

INSTRUCTIONS FOR COMPLETING THE DECLARATION:

THE LEGAL REPRESENTATIVE OR AUTHORISED ATTORNEY, ACTING IN THE NAME AND ON BEHALF OF ALL PERSONS MENTIONED IN PARAGRAPH 3 OF ARTICLE 94 OF THE PUBLIC CONTRACTS CODE, MUST MAKE THIS DECLARATION ON BEHALF OF INDIVIDUALS OCCUPYING ONE OR MORE OF THE FOLLOWING POSITIONS:

NOTE:

- STAMP OF THE COMPETING COMPANY;
- FOR ALTERNATIVES, PLEASE TICK THE BOX REFERRING TO THE EXISTING CIRCUMSTANCE;

To
CAP Holding SpA
Via Rimini, 38
20142 - MILANO (Italy)

I, undersigned _____, born in _____, on _____, in my capacity as _____ (indicate the title, whether Owner, Legal Representative, Sole Director or other person with powers of representation) of the Company _____, with registered office in _____, postcode _____, street and number _____, tax code _____, VAT ID No _____, telephone no: _____, P.E.C. (certified email address) _____ e-mail - _____ assuming full responsibility, pursuant to and for the purposes of Articles 46 and 47 of Presidential Decree No 445/2000, as amended, being aware of the criminal sanctions provided for by Article 76 of the said Presidential Decree for the cases of falsity in deeds and mendacious declarations indicated therein; being aware of the fact that where a false declaration or false documentation has been submitted, the contracting authority, in implementation of the provisions of Article 96, paragraph 15 of Legislative Decree No 36/2023, shall notify ANAC; being aware that false declarations incur a financial penalty, as outlined in Article 222, paragraph 13, of Legislative Decree No 36/2023, imposed by ANAC itself.

REQUEST

to be admitted to the CAP Group Supplier Register in the **list of START UPS and INNOVATIVE SMEs**

I HEREBY DECLARE

in my own name and on my own behalf, in the name and on behalf of the economic operator intended according to Legislative Decree No 231/2001, and in the name and on behalf of all the persons indicated below, to the best of my knowledge:

Name and Surname of the person referred to in paragraph 3 - Art. 94 - Legislative Decree No 36/2023	Date and place of birth	Tax code	Address	Qualification
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Members of the **Board of Directors** entrusted with legal representation, including **proxies** ,

(IF APPLICABLE) Board of Statutory Auditors (full and alternate auditors) and/or Legal Auditor natural person

(IF APPLICABLE) Supervisory Body

(IF APPLICABLE) Technical Director

(IF APPLICABLE) De Facto Administrator

<i>(IF APPLICABLE)</i> Attorneys General and Special Attorneys				
<i>(IF APPLICABLE)</i> Sole Shareholder Natural Person				
<i>(IF APPLICABLE)</i> Administrators Sole Shareholder Legal Person				

- that the shareholders' register () of this *Company* contains the shareholders listed below, holding the shares/equity shares shown next to each of them:

_____ %
 _____ %
 _____ %
 _____ %
 _____ %
 _____ %
 _____ %
 _____ %

total 100 %

with reference to Article 94 of Legislative Decree No 36/2023:

Art 94 paragraph 1 of Legislative Decree 36/2023

- that no final conviction sentence has been passed against me and there is no criminal conviction order that has become irrevocable for the offences listed in points (a) – (b) - (c) – (d) – (e) – (f) – (g) – (h).

[or]

that I have been convicted of the offences referred to in paragraph 1, letters (a), (b), (c), (d), (e), (f), (g), (h) of Article 94 of Legislative Decree No 50/2016 36/2023 by the following final conviction sentences or criminal conviction orders that have become irrevocable

✓ Final conviction sentences (indicate the person referred to in para. 3, Art. 94 of Legislative Decree No 36/2023 - number - date - rule violated, penalty applied): -

✓ Criminal conviction orders that have become irrevocable (indicate the person referred to in para. 3, Art. 94 of Legislative Decree No 36/2023 - number - date - rule violated, penalty applied): _____

Art 94 paragraph 2 of Legislative Decree 36/2023

that there are no grounds for disqualification, suspension or prohibition as stipulated in Article 67 of the Code of Anti-Mafia Laws and Prevention Measures, in accordance with Legislative Decree No 159/2011, or any attempted mafia infiltration pursuant to Article 84, paragraph 4 of the same code. The provisions outlined in Article 88, paragraph 4-bis, Article 92 paragraph 2 and Article 92 paragraph 3 of the code referenced in Legislative Decree No 159/2011 regarding anti-mafia communications and information shall remain unchanged. The exclusion criteria specified in Article 84 paragraph 4 of the same code referenced to in Legislative Decree No 159 of 2011 will not be applicable in the case the company, by the date of submitting the registration application, has been placed under judicial supervision pursuant to Article 34-bis of the same code.

Art 94 paragraph 5 letter (a)

that I have not been subject to the disqualification penalty mentioned in Article 9 paragraph 2 letter (c) of Legislative Decree No 231/2001 or any other sanction that includes the prohibition to engage in contracts with the public administration, including the disqualification measures specified in Article 14 of Legislative Decree No 81/2008.

Art 94 paragraph 5 letter (b)

that I have adhered to the regulations concerning the labour rights of disabled individuals pursuant to Art. 17 of Law 68/1999 and obtained the relevant certification.

[or]

that I am exempt from the regulations pertaining to the labour rights of disabled individuals under Law 68/1999 for the following reasons:

_____;

Art 94 paragraph 5 letter (d)

that I am neither subject to judicial liquidation nor in a state of compulsory winding up, composition with creditors; that I am not in the process of being admitted to one of those procedures, without prejudice to the provisions of Art. 95 of the Business Crisis and Insolvency Code referenced in Legislative Decree No. 14 of 12 January 2019, of Article 186-bis paragraph 5 of Royal Decree No 267 of 16 March 1942 and of Article.

Art 94 paragraph 5 letter (e)

that I am not registered in the electronic register kept by the ANAC Observatory for having submitted false statements or false documents in tender procedures or subcontract awarding. The grounds for exclusion persist as long as the entry in the electronic register is in effect;

Art 94 paragraph 5 letter (f)

that I am not registered in the electronic register kept by the ANAC Observatory for having submitted false statements or false documents for the purposes of the issuance of the qualification certificate, for the period during which the registration remains in force;

Art 94 paragraph 6 – Tax compliance

that I have not incurred any definitively established serious violations of obligations related to the payment of taxes and duties, as per the applicable legislation;

[or]

(if no) indicate any certification of payment or commitment to payment formalised before the date of signing this declaration.

_____;

Art 94 paragraph 6 – contributions and social security compliance

that I have not incurred any definitively established serious violations of obligations concerning social security contributions (D.U.R.C., certificate of contributions compliance), as per the applicable legislation;

[or]

(if no)

indicate any certification of payment or commitment to payment formalised before the date of signing this declaration _____

(Regarding paragraph 6 above, it is important to note that exclusion does not apply if the economic operator has met its obligations by settling or making a binding commitment to pay the due taxes or social security contributions, including any interest or penalties. Alternatively, exclusion does not apply if the tax or social security debt has been fully settled, provided that the settlement, payment or commitment was completed prior to the date on which this declaration was signed).

In this regard, the competitor shall enclose with this declaration appropriate documentation proving compliance with the above requirements)

with reference to Article 95 of Legislative Decree No 36/2023:

Art 95 paragraph 1 letter (a)

that I have not engaged in any substantiated serious violations, supported by suitable evidence, of the regulations concerning occupational health and safety, as well as the environmental, social and labour obligations laid down by European and national legislation, collective agreements and the international provisions outlined in Annex 10 to Directive 2014/24/EU of the European Parliament and of the Council dated 26 February 2014.

Art 95 paragraph 1 letters (b) and (c)

that there are no grounds for exclusion under Article 95 paragraph 1 letter (b) and (c) of Legislative Decree No 36/2023;

Art 95 paragraph 1 letter (d)

that in connection with another participant in tender procedures initiated through the Supplier Register, I am involved in a situation that can be traced back to a single decision-making centre as a result of agreements with other economic operators.

[or]

I am in a situation that can be traced back to a single decision-making centre with the company/companies

which participate(s) in tenders launched with the Supplier Register, and I undertake to qualify in different categories and classes

Art. 95 paragraph 1 letter (e)

that I have not committed serious professional misconduct, as defined in Article 98 of Legislative Decree No 36/2023, which would cast doubt on my integrity or reliability.

CAP Group is certified according to UNI ISO 37001 Anti-bribery management systems and is particularly sensitive and attentive to the prevention of bribery and corruption in the awarding of public contracts. For this purpose, CAP Group deems relevant the presence of any pending charges concerning persons mentioned in Article 94 of Legislative Decree No 36/2023, including for the discretionary assessments entrusted to the contracting authority as outlined in Article 95 paragraph 1(e). For this purpose, the economic operator applying for registration in the Register must declare the existence of any pending charges, which will be evaluated by the CAP Group for admission to the Register.

- ✓ In accordance with and for the purposes of paragraph 2 of Article 96 of Legislative Decree No 36/2023, a person falling under the situations outlined in Article 94 (excluding paragraph 6) and Article 95 (excluding paragraph 2) is permitted to demonstrate that they have compensated or committed to compensating for any damages resulting from the offence, that they have fully clarified the facts and circumstances by actively cooperating with the investigating authorities, and have implemented concrete technical, organisational and personnel-related measures to prevent further offences. The assessment by the contracting authority and the provisions of paragraph 7 of Article 96 remain unaffected. In this regard

I HEREBY DECLARE

- that I have compensated or have undertaken to compensate for any *damages resulting from the offence, that I have fully clarified the facts and circumstances by actively cooperating with the investigating authorities, and have implemented concrete technical, organisational and personnel-related measures to prevent further offences* (indicate the measures taken):

- the impossibility of having taken such measures prior to the submission of the application and to undertake to comply pursuant to Art. 96, paragraph 4 of Legislative Decree 36/2023

(the applicant shall enclose with this declaration appropriate documentation proving compliance with the above requirements).

Art 95 paragraph 2 - tax compliance

- that I have not incurred **any definitively established** serious violations of obligations related to the payment of taxes and duties, as per the applicable legislation;
- [or]**
- (if no) indicate any certification of payment or commitment to payment formalised before the date of signing this declaration.

_____;

Art 95 paragraph 2 - regularity of social security contributions

- that I have not committed any serious, **not definitively ascertained** violations of my obligations concerning social security and welfare contributions (D.U.R.C., certificate of contributions compliance), according to the relevant legislation;
- [or]**
- (if no)
indicate any certification of payment or commitment to payment formalised before the date of signing this declaration _____

(Regarding paragraph 6 above, it is important to note that exclusion does not apply if the economic operator has met its obligations by settling or making a binding commitment to pay the due taxes or social security contributions, including any interest or penalties. Alternatively, exclusion does not apply if the tax or social security debt has been fully settled, provided that the settlement, payment or commitment was completed prior to the date on which this declaration was signed, or where the economic operator has compensated the tax debt with certified claims against the public administration).

In this regard, the competitor shall enclose with this declaration appropriate documentation proving compliance with the above requirements)

I ALSO HEREBY DECLARE

- a. that I am not in any of the incompatible conditions mentioned in Article 53, paragraph 16-ter, of Legislative Decree No 165/2001 and Article 21, paragraph 1, of Legislative Decree No 39/2013.
- b. that I have taken full knowledge of the General Section of the Regulation of the Supplier Register and its attached special parts, published on the website <https://www.gruppocap.it/en> and I unconditionally accept all the provisions, rules and principles contained therein;
- c. that I undertake to notify any change in the general requirements (such as, but not limited to, changes in company structure, new appointments) and specific requirements (e.g., alterations in SOA certificate, inclusion in any registers) within a period of 10 days.
- d. to be registered on the CAP Group purchasing platform (<https://acquisti.gruppocap.it/web/default.shtml>), acknowledging that being invited to tender procedures via the Suppliers' Register is a requisite condition.
- e. that I undertake to comply with the requirements of Legislative Decree 81/2008 and that I have complied with safety obligations within my company;
- f. that I am familiar with the provisions of Legislative Decree No 231/2001 and in particular with the 'CAP Group Ethical Commitment', which can be viewed on the company website <https://www.gruppocap.it/en/the-group/governance/ethics-and-corporate-compliance> and that I carry out my activities in such a way as to avoid the occurrence of conduct relevant under the aforementioned decree. The adoption by the supplier of conduct that initiates legal proceedings aimed at ascertaining their relevance pursuant to Legislative Decree No 231/2001, as amended and supplemented, and of which the Company has become aware in any way, shall entitle the latter to withdraw from the contract for just cause;
- g. that I am aware that CAP Group is certified according to UNI ISO 37001 Anti-bribery management systems and is particularly sensitive and attentive to the prevention of bribery and corruption in the awarding of public contracts. For this purpose, CAP Group deems relevant the presence of any pending charges concerning persons mentioned in Article 94 of Legislative Decree No 36/2023, including for the discretionary assessments entrusted to the contracting authority as outlined in Article 95 paragraph 1(e). For this purpose, the economic operator applying for registration in the

Supplier Register must declare the existence of any pending charges, which will be evaluated by the CAP Group for admission to the tender process.

- h. that I authorise the processing of personal data in accordance with GDPR Regulation (EU) No 2016/679/EU of 27 April 2016;
- i. that I am aware, pursuant to and for the purposes of Article 13 of the GDPR Regulation (EU) No 2016/679/EU of 27 April 2016, that the personal data collected shall be processed, also with IT tools, exclusively within the scope of the procedure for which this declaration is made.

This declaration is considered confirmed for the entire duration of the supplier list, unless otherwise communicated. Cap Holding S.p.A. is therefore authorised to carry out the necessary checks.

Place and date, _____

STAMP AND SIGNATURE IN FULL