> <p>If so, please describe the measures taken::</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[.....]</p>	

³¹ Please repeat as many times as necessary.

		<ul style="list-style-type: none"> • exclusion of a tenderer who has been legally prohibited from applying for public contracts (Article 108(1)(4) of the PPL); the prohibition is imposed on a collective entity on the basis of the provisions of the Act of 28 October 2002 on the liability of collective entities for acts prohibited under penalty of law (Journal of Laws of 2016, item 1541 and of 2017, items 724 and 933), and against a natural person on the basis of the provisions of the Code of Criminal Procedure. <p>Furthermore, pursuant to Article 108(2) of the PPL, the legislator has provided for a mandatory national basis for examining a tenderer for exclusion from the proceedings. Pursuant to this provision, in the case of contracts with a value equal to or exceeding the equivalent in PLN of EUR 20,000,000 for construction works, and 10,000,000 for supplies or services, the contracting authority is obliged to exclude tenderers from participation in the procedure who prevent or hinder the determination of the criminal origin of money or conceal its origin, due to the inability to determine the beneficial owner within the meaning of Article 2(2)(1) of the Act of 1 March 2018 on counteracting money laundering and terrorist financing (Journal of Laws of 2020, items 971 and 1086).</p> <p>Pursuant to Article 55 of the aforementioned Act, the Central Register of Beneficial Owners, hereinafter referred to as the “Register”, is an ICT system for processing information on the beneficial owners of companies listed in Article 58 of the Act. Pursuant to Article 58 of the Act, the following entities are required to report information on</p>
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		<p>beneficial owners and to update such information:</p> <ol style="list-style-type: none"> 1) general partnerships; 2) limited partnerships; 3) limited joint-stock partnerships; 4) limited liability companies; 4a) simple joint-stock companies (from 1 March 2021); 5) joint-stock companies, except for public companies within the meaning of the Act of 29 July 2005 on public letter of tender and conditions for introducing financial instruments to organised trading and on public companies (Journal of Laws of 2019, items 623, 1798 and 2217). <p>Pursuant to Article 67 of the Act on Counteracting Money Laundering and Terrorist Financing, the Register is public, and pursuant to Articles 69 and 70 of the Act, information on beneficial owners collected in the Register is made available free of charge and by means of electronic communication. Pursuant to Article 71 of the aforementioned Act, the minister responsible for public finance has been authorised to determine, by way of a regulation, the manner of preparing and the manner and procedure for submitting requests for access to information collected in the Register, as well as the manner, procedure and deadlines for making such information available, taking into account the need to ensure fast, reliable and secure access to information from the Register. These issues are regulated by the Regulation of the Minister of Finance of 16 May 2018 on requests for access to information on beneficial owners and the disclosure of such information (Journal of Laws of 2018, item 965).</p>
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		The Register is available at https://crbr.podatki.gov.pl/adcrbr/#/wyszukaj .
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Part IV: Eligibility criteria

With regard to the eligibility criteria (section 2 or sections A–D in this part), the tenderer declares that:

2: GENERAL DECLARATION CONCERNING ALL SELECTION CRITERIA

The tenderer should only complete this field if the contracting authority or contracting entity has indicated in the relevant notice or in the procurement documents referred to in the notice that the tenderer may limit himself to completing section 2 in Part IV and does not need to complete any of the other sections in Part IV:		
Fulfilment of all required qualification criteria	Answer	In this case, the ESPD form provides for the possibility for the tenderer to submit a general statement of compliance with the conditions for participation in the procedure (qualification criteria), which allows the tenderer not to complete the further sections relating to the specific conditions for participation in the procedure (qualification criteria) specified by the contracting authority. In this case, the ESPD form only requires the contracting authority to indicate in the contract notice or contract documents (Terms of Reference) that the tenderer may limit himself to completing section 2 of part IV of the form. The decision in this regard is up to the contracting authority. Thus, in the event of such a reservation by the contracting authority, the tenderer does not have to complete any of the other sections of part IV of the form concerning the qualification criteria, and the relevant (evidential) verification of compliance with specific conditions for participation in the procedure (selection criteria) specified by the contracting authority will, as a rule, be carried out by the contracting authority at the end of the procedure on the basis of relevant documents submitted by the tenderer whose letter of tender has been evaluated highest, at the request of the contracting authority (Article 126(1) of the PPL).
The tenderer meets the required qualification criteria:	<input type="checkbox"/> Yes <input type="checkbox"/> No	
		Although the PPL does not explicitly provide for specific detailed regulations in this regard, such a general statement of

		compliance with all the required qualification criteria meets the requirements of the tenderer's statement of preliminary confirmation of compliance with the conditions for participation in the procedure (qualification criteria) referred to in Article 125(1) and (2) of the PPL.
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A: COMPETENCES

The tenderer should provide information only if the contracting authority or contracting entity requires specific qualification criteria in the relevant notice or in the procurement documents referred to in the notice.		
Competence	Answer	
Is listed in the relevant professional or trade register kept in the Member State where the tenderer is established ⁽³²⁾ ; If the relevant documentation is available in electronic form, please indicate:	[...] (web address, issuing authority or body, precise reference details of the documentation): [.....][.....][.....]	Tenderers are not required to complete this section of the form if the contracting authority has not specified conditions for participation in the procedure relating to the ability to engage in economic activity (Article 113 of the PPL). Here, the form refers to the relevant professional or trade registers.

³²

As described in Annex XI to Directive 2014/24/EU; tenderers from certain Member States may be required to meet other requirements set out in that Annex.

		<p>Pursuant to Article 113 of the PPL, with regard to the conditions for participation in the procedure concerning the capacity to market, the contracting authority may require that tenderers engaged in economic or professional activities be registered in one of the professional or trade registers kept in the country where they are established or reside.</p> <p>Annex XI to Directive 2014/24/EU or in Annex VII to Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supplies and services by contracting authorities or entities in the fields of defence and security and amending Directives 2004/17/EC and 2004/18/EC (OJ EU L 216 of 20.08.2009, p. 76) contains a non-exhaustive list of professional and trade registers operating in the Member States of the European Union.</p> <p>With regard to Polish tenderers applying for a contract, it is possible to obtain relevant information on the competence of these entrepreneurs directly from free databases available at https://ekrs.ms.gov.pl/web/wyszukiwarka-krs/strona-glowna/index.html and https://prod.ceidg.gov.pl/ceidg/ceidg.public.ui/search.aspxi, respectively.</p>
<p>2) With regard to public service contracts:</p> <p>Is it necessary to have a specific licence or membership of a specific organisation in order to be able to provide the service in question in the country where the tenderer is established?</p> <p>If the relevant documentation is available in electronic form, please indicate:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If so, please specify the authorisation or membership status in question and indicate whether the tenderer holds it:</p> <p>[...] <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(web address, issuing authority or body, exact reference details of the documentation): [.....][.....][.....]</p>	<p>Pursuant to Article 114 of the PPL, with regard to the conditions for participation in the procedure concerning the authorisation to pursue a specific professional activity in the procurement procedure, the contracting authority may require proof of possession of:</p> <ul style="list-style-type: none"> - the appropriate authorisation, licence, concession or entry in the register of regulated activities; or - the relevant authorisation, licence, concession or entry in the register of regulated activities, if these are necessary to provide specific services in the country where the tenderer is established or resident; or - membership of a given organisation, if membership of that

		organisation is necessary to provide specific services in the country where the tenderer is established or resides. The statement made on the form in this section refers to the indicated regulation.
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B: ECONOMIC AND FINANCIAL STANDING

The tenderer should provide information only if the contracting authority or contracting entity requires specific qualification criteria in the relevant notice or in the procurement documents referred to in the notice.		
Economic and financial standing	Answer:	
1a) His ("total") annual turnover over a specified number of financial years as required in the relevant notice or procurement documents is as follows: and/or 1b) His average annual turnover over the number of years required in the relevant notice or procurement documents is as follows ⁽³³⁾ . If the relevant documentation is available in electronic form, please indicate:	year: [.....] turnover: [.....] [...] currency year: [.....] turnover: [.....] [...] currency (number of years, average turnover): [.....], [.....] [...] currency (web address, issuing authority or body, precise reference details of the documentation): [.....][.....][.....]	Pursuant to Article 115(1) of the PPL, with regard to the conditions for participation in the procedure concerning the economic or financial situation, the contracting authority may specify conditions which ensure the economic or financial capacity of the tenderers to perform the contract. To this end, the contracting authority may require in particular: 1) that tenderers have a specified minimum annual turnover, including a specified minimum annual turnover in the field of activity covered by the public contract; 2) tenderers to provide information on their annual financial statements showing, in particular, the ratio of assets to liabilities; 3) that the tenderer has taken out adequate liability insurance; 4) that the tenderer has a certain credit rating or financial resources. The tenderer should provide the information required in this section only if the contracting authority has specified such conditions for participation in the procedure in the notice or in the procurement documents referred to in the notice.
2a) His annual ("specific") turnover in the area of economic activity covered by the contract and specified in the relevant notice or contract documents over the required number of financial years is as follows: and/or 2b) His average annual turnover in the area in question and over the specified number of financial years required in the relevant notice or procurement documents is as follows ⁽³⁴⁾ . If the relevant documentation is available in electronic form, please indicate:	year: [.....] turnover: [.....] [...] currency year: [.....] turnover: [.....] [...] currency (number of years, average turnover): [.....], [.....] [...] currency (web address, issuing authority or body, precise reference details of the documentation):	

	[.....][.....][.....]	
3) If information on turnover (general or specific) is not available for the entire period required, please indicate the date of establishment of the tenderer's undertaking or of commencement of the tenderer's activity:	[.....]	

³³ Only if permitted in the relevant notice or procurement documents.

³⁴ Only if permitted in the relevant notice or procurement documents.

<p>4) With regard to the financial indicators⁽³⁵⁾ specified in the relevant notice or procurement documents, the tenderer declares that the current value(s) of the required indicator(s) is (are) as follows:</p> <p>If the relevant documentation is available in electronic form, please indicate:</p>	<p>(specification of the required indicator – ratio X to Y⁽³⁶⁾ – and value): [.....], [.....]⁽³⁷⁾</p> <p>(web address, issuing authority or body, precise reference details of the documentation): [.....][.....][.....]</p>	<p>The aforementioned Article 115 of the PPL indicates an open catalogue of circumstances which the contracting authority may assess as part of the conditions for participation in the procedure (qualification criteria). If the contracting authority provides for a different method of assessing the conditions relating to the economic or financial situation of the tenderer, the tenderer should refer to them in this section of the form.</p>
<p>Under professional risk insurance, the tenderer is insured for the following amount:</p> <p>If this information is available in electronic form, please indicate:</p>	<p>[.....] [...] currency</p> <p>(web address, issuing authority or body, exact reference details of the documentation): [.....][.....][.....]</p>	
<p>6) With regard to other possible economic or financial requirements that may have been specified in the relevant notice or procurement documents, the tenderer declares that</p> <p>If the relevant documentation, which may have been specified in the relevant notice or in the procurement documents is available in electronic form, please indicate:</p>	<p>[.....]</p> <p>(web address, issuing authority or body, precise reference details of the documentation): [.....][.....][.....]</p>	

³⁵ E.g. ratio of assets to liabilities.

³⁶ E.g. ratio of assets to liabilities.

³⁷ Repeat as many times as necessary.

C: TECHNICAL AND PROFESSIONAL CAPACITY

The tenderer should only provide information if the contracting authority or contracting entity requires specific qualification criteria in the relevant notice or in the contract documents referred to in the notice.		
Technical and professional capacity	Answer:	
<p>(1a) For public construction works contracts only: During the reference period^[38], the tenderer has carried out the following works of the specified type:</p> <p>If the relevant documentation of satisfactory performance and result for the most important works is available in electronic form, please indicate:</p>	<p>Number of years (this period is specified in the relevant contract notice or documents): [...]</p> <p>Construction works: [.....]</p> <p>(web address, issuing authority or body, exact reference details of the documentation): [.....][.....][.....]</p>	<p>The tenderer should provide the information required in this section only if the contracting authority specifies the relevant conditions for participation in the procedure in the relevant notice or in the procurement documents.</p> <p>Pursuant to Article 116(1), first sentence, of the PPL, when assessing the technical or professional capacity of a tenderer, the contracting authority may specify conditions relating to the necessary education, professional qualifications, experience, technical capacity of the tenderer or persons assigned by the tenderer to perform the contract, enabling the contract to be performed at an appropriate level of quality.</p> <p>In accordance with the Regulation on documents^[2], the contracting authority requires that the period for which it is permissible to demonstrate completed construction works be up to five years back.</p>

³⁸ Contracting authorities may **require** that this period be up to five years and **allow** experience from **more than** five years ago to be taken into account.

^[2] Regulation of the Minister of Development, Labour and Technology of 23 December 2020 on subjective means of evidence and other documents or statements that may be requested by the contracting authority from the tenderer (Journal of Laws, item 2415)

		<p>In exceptional circumstances, the contracting authority may accept experience from more than five years ago.</p> <p>The form in this section does not specify, for example: the amounts of construction works, dates, or recipients for whom the works were performed. If the contracting authority specifies specific requirements in this regard, the tenderer should include this information in this section of the form.</p>												
<p>1b) Only for public supply contracts and public service contracts</p> <p>During the reference period⁽³⁹⁾, the tenderer has carried out the following main supplies of a specific type or provided the following main services of a specific type:</p> <p>When drawing up the list, please indicate the amounts, dates and recipients, both public and private⁽⁴⁰⁾:</p>	<p>Number of years (this period was indicated in the relevant notice or procurement documents): [...]</p> <table><tr><th>Description</th><th>Amounts</th><th>Dates</th><th>Recipients</th></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr></table>	Description	Amounts	Dates	Recipients									<p>In accordance with the Regulation on documents, the contracting authority requires that the period for which it is permissible to demonstrate specific supplies or services is three years.</p> <p>In exceptional circumstances, the contracting authority may accept experience dating back more than three years.</p> <p>The section should include the supplies or services provided that constitute the tenderer’s response to the description of the condition for participation in the procedure (qualification criterion) specified by the contracting authority. The list may include both public and private customers for the supplies or services in question.</p>
Description	Amounts	Dates	Recipients											

³⁹ Contracting authorities may **require** that this period be up to three years and **accept** experience dating back **more than** three years.

⁴⁰ In other words, **all** recipients should be listed, and the list should include both public and private customers for the supplies or services in question.

<p>2) He may use the services of the following technical staff or technical services⁽⁴¹⁾, in particular those responsible for quality control: In the case of public works contracts, the tenderer will be able to call upon the following technical staff or technical services to carry out the works:</p>	<p>[.....]</p> <p>[.....]</p>	<p>This section of the form should include a list of persons assigned by the tenderer to perform the contract, in particular those responsible for the provision of services, quality control or management of construction works, in accordance with the requirements specified in this regard by the contracting authority in the description of the conditions for participation in the procedure (qualification criterion), which refers to the tenderer's human resources. Thus, this section of the form may be used to provide information on the qualifications of these persons, for example, if the contracting authority has specified specific requirements in this regard.</p>
<p>3) He uses the following technical equipment and means to ensure quality, and his scientific and research facilities are as follows:</p>	<p>[.....]</p>	<p>At this point in the form, the tenderer makes a statement regarding his technical capacity, i.e. technical equipment, measures necessary to ensure quality or specific scientific and research facilities that will be at the tenderer's disposal, in accordance with the description of the conditions for participation in the procedure (qualification criteria) specified by the contracting authority.</p>

⁴¹ In the case of technical staff or technical services not directly belonging to the tenderer's undertaking but on whose capabilities the tenderer relies, as specified in Part II, Section C, separate European Single Procurement Document forms must be completed.

4) During the performance of the contract, the following supply chain management and supply chain tracking systems may be used:	[.....]	At this point in the form, the tenderer shall make a statement regarding the tenderer's technical capacity, which will make it possible to determine the tenderer's skills and the appropriate method of delivery, in accordance with the description of the conditions for participation in the procedure (qualification criteria) made by the contracting authority.
5) With regard to complex products or services to be supplied or, exceptionally, with regard to products or services for a specific purpose Will the tenderer allow an inspection ⁽⁴²⁾ of his production or technical capabilities and, if necessary, also the scientific and research resources available to him, as well as his quality control resources ?	<input type="checkbox"/> Yes <input type="checkbox"/> No	At this point in the form, the tenderer shall make a statement agreeing to an inspection of his production or technical capacity, as well as the scientific and research resources available to him and the quality control measures he will use. This section of the form refers to complex supplies or services, if the contracting authority has introduced specific requirements in this regard – it has described the condition for participation in the procedure (qualification criterion). The description of the condition contained in the content of the contract notice or the procurement documents should include a detailed procedure allowing for such an examination (control) to be carried out at the tenderer's premises, while the tenderer's statement contained in that part of the form should only express consent to undergo such an examination.

⁴² The check shall be carried out by the contracting authority or, if that authority agrees, on its behalf, by the competent official body of the country in which the supplier or service provider is established.

<p>6) The following education and professional qualifications are held by:</p> <p>a) the service provider or tenderer himself: and/or (depending on the requirements specified in the relevant notice or procurement documents): b) his management staff:</p>	<p>a) [.....]</p> <p>b) [.....]</p>	<p>At this point in the form, the tenderer makes a declaration concerning his human resources: his professional qualifications and education. It is important to note that this statement concerns the tenderer himself and his management staff (management bodies), and should be distinguished from the condition concerning the persons assigned to perform the contract and the statement made by the tenderer in this regard, which is submitted in an earlier section of the form. This statement is made only when the contracting authority describes the condition for participation in the procedure (qualification criterion) and in accordance with that description.</p>
<p>7) During the performance of the contract, the tenderer will be able to apply the following environmental management measures:</p>	<p>[.....]</p>	<p>At this point in the form, the tenderer shall submit a statement concerning environmental management measures.</p> <p>In accordance with the EMAS Regulation, an environmental management system means part of the overall management system that includes the organisational structure, planning activities, responsibilities, practices, procedures, processes and resources for developing, implementation, achievement, review and maintaining environmental policy and managing environmental aspects.</p> <p>The tenderer shall submit the statement in accordance with the description of the condition for participation in the procedure (qualification criterion)</p>
<p>8) The average annual employment at the tenderer and the number of management staff in the last three years are as follows</p>	<p>Year, average annual employment: [.....], [.....] [.....], [.....] [.....], [.....] Year, number of managerial staff:</p>	<p>At this point in the form, the tenderer submits a statement regarding his human resources potential in terms of the number of management staff and average annual employment, depending on how</p>

	[.....], [.....] [.....], [.....] [.....], [.....]	the contracting authority describes this condition for participation in the procedure (qualification criterion). If the period of operation of the tenderer is less than 3 years, the statement submitted by the tenderer should refer to the period of actual operation.
9) He will have the following tools, plant equipment and technical devices at his disposal for the performance of the contract:	[.....]	At this point in the form, the tenderer shall submit a statement concerning the technical capacity for the performance of the contract. This refers to specific tools, technical equipment or plant equipment which are indicated by the contracting authority in the description of the condition for participation in the procedure (qualification criterion) and which are directly used for the performance of the contract.
10) The tenderer intends to subcontract⁽⁴³⁾ the following part (percentage) of the contract:	[.....]	This section of the form relates to the information contained in in Part II, Section C. However, in this section, the tenderer limits his statement to indicating the percentage of the contract entrusted to a specific subcontractor. It should be noted that if the tenderer has decided to subcontract part of the contract and relies on the capacity of subcontractors to perform that part, a separate single document must be completed for those subcontractors (see above, Part II, Section C). In cases where the tenderer does not rely on the resources of subcontractors, he shall submit a separate ESPD for the subcontractor, completed only in relation to the grounds for exclusion and only if required by the contracting authority.
11) With regard to public supply contracts The tenderer shall provide the required samples, descriptions or photographs of the products to be	<input type="checkbox"/> Yes <input type="checkbox"/> No	At this point in the form, the tenderer makes a statement regarding his ability to provide samples, descriptions or photographs of products submitted

<p>supplied, which do not need to be accompanied by a certificate of authenticity.</p> <p>The tenderer further declares that,, where applicable, he will submit the required certificates of authenticity.</p> <p>If the relevant documentation is available in electronic form, please indicate:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(web address, issuing authority or body, exact reference details of the documentation):</p> <p>[.....][.....][.....]</p>	<p>as evidence confirming the tenderer's technical capacity. However, at this point in the form, this refers only to a preliminary statement of the tenderer regarding the possibility of submitting such subjective evidence, where applicable. This section does not apply to samples, descriptions or photographs of products submitted with the letter of tender as evidence.</p>
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⁴³ It should be noted that if the tenderer **has decided** to subcontract part of the contract **and** relies on the capacity of subcontractors for the performance of that part, a separate European Single Procurement Document must be completed for those subcontractors (see above, Part II, Section C).

D: QUALITY ASSURANCE SYSTEMS AND ENVIRONMENTAL MANAGEMENT STANDARDS

<p>The tenderer should provide information only if the contracting authority or entity requires quality assurance systems or environmental management standards in the relevant notice or in the procurement documents referred to in the notice.</p>		
<p>Quality assurance systems and environmental management standards</p>	<p>Answer:</p>	
<p>Will the tenderer be able to provide certificates issued by independent bodies certifying that the tenderer meets the required quality assurance standards, including accessibility for persons with disabilities?</p> <p>If not, please explain why and specify what other evidence of the quality assurance system can be provided: If the relevant documentation is available in electronic form, please indicate:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[.....] [.....]</p> <p>(web address, issuing authority or body, exact reference details of the documentation):</p> <p>[.....][.....][.....]</p>	<p>Pursuant to Article 116(1), second sentence, of the PPL, when assessing the technical or professional capacity of a tenderer, the contracting authority may require tenderers to meet the requirements of relevant quality management standards, including in the area of accessibility for persons with disabilities, and environmental management systems or standards, as specified by the contracting authority in the contract notice or in the contract documents.</p> <p>The tenderer should provide the information required in this section only if the contracting authority specifies the relevant conditions for participation in the procedure in the relevant notice or in the procurement documents (specification).</p> <p>In the event of information from the tenderer about the submission of such documents being impossible, if they are required by the contracting authority, the tenderer should additionally specify the reasons for this and at the same time indicate other subjective means of evidence confirming that the quality assurance measures applied by him comply with the required quality management standards.</p>

<p>Will the tenderer be able to present certificates issued by independent bodies confirming that the tenderer meets the requirements of specific environmental management systems or standards?</p> <p>If not, please explain why and specify what other evidence relating to environmental management systems or standards can be provided:</p> <p>If the relevant documentation is available in electronic form, please indicate:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[.....] [.....]</p> <p>(web address, issuing authority or body, exact reference details of the documentation):</p> <p>[.....][.....][.....]</p>	<p>At this point in the form, the tenderer shall make a statement regarding the possession and ability to submit to the contracting authority a specific certificate confirming the tenderer's compliance with the requirements of specific environmental management systems or standards.</p> <p>If it is not possible to submit such documents, the tenderer is required to indicate the reasons for this and refer to other means of evidence in this regard.</p> <p>According to the EMAS Regulation, an environmental management system means the part of the overall management system that includes the organisational structure, planning activities, responsibilities, practices, procedures, processes and resources for developing, implementing, achieving, reviewing, maintaining the environmental policy and managing environmental aspects. In other words, it means an organisation's management system aimed at preventing or reducing the negative impact of its activities on the environment; it must not be equated with an environmental management system, which is a broader concept and is most often defined as the management of the use, protection and shaping of the environment.</p> <p>If the tenderer informs that it is not possible to submit such documents, if required by the contracting authority, he should additionally specify the reasons for this and at the same time indicate other subjective means of evidence confirming that the environmental management measures he applies are equivalent to those</p>

		required under the applicable environmental management system or standard.
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Part V: Limiting the number of eligible candidates

The tenderer should provide information only if the contracting authority or contracting entity has specified objective and non-discriminatory criteria or rules to be used to limit the number of candidates who will be invited to submit letters of tender or participate in dialogue. This information, which may be accompanied by requirements regarding (types of) certificates or types of evidence in the form of documents that may need to be submitted, is specified in the relevant notice or in the contract documents referred to in the notice.

Applies only to restricted procedures, competitive procedures with negotiation, competitive dialogue and innovation partnerships:

The tenderer declares that:

Limiting the number of candidates	Answer:	
<p>The objective and non-discriminatory criteria or rules to be applied in order to limit the number of candidates shall be as follows:</p> <p>Where specific certificates or other types of documentary evidence are required, please indicate whether the tenderer has the required documents for each of them:</p> <p>If some of these certificates or types of documentary evidence are available in electronic form⁽⁴⁴⁾, please indicate the following for each of them:</p>	<p>[....]</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No⁽⁴⁵⁾</p> <p>(web address, issuing authority or body, exact reference details of the documentation):</p> <p>[.....][.....][.....]⁽⁴⁶⁾</p>	<p>This part of the form concerns the selection criteria referred to in Article 148(2), Article 159(2), Article 177(2) and Article 195(1) of the PPL.</p> <p>Pursuant to these provisions, in the case of restricted tendering, negotiated procedures with publication, competitive dialogue and innovation partnership, if the number of tenderers who meet the conditions for participation in the procedure is greater than that specified in the notice, the contracting authority shall invite tenderers selected on the basis of objective and non-discriminatory criteria known as selection criteria to submit either a letter of tender or preliminary tenders or to enter into a dialogue.</p>

⁴⁴ Please clearly indicate to which item your answer refers.

⁴⁵ Please repeat as many times as necessary.

⁴⁶ Please repeat as many times as necessary.

		<p>The tenderer should only provide the information required in this section if the contracting authority requires the relevant conditions for participation in the relevant notice or in the procurement documents (specification).</p> <p>It should be clearly indicated to which of the criteria the response refers, repeating this part as many times as necessary.</p>
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Part VI: Final declarations

The undersigned hereby solemnly declare that the information provided above in Parts II to V is accurate and correct and has been submitted in full awareness of the consequences of serious misrepresentation.

The undersigned hereby solemnly declare that they are able, upon request and without delay, to provide certificates and other forms of documentary evidence, except in cases where:

a) the contracting authority or contracting entity is able to obtain the relevant supporting documents directly through a free national database in any Member State⁽⁴⁷⁾; or

b) by 18 April 2018 at the latest⁽⁴⁸⁾, the contracting authority or contracting entity already has the relevant documentation.

The undersigned hereby formally agree that [indicate the contracting authority or contracting entity referred to in Part I, Section A] may obtain access to the documents supporting the information provided in [indicate the part/section/point(s) concerned] of this European Single Procurement Document for the purposes of [specify the procurement procedure: (short description, publication reference in the Official Journal of the European Union, reference number)].

Date, place and, if required or necessary, signature(s): [.....]

The final statements contained in this part of the form are important for the evaluation of the tenderer. They constitute a summary of the entire content of the form and the statements made therein. Furthermore, the submission of these detailed final statements is important from the point of view of the responsibility of the entities submitting them for the content of the detailed statements contained in the form. At the same time, the final statements draw attention to the need for the contracting authority to use free, publicly available databases and concern the tenderer's consent to the contracting authority's use of the information contained in the form.

The document, together with the aforesaid statements in the form, should be signed by the tenderer, third party, subcontractor, or whoever is concerned by the ESPD form being submitted. For the statement to be valid, the form must be signed by the appropriate, authorised persons, i.e. authorised to represent or authorised on the basis of a separately granted power of attorney. In the case of a form submitted by tenderers jointly applying for the contract, the form should be signed by each tenderer submitting the form.

⁴⁷ Provided that the tenderer has provided the necessary information (web address, details of the issuing authority or body, precise reference details of the documentation) enabling the contracting authority or entity to do so. If necessary, this must be accompanied by the appropriate consent to obtain such access.

⁴⁸ Depending on the implementation in the country concerned of the second subparagraph of Article 59(5) of Directive 2014/24/EU.

Appendix:

List of offences referred to in Article 108(1)(1) of the Act

(in the order in which they are listed in that provision)

offence	wording of the provision	uniform document form section
participation in an organised criminal group or association for the purpose of committing an offence or a fiscal offence referred to in Article 258 of the Criminal Code	<p>Article 258 § 1. Whoever participates in an organised group or association aimed at committing a crime or fiscal offence shall be subject to imprisonment for a term of between 3 months and 5 years.</p> <p>§ 2. If the group or association referred to in § 1 is armed or aims to commit a terrorist offence, the perpetrator shall be subject to imprisonment for a term of between 6 months and 8 years.</p> <p>§ 3. Whoever establishes or leads a group or association referred to in § 1, including those of an armed nature, shall be subject to imprisonment for a term of between one and ten years.</p> <p>§ 4. Whoever establishes or leads a group or association aimed at committing a terrorist offence shall be subject to imprisonment for a term of not less than 3 years.</p>	III.A.1
human trafficking referred to in Article 189a of the Criminal Code	<p>Article 189a § 1. Whoever commits human trafficking shall be subject to imprisonment for a term of not less than 3 years.</p> <p>§ 2. Whoever makes preparations to commit the offence referred to in § 1 shall be subject to imprisonment for a term of between 3 months and 5 years.</p>	III.A.6
the offence referred to in Articles 228-230a of the Criminal Code [corruption]	<p>Art. 228. § 1. Whoever, in connection with the performance of a public function, accepts a financial or personal benefit or a promise thereof, shall be subject to imprisonment for a term of between 6 months and 8 years.</p> <p>§ 2. In less serious cases, the perpetrator shall be subject to a fine, restriction of liberty or imprisonment for up to 2 years.</p> <p>§ 3. Whoever, in connection with the performance of public functions, accepts a financial or personal benefit or a promise thereof for conduct constituting a violation of the law, shall be subject to imprisonment for a term of between one and ten years.</p> <p>§ 4. The penalty specified in § 3 shall also apply to whoever, in connection with the performance of public functions, makes the performance of official duties conditional on the receipt of a financial or personal benefit or a promise thereof, or demands such a benefit.</p> <p>§ 5. Whoever, in connection with the performance of a public function, accepts a financial benefit of significant value or a promise thereof shall be subject to imprisonment for a term of between 2 and 12 years.</p> <p>§ 6. The penalties specified in § 1-5 shall also apply to whoever, in connection with the performance of a public function in a foreign country or in an international organisation, accepts a financial or personal benefit or a promise thereof, or demands such an advantage, or makes the performance of an official act conditional upon its receipt.</p> <p>Art. 229. § 1. Whoever grants or promises to grant a financial or personal benefit to a</p>	III.A.2

	<p>person performing a public function in connection with the performance of that function shall be subject to imprisonment for a term of between 6 months and 8 years.</p> <p>§ 2. In less serious cases, the perpetrator shall be subject to a fine, restriction of liberty or imprisonment for up to 2 years.</p> <p>§ 3. If the perpetrator of the act referred to in § 1 acts to induce a person performing a public function to violate the law or grants or promises to grant such a person a financial or personal benefit for violating the law, they shall be subject to imprisonment for a term of between one and ten years.</p> <p>§ 4. Whoever grants or promises to grant a public official a financial benefit of significant value in connection with the performance of that function shall be subject to imprisonment for a term of between 2 and 12 years.</p> <p>§ 5. The penalties specified in § 1-4 shall also apply to whoever grants or promises to grant a financial or personal benefit to a person performing a public function in a foreign country or in an international organisation in connection with the performance of that function.</p> <p>§ 6. The perpetrator of the offence specified in § 1-5 shall not be subject to punishment if the financial or personal benefit or the promise thereof was accepted by a person performing a public function and the perpetrator notified the law enforcement authority of this fact and disclosed all relevant circumstances of the offence before the authority became aware of it.</p> <p>Art. 230. § 1. Whoever, invoking influence in a state or local government institution, international or national organisation, or in a foreign organisational unit disposing of public funds, or by inducing another person to believe or confirming their belief in the existence of such influence, undertakes to mediate in the settlement of a matter in exchange for a financial or personal gain or a promise thereof, shall be subject to imprisonment for a term of between 6 months and 8 years.</p> <p>§ 2. In less serious cases, the perpetrator shall be subject to a fine, restriction of liberty or imprisonment for up to 2 years.</p> <p>Art. 230a. § 1. Whoever grants or promises to grant a financial or personal benefit in exchange for mediation in settling a matter in a state institution, local government, international or national organisation, or in a foreign organisational unit disposing of public funds, consisting in unlawfully influencing the decision, action or omission of a person performing a public function in connection with the performance of that function, shall be subject to imprisonment for a term of between 6 months and 8 years.</p> <p>§ 2. In less serious cases, the perpetrator shall be subject to a fine, restriction of liberty or imprisonment for up to 2 years.</p> <p>§ 3. The perpetrator of the offence referred to in § 1 or § 2 shall not be subject to punishment if the financial or personal gain or the promise thereof was accepted and the perpetrator notified the law enforcement authority of this fact and disclosed all relevant circumstances of the offence before the authority became aware of it.</p>	
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the offence referred to in Article 250a of the Criminal Code [electoral and referendum corruption]	<p>§ 2. The same penalty shall be imposed on whoever grants a financial or personal benefit to a person entitled to vote in order to induce them to vote in a specific manner.</p> <p>§ 2. The same penalty shall be imposed on whoever grants a financial or personal benefit to a person entitled to vote in order to induce them to vote in a specific manner or for voting in a specific manner.</p> <p>§ 3. In less serious cases, the perpetrator of an act specified in § 1 or 2 shall be subject to a fine, restriction of liberty or imprisonment for up to 2 years.</p> <p>§ 4. If the perpetrator of the offence referred to in § 1 or § 3 in conjunction with § 1, has notified the law enforcement authority of the fact of the offence and the circumstances of its commission before that authority became aware of them, the court shall apply extraordinary mitigation of the penalty and may even refrain from imposing a penalty.</p>	III.A.2
the offence referred to in Article 46 of the Act on Sports [corruption in sports: the offence of sports corruption (Article 46(1)) and the offence of sports bribery (Article 46(2))]	<p>Article 46. 1. Whoever, in connection with sports competitions organised by a Polish sports association or an entity operating on the basis of an agreement concluded with that association, or an entity acting on its behalf, accepts a financial or personal benefit or a promise thereof, or demands such a benefit or promise in exchange for dishonest behaviour that may affect the result or course of those competitions, shall be subject to imprisonment for a term of between 6 months and 8 years.</p> <p>2. The same penalty shall be imposed on whoever, in the cases specified in paragraph 1, grants or promises to grant a financial or personal benefit.</p> <p>3. In less serious cases, the perpetrator of the act specified in paragraph 1 or 2 shall be subject to a fine, restriction of liberty or imprisonment for up to 2 years.</p> <p>4. If the perpetrator of the act specified in paragraph 1 or 2 accepts a financial benefit of significant value or a promise thereof, or grants such a benefit or promise thereof, or demands such a benefit or promise thereof, they shall be subject to imprisonment for a term of between one and ten years.</p>	III.A.2
the offence referred to in Article 47 of the Act on Sports [use of knowledge of an act prohibited under Article 46 in mutual betting]	<p>Article 47 Whoever, having knowledge of the commission of an offence referred to in Article 46, participates in mutual betting on sports competitions to which this knowledge relates, or discloses this knowledge for the purpose of another person participating in such betting, shall be subject to imprisonment for a term of between 3 months and 5 years.</p>	III.D
the offence referred to in Article 48 of the Act on Sports [corruption in sport: the offence of paid protection in sports (Article 48(1)) and the offence of bribery for paid protection in]	<p>Article 48. 1. Whoever, invoking influence in a Polish sports association or an entity operating on the basis of an agreement concluded with that association, or an entity operating on its behalf, or by convincing another person of the existence of such influence, or by confirming their belief in the existence of such influence, undertakes to mediate in determining a specific result or course of a sports competition in exchange for a financial or personal benefit or a promise thereof, shall be subject to imprisonment for a term of between 6 months and 8 years.</p> <p>2. The same penalty shall be imposed on whoever grants or promises to grant a financial or personal benefit in exchange for mediation in determining the specific</p>	III.A.2

sports (Article 48(2))	<p>result or course of a sporting competition consisting in unlawfully influencing the behaviour of a person performing a function in a Polish sports association or an entity operating on the basis of an agreement concluded with that association, or an entity acting on its behalf in connection with the performance of that function.</p> <p>3. In less serious cases, the perpetrator of the act referred to in paragraph 1 or 2 shall be subject to a fine, restriction of liberty or imprisonment for up to 2 years.</p>	
<p>the offence referred to in Article 54(1)-(4) of the Act of 12 May 2011 on the reimbursement of medicines, foodstuffs for special nutritional purposes and medical devices</p> <p>[acceptance of financial or personal gain]</p>	<p>Article 54. 1. Whoever is involved in the manufacture or marketing of medicinal products, foodstuffs for special nutritional purposes or medical devices eligible for reimbursement from public funds who accepts a financial or personal benefit or a promise thereof, or demands such a benefit in exchange for conduct that influences:</p> <p>1) the level of trade in medicinal products, foodstuffs for special nutritional purposes or medical devices subject to reimbursement from public funds;</p> <p>2) the marketing or non-marketing of a specific medicinal product, foodstuff for special nutritional purposes or medical device eligible for reimbursement from public funds;</p> <p>shall be subject to imprisonment for a term of between 6 months and 8 years.</p> <p>2. The same penalty shall be imposed on any person authorised to issue prescriptions for medicines, foodstuffs for special nutritional purposes or medical devices reimbursable from public funds or orders referred to in Article 38(1), demands or accepts a financial or personal benefit or a promise thereof in exchange for issuing a prescription or order or refraining from issuing them.</p> <p>3. The same penalty shall apply to any person who, being a supplier of medicines, foodstuffs for special nutritional purposes or medical devices to a healthcare provider, or being a healthcare provider or a person representing a healthcare provider, demands or accepts a material or personal benefit in exchange for the purchase of a medicine, foodstuff for special nutritional purposes or medical device eligible for reimbursement from public funds.</p> <p>4. The same penalty shall apply to whoever, in the cases specified in paragraphs 1-3, grants or promises to grant a financial or personal benefit.</p>	III.A.2
<p>financing of terrorist offences referred to in Article 165a of the Criminal Code</p>	<p>Article 165a Whoever collects, transfers or offers means of payment, financial instruments, securities, foreign currency, property rights or other movable or immovable property with the intention of financing a terrorist offence or making them available to an organised group or association whose purpose is to commit such an offence, or to a person participating in such a group or association, shall be subject to imprisonment for a term of between 2 and 12 years.</p>	III.A.5
	<p>Article 299 § 1. Whoever accepts, possesses or uses means of payment, financial instruments, securities, foreign exchange, property rights or other movable or immovable property derived from the proceeds of a prohibited act, accepts, possesses, uses, transfers or exports abroad, conceals, transfers or converts them, assists in the transfer of their ownership or possession, or takes other actions that may prevent or significantly impede the determination of their criminal origin or location, their detection, seizure or forfeiture, shall be subject to imprisonment for a</p>	

thwarting or hindering the determination of the criminal origin of money or concealing its origin, as referred to in Article 299 of the Criminal Code [money laundering]	<p>term of between 6 months and 8 years.</p> <p>§ 2. The penalty specified in § 1 shall be imposed on any person who, being an employee or acting on behalf of or for a bank, financial or credit institution or other entity which is required by law to register transactions and persons carrying out transactions, accepts, contrary to the provisions of law, means of payment, financial instruments, securities, foreign exchange values, transfers or converts them, or accepts them in other circumstances giving rise to reasonable suspicion that they are the subject of an act specified in § 1, or provides other services intended to conceal their criminal origin or services to protect them from seizure.</p> <p>§ 3. <i>(repealed)</i></p> <p>§ 4. <i>(repealed)</i></p> <p>§ 5. If the perpetrator commits an act specified in § 1 or 2, acting in concert with other persons, they shall be subject to imprisonment for a term of between one and ten years.</p> <p>§ 6. The perpetrator shall be subject to the penalty specified in § 5 if, by committing the act specified in § 1 or 2, they obtain a significant financial gain.</p> <p>§ 6a. Whoever makes preparations for the offence specified in § 1 or 2 shall be subject to imprisonment for up to 3 years.</p> <p>§ 7. In the event of a conviction for an offence specified in § 1 or 2, the court shall order the forfeiture of items derived directly or indirectly from the offence, as well as the benefits from that offence or their equivalent value, even if they are not the property of the perpetrator. Confiscation shall not be ordered in whole or in part if the object, benefit or its equivalent is subject to return to the victim or another entity.</p> <p>§ 8. A person who voluntarily disclosed to the authority appointed to prosecute offences information concerning persons involved in the commission of an offence and the circumstances of its commission shall not be punished for the offence specified in § 1 or 2, if this prevented the commission of another offence; if the perpetrator made efforts to disclose this information and circumstances, the court shall apply extraordinary mitigation of the penalty.</p>	III.A.5
a terrorist offence referred to in Article 115 § 20 of the Criminal Code, or an offence aimed at committing such an offence	<p>Article 115 § 20. A terrorist offence is a prohibited act punishable by imprisonment for a maximum term of at least 5 years, committed with the aim:</p> <ol style="list-style-type: none"> 1) to seriously intimidate many people; 2) forcing a public authority of the Republic of Poland or another state or an international organisation to take or refrain from taking specific actions; 3) causing serious disruption to the political system or economy of the Republic of Poland, another country or international organisation; <p>– as well as the threat of committing such an act.</p>	III.A.4
outsourcing work to a minor foreigner referred to in Article 9(2) of the Act of 15 June 2012 on the consequences of		

outsourcing work to foreigners staying illegally in the territory of the Republic of Poland (Journal of Laws, item 769)	Article 9. 2. The same penalty shall be imposed on whoever outsources work to a minor foreigner residing without a valid document entitling them to stay in the territory of the Republic of Poland.	III.A.6
offences against economic turnover referred to in Articles 296-307 of the Criminal Code with the exception of Article 299	Article 296. § 1. Whoever, being obliged under the provisions of a statute, a decision of a competent authority or a contract to deal with the property or economic activity of a natural person, a legal person or an organisational unit without legal personality, by abusing the powers granted to him or failing to fulfil his obligations, causes significant financial damage to that person, shall be subject to imprisonment for a term of between 3 months and 5 years.	III.D
	<p>§ 1a. If the perpetrator referred to in § 1, by abusing the powers granted to them or failing to fulfil their obligations, causes a direct risk of significant financial damage, he shall be subject to imprisonment for up to 3 years.</p> <p>§ 2. If the perpetrator of the offence referred to in § 1 or 1a acts for financial gain, they shall be subject to imprisonment for a term of between 6 months and 8 years.</p> <p>§ 3. If the perpetrator of the offence referred to in § 1 or 2 causes property damage on a large scale, they shall be subject to imprisonment for a term of between one and ten years.</p> <p>§ 4. If the perpetrator of the offence referred to in § 1 or 3 acts unintentionally, they shall be subject to imprisonment for up to 3 years.</p> <p>§ 4a. If the injured party is not the State Treasury, the offence specified in § 1a shall be prosecuted at the request of the injured party.</p> <p>§ 5. A person who voluntarily repaired the damage in full before the commencement of criminal proceedings shall not be subject to punishment.</p> <p>Art. 296a. § 1. Whoever, while performing a managerial function in an organisational unit conducting business activity or while being in an employment relationship, contract of mandate or contract for specific work with such a unit, demands or accepts a financial or personal benefit or a promise thereof in exchange for the abuse of their powers or failure to fulfil their obligations, which may cause financial damage to that entity or constitute an act of unfair competition or an unacceptable preferential treatment of the purchaser or recipient of goods, services or benefits, shall be subject to imprisonment for a term of between 3 months and 5 years.</p> <p>§ 2. The same penalty shall be imposed on whoever, in the cases specified in § 1, grants or promises to grant a financial or personal benefit.</p> <p>§ 3. In less serious cases, the perpetrator of an act specified in § 1 or 2 shall be subject to a fine, restriction of liberty or imprisonment for up to 2 years.</p> <p>§ 4. If the perpetrator of the act specified in § 1 causes significant financial damage, they shall be subject to imprisonment for a term of between 6 months and 8 years.</p> <p>§ 5. The perpetrator of any offence specified in § 2 or § 3 in conjunction with § 2 shall not be subject to punishment if the financial or personal gain or promise thereof was accepted and the perpetrator notified the law enforcement authority of this fact and</p>	

	<p>disclosed all relevant circumstances of the offence before the authority became aware of it.</p> <p>Art. 296b. (repealed).</p> <p>Art. 297. § 1. Whoever, in order to obtain for themselves or for another person, from a bank or an organisational unit conducting similar economic activity on the basis of a statute, or from an authority or institution disposing of public funds, a credit, cash loan, surety, guarantee, letter of credit, subsidy, grant, confirmation by a bank of an obligation resulting from a surety or guarantee or a similar monetary benefit for a specific economic purpose, payment instrument or public procurement, submits a forged, altered, untrue or unreliable document or an unreliable written statement concerning circumstances of significant importance for obtaining the aforementioned financial support, payment instrument or procurement, shall be subject to imprisonment for a term of between 3 months and 5 years.</p> <p>§ 2. The same penalty shall be imposed on whoever, contrary to their obligation, fails to notify the competent entity of a situation that may affect the suspension or reduction of the amount of financial support referred to in § 1, or a public procurement contract, or the possibility of continuing to use a payment instrument.</p> <p>§ 3. A person who, prior to the initiation of criminal proceedings, voluntarily prevented the use of the financial support or payment instrument referred to in § 1, renounced the subsidy or public procurement contract, or satisfied the claims of the injured party shall not be subject to punishment.</p> <p>Art. 298. § 1. Whoever, in order to obtain compensation under an insurance contract, causes an event giving rise to the payment of such compensation shall be subject to imprisonment for a term of between 3 months and 5 years.</p> <p>§ 2. Whoever voluntarily prevented the payment of compensation before the initiation of criminal proceedings shall not be subject to punishment.</p> <p>Art. 300. § 1. Whoever, in the event of imminent insolvency or bankruptcy, prevents or reduces the satisfaction of their creditor by removing, concealing, disposing of, donating, destroying, actually or apparently encumbering or damaging their assets, shall be subject to imprisonment for up to 3 years.</p> <p>§ 2. Whoever, in order to prevent the enforcement of a court or other state authority ruling, prevents or diminishes the satisfaction of their creditor by removing, concealing, disposing of, donates, destroys, actually or apparently encumbers or damages components of their property that have been seized or are at risk of seizure, or removes signs of seizure, shall be subject to imprisonment for a term of between 3 months and 5 years.</p> <p>§ 3. If the act referred to in § 1 has caused damage to multiple creditors, the perpetrator shall be subject to imprisonment for a term of between 6 months and 8 years.</p> <p>§ 4. If the injured party is not the State Treasury, the offence specified in § 1 shall be prosecuted at the request of the injured party.</p> <p>Art. 301. § 1. Whoever, being a debtor to several creditors, prevents or limits the</p>	
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	<p>satisfaction of their claims by creating a new business entity based on legal provisions and transferring their assets to it, shall be subject to imprisonment for a term of between 3 months and 5 years.</p> <p>§ 2. The same penalty shall be imposed on whoever, being a debtor to several creditors, causes their bankruptcy or insolvency.</p> <p>§ 3. Whoever, being a debtor to several creditors, recklessly causes their own bankruptcy or insolvency, in particular by squandering parts of their assets, incurring liabilities or entering into transactions that are clearly contrary to the principles of economic management, shall be subject to a fine, restriction of liberty or imprisonment for up to 2 years.</p> <p>Art. 302. § 1. Whoever, in the event of imminent insolvency or bankruptcy, being unable to satisfy all creditors, repays or secures only some of them, thereby acting to the detriment of the others, shall be subject to a fine, restriction of liberty or imprisonment for up to 2 years.</p> <p>§ 2. Whoever grants or promises to grant a creditor a financial benefit for acting to the detriment of other creditors in connection with bankruptcy proceedings or proceedings aimed at preventing bankruptcy shall be subject to imprisonment for up to 3 years.</p> <p>§ 3. The same penalty shall be imposed on a creditor who, in connection with the proceedings referred to in § 2, accepts or demands a benefit for acting to the detriment of other creditors.</p> <p>Art. 303. § 1. Whoever causes financial damage to a natural person, legal person or organisational unit without legal personality by failing to keep business records or by keeping them in an unreliable or untruthful manner, in particular by destroying, removing, concealing, altering or forging documents relating to such activity, shall be subject to imprisonment for up to 3 years.</p> <p>§ 2. If the perpetrator of the offence referred to in § 1 causes significant financial damage, they shall be subject to imprisonment for a term of between 3 months and 5 years.</p> <p>§ 3. In less serious cases, the perpetrator of the offence referred to in § 1 shall be subject to a fine, restriction of liberty or imprisonment for up to one year.</p> <p>§ 4. If the injured party is not the State Treasury, the offence specified in § 1-3 shall be prosecuted at the request of the injured party.</p> <p>Art. 304. Whoever, taking advantage of the coercive position of another natural person, legal person or organisational unit without legal personality, concludes a contract with them, imposing on them an obligation disproportionate to the consideration, shall be subject to imprisonment for up to 3 years.</p> <p>Art. 305. § 1. Whoever, for the purpose of obtaining financial gain, thwarts or hinders a public tender or enters into an agreement with another person acting to the detriment of the owner of the property or the person or institution for which the tender is being conducted, shall be subject to imprisonment for up to 3 years.</p> <p>§ 2. The same penalty shall be imposed on whoever, in connection with a public</p>	
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	<p>tender, disseminates information or conceals material circumstances relevant to the conclusion of the contract being tendered, or enters into an agreement with another person, acting to the detriment of the owner of the property or the person or institution for which the tender is being conducted.</p> <p>§ 3. If the injured party is not the State Treasury, the offence referred to in § 1 or 2 shall be prosecuted at the request of the injured party.</p> <p>Art. 306. Whoever removes, counterfeits or alters identification marks, the date of manufacture or the expiry date of goods or equipment shall be subject to imprisonment for up to 3 years.</p> <p>Art. 307. § 1. In the case of a perpetrator of any offence specified in Art. 296 or 299-305 who has voluntarily repaired the damage in full, the court may apply extraordinary mitigation of the penalty or even refrain from imposing it.</p> <p>§ 2. In the case of a perpetrator of any offence referred to in § 1 who has voluntarily repaired the damage in a significant part, the court may apply extraordinary mitigation of the penalty.</p>	
the offence of fraud referred to in Article 286 of the Criminal Code	<p>Art. 286. § 1. Whoever, for the purpose of obtaining financial gain, causes another person to dispose of their own or another person's property to their disadvantage by misleading them or exploiting their error or inability to properly understand the action taken, shall be subject to imprisonment for a term of between 6 months and 8 years.</p> <p>§ 2. The same penalty shall be imposed on whoever demands financial gain in exchange for the return of unlawfully taken property.</p> <p>§ 3. In less serious cases, the perpetrator shall be subject to a fine, restriction of liberty or imprisonment for up to 2 years.</p> <p>§ 4. If the act referred to in § 1-3 was committed to the detriment of a close relative, prosecution shall take place at the request of the victim.</p>	III.A.3
offences against the authenticity of documents referred to in Articles 270-277 of the Criminal Code	<p>Art. 270. § 1. Whoever, for the purpose of using it as authentic, forges or alters a document or uses such a document as authentic, shall be subject to a fine, restriction of liberty or imprisonment for a term of between 3 months and 5 years.</p> <p>§ 2. The same penalty shall be imposed on whoever fills in a form bearing another person's signature contrary to the will of the signatory and to their detriment, or who uses such a document.</p> <p>§ 2a. In less serious cases, the perpetrator shall be subject to a fine, restriction of liberty or imprisonment for up to 2 years.</p> <p>§ 3. Whoever makes preparations for the offence specified in § 1 shall be subject to a fine, restriction of liberty or imprisonment for up to 2 years.</p> <p>Art. 270a. § 1. Whoever, for the purpose of using it as authentic, forges or alters an invoice in terms of facts that may be relevant for determining the amount of a public law liability or its refund, or the refund of another tax liability or such an invoice as authentic, shall be subject to imprisonment for a term of between 6 months and 8 years.</p> <p>§ 2. If the perpetrator commits the act specified in § 1 with regard to an invoice or invoices containing a total amount due whose value or total value is greater than five</p>	III.D

	<p>times the amount specifying property of great value, or has made the commission of the offence a permanent source of income, they shall be subject to imprisonment for a term of not less than 3 years.</p> <p>§ 3. In less serious cases, the perpetrator of the act specified in § 1 or 2 shall be subject to a fine, restriction of liberty or imprisonment for up to 2 years.</p> <p>Art. 271. § 1. A public official or other person authorised to issue a document who certifies therein a falsehood concerning circumstances of legal significance shall be subject to imprisonment for a term of between 3 months and 5 years.</p> <p>§ 2. In less serious cases, the perpetrator shall be subject to a fine or restriction of liberty.</p> <p>§ 3. If the perpetrator commits the act specified in § 1 in order to obtain financial or personal gain, they shall be subject to imprisonment for a term of between 6 months and 8 years.</p> <p>Art. 272. Whoever obtains a false certificate by deceiving a public official or other person authorised to issue a document shall be subject to imprisonment for up to 3 years.</p> <p>Art. 273. Whoever uses a document referred to in Art. 271 or 272 shall be subject to a fine, restriction of liberty or imprisonment for up to 2 years.</p> <p>Art. 274. Whoever disposes of their own or another person's identity document shall be subject to a fine, restriction of liberty or imprisonment for up to 2 years.</p> <p>Art. 275. § 1. Whoever uses a document confirming the identity of another person or their property rights, or steals or appropriates such a document, shall be subject to a fine, restriction of liberty or imprisonment for up to 2 years.</p> <p>§ 2. The same penalty shall be imposed on whoever unlawfully transports, transfers or sends abroad a document confirming the identity of another person or their property rights.</p> <p>Art. 276. Whoever destroys, damages, renders useless, conceals or removes a document which they do not have the right to dispose of shall be subject to a fine, restriction of liberty or imprisonment for up to 2 years.</p> <p>Art. 277. Whoever destroys, damages, removes, moves or renders invisible border signs, or falsely displays them, shall be subject to a fine, restriction of liberty or imprisonment for up to 2 years.</p>	
fiscal offences	[Pursuant to Article 53 § 2 of the Act of 10 September 1999 – Fiscal Penal Code (Journal of Laws of 2020, item 19, as amended), a fiscal offence shall be construed as an act prohibited by this code under penalty of a daily fine, restriction of liberty or imprisonment]	III.A.3
Article 9(1) and (3) or Article 10 of the Act on the consequences	<p>Article 9. 1. Whoever, at the same time, outsources work to several foreigners residing without a valid document entitling them to stay in the territory of the Republic of Poland, shall be subject to a fine or restriction of liberty.</p> <p>3. The penalty specified in paragraph 1 shall be imposed on whoever, in connection with their business activity, persistently outsources work to a foreigner residing without a valid document authorising them to stay in the territory of the Republic of</p>	

of outsourcing work to foreigners staying in the territory of the Republic of Poland in violation of the regulations	<p>Poland.</p> <p>Art. 10. 1. Whoever outsources work to a foreigner residing without a valid document authorising them to stay in the territory of the Republic of Poland under conditions of particular exploitation, shall be subject to imprisonment for up to 3 years.</p> <p>2. The same penalty shall be imposed on whoever outsources work to a foreigner residing without a valid document entitling them to stay in the territory of the Republic of Poland who is a victim of the offence referred to in Article 189a § 1 of the Act of 6 June 1997 – Criminal Code (Journal of Laws No. 88, item 553, as amended, v. 3)).</p>	III.C; section on environmental law, social law and labour law
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