

**SELF-DECLARATION REGARDING COMPLIANCE WITH PARTICIPATION CONDITIONS**  
(Art. 26(2) of the federal act on public procurement (PPA) and Article 29c of the Ordinance on measures in connection with the situation in Ukraine)

**1. Payment of taxes and social insurance contributions and the avoidance of conflicts of interest, corruption and unlawful agreements affecting competition**

**We hereby confirm that**

- we have paid all due taxes and social insurance contributions;
- we shall take any such measures as are required to avoid unlawful agreements affecting competition with adverse consequences for SBB AG (e.g. price-fixing, market-sharing or rotation agreements) and desist from concluding any such unlawful agreements affecting competition;
- we shall take any such measures as are required to avoid conflicts of interest and corruption so as to ensure in particular that no unlawful payments or other benefits are offered or accepted;
- we shall subject any third parties appointed by us (sub-appointees, subcontractors and sub-suppliers) to the above-mentioned legal requirements.

**2. Compliance with provisions relating to health and safety at work, equal pay and environmental law**

**We hereby confirm that**

- we – and any third parties appointed by us – shall comply in full and at all times with the provisions relating to health and safety at work applicable at the contractual place of performance (including the stipulated safety regulations) and the terms of employment as well as the provisions governing equal pay for men and women (Art. 12 PPA and Art. 4 of the Public Procurement Ordinance (PPO) in respect of services provided in Switzerland;
- we – and any third parties appointed by us – shall comply in full and at all times with the Fundamental Conventions of the International Labour Organization (ILO, Art. 12(2) PPA) in respect of services provided abroad;
- we shall comply in full and at all times with the provisions of the Federal Act of 8 October 1999 on Workers Posted to Switzerland (Posted Workers Act, SR 823.20), where any work is performed by subcontractors that are resident or have their registered office abroad;

- we shall comply in full and at all times with reporting and approval requirements under the Federal Act of 17 June 2005 on Illegal Employment (IEA, SR 822.41);
- we – and any third parties appointed by us – shall comply with the legal requirements on the protection of the environment and the conservation of natural resources applicable at the place of performance;
- we shall subject any third parties appointed by us (sub-appointees, subcontractors and sub-suppliers) to the above-mentioned legal requirements.

The provisions relating to health and safety at work include the Employment Act (SR 822.11), the Working Hours Act (SR 822.21), the Accident Insurance Act (SR 832.20), the corresponding implementing regulations, the guidelines of the Federal Coordination Commission for Occupational Safety (FCOS) and the related directives and contractual specifications of SBB AG.

In particular Collective Employment Agreements (CEA) and statutory Standard Employment Contracts (SEC) serve as the basis for the working conditions in Switzerland. Affiliation to a CEA is not mandatory; however, the provisions of the CEAs valid for the sector must be observed even by non-affiliated providers. If there is no CEA or SEC, the actual conditions of employment customary in the particular place and sector shall be observed.

The provisions relating to environmental protection include, in Switzerland, the provisions of Swiss environmental law and, abroad, the international conventions on environmental protection designated by the Swiss Federal Council.

### **3. Sanctions lists**

#### **We hereby confirm that**

- we have not been included in the sanctions list kept by the Federal Government (according to Art. 45 PPA).
- we, as authorised representatives, hereby confirm that the tenderer and the subcontractors or providers called upon by us that account for more than 10% of the contract value, do not fall under the persons or companies referred to in Art. 29c of the Ordinance on measures in connection with the situation in Ukraine (SR 946.231.176.72, «Ordinance»), which have a connection with the Russian Federation in terms of said Ordinance article,

- a) through the Russian nationality<sup>1</sup>, residence or establishment of the tenderer in Russia,

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<sup>1</sup> With the exception of Russian nationals residing in Switzerland.

- b) through the participation in the tenderer, via the direct or indirect holding of more than 50% of shares of a natural person or a company to which one of the criteria under letter a applies,<sup>2</sup>
- c) through the tenderer acting on behalf of or at the instruction of persons or companies to which the criteria under letters a and/or b apply.

We confirm and ensure that also during the contract period no subcontractors or providers falling under the above-mentioned group of persons and accounting for more than 10% of the contract value will be called upon.

Legal notice: Deliberately false or misleading information on this form may result in administrative sanctions as well as consequences under procurement law.

We confirm the above-mentioned declarations and declare that we are willing to document them if requested with supporting documents not older than one year. At the same time, we authorise all competent authorities to provide SBB AG with information on the above points.

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<sup>2</sup> With the exception of tenderers that were established in Switzerland before 31 August 2022 and were already more than 50% directly or indirectly owned by persons to which one of the criteria in letter a applies before 31 August 2022.