

**DECLARATION FOR MEMBERS OF THE BOARD OF PENSIONS KASSEN
(pursuant to Article 9 nos. 9 and 10 of the *Pensionskassengesetz* (PKG; *Pensionskasse Act*))**

Name:

Company:

There are no non-erased convictions against me:

a) due to fraudulent withholding of social insurance contributions and additional contributions pursuant to the *Bauarbeiter-Urlaubs- und Abfertigungsgesetz* (BUAG; Construction Workers' Holidays and Severance Pay Act) (Article 153d of the *Strafgesetzbuch* (StGB; Penal Code)), organised illegal work (Article 153e StGB), defrauding of creditors, damage to third-party creditors, favouring of a creditor, grossly negligent impairment of creditor interests (Articles 156 to 159 StGB), or

b) as a result of another criminal act, resulting in the imposition of a custodial sentence of more than three months or a fine or more than 180 day fines. Furthermore, no comparable offences have been committed by me abroad.

During the past five years I have not been convicted by a fiscal offence prosecution authority of the financial offence of smuggling, the embezzlement of import or export duties and taxes, tax concealment according to Article 37 para. 1(a) of the *Finanzstrafgesetz* (FinStrG; Tax Offences Act), Federal Law Gazette no. 129/1958 as last amended, the embezzlement of monopoly income, wilful encroachment upon the monopoly privilege of the state, or concealment of monopoly in accordance with Article 46 para. 1(a) FinStrG*). I have also not been convicted of any comparable financial offence abroad during the last five years.

There have been no instances of bankruptcy proceedings being instituted on my assets or the assets of a legal entity other than a natural person over whose business I am or have been entitled to exert decisive influence**).

During the last three years no application for the institution of bankruptcy proceedings on my assets has been rejected in the form of a final and absolute legal decision due to a lack of assets deemed likely to be sufficient to cover the costs of the bankruptcy proceedings. Furthermore, no comparable situation has arisen abroad.

No decisive influence has been granted to me and I also have no entitlement to such influence over the operations of a legal person other than a natural person with regard to whose assets bankruptcy proceedings have not been instituted on the basis of a final and absolute legal decision due to a lack of assets deemed likely to be sufficient to cover the costs of the bankruptcy proceedings.

I furthermore confirm that no preliminary judicial examination has been instituted against me for an intentional offence punishable with a custodial sentence of more than one year.

In addition to my activity as a board member in the above company (applicable to multi-employer *Pensionskassen* only), I also exercise the following professions/activities:

Date:

Signature:

*) Punishments imposed for the above financial offences shall be deemed to be grounds for excluding personal reliability in the event of fines of more than €726 or a combined fine and custodial sentence if the punishment was handed down within the past five years. If a less severe penalty than described above has been imposed within the last five years, this should be declared separately.

**) Bankruptcy shall not (necessarily) be deemed a reason for excluding personal reliability if the bankruptcy proceedings resulted in forced composition or the conclusion of a reorganisation plan according to insolvency law, this plan having been complied with. If bankruptcy proceedings have led to forced composition or the conclusion of a reorganisation plan according to insolvency law, this should be declared separately.