

Self-declaration on honour for the European blockchain regulatory sandbox

The EU Commission has procured the set up and operation of the European blockchain regulatory sandbox and has selected a consortium (hereinafter referred to as ‘**the consortium**’) led by the international law firm Bird & Bird AARPI and its consulting arm OXYGY for this task. The consortium is supported by blockchain experts from WBNoDE (operating under the name Warren Brandeis). The selection of use cases will be supervised by a panel of three independent experts.

This is the self-declaration on honour for parties wishing to submit the application form for the European blockchain regulatory sandbox or wishing to participate in a consortium for such an application.

A. DECLARATION ON HONOUR ON EXCLUSION CRITERIA

The undersigned _____, in the capacity of legal representative of the following legal person (hereinafter referred to as ‘**the person**’):

- Full official name:
- Official legal form:
- Statutory registration number:
- Full official address:

I – SITUATIONS OF EXCLUSION CONCERNING THE PERSON

(1) declares that the person is not in one of the following situations:	CONFIRM
(a) it is bankrupt, subject to insolvency or winding-up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under Union or national law;	
(b) it has been established by a final judgement or a final administrative decision that the person is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;	
(c) it has been established by a final judgement or a final administrative decision that the person is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:	
(i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of eligibility or selection criteria or in the performance of a contract or an agreement;	
(ii) entering into agreement with other persons or entities with the aim of distorting competition;	
(iii) violating intellectual property rights;	
(iv) attempting to influence the decision-making process of the contracting authority during the award procedure;	
(v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;	
(d) it has been established by a final judgement that the person is guilty of any of the following:	
(i) fraud, within the meaning of Article 3 of Directive (EU) 2017/1371 and Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995;	
(ii) corruption, as defined in Article 4(2) of Directive (EU) 2017/1371 or active corruption within the meaning of Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997, or	

conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA, or corruption as defined in other applicable laws;	
(iii) conduct related to a criminal organisation, as referred to in Article 2 of Council Framework Decision 2008/841/JHA;	
(iv) money laundering or terrorist financing, within the meaning of Article 1(3), (4) and (5) of Directive (EU) 2015/849 of the European Parliament and of the Council;	
(v) terrorist offences or offences related to terrorist activities as well as of inciting, aiding, abetting or attempting to commit such offences as defined in Articles 3, 14 and Title III of Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism;	
(vi) child labour or other offences concerning trafficking in human beings as referred to in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;	
(e) it has shown significant deficiencies in complying with the main obligations in the performance of a contract or an agreement financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by a contracting authority, the European Anti-Fraud Office (OLAF) or the Court of Auditors;	
(f) it has been established by a final judgment or final administrative decision that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;	
(g) it has been established by a final judgment or final administrative decision that the person has created an entity in a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations in the jurisdiction of its registered office, central administration or principal place of business.	
(h) it has been established by a final judgment or final administrative decision that the person has been created with the intent referred to in point (g).	
(2) declares that, for the situations referred to in points (1) (c) to (1) (h) above, in the absence of a final judgement or a final administrative decision, the person is not :	
(i) subject to facts established in the context of audits or investigations carried out by the European Public Prosecutor's Office, the Court of Auditors, or the internal auditor, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;	
(ii) subject to non-final judgments or non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;	
(iii) subject to facts referred to in decisions of entities or persons being entrusted with EU budget implementation tasks;	
(iv) subject to information transmitted by Member States implementing Union funds;	
(v) subject to decisions of the Commission relating to the infringement of Union competition law or of a national competent authority relating to the infringement of Union or national competition law;	
(vi) informed, by any means, that it is subject to an investigation by the European Anti-Fraud office (OLAF): either because it has been given the opportunity to comment on facts concerning it by OLAF, or it has been subject to on-the-spot checks by OLAF in the course of an investigation, or it has been notified of the opening, the closure or of any circumstance related to an investigation of the OLAF concerning it.	

II – SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS WITH POWER OF REPRESENTATION, DECISION-MAKING OR CONTROL OVER THE PERSON AND ITS BENEFICIAL OWNERS

(3) declares that a natural or legal person who is a member of the administrative, management or supervisory body of the person, or who has powers of representation, decision or control with regard to the person (this covers e.g. company directors, members of management or supervisory bodies, and cases where one natural or legal person holds a majority of shares), or a beneficial owner of the person (as defined by point 6 of Article 3 of Directive (EU) No 2015/849) is not in one of the following situations:	CONFIRM
Situation (1)(c) above (grave professional misconduct)	
Situation (1)(d) above (fraud, corruption or other criminal offence)	
Situation (1)(e) above (significant deficiencies in performance of a contract)	
Situation (1)(f) above (irregularity)	
Situation (1)(g) above (creation of an entity with the intent to circumvent legal obligations)	
Situation (1)(h) above (person created with the intent to circumvent legal obligations)	

III – OTHER GROUNDS FOR REJECTION FROM THIS PROCEDURE

(4) that the person was not :	CONFIRM
previously involved in the preparation of procurement documents used in this selection procedure, where this entailed a breach of the principle of equality of treatment including distortion of competition that cannot be remedied otherwise.	

IV – EVIDENCE UPON REQUEST

Upon request and within the time limit set by the consortium, the person must provide information on natural or legal persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control, including legal and natural persons within the ownership and control structure and beneficial owners and appropriate evidence that none of those persons are in one of the exclusion situations referred to in (1) (c) to (f).

It must also provide the following evidence concerning the person itself and the natural or legal persons on whose capacity the person intends to rely, or a subcontractor and concerning the natural or legal persons which assume unlimited liability for the debts of the person:

- For situations described in points (1): (a), (c), (d), (f), (g) and (h) above, a recent extract from the judicial record or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the person showing that those requirements are satisfied.
- For the situations described in point (1) (a), (b), recent certificates issued by the competent authorities of the the country of establishment. These documents must provide evidence covering all taxes and social security contributions for which the person is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions. Where any document described above is not issued in the country of establishment, it may be replaced by a sworn statement made before a judicial authority or notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

The above-mentioned person must immediately inform the contracting authority of any changes in the situations as declared.

The above-mentioned person may be subject to rejection from this procedure and to administrative sanctions (exclusion or financial penalty) if any of the declarations or information provided as a condition for participating in this procedure prove to be false.

Full name of legal representative:

Date:

Signature*:

****The declaration is to be signed with:***

1. Handwritten signature:

Please fill it in electronically (make sure that all questions are answered), then print it and have it signed and dated by your legal representative(s)

2. Electronic signature:

In case you have the possibility to sign the declaration using a qualified electronic signature (QES), you can have it signed electronically by your authorised representative(s). Please note that only the qualified electronic signature (QES) within the meaning of Regulation (EU) No 910/2014 (eIDAS Regulation) will be accepted.

Before sending back your electronically signed document, please check the signature and validity of the certificate with one of the following tools:

- DSS Demonstration validation tool available at <https://ec.europa.eu/cefdigital/DSS/webapp-demo/validation> can help you check the validity of a certificate by indicating the number and type of valid signatures in a document.
- EU Trusted List Browser can be consulted in order to check whether the electronic signature provider and the trust service it provides are part of European Union Trusted List: <https://webgate.ec.europa.eu/tl-browser/#>.

To make sure you use a QES compliant to eIDAS Regulation, you need to check that both the service provider and the qualified certificate generation service used are included in the EU Trusted List Browser.