Supplier affirmation concerning sanctions and supplement to contract terms and conditions

## Sanctions imposed by the European Union and the United Nations

1. The European Union and/or UN have imposed and may in future impose sanctions through legislation and/or decisions of their institutions. The Supplier affirms that

## no sanctions referred to above have been imposed on[[1]](#footnote-1)

* + the Supplier,
  + members of the administrative, management or supervisory body of the Supplier or persons exercising control, representation or supervision power of the Supplier,
  + the Supplier’s direct or indirect owners,
  + subcontractors participating in producing the goods or providing the services under this contract,
  + members of the administrative, management or supervisory body of such subcontractors or persons exercising control, representation or supervision power of such subcontractors, and
  + the direct or indirect owners of such subcontractors,

1. the Supplier must immediately inform the Finnish Transport and Communications Agency (hereinafter ‘Traficom’) if sanctions are imposed on any of the parties referred to in point (a) and
2. the activities provided for in this contract and the use of the goods produced or services provided by the Supplier and its subcontractors do not violate the aforementioned sanctions.

The Supplier shall without delay provide the Traficom information on its subcontractors, direct or indirect owners, and other beneficiaries. The Supplier also undertakes to notify Traficom without delay if the payments relating to the procurement may indirectly or directly be made available to a party subject to sanctions.

1. If
2. the European Union and/or UN impose sanctions on the Supplier or on one of the parties referred to in section 1(a) above or
3. payments relating to the procurement may indirectly or directly be made available to a party subject to the sanctions referred to herein, Traficom may terminate this contract effective immediately either entirely or with respect to those goods or services subject to sanctions.
4. If these affirmations are violated, the Supplier is liable to compensate Traficom for all damage it incurs without limitation of liability.

## European Union Decision

Furthermore, the Council of the European Union has on 8 April 2022 amended its Decision 2014/512/CFSP of 31 July 2014 by making it prohibited to award or continue the execution of any public or concession contract falling within the scope of Directives on public procurement to or with:

(a) a Russian national, or a natural or legal person, entity or body established in Russia;

(b) a legal person, entity or body whose proprietary rights are directly or indirectly owned for more than 50% by an entity referred to in point (a) of this paragraph; or

(c) a natural or legal person, entity or body acting on behalf or at the direction of an entity referred to in point (a) or (b), including, where they account for more than 10% of the contract value, subcontractors, suppliers or entities whose capacities are being relied on within the meaning of Directives on public procurement.”

The Supplier declares that none of the circumstances referred to in points (a) to (c) above apply to the Supplier or any of its beneficiaries referred to above.

Upon request, the Supplier shall provide the Finnish Transport and Communications Agency, without delay, with information on its direct or indirect owners, subcontractors and other beneficiaries. The Supplier also commits to declaring immediately to the Finnish Transport and Communications Agency if payments associated with the procurement may reach parties referred to in points (a) to (c).

If these affirmations are violated, the Supplier is liable to compensate Traficom for all damage it incurs without limitation of liability.   
  
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Place and date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_   
Company name and Business ID

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
Signature, title and name in block capitals

1. In accordance with the [EU Best Practices for the effective implementation of restrictive measures](https://data.consilium.europa.eu/doc/document/ST-8519-2018-INIT/en/pdf), the criterion to be taken into account when assessing whether a legal person or entity is owned by another person or entity is the possession of more than 50% of the proprietary rights of an entity or having majority interest in it If this criterion is satisfied, it is considered that the legal person or entity is owned by another person or entity. The EU Best Practices list eight criteria to be taken into account when assessing whether a legal person or entity is controlled by another person or entity, alone or pursuant to an agreement with another shareholder or other third party. If just one of these criteria is met, it is considered that the legal person or entity is controlled by another person or entity, unless the contrary can be established on a case by case basis. The criteria include having the right or exercising the power to appoint or remove a majority of the members of the administrative or management body; controlling, pursuant to an agreement with other shareholders, a majority of the members of the administrative or management body; having the right to use all or part of the assets of a legal person. [↑](#footnote-ref-1)