PRILOG II DOKUMENTACIJE ZA NADMETANJE/ ANNEX II OF TENDER DOCUMENTATION

IZJAVA PONUDITELJA O NEPOSTOJANJU RAZLOGA ISKLJUČENJA/

STATEMENT REGARDING ABSENCE OF EXCLUSION CRITERIA

Nabava linije za proizvodnju stretcha/ Stretch Film Production Line Supply

Naziv i broj Grupe nabave/ Name and Lot number: \_\_\_\_\_\_\_\_\_\_\_

Radi dokazivanja nepostojanja situacija opisanih točkom 3.1. Dokumentacije za nadmetanje, a koje bi mogle dovesti do isključenja ponuditelja iz postupka javne nabave, dajem/For the purpose of proving the economic operator is not to be excluded from participation in this tender, I give the following

 I Z J A V U/ S T A T E M E N T

kojom ja \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ iz \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (ime i prezime) (adresa stanovanja)

OIB:\_\_\_\_\_\_\_\_\_, broj osobne iskaznice \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ izdane od \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

kao po zakonu ovlaštena osoba za zastupanje gospodarskog subjekta

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(naziv i sjedište gospodarskog subjekta, OIB)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ pod materijalnom i kaznenom odgovornošću izjavljujem da /

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (name) (address) OIB/Identification/Registration

Number)

Number of identity card \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ issued from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

as the authorised representative of the company

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(name and seat of the economic operator, OIB/ Identification/Registration Number)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

declare under penal and material responsibility:

1. ponuditelj niti osoba ovlaštena za zastupanje ponuditelja nisu pravomoćno osuđeni za bilo koje od sljedećih kaznenih djela odnosno za odgovarajuća kaznena djela prema propisima države sjedišta gospodarskog subjekta ili države čiji je državljanin osoba ovlaštena po zakonu za zastupanje gospodarskog subjekta/ The tenderer or the person authorised under the law to represent tenderer has not been convicted by final judgement for any of the following criminal acts or corresponding criminal acts under the legal provisions of the country in which the economic operator is established or of the country which a person authorised under the law to represent the economic operator is a citizen of:

a) prijevara (članak 236.), prijevara u gospodarskom poslovanju (članak 247.), primanje mita u gospodarskom poslovanju (članak 252.), davanje mita u gospodarskom poslovanju (članak 253.), zlouporaba u postupku javne nabave (članak 254.), utaja poreza ili carine (članak 256.), subvencijska prijevara (članak 258.), pranje novca (članak 265.), zlouporaba položaja i ovlasti (članak 291.), nezakonito pogodovanje (članak 292.), primanje mita (članak 293.), davanje mita (članak 294.), trgovanje utjecajem (članak 295.), davanje mita za trgovanje utjecajem (članak 296.), zločinačko udruženje (članak 328.) i počinjenje kaznenog djela u sastavu zločinačkog udruženja (članak 329.) iz Kaznenog zakona/ fraud (Article 236), fraudulent business activities (Article 247), accepting a bribe in business activities (Article 252), offering a bribe in business activities (Article 253), abuse in the public procurement procedure (Article 254), tax or customs duty evasion (Article 256), subsidy fraud (Article 258), money laundering (Article 265), abuse of position and powers (Article 291), illegal favouring (Article 292), accepting a bribe (Article 293), offering a bribe (Article 294), influence peddling (Article 295), influence peddling bribery (Article 296), criminal association (Article 328) and committing criminal act through criminal association (Article 329) under the

Criminal Code,

b)prijevara (članak 224.), pranje novca (članak 279.), prijevara u gospodarskom poslovanju (članak 293.), primanje mita u gospodarskom poslovanju (članak 294.a), davanje mita u gospodarskom poslovanju (članak 294.b), udruživanje za počinjenje kaznenih djela (članak 333.), zlouporaba položaja i ovlasti (članak 337.), zlouporaba obavljanja dužnosti državne vlasti (članak 338.), protuzakonito posredovanje (članak 343.), primanje mita (članak 347.) i davanje mita (članak 348.) iz Kaznenog zakona (»Narodne novine«, br. 110/97., 27/98., 50/00., 129/00., 51/01., 111/03., 190/03., 105/04., 84/05., 71/06., 110/07., 152/08., 57/11., 77/11. i 143/12.)/ fraud (Article 224), money laundering (Article 279), fraudulent business activities (Article 293), accepting a bribe in business activities (Article 294a), offering a bribe in business activities (Article 294b), association for committing criminal acts (Article 333), abuse of position and powers (Article 337), abuse of state power (Article 338), illegal mediation (Article 343), accepting a bribe (Article 347), and offering a bribe (Article 348) under the Criminal Code (Official Gazette 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11, and 143/12),

odnosno ponuditelj nije osuđen zbog svog profesionalnog ponašanje prema propisima države sjedišta gospodarskog subjekta/ and tenderer has not been convicted concerning their professional conduct, based on national legal provisions of the country of establishment .

1. ponuditelj je ispunio obvezu plaćanja dospjelih poreznih obveza i obveza za mirovinsko i zdravstveno osiguranje, osim ako mu prema posebnom zakonu plaćanje tih obveza nije dopušteno ili je odobrena odgoda plaćanja (primjerice u postupku predstečajne nagodbe)/ tenderer has not failed to fulfil the obligation to pay all outstanding tax liabilities and contributions for pension and health insurance, unless the economic operator was granted delayed payment of the said obligation under special regulations.

1. ponuditelj nije dostavio lažne podatke pri dostavi dokumenata koje je naručitelj naveo kao uvjet za sudjelovanje u postupku nabave/ tenderer has not submitted false information at the time of submitting documents on the basis of which it is determined whether or not the economic operator shall be excluded from participation

1. nad ponuditeljem nije otvoren stečaj, nije u postupku likvidacije, njime ne upravlja osoba postavljena od strane nadležnog suda, nije u nagodbi s vjerovnicima[[1]](#footnote-1), nije obustavio poslovne aktivnosti, nije predmetom sudskih postupaka zbog navedenih aktivnosti i nije u analognoj situaciji koja proizlazi iz sličnog postupka predviđenog nacionalnim zakonodavstvom ili propisima zemlje u kojoj ima poslovni nastan/ tenderer is not bankrupt, it is not being wound up or is in any stage of the bankruptcy proceeding, its affairs are not being administered by a person designated by the competent court, it has not entered into arrangement with creditors[[2]](#footnote-2),it has not suspended its business activities, or is not in a similar procedure under the national regulations of the country in which the tenderer is established.

te/and

1. ponuditelj nije u posljednje tri godine od dana početka postupka javne nabave učinio težak profesionalni propust odnosno nije kriv za neprofesionalno postupanje, a što Naručitelj može dokazati na bilo koji način/ tenderer has not committed grave professional misconduct in the previous three years up to the commencement of the public procurement procedure, which the Contracting Authority can prove by any means.

U \_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_/\_\_/20\_\_.

 ZA PONUDITELJA/ ON BEHALF OF THE TENDERER : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (ime, prezime i potpis ovlaštene osobe/ name, signature of the authorised representative)

1. Sklopljena predstečajna nagodba ne predstavlja nagodbu s vjerovnicima za potrebe ove dokumentacije [↑](#footnote-ref-1)
2. Pre-bankruptcy settlement does not represent the arrangement with creditors within the meaning of this documentation [↑](#footnote-ref-2)