

CONFIDENTIALITY DECLARATION

of

.....
(full company name)

We hereby declare that:

- All files and documents and all information during the tendering procedure for the “Feasibility Study for applying socio-economic criteria in case of capacity shortages” delivered by RailNetEurope (RNE) to us on paper or by electronic way are confidential information.
- All files and documents and all information shall be used by us only for the purposes of participating in the tendering procedure for the above-mentioned Feasibility Study.
- We ensure that we will keep entirely secret and confidential all confidential information.

The tenderer shall ensure that confidential information exchanged between him and RNE remains confidential and is not disclosed or transmitted to any unauthorised third person or legal entity or used for any purposes other than those intended.

The tenderer must not disclose the information referred to above by any means whatever the reason is including orally, directly or indirectly to third parties:

- unless RNE agrees expressly in written form;
- unless it is requested by any requirement of mandatory law.

The tenderer is obliged to ensure that its employees and subcontractors also obey these provisions. This obligation shall remain in effect without restrictions also after the end of the tendering procedure.

The tenderer is further obliged to permanently delete all build scripts and all other files and all relevant documentation after the end of the tendering procedure for the Feasibility Study.

In case of a breach of the tenderer’s confidentiality obligations, the tenderer is obligated to pay RNE a penalty of € 30.000,- regardless of culpability. Further claims of RNE remain unaffected (in particular warranty claims and claims for damages).

This Confidentiality Declaration shall be governed by the Austrian law.

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Place and date

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Signature of the legal representative