

REGULATION

FOR THE ESTABLISHMENT AND MANAGEMENT OF A LIST OF START-UPS,

INNOVATIVE SME'S, NEWLY ESTABLISHED MICRO-ENTERPRISES

September 2023

Contents

Art. 1 – Purpose

Art. 2 – Scope and sustainability principles of CAP Group's purchases

Art. 3 – List structure

Art. 4 – Eligible companies

Art. 5 – Validity of the list and duration of registration

Art. 6 – Procedure for registration in the Supplier Register

Art. 7 – Application rejection

Art. 8 – Application submission procedure

Art. 9 – Procedure for updating the economic operators list

Art. 10 – Communications

Art. 11 – Reasons for removal

Art. 12 – Reasons for suspension

Art. 13 – Organisational, Management and Control - Model pursuant to Legislative Decree 231/2001

Art. 14 – CAP Group's ethical commitment

Art. 15 – Privacy policy - Personal data processing

Art. 16 – Jurisdiction.

Art. 17 – Publication.

Art. 1 Purpose

CAP Holding S.p.A. together with AMIACQUE S.r.l., a company under the management and coordination of CAP HOLDING S.p.A. (jointly: CAP Group with registered office in Milan (Italy) – Via Rimini 38), both operating in the management of the integrated water service, drafted this Regulation to govern the establishment and management of a list of START UPs, INNOVATIVE SMEs for the promotion of innovative goods and services and NEWLY ESTABLISHED MICRO-ENTERPRISES for the promotion of small businesses, based on the principles established by the EU in the document 'Small Business Act'.

Request for registration to the list implies acceptance of all the rules and provisions contained in this Regulation.

Art. 2 Scope and sustainability principles of CAP Group's purchases

This Regulation applies to START UPs, INNOVATIVE SMEs and NEWLY ESTABLISHED MICRO-ENTERPRISES that qualify in the sections dedicated to them. For anything not expressly provided for in this document, please refer to the 'SUPPLIER REGISTER REGULATION - GENERAL SECTION'.

Sustainability is a key part of CAP Group's values and an integral part of its business strategy. This is a complex and ambitious goal that CAP Group wishes to achieve together with all its suppliers. It involves sharing problems and solutions, as well as processes of common growth and on-going improvement.

CAP Group's relationship with its suppliers is based on principles of legality, transparency, propriety, trust and cooperation.

This CAP Group's Regulation highlights the importance of cooperation with suppliers in order to create a supply chain that is aimed not only to the quality of the products or services but also to the environment and the social and working conditions in which the work, products or services to be supplied are conceived and realised.

CAP Group invites suppliers to share and implement the principles expressed in this Regulation throughout their own supply chains. This Regulation also refers to and endorses the principles set out in Art. 3 'General Terms and Conditions of Sustainability', Art. 4 'Ethics', Art. 5 'Labour', Art. 6 'Quality, Health, Safety and Environment' and Art. 7 'Management Systems of the Supplier Register Regulation – Special Section'

CAP Group provides for the formation and periodic review of three lists organised as follows for each of the following categories:

- START UPS
- INNOVATIVE SMEs
- NEWLY ESTABLISHED MICRO-ENTERPRISES

Art. 4- Eligible companies

START UPS, INNOVATIVE SMEs and NEWLY ESTABLISHED MICRO-ENTERPRISES that meet the requirements as defined below are eligible to register:

START UPS

- <https://www.mise.gov.it/index.php/it/impresa/competitivita-e-nuove-imprese/start-up-innovative>

According to the relevant legislation (Legislative Decree 179/2012, Art. 25, paragraph 2), an innovative start-up is a limited company, also incorporated as a cooperative company, that meets the following objective requirements:

- is a new enterprise or one incorporated no more than five years ago;
- is based in Italy, or in another country of the European Economic Area but has its production site or branch in Italy;
- has an annual turnover of less than EUR 5 million;
- is not listed on a regulated market or multilateral trading facility;
- does not and has not distributed profits;
- has as its sole or main business purpose the development, production and commercialisation of a product or service with high technological value;
- is not the result of a merger, demerger or transfer of a company branch;

Finally, a start-up is innovative if it meets at least 1 of the following 3 subjective criteria:

1. incurs R&D and innovation expenditure equal to at least 15% of the higher value between turnover and cost of production;
2. employs highly qualified personnel (at least 1/3 PhD graduates, PhD students or researchers, or at least 2/3 with Master's degrees);
3. is the owner, custodian or licensee of at least one patent or holder of registered software.

INNOVATIVE SMEs

- <https://www.mise.gov.it/index.php/it/impresa/piccole-e-medie-imprese/pmi-innovative>

According to the relevant legislation (Legislative Decree 3/2015, Art. paragraph 4), an innovative SME is a limited company, also incorporated as a cooperative company, that meets the following objective requirements:

- is based in Italy, or in another country of the European Economic Area but has its production site or branch in Italy;
- certified the latest financial statements and consolidated financial statements, if any;
- is not listed on a regulated market;
- is not simultaneously registered in the special section of innovative start-ups.

Finally, an SME is innovative if it meets at least 2 of the following 3 subjective criteria:

1. incurred R&D and innovation expenditure equal to at least 3% of the higher value between turnover and cost of production;
2. employs highly qualified personnel (at least 1/3 PhD graduates, PhD students or researchers, or at least 1/3 with Master's degrees):
3. is the owner, custodian or licensee of at least one patent or holder of registered software.

NEWLY ESTABLISHED MICRO-ENTERPRISES

Independent micro-enterprises defined according to the parameters identified in the European Community Recommendation 2003/361/EC (OJEU L124 of 20.05.2003) and in the implementing Decree of the Ministry of Production Activities of 18.04.2005 (OJ 238/2005) and incorporated less than 5 years ago are taken into consideration.

The company's status will be verified based on the application's signing date, considering information from the most recent and approved financial statements.

An enterprise is considered independent if it has no association or connection with other enterprises in accordance with Article 3 of the Decree of the Ministry of Production Activities of 18.04.2005 (OJ 238/2005).

	Micro-enterprise
a) Employees	Less than 10
b) Turnover	Not exceeding €2 million
	Or
c) Total assets	Not exceeding €2 million

The two requirements in (a) and (b) or (a) and (c), depending on the most suitable combination for the enterprise, are cumulative, in the sense that both must be met.

Turnover, which corresponds to item A.1 of the income statement drafted in accordance with the current provisions of the Civil Code, is understood to be the net turnover which includes the proceeds from the sale of products and the provision of services that fall within the company's ordinary activities, less discounts granted on sales as well as value-added tax and other taxes directly related to turnover.

Employees are defined as those employed by the company on a fixed-term or permanent-term basis, registered in the company's worker register and associated with the company by employment contracts, with the exception of paid furloughed employees for company-internal reasons.

The annual turnover and total assets are those of the last financial year ended and approved prior to application's signing date; for companies exempted from keeping ordinary accounting records and/or preparing financial statements, the aforementioned information is taken, as far as turnover is concerned, from the last tax return submitted and, as far as total assets are concerned, from of the statement of assets and liabilities drafted in accordance with the criteria outlined in Presidential Decree No 689 of 23 December 1974 and in accordance with Articles 2423 et seq. of the Civil Code.

The number of employees corresponds to the number of annual work units (AWU), i.e., the average monthly number of employees employed full-time within a year, with part-time and seasonal employees representing fractions of AWUs.

For companies the first year's financial statements of which has not been yet approved on the application signing date, or companies exempt from ordinary accounting and/or preparing financial statements that have not submitted their first tax return,, only the number of employees and the total assets as of the same date are taken into account.

Art. 5 Validity of the list and duration of registration

This list has permanent validity. CAP Holding reserves the right to:

- Modify in whole or in part the Regulation as well as the general requirements pursuant to Articles 94 and 95 of Legislative Decree 36/2023 and special requirements, by public notice in the manner set out in Article 18 below;
- Update and/or modify the published categories at any time, by publication on its website, provided that no rights or claims of any kind whatsoever may be brought against CAP Holding by the economic operators in connection with the above.
- Modify or terminate one or more of the lists of qualified suppliers.

START UPs can stay on this list until they reach five years from the date of incorporation, as also defined by MISE (Ministry of Enterprises and Made in Italy).

There is no age limit for INNOVATIVE SMEs. Innovative SME status can be seamlessly obtained directly from innovative start-up status.

The MICRO-ENTERPRISES can stay on this list until they reach five years from the date of incorporation, after which they will automatically move on to CAP Group's Suppliers Register for the same categories, amount classes and possible geographical areas for which they were qualified in the list reserved for MICRO-ENTERPRISES.

CAP Group's list of START-UPS, INNOVATIVE SMEs, NEWLY ESTABLISHED MICRO-ENTERPRISES is open and always accessible, therefore interested companies who meet the requirements may submit an application for inclusion at any time and may, once registered, request that their data be updated at any time.

Art. 6 Procedure for registration in the Supplier Register

Micro-enterprises incorporated less than 5 years ago only need to apply for registration under one or more categories in CAP Group's Supplier Register using the guided procedure on the Purchasing Portal <https://acquisti.gruppocap.it/web/default.shtml>, in accordance with the provisions in the 'SUPPLIER REGISTER REGULATION GENERAL SECTION', along with completing the following steps in the qualification questionnaire.

- indicate in the relevant SME section that you are a micro-enterprise that has been registered in the Chamber of Commerce for less than 5 years;
- complete and attach the document DECLARATION ON THE STATUS OF NEWLY ESTABLISHED MICRO-ENTERPRISE;
- attach in the appropriate FINANCIAL STATEMENTS section:
 - o Enterprises required to prepare financial statements: upload the latest approved financial statements to prove annual turnover and total assets;
 - o Enterprises exempt from ordinary accounting and/or preparing financial statements: Most recent tax return submitted for proving turnover and/or statement of assets and liabilities for proving total assets.
- in the section for proving compliance with special requirements, enterprises have the opportunity to qualify in the lowest Amount Class of the relevant chosen category, by self-declaring that they have the means and equipment suitable for carrying out the supply/service, as well as that they possess the technical-professional suitability requirements required for the performance of the supplies/services for which they are requesting to be qualified, pursuant to Art. 26 of Legislative Decree 81/08.

START-UPS and INNOVATIVE SMEs must:

- Send an email to fornitori@gruppocap.it with the subject line: 'application for registration on CAP Group's START UP, INNOVATIVE SMEs list'.

- Fill out and submit the following signed documents:
 1. Application for registration and Declaration according to Articles 94 and 95 of Legislative Decree 36/2023;
 2. For START UPs - TRL Declaration. To register, having a TRL between 4 and 9;
 3. Integrated Policy and Contractor Policy;
 4. Privacy documents.

It is also required to submit:

1. Copy of Chamber of Commerce Company Registration Report;
2. Filing of patents, if any;
3. For START UPs and INNOVATIVE SMEs: report on the originality of the products and/or services offered;

Art. 7 Application rejection

Admittance to the list of START UPs, INNOVATIVE SMEs, NEWLY ESTABLISHED MICRO-ENTERPRISES will not be permitted to enterprises that:

- lack the general requirements set out in Articles 94 and 95 of Legislative Decree 36/2023 and the special requirements set out in this Regulation;
- are in a situation of control as defined in Article 2359 of the Italian Civil Code, or are in any relationship, including a de facto relationship (having a single decision-making centre according to the combined provisions of Article 95, paragraph 1 letter (d) of Legislative Decree No 36/2023), with another economic operator and the latter was the recipient of a measure of exclusion from a tender procedure, contract termination or removal from CAP Group Supplier Register within the 36 months preceding the submission of the application for registration. For the purposes of this regulation, the Supplier Register encompasses all lists of qualified economic operators of CAP Group: Qualification System of Works, Supplies, Services, Professionals, Gas and Energy, Ordinary Sector Supplier List, List of Start Ups, Innovative SMEs, Newly Established Micro-Enterprises). In the event that a single decision-making centre, in the terms set out above, can be identified in relation to an economic operator that is in the Supplier Register in a 'Suspended' status, the new operator's application for registration in the Supplier Register will be kept pending until the end of the existing suspension of the already registered operator that constitutes a single decision-making centre.
- in the 36 months prior to the application, they removal were the recipient of a valid and effective measure from CAP Group's Supplier Register pursuant to Article 16 of the Supplier Register Regulation - General Section https://gruppocap.bravosolution.com/web/albo_suppliers/home.shtml.
- in the 36 months prior to the application, they were liable to CAP Group for failure to sign a contract for reasons attributable to them (such as, but not limited to

the verification, during the awarding phase, of the lack of special or general requirements as outlined in Articles 94 and 95 of Legislative Decree No 36/2023, or the refusal to enter into the contract or for false statements or findings of anti-mafia checks). Proof of the adoption of appropriate self-cleaning measures pursuant to Art. 96 para. 6 of Legislative Decree No 36/2023 is permitted;

- in the 36 months prior to the application, they were excluded from participation in a tender procedure on the grounds of failure to meet the general requirements of Articles 94 and 95 of Legislative Decree 36/2023. Proof of the adoption of appropriate self-cleaning measures pursuant to Art. 96 para. 6 of Legislative Decree No 36/2023 is permitted;

- in the 36 months prior to the application, they have been subject to contract termination proceedings by CAP Group for serious breach of contract resulting from persistent or significant shortcomings or serious delay in the performance of the contract;

- in the 36 months prior to the application, they have been involved in a dispute, concluded in favour of the contracting authority, and relating to serious breaches in the performance of the contract and/or with regard to safety at work, environment and corporate social responsibility and/or failure to comply with the ethical commitment, where signed;

- in the 36 months prior to the application, the economic operator has been given ≥ 5 major NCs (also relating to different contracts).

Art. 8 Application submission procedure

All declarations in lieu of certifications or affidavits to be made for the purpose of entry in the Suppliers List shall be issued pursuant to Articles 46 and 47 of Presidential Decree 445/2000, with digital signature of the declaring legal representative. They may also be issued by a special attorney who is authorised to exercise this power by virtue of a formal power of attorney, a copy of which must be attached to the application with a corresponding declaration of conformity to the original. Any documentation to be attached, if concerning copies of deeds or documents issued or kept by a public administration or similar bodies, shall be authenticated in accordance with the procedures set out in Article 19 of the aforementioned Presidential Decree. 445/2000. The declaration in lieu of affidavit issued for authentication purposes shall also be digitally signed by the Legal Representative or Special Attorney.

Art. 9 Procedure for updating the economic operators list

The economic operator is responsible for promptly updating the information and data provided in the event of any changes during the qualification validity period. This update should be done in a timely manner within and no later than 10 days of the change of personal data (such as, for example, changes in the company name, significant company modifications, etc.) or from changes in general requirements pursuant to Articles 94 and 95 of Legislative Decree 36/2023. For NEWLY ESTABLISHED MICRO-ENTERPRISES, updates can be made directly on the CAP Group's qualification portal. For START UPS and INNOVATIVE SMEs, changes can instead be communicated by sending an e mail to_fornitori@gruppocap.it.

Article 10 Communications

Any communication concerning this list addressed to the economic operator shall be made by e-mail, to the address provided during registration. Messages with particular formal value (removals, suspensions, etc.) shall be sent by certified e-mail. CAP Group bears no responsibility, including legal liability, for any failure to deliver communications to the Supplier resulting from inaccurate information from the Supplier or Supplier's failure to update email addresses. Finally, the registered supplier is responsible for regularly monitoring its certified email, committing to maintaining its proper functionality. Please note that the Platform's certified e-mail address is an automatic system for sending communications and is not subject to monitoring. Therefore, any messages sent to the certified e-mail address acquisti.gruppocap@pec.it cannot and shall not be considered by CAP Group. All communications, messages, or requests for information from the supplier must be sent through the messaging system provided by the Platform during the evaluation process.

Art. 11 Reasons for removal

CAP Group will proceed to remove a supplier the entry from the Supplier Register in the following cases

- a) formal request by the supplier;
- b) termination of activity;

- c) activation of insolvency proceedings concerning the registered operator;
- d) verification of non-possession of even one of the requirements for registration, including all the requirements of Articles 94 and 95 of Legislative Decree 36/2023;
- e) false statements that also come to light subsequent to the verification of the veracity of the statements made by the supplier;
- f) disqualifying communications/information, pursuant to Legislative Decree 159/11 by the competent Prefecture concerning the Supplier Company and/or the Directors and/or the Control Bodies and/or the legal representative of the same and, in any case, all the persons referred to in Article 85 of said Decree;
- g) final verification of the breach of the provisions of Article 10 paragraphs 3 and 4 of this Regulation, following non-compliance and a warning by CAP Holding S.p.A. to remedy the breaches found. In the event of failure to respond to the warning, all economic operators concerned will be excluded from the Supplier Register;
- h) reliance on third parties with the partial performance of the contract without prior authorisation from the contracting authority;
- i) failure to sign the contract within the time limit without valid justification, for reasons attributable to the economic operator;
- j) serious regulatory failures in the areas of occupational safety, environment and administrative liability pursuant to Legislative Decree 231/2001 and corporate social responsibility (ref. SA 8000), formalised also through the issuance of a Non-Conformity;
- k) contract termination due to the fault and negligence of the economic operator;
- l) application of 3 measures of suspension from the Supplier Register, even if they relate to different cases, within a period of 5 years;
- m) - in the event of a dispute, concluded in favour of the contracting authority, and relating to serious breaches in the performance of the contract and/or with regard to safety at work, environment and corporate social responsibility and/or failure to comply with the ethical commitment, where signed;

- n) corporate changes that involve the incorporation of a new legal entity, with the relative attribution of a new tax code and/or VAT ID number, such as, purely by way of example, cases of corporate mergers and demergers;
- o) attribution of ≥ 5 major NCs (also referring to different contracts) which emerged during the 36 months prior to the date of beginning of the removal procedure;
- p) the Supplier in a situation of control as defined in Article 2359 of the Italian Civil Code, or is in any relationship, including a de facto relationship (single decision-making centre) with another economic operator and the latter was the recipient of a measure of exclusion from a tender procedure, contract termination or removal from Supplier Register within the 36 months preceding the start of the procedure for removal from the Supplier Register.
- q) Failure to comply with the principles of responsible purchasing along its supply chain, in accordance with ISO 20400:2017 (including but not limited to fair competition, diversity and inclusion, product safety, occupational health and safety, risk management and opportunities).
- r) Failure to comply with the sustainability principles of this Regulation as set out in Art. 2.

The occurrence of any of the aforementioned events, including contracts awarded by CAP Group through procedures other than negotiated procedures initiated through the Supplier Register, may serve as grounds for the registered supplier's removal, determined through the adversarial procedure outlined below.

In the event of the existence of one of the above-mentioned reasons for removal, the economic operator will receive written notification detailing the reason for removal, and will be given a period of no less than 10 days to submit counterclaims. If there is no response or the response is considered inadequate, a removal measure will be issued to the economic operator within 30 days.

Temporary suspension may precede the removal, lasting for the duration required to carry out the verification and investigation procedures for the removal process. In this case, the supplier will be given the status of 'Suspended'. At the end of any suspension period, the registered economic operator will be removed or reinstated in the Supplier Register.

In the cases outlined under letters (j) and (o) only, the reason for removal shall be formalised by the Procedure Manager ('RUP') opening a Non-Conformity, in accordance with the integrated management system of CAP Group and of contracting entities .

adhering to the Qualification System, and said Non-Conformity being formally notified to the operator registered in Qualification System.

An economic operator removed from the Supplier Register may not submit a new application before three years have elapsed since the date of its removal.

After the aforementioned said period has elapsed, registration may be reactivated only if the supplier documents that any reasons for removal no longer exist or that it has adopted appropriate self-cleaning measures pursuant to Article 96 paragraph 6 of Legislative Decree No. 36/2023.

In the case outlined under letter (a) 'formal request by the supplier' only, the economic operator may submit a request for re-registration without respecting the three-year time limit indicated above.

Art. 12 Reasons for suspension

CAP Group's companies shall suspend the registration of a supplier in the Supplier Register in cases of ongoing investigations for the reasons listed below:

- a) particularly serious responsibilities concerning breaches in the performance of services, whether for contracts performed or in progress;
- b) presence of a scenario that might lead to the prohibition of contracting with public administration pursuant to Article 21 of Legislative Decree No 39/2013.
- c) proceedings for the application of preventive and precautionary measures and/or the existence of pending charges for offences the seriousness of which undermines the moral requirements for registration in the Supplier Register;
- d) regulatory failures in the areas of occupational safety and environment and corporate social responsibility formalised also through the issuance of a Non-Conformity;
- e) assignment of ≥ 4 NCs (not relating to regulatory non-compliances in the areas of occupational safety and environment and corporate social responsibility) attributed to the same contract;

f) failure to update the documents provided at the time of registration and then expired, within 30 days of the expiry date. The suspension will be lifted upon updating of the documents.

g) the assignment of a Vendor Ranking Index (IVK) <60 results in the suspension of the supplier from the Supplier Register for 4 months. The case of suspension for an IVK < 60 due to negative evaluation of several contracts or concomitant suspension pursuant to letters (a) to (g) of this Article, are regulated in the details by Art. 9 of Annex E Vendor Rating of this Regulation;

h) failure to reply to at least four calls for tender (even for different categories and amount classes), without providing any written justification in this respect.

In the event of the existence of one of the above-mentioned reasons for suspension, the economic operator will receive written notification detailing the reason for suspension, and will be given a period of no less than 10 days to submit counterclaims. If they are not accepted, a one-year suspension measure will be formalised to the economic operator within 30 days.

Pending the investigation into possible causes of suspension, CAP Group may also order the precautionary suspension of the economic operator subject to the investigation, in which case the supplier's status will become 'Suspended'.

The suspension as a precautionary measure, which will continue for as long as is necessary to carry out a full investigation, will cease upon acceptance of the justifications submitted by the economic operator.

Otherwise, the supplier may be permanently suspended, by means of a formal order, in the following cases:

- Failure to reply to the request for clarification received by certified e-mail: the supplier will receive a formal suspension order for one year, which may be extended for a further year if the cause for suspension is not resolved;
- Non-acceptance of justifications submitted by the economic operator: the supplier will receive formal suspension measure of one year. Upon the cessation of the reason for suspension, an economic operator whose qualification has been suspended will be automatically reinstated to the list. This termination must be certified by the Procedure Manager ('RUP') who issued the notification and, in any case, not sooner than one year from the date of suspension.

In the cases outlined under letters (d), (e) and (g), the formalisation of the reason for removal shall be formalised by the Procedure Manager ('RUP') opening a Non-Conformity, in accordance with the integrated management system of CAP Group and of contracting entities adhering to the Qualification System, and said Non-Conformity being formally notified to the operator registered in Qualification System.

For the sole case referred to under letter (h), the suspension shall last for 4 months, taking into account the further provisions detailed in Article 9 of Annex E Vendor Rating of this Regulation.

The occurrence of any of the aforementioned events, including contracts awarded by CAP Group through procedures other than negotiated procedures initiated through the Supplier Register, may serve as grounds for the registered supplier's suspension.

Following the one-year suspension period, reactivation of registration is possible only if the supplier provides documentation confirming the cessation of the grounds that led to its suspension.

Art. 13 Organisational, Management and Control Model pursuant to Legislative Decree 231/2001

CAP Group companies have respectively adopted an Organisation, Management and Control Model pursuant to Legislative Decree No 231/01.

Economic operators must conduct their activities in a manner that prevents the occurrence of conduct referred to in the aforementioned decree. Where the conduct of an economic operator leads to legal proceedings aimed at verifying whether said conduct is punishable under Legislative Decree No 231/01, as amended and supplemented, regardless of the way in which the Company has become aware of said conduct, shall entitle the Company to withdraw from the contract for just cause.

Art. 14 CAP Group's Ethical Commitment

The economic operators are aware of the rules contained in the document '**CAP Group's Ethical Commitment**' adopted in accordance with the provisions of Legislative Decree 231/2001, Law 190/2012 and the UNI ISO 37001:2016 standard, which can be viewed on the Group's website at <https://www.gruppocap.it/il-gruppo/societa-trasparente/capholding/disposizioni-generalis>.

The document 'CAP Group's Ethical Commitment' is an integral and essential component of this Regulation; acceptance of it during the registration phase signifies a commitment to accepting it without reservations, refraining from any conduct contrary to it, both prior to and during the awarding procedures, as well as throughout the execution of any contracts entered into.

Non-compliance with the aforementioned actions constitutes a serious breach and serves as justification for removal from the qualification system in accordance with Article 1456 of the Civil Code.

Art. 15 Privacy policy - Personal data processing

The personal data provided for the performance of this procedure will be processed in accordance with the provisions of current privacy legislation, Regulation (EU) 2016/679 (hereinafter also GDPR), Legislative Decree 196/03 (Privacy Code) and subsequent modifications and additions, and the provision of the Data Protection Authority.

Pursuant to Articles 13 and 14 of GDPR, CAP Holding informs applicants of the following:

1. The Data Controller pursuant to Articles 4 and 24 GDPR is CAP Holding, in the person of the pro-tempore Director of Strategic Development.

The Data Protection Officer, pursuant to Articles 37-39 GDPR, is the Internal Audit Manager, e-mail dpo@gruppocap.it.

2. We shall process the personal and judicial data established by Legislative Decree 36/2023 of the Public Contract Code. With regard to judicial data, in this case, data processing shall be undertaken in compliance with article 10 of the GDPR and 2-ter of Legislative Decree 196/03.

3. The collection and processing of this data are intended for administrative and accounting activities associated with the creation of a company's database — List of Start-Ups, Innovative SMEs and Micro-Enterprises established less than 5 years ago — aimed at the potential assignment of tasks specified by CAP Group. The processing of this data is essential for carrying out the public-interest task entrusted to CAP Holding S.p.A. (management of the integrated water service), as well as for implementing pre-contractual measures and fulfilling legal obligations imposed on the Data Controller.

4. Data processing shall be performed via automation and manually, using methods and tools intended to guarantee maximum security and confidentiality. In particular, the Data Controller relies on a decision made partially on the basis of automated processing, followed by checks performed by the Legal, Tenders and Contracts Department; this decision is necessary to finalise the procedure for forming the List and is aimed at ensuring compliance with the principles of non-discrimination, equal treatment, proportionality and transparency. In compliance with the provisions of Article 5 paragraph 1 letter e of GDPR, the collected personal data will be stored in a format that allows the identification of data subjects until a request for deletion is made by the data subject. In any case, the retention period will not exceed the time required to fulfil the purposes for which the personal data are processed, as stipulated by regulatory provisions.

5. The processed data will not be disclosed and may be shared within the European Union, in accordance with and within the constraints outlined in Article 44 of GDPR, with companies that have a contractual relationship with Cap Holding S.p.A. Subjects belonging to the above-mentioned categories either act as data protection officers or operate independently as separate data controllers. The list of data protection officers persons is constantly updated and accessible at the head office of Cap Holding S.p.A., by writing to privacy@gruppocap.it.

6. The submission of data is essential for the registration in the List of START-UPS, Innovative SMEs and MICRO-ENTERPRISES established less than 5 years ago; failure to provide this data will lead to exclusion from the registration process and, consequently, the inability to be included in the list.

7. CAP Holding S.p.A. hereby informs that the data necessary for the procedure of forming its own List of Suppliers may also be acquired from third party sources (including, but not limited to, via the verification of information registered with the Chamber of Commerce - protests, prejudicial entries, etc.

8. The data subject may assert his/her rights as expressed in Regulation (EU) 2016/679 by contacting the Data Controller by sending an e-mail to privacy@gruppocap.it. At any point, he/she is entitled to request access to his/her personal data (Art. 15), to request their rectification (Art. 16), deletion (Art. 17), restriction of processing (Art. 18), or to object to the processing of his/her data (Art. 21) from the Data Controller. The data subject may also request to receive his/her personal data in a in structured, commonly used and machine-readable form (right to portability - Art. 20). The data subject shall have the right to lodge a complaint with the relevant supervisory authority.

8. The Data Controller reserves the right to modify, update, add or remove portions of this privacy policy at its sole discretion and at any time. The data subject is required to periodically check

for any changes. In order to facilitate such verification, the policy update date will be reported in the policy.

Art. 16 Jurisdiction

The Court of Milan shall have exclusive jurisdiction over any disputes arising in relation to the enforcement of this regulation, unless submitted to the jurisdiction of administrative courts.

Art. 17 Publication

The existence of the Qualification System, pursuant to Article 162 of Legislative Decree 36/2023, is made known through a special notice published in the Official Journal of the European Union, the Official Journal of the Italian republic - special series for public contracts, on the Ministry of Infrastructure's website, the Observatory's website, and the company's website

<https://www.gruppocap.it/en>.