

CONFIRMATION OF PERSONAL QUALIFICATIONS OF A LEGAL PERSON OR PARTNERSHIP TO ACT AS BALANCE RESPONSIBLE PARTY

The bodies authorised to represent

_____ towards third parties confirm to the authority that

1. The below-mentioned legal person or (general or limited) partnership is based in Austria, in another member state of the EU or another EEA member state.
2. The persons who have considerable control over the business of the below-mentioned legal person or partnership have never received, neither from a court in Austria nor a court abroad, a sentence of more than three months' imprisonment or payment of a fine of more than 180 daily rates which has not been served/paid or is not subject to restriction of information from the judicial records.
3. The persons who have considerable control over the business of the below-mentioned legal person or partnership have not, during the past five years, had to pay a fine of more than EUR 726 or been sentenced to imprisonment in addition to a fine for any of the following financial crimes: *Schmuggel* (smuggling); *Hinterziehung von Eingangs- und Ausgangsabgaben* (evasion of import/export duties); *Abgabenhehlerei* (handling of goods, or parts or products thereof, on which taxes or duties have been evaded) as defined in section 37(1)(a) of the *Finanzstrafgesetz* (Financial Crimes Act), *BGBI* (Federal Law Gazette) no 129/1958 in its current version; *Hinterziehung von Monopoleinnahmen* (evasion of tax on monopolistic revenues); *vorsätzlicher Eingriff in ein staatliches Monopolrecht* (deliberate encroachment upon the state's monopoly right); or of *Monopolhehlerei* (handling of monopoly goods, or parts or products thereof, on which taxes or duties have been evaded) as defined in section 46(1)(a) Financial Crimes Act. Neither have they, during the past five years, received punishment for such or similar financial crimes abroad.
4. The assets of the below-mentioned legal person or partnership have never been subject of any kind of bankruptcy or insolvency proceedings; there has been no application for the opening of such proceedings that was refused or such proceedings that have been dropped because the assets were judged to be insufficient to cover costs. Neither has this ever been the case abroad.
5. The assets of the persons who have considerable control over the business of the below-mentioned legal person or partnership have never been subject of any kind of bankruptcy or insolvency proceedings. These persons never had considerable control over the business of any other entity whose assets have ever been subject of any kind of bankruptcy or insolvency proceedings; or for which there has ever been an application for the opening of such proceedings that was refused or such proceedings that have been dropped because the assets were judged to be insufficient to cover costs.
6. The below-mentioned legal person or partnership acknowledges that the provision of untruthful information may lead to the procedure being resumed and the licence being revoked.

[full company name]

[Place and date of signature]
stamp with address]

[Authorised signature and company

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