

Guarantee

regarding an undertaking established in the Union and controlled by a third country or by a third-country entity to be eligible entity in accordance with REGULATION (EU) 2018/1092 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of the 18 July 2018

[Name of the undertaking], established in Sweden and controlled by a third country or by a third-country entity (hereinafter referred to as “the Undertaking”), hereby guarantees, in order to be eligible as a beneficiary or subcontractor involved in the action in accordance with REGULATION (EU) 2018/1092, as follows.

1. The Undertaking assures that it’s 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 pursuant to Title V of the TEU, or objectives set out in Article 3 REGULATION (EU) 2018/1092.
2. The Undertaking assures the compliance with the provision of Article 12 REGULATION (EU) 2018/1092.
3. The Undertaking assures that, for the purpose of the action, measures are in place to ensure that:
 - (a) control over the Undertaking 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 third country or by a 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 clearances, where appropriate;
 - (c) ownership of the intellectual property arising from, and the results of, the action remain within the beneficiary during and after completion of the action, are not subject to control or restriction by a third country or by a third-country entity, and are not exported outside the Union nor is access to them from outside the Union granted without the approval of the government of the Kingdom of Sweden and in accordance with the objectives set out in Article 3 REGULATION (EU) 2018/1092.

[Name of the Undertaking]

[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 Undertaking have entered into an agreement regarding approval of guarantees from the Undertaking, in relation to the Commission in accordance with article 7.4 of the Regulation, so that the Undertaking, which is controlled by a third country or by a unit in a third country, may be eligible, subject to article 15.2 of the Regulation, as a beneficiary or subcontractor involved in the action (Annex, Agreement). Approval of such guarantees by the FMV is only valid if the Undertaking fulfils its obligations in accordance with the agreement.

Taking this into account the Swedish Defence Materiel Administration (*swe*: Försvarets materielverk) authorised by the government of the Kingdom of Sweden hereby approves the above-mentioned guarantee.

Försvarets materielverk

[Place and date]

.....

Name:

Title:

Annex:

AGREEMENT - regarding approval of guarantees for an undertaking established in the Union and controlled by a third country or a by a third-country entity to be eligible entity in accordance with REGULATION (EU) 2018/1092 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of the 18 July 2018 - between The Swedish Defence Materiel Administration (*swe*: Försvarets materielverk) authorised by the the government of the Kingdom of Sweden and [XXX]

Signature: _____