

Guarantee

regarding a legal entity established in the Union or in an associated country and controlled by a non-associated third country or a non-associated third-country entity to be eligible as a recipient or a subcontractor in accordance with REGULATION (EU) 2021/697 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 29 April 2021 establishing the European Defence Fund and repealing Regulation (EU) 2018/1092

[Name of the legal entity], established in Sweden and controlled by a non-associated third country or by a non-associated third-country entity (hereinafter referred to as “the Legal entity”), hereby guarantees, in order to be eligible as a recipient or subcontractor involved in the action in accordance with REGULATION (EU) 2021/697, as follows.

1. The Legal entity assures that its involvement in the action will not contravene the security and defence interests of the Union and its Member states as established in the framework of the Common foreign and Security Policy (CFSP) pursuant to Title V of the Treaty on European Union (the “TEU”), or objectives set out in Article 3 REGULATION (EU) 2021/697.
2. The Legal entity assures the compliance with the provision of Article 20 and 23 REGULATION (EU) 2021/697.
3. The Legal entity assures that, for the purpose of the action, measures are in place to ensure that:
 - (a) the control by the non-associated third country or the non-associated third-country entity over the Legal entity is not exercised in a manner that restrains or restricts its ability to carry out the action and to deliver results, that imposes restrictions concerning its infrastructure, facilities, assets, resources, intellectual property or know-how needed for the purpose of the action, or that undermines its capabilities and standards necessary to carry out the action;
 - (b) access by a non-associated third country or by a non-associated third-country entity to sensitive information relating to the action is prevented and the employees or other persons involved in the action have national security clearance issued by a Member State or an associated country, where appropriate;
 - (c) ownership of the intellectual property arising from, and the results of, the action remain within the recipient during and after completion of the action, are not subject to control or restriction by a non-associated third country or by a non-associated third-country entity, and are neither exported outside the Union or outside associated countries nor accessible from outside the Union or outside associated countries, without the approval of the Member State or the associated country in which the legal entity is established and in accordance with the objectives set out in Article 3 REGULATION (EU) 2021/697.

[Name of the Legal entity]

[Place and date]

.....
Name:

Title:

Signature: _____

Approval:

The Swedish Defence Materiel Administration (*swe*: Försvarets materielverk) authorised by the government of the Kingdom of Sweden and the Legal entity have entered into an agreement regarding approval of guarantees from the Legal entity, in relation to the Commission in accordance with article 9.4 of the Regulation, so that the Legal entity, which is controlled by a non-associated third country or by a unit in a non-associated third country, may be eligible as a recipient or subcontractor involved in the action (Annex, Agreement). Approval of such guarantees by the FMV is only valid if the Legal entity fulfils its obligations in accordance with the agreement.

Taking this into account the Swedish Defence Materiel Administration, authorised by the government of the Kingdom of Sweden, hereby approves the above-mentioned guarantee.

Försvarets materielverk

[Place and date]

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Name:

Title:

Annex:

AGREEMENT - regarding approval of guarantees for an Legal entity established in the Union and controlled by an associated third country or a by an associated third-country entity to be eligible Legal entity in accordance with REGULATION (EU) 2021/697 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 29 April 2021 establishing the European Defence Fund and repealing Regulation (EU) 2018/1092 - between The Swedish Defence Materiel Administration, authorised by the Kingdom of Sweden and [XXX]

Signature: _____