

# Foreign economic operators

## Ireland- Guide to the required documentation





## Introduction

RAI, as a "body governed by public law", is required to comply with Legislative Decree 50/2016 (Code of public contracts, hereinafter the "Code"), as a law of national transposition of the Directive 24/2014 / EU. For this reason, it can not interact with economic operators who incur the exclusion criteria indicated in art. 80 of the Code.

With the aim of facilitating the understanding of the Italian regulatory environment also to foreign operators who express an interest in registering with the Rai Supplier Register and / or to entertain commercial relations in general with Rai itself, the following country form has been drawn up of the provisions of art. 80 of the Code, indicates the corresponding provision of art. 57 of Directive 24/2014 / EU to be observed and the relevant national transposition norm in the Member Country examined.

The document summarizes the documentation required for the purposes indicated above. For each exclusion criterion provided for by Italian legislation, the European normative reference and the homologous reference in the country of origin are provided.

The informative source used was the on-line register of eCertis certificates (as per article 88 of the Code), consulted in July 2017, which, although not having a legal value, can be used as a useful guide to identify the documentation to be requested to prove the absence of the exclusion criteria provided for by the specific Italian legislation (Article 80 of Legislative Decree No. 50/2016).

When the necessary information has not been entered on the eCertis page for one of the criteria, "N / A" is shown on the tabs.

## Documentation to be produced

In addition to what is indicated in more detail below, and to the integration of any information gaps, RAI may ask each operator to provide, pursuant to art. 86 of the Code:

proof of registration with one of the professional and commercial registers of the Member State of origin (see Annex XI of Directive 24/2014 / EU);

the certificate of the criminal record or in its absence, an equivalent document issued by its competent judicial or administrative authority;

a certification issued by the competent tax administration and, with reference to social security and welfare contributions, a document similar to the DURC issued by the relevant competent authority.

All documentation is required in Italian or in the original language accompanied by a certified translation into Italian and can be sent by certified e-mail. Rai reserves, upon justified request, to accept it in the language of origin of the operator.



## Ireland



### Reference law

European Union (Award of Public Authority Contracts) Regulations 2016, law pub. 5th May 2016

### Scope of

National territory

### Exclusion criteria

The following views show, with reference to the exclusion criteria provided for by art. 80 of the Code, the forecasts that correspond to the minimum set established by Directive 24/2014 / EU and the homologous provisions in force in the Ireland. For each of them the national reference article and the means of proof that may be requested are indicated

ITA art.	EU art.	IR art.	Exclusion criteria	Means of proof
<b>Corruption</b>				
80.1.b	57.1.b	57(1)	Corruption	- Declaration of Personal Circumstances - ESPD
<b>Fraud</b>				
80.1.c	57.1.c	57(1)	Fraud	- Declaration of Personal Circumstances - ESPD
<b>Terrorism</b>				
80.1.d	57.1.d	57(1)	Terrorist offences or offences linked to terrorist activities	- Declaration of Personal Circumstances - ESPD
<b>Money Laundering</b>				
80.1.e	57.1.e	57(1)	Money Laundering or Terrorist Financing	- Declaration of Personal Circumstances - ESPD
<b>Child labour and other forms of trafficking in human beings</b>				
80.1.f	57.1.f	57(1)	Legal obligations relating to child labour and other forms of trafficking in human beings	- Declaration of Personal Circumstances - ESPD

Source: eCertis, July 2017



## Ireland

ITA art.	EU art.	IR art.	Exclusion criteria	Means of proof
Mafia Infiltration				
80.2	57.2	N/D	N/D	N/D
Payment of tax				
80.4	57.2	57	Tax Clearance Certificate	Compliance with all EU and domestic taxation law and requirements
Social laws obligation				
80.4	57.2	57	Payment of social security contributions	- Declaration of Personal Circumstances - ESPD
		18(4)	Legal obligations relating to Social Law	- N/D
Compliance with labor laws				
80.5.a	57.4.a	18(4)	Breaching of obligations in the field of labour law	Legal obligations relating to Environmental, Social and Labour Law
Serious professional misconduct - significant weaknesses in the execution of a previous contract				
80.5.c	57.4.c	N/D	N/D	N/D
Bankruptcy and agreement with creditor				
80.5.b	57.4.b	57(8)	Bankruptcy, Insolvency & Winding Up	- Declaration of Personal Circumstances - ESPD
Serious professional offenses - attempt to unduly influence the decision-making process of the SA or obtaining confidential information for the purpose of their own benefit / supply of false or misleading information or omit the information due				
80.5.c	57.4.b	57(8)	Guilty of grave professional misconduct	- Declaration of Personal Circumstances - ESPD
Serious professional malfeasance - residual cases				
80.5.c	57.4.b	57(8)	Guilty of Misinterpretation, withholding information, inability to provide required documents and obtained confidential information of the procurement procedure	- Declaration of Personal Circumstances - ESPD

Source: eCertis, July 2017



## Ireland

ITA art.	EU art.	IR art.	Exclusion criteria	Means of proof
<b>Conflict of interest for having participated in the preparation of the procedure</b>				
80.5.d	57.4.e	N/D	N/D	N/D
<b>Agreements to distort competition</b>				
80.5.e	57.4.f	57	Agreements with other economic operators aimed at distorting competition - Distortion of Competition	- Declaration of Personal Circumstances - ESPD
<b>Prohibition to contract with the Public Administration</b>				
80.5.f		N/D	N/D	N/D
<b>Prohibition of use of unauthorized trust company</b>				
80.5.h	57.4.f	N/D	N/D	N/D
<b>Omitted extortion compliant</b>				
80.5.i		N/D	N/D	N/D
<b>Registration to the ANAC annotation database</b>				
80.5.g	57.4.h	N/D	N/D	N/D
<b>Forced Liquidation</b>				
80.5.b	57.4.b	N/D	N/D	N/D **
<b>Participation in criminal associations</b>				
80.1.a	57.1.a	57(1)	Participation in a criminal organisation	- Declaration of Personal Circumstances - ESPD
<b>Bankruptcy</b>				
80.5.b	57.4.f	N/D	N/D	N/D **

\*\* The extract of professional and commercial records identified by Directive 24/2014 / EU containing the economic and financial information of the company has the value of a means of proof.

Source: eCertis, July 2017