

Foreign economic operators

Austria- 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.

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Reference law

Federal Law on Public Procurement

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 Austria. For each of them the national reference article and the means of proof that may be requested are indicated

ITA art.	EU art.	AT art.	Exclusion criteria	Means of proof
Corruption				
80.1.b	57.1.b	N/D	Corruption, acceptance of benefits, by a public official, bribery, provision of an advantage, forbidden intervention	<ul style="list-style-type: none"> - Information from the court automation system - Criminal Records Certificate
Fraud				
80.1.c	57.1.c	N/D	Fraud	<ul style="list-style-type: none"> - Information from the court automation system - Criminal Records Certificate
Terrorism				
80.1.d	57.1.d	N/D	Terrorist offences or offences linked to terrorist activities	<ul style="list-style-type: none"> - Information from the court automation system - Criminal Records Certificate
Money Laundering				
80.1.e	57.1.e	N/D	Money Laundering or Terrorist Financing	<ul style="list-style-type: none"> - Information from the court automation system - Criminal Records Certificate
Child labour and other forms of trafficking in human beings				
80.1.f	57.1.f	N/D	Legal obligations relating to child labour and other forms of trafficking in human beings	<ul style="list-style-type: none"> - Information from the court automation system - Criminal Records Certificate

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ITA art.	EU art.	AT 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	N/D	In breach of the obligation of payment of taxes	breach of the obligation of payment of taxes
Social laws obligation				
80.4	57.2	N/D	In breach of the obligation of payment of social security contributions	Account statement
Rispetto delle leggi sul lavoro				
80.5.a	57.4.a	N/D	N/D	N/D *
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	N/D	N/D	N/D **
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	N/D	N/D	N/D
Serious professional malfeasance - residual cases				
80.5.c	57.4.b	N/D	N/D	N/D
Conflict of interest for having participated in the preparation of the procedure				
80.5.d	57.4.e	N/D	N/D	N/D
Agreements to distort competition				
80.5.e	57.4.f	N/D	N/D	N/D
Prohibition to contract with the Public Administration				
80.5.f		N/D	N/D	N/D

* The certificate of the criminal record or in its absence, an equivalent document issued by the competent judicial or administrative authority, has the value of a means of proof

** 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

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ITA art.	EU art.	AT art.	Exclusion criteria	Means of proof
Prohibition of use of unauthorized trust company				
80.5.h	57.4.f	N/D	N/D	N/D
Omitted extortion compliant				
80.5.l		N/D	N/D	N/D
Registration to the ANAC annotation database				
80.5.g	57.4.h	N/D	N/D	N/D
Forced Liquidation				
80.5.b	57.4.b	N/D	(vedi Bancarotta)	N/D **
Participation in criminal associations				
80.1.a	57.1.a	N/S	Participation in a criminal organisation	<ul style="list-style-type: none"> - Information from the court automation system - Criminal Records Certificate
Bankruptcy				
80.5.b	57.4.f	N/D	Bankrupt, the subject of insolvency or winding-up, arrangement with creditors, analogous situation arising from a similar procedure under national laws and regulations, its assets are being administered by a liquidator or by the court, or its business activities are suspended - Insolvency, liquidation or suspension of business activities	Company Register Excerpt

** 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.