



## PFR Ventures

### Appendix 3A – Declaration by Private Investor other than natural person/Corporate Private Investor

Sformatowano: Inny nagłówek pierwszej strony

to the Procedure for the call for investment proposals for the establishment of ~~corporate venture~~ capital funds financed under the BRIdge VC Programme through the PFR NCBR CVC FIZ and Private Investors' funds.

#### Details of the Private Investor other than natural person/Corporate Private Investor:

##### Address:

- country:
- town:
- street:
- house / flat number:
- postcode:
- Tax identification number (NIP)<sup>1</sup>:
- National Business Register number (REGON)<sup>2</sup>:
- Number of entry in the national court register (KRS)<sup>3</sup>:

##### Contact data:

- phone:
- email address:

Declared amount of contribution by the Private Investor other than a natural person/Corporate Private Investor to the **EVCCapital** Fund (in PLN):

### PRIVATE INVESTOR'S STATEMENT

I/We, the undersigned, representing the Private Investor operating under the corporate name of \_\_\_\_\_ ("**Investor**") hereby represent and warrant that:

#### 1. Status and authorisation of the Investor

- 1.1. The Investor has been duly incorporated and operates in compliance with the governing law of the place of incorporation and/or registration of the Investor.
- 1.2. The Investor has full capacity and authorisation to fulfil the declaration to make a private contribution to the **EVCCapital** Fund.
- 1.3. Required consents:

<sup>1</sup> or its equivalent where the Investor has its registered office outside the territory of Poland.

<sup>2</sup> ditto

<sup>3</sup> ditto



The Investor's private contribution is not conditional upon obtaining any consent, approval, notice or registration by any public administration body, local government or any other authority and/or third party (including under any agreement or arrangement).

The private contribution is conditional upon:

.....  
.....  
.....

1.4. The Investor is not in liquidation or bankruptcy, nor have public collective insolvency proceedings been initiated against the Investor for the purpose of rescue, adjustment of debt, reorganisation or liquidation within the meaning of Article 1 (1) (without the last sentence) of Regulation (EU) 2015/848 on insolvency proceedings (OJ L 14, 5.6.2015, p. 19).

1.5. The Investor meets the definition of an independent private investor within the meaning of Article 2 (72) of Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.6.2014, p. 1).

## 2. The Investor's private contribution

2.1. The Investor declares to make a private contribution to the EVCCapital Fund in the amount of PLN \_\_\_\_\_.<sup>4</sup> The Investor has the necessary resources sufficient to finance the Investor's private contribution to the EVCCapital Fund on the terms of the Tender submitted by \_\_\_\_\_.<sup>5</sup>

2.2. The funds that the Investor has earmarked as private contribution to the EVCCapital Fund originate from the Investor's own funds and are not encumbered in any way and are free from any public support and/or state aid, and in particular they do not constitute public funds as defined in the Act of 27 August 2009 on public finance (Journal of Laws of 2016, item 1829, as amended).

2.3. The funds earmarked by the Investor as private contribution which the Investor declares to make to the EVCCapital Fund do not breach, nor does the use thereof breach any provisions of the Act of 16 November 2000 on the prevention of money laundering and the financing of terrorism (Journal of Laws of 2017, item 1049, as amended), in particular, the making of the private contribution in the declared amount does not constitute money laundering or serve the financing of terrorism.

## 3. Consent to due diligence in the event the Tender is selected through the Call

3.1. The Investor consents to the conduct, before signing the Investment Agreement, by the Call Organiser or its professional advisers, of due diligence of the Investor in order to verify the Investor's legal and financial capacity to make the private contribution in the declared amount. For this purpose, at the request of the Call Organiser or its professional advisers, the Investor agrees to deliver to the Call Organiser or to its professional advisers, in particular, any

<sup>4</sup> Please enter here the amount of the declared contribution.

<sup>5</sup> Please enter here the details of the Tenderer in connection with whose Tender this declaration is made.

documents confirming the Investor's possession of the private contribution and showing the Investor's ownership structure.

#### 4. Conflict of interest

**4.1st** The Investor represents that there is no conflict of interest regarding its management and supervisory bodies for any of the reasons set out in §11 of the Call Rules.

**4.2nd** The Investor declares that I will immediately notify the Call Organiser of any circumstances constituting a conflict of interest rendering untrue the statement in Section 4.1 above.

#### 5. Other statements

**5.1.** The Investor consents to the disclosure by the Call Organiser, at any time, of information about the Investor, received in connection with the Tender, to entities belonging to the corporate group of which the Call Organiser is a member, and to TFI BGK, BGK, PARP, NCBR and the competent ministry in charge of management of the SG OP (managing authority).

~~**5.2.** The persons representing the Investor consent to the processing of the personal data contained in any documents submitted in connection with the Tenderer's Tender (including the data contained in this statement) by the Call Organiser or other authorised entities for purposes related to the analysis of the Tender, in compliance with the Act of 29 August 1997 on protection of personal data (Journal of Laws No 2016, item. 922).~~

~~**5.3.5.2.**~~ I hereby undertake to keep confidential any and all documentation, data and information obtained from PFR NCBR CVC or the Call Organiser, in particular data constituting business secrets within the meaning of Article 280 of the Act of 27 May 2004 on investment funds and the management of alternative investment funds (Journal of Laws of 2016, item 1896) (hereinafter referred to as the "Act"), which the [Tenderer/Private Investor/Corporate Investor] may come into my possession in the course of the Call procedure.

#### 6. Information on the processing of personal data

Personal data contained in any documents submitted in relation to the Tender (with the data contained in the present statement included) is processed by PFR Ventures and/or PFR NCBR CVC and other authorized entities for purposes related to the analysis of the Tender, in accordance with legal regulations and complies with the conditions set forth under Art. 6(1)(c) of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (hereinafter referred to as "GDPR") – personal data is necessary for the implementation of the 2014-2020 Smart Growth Operational Program, inter alia pursuant to:

- 1) Regulation (EU) 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006;
- 2) the Act of 11 July 2014 on the implementation of cohesion policy-related programs funded under the 2014–2020 financial perspective

The provision of data is necessary for participation in the tendering procedure.

I hereby acknowledge that:

- a) The personal data included in the wording of the Tender, processed as part of the data set titled “2014-2020 Smart Growth Operational Program” are controlled by the minister relevant for regional development, with their seat at the Ministry of Investment and Development, at ul. Wspólna 2/4, 00-926 Warsaw, acting in the capacity of the Smart Growth Operational Program’s Managing Institution. PFR Ventures and PFR TFI act to the order of the National Centre for Research and Development – an Intermediary Institution, with whom the Data Administrator has entered into an agreement for implementation Sub-measure 1.3.2 Public-private support for R&D work with capital fund participation – BRIDGE VC.
- b) the personal data are processed in accordance with personal data protection regulations, for the purpose of acquiring and selecting tenders for financial intermediaries of PFR NCBR CVC FIZ AN,
- c) the scope of the data processed includes data presented in the Tender, i.e: first and last name, address, telephone number, e-mail, website address, information on business activity/company name, description of professional experience,
- d) the expected recipient of the personal data is PFR Ventures Sp. z o.o.; PFR NCBR CVC FIZ AN and entities authorized to control the activity of PFR Ventures Sp. z o.o., in relation to the management of the closed-end non-public investment fund portfolio (in particular the Polish Financial Supervision Authority and PFR TFI SA); in relation to funding agreements under the 2014-2020 Smart Growth Operational Program (in particular the Ministry of Investment and Development and National Centre for Research and Development), as well as other authorized entities, for purposes related to analyzing the Tender,
- e) I have the right to access, amend and supplement my data, and to object their processing, and have the right to lodge a complaint to the President of the Data Protection Office, if the processing thereof is performed in violation of GDPR;
- f) the personal data may be disclosed to other entities authorized pursuant to applicable legal regulations;
- g) the personal data included in the Tender will be processed over the term of the program, for archiving and control-related purposes; they may be stored over a period of time set forth in the regulations concerned with the provision of EU-funded financial support;
- h) the personal data will not be processed in an automated manner (including profiling)
- i) I may contact the Data Protection Officer appointed by the Controller, by sending an e-mail to: [iod@miir.gov.pl](mailto:iod@miir.gov.pl), or the data processor, at: [kontakt@pfrventures.pl](mailto:kontakt@pfrventures.pl)

_____ Signature
_____ Date, place

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