

**Contract of concession No. 1.8-2/1217-1
AMENDMENT AGREEMENT No. 1**

The Republic of Estonia, through the Ministry of Social Affairs, registration code 70001952, located at Suur-Ameerika 1, 10122 Tallinn, represented by the Chancellor Maarjo Mändmaa (hereinafter referred to as the 'Contracting authority'), on the basis of the statutes, and

All Soft Corp s.r.o (formerly known as Alexix s.r.o), registration code 36866865, located at Stare Grunty 1/B 84104 Bratislava, Slovak Republic, represented by Jana Rovčaninová (hereinafter referred to as the 'Contractor'),
hereinafter collectively referred to as 'the parties' and separately as 'the party',

whereas:

- (i) *the Ministry of Social Affairs and Alexix s.r.o concluded the contract of concession No. 1.8-2/1217-1 (hereinafter referred to as 'the contract') on 28 September 2020 as a result of public procurement No. 223543, which will be valid until 27 September 2025. The expected total value of the contract is EUR 240,000;*
- (ii) *Pursuant to clause 3.1 of the contract, the contractor will issue unique identifiers for unit packets up to 0.00029 EUR/UID, exclusive of VAT, possibly supplemented by VAT in accordance with the procedures laid down by the law;*
- (iii) *Pursuant to Clause 4.1 of the contract, the service will be provided in accordance with the conditions laid down in the contract and its annexes and in accordance with the European Union and Estonian legislation to which they refer. More detailed requirements for the provision of the service are laid down in the European Commission Implementing Regulation 2018/574;*
- (iv) *European Commission Implementing Regulation No 2023/448 amends Implementing Regulation (EU) 2018/574 on technical standards for the establishment and operation of a traceability system for tobacco products. The amendment will enter into force on 21 December 2023;*
- (v) *EU Regulation 2023/448 adds the requirement to add a human-readable code to the UID machine-readable code, resulting in additional technical requirements, amendments to the information flow and storage;*
- (vi) *Pursuant to clause 10.3 of the contract, the parties may amend the contract under the terms and conditions set out in § 123 of the Public Procurement Act;*
- (vii) *Pursuant to clause 4 of subsection 1 of § 123 of the Public Procurement Act, a public contract may be amended if the amendment is caused by circumstances unforeseeable to a diligent contracting authority or entity, whereas the overall nature of the public contract is not amended and the value of the public contract does not increase by more than 50% of the original value of the public contract as a result of any amendment;*
- (viii) *the amendment of Implementing Regulation 2018/574 and the imposing of new requirements in the form of the introduction of Regulation No 2023/448 was unforeseeable to the contracting authority or entity at the time of concluding the contract;*
- (ix) *The contractor has requested an increase in the cost of the UID to EUR 0.00046483;*
- (x) *The request of the contractor for increasing the contract value is justified as the platform for UID issuance services is undergoing significant changes due to the amendment of the Implementing Regulation, such as the addition of new functionalities and the adaptation of existing functionalities to comply with the requirements amended by the European Commission Implementing Regulation No 2023/448. The total value of the contract will not increase by more than 50% of the initial value of the contract.*

have agreed between the parties to amend the contract of concession No. 1.8-2/1217-1 of 28 September 2020 (hereinafter referred to as the 'contract') as follows:

1. Clause 3.1. of the contract will be amended to read as follows:
'3.1. The contractor will undertake to issue unique identifiers for unit packets up to 0.00046483 EUR/UID, exclusive of VAT, possibly supplemented by VAT in accordance with the procedures laid down by the law.'

2. Clause 4.1 of the contract will be amended to read as follows:
'4.1. The service will be provided in accordance with the conditions laid down in the contract and its annexes and in accordance with the European Union and Estonian legislation to which they refer. More detailed requirements for the provision of the service are established in the European Commission Implementing Regulations 2018/574 and 2023/448'.
3. Leave the remaining clauses of the contract unamended.
4. The agreement will enter into force on 21 December 2023.
5. The agreement has been drawn up in two copies, one copy for each party and each copy bearing the same legal effect.

Contracting authority

19 December 2023. a

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Contractor

20 December 2023. a

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