

# Foreign economic operators

## Netherlands - 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.

# Netherlands



## Reference law

Public procurement act of 2012

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

ITA art.	EU art.	NL art.	Exclusion criteria	Means of proof
<b>Corruption</b>				
80.1.b	57.1.b	2.86 (2b)	Corruption	Certificate of Conduct for Procurement from the Central Agency Good Conduct Certificates
<b>Fraud</b>				
80.1.c	57.1.c	2.86 (2c)	Fraud	Certificate of Conduct for Procurement from the Central Agency Good Conduct Certificates
<b>Terrorism</b>				
80.1.d	57.1.d	2.86 (2e)	Terrorist offences or offences linked to terrorist activities	Certificate of Conduct for Procurement from the Central Agency Good Conduct Certificates
<b>Money Laundering</b>				
80.1.e	57.1.e	2.86 (2d)	Money laundering or terrorist financing	Certificate of Conduct for Procurement from the Central Agency Good Conduct Certificates

Source: DB eCertis, July 2017

## Netherlands

ITA art.	EU art.	NL art.	Exclusion criteria	Means of proof
Child labour and other forms of trafficking in human beings				
80.1.f	57.1.f	2.86 (2f)	Child labour and other forms of human trafficking	Certificate of Conduct for Procurement from the Central Agency Good Conduct Certificates
Mafia Infiltration				
80.2	57.1.a	N/D	N/D	N/D
Payment of tax				
80.4	57.2	2.86(4) & 2.87(1j)	Breach of its obligations relating to the payment of taxes	Declaration of the receiving authority for taxes
Social laws obligation				
80.4	57.2	2.86 (4) & 2.87 (1) (j)	Breach of its obligations relating to the payment of social security contributions	Declaration of the receiving authority for taxes
		2.87 (1a)	Breaching of obligations of social law	N/D ***
Compliance with labor laws				
80.5.a	57.4.a	N/D	Breaching of obligations of labour law	N/D *
Serious professional misconduct - significant weaknesses in the execution of a previous contract				
80.5.c	57.4.c	2.87 (1g)	Early termination, damages or other comparable sanctions - Significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity or a prior concession contract which led to early termination of that prior contract, damages or other comparable sanctions	N/D
Bankruptcy and agreement with creditor				
80.5.b	57.4.b	2.87 (1b)	Arrangement with creditors	Extract from the trade register of the Chamber of Commerce

\* 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.

\*\*\* A certification issued by the competent tax administration and / or by the competent authorities for social security and welfare contributions has the value of a means of proof.

Source: eCertis 2017

## Netherlands

ITA art.	EU art.	NL art.	Exclusion criteria	Means of proof
Serious professional misconduct - an 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	2.87 (1c)	Guilty of grave professional misconduct	Certificate of Conduct for Procurement from the Central Agency Good Conduct Certificates
Serious professional malfeasance - residual cases				
80.5.c	57.4.b	2.87(1)(i)	Guilty of misinterpretation, withheld information, unable to provide required documents and obtained confidential information of this procedure - Unduly influence the procedure	N/D
Conflict of interest for having participated in the preparation of the procedure				
80.5.d	57.4.e	2.87(1)(e) & 1.10b	Conflict of interest due to its participation in the procurement procedure	N/D
Agreements to distort competition				
80.5.e	57.4.f	2.87 (1f)	Conflict of interest due to its participation in the procurement procedure - Distortion of competition due to the prior involvement of the economic operator in the preparation of this procurement procedure	N/D
		2.87 (1d)	Agreements with other economic operators aimed at distorting competition	Certificate of Conduct for Procurement from the Central Agency Good Conduct Certificates
Prohibition to contract with the Public Administration				
80.5.f	57.4.f	N/D	N/D	N/D
Proibition of use of unauthorized trust company				
80.5.h	57.4.f	N/D	N/D	N/D
Omitted extortion compliant				
80.5.i		N/D	N/D	N/D

Source: eCertis , July 2017



## Netherlands

ITA art.	EU art.	NL art.	Exclusion criteria	Means if proof
<b>Registration to the ANAC annotation database</b>				
80.5.g	57.4.h	2.87 (1h)	Guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria	N/D
<b>Forced Liquidation</b>				
80.5.b	57.4.b	2.87 (1b)	Assets being administered by liquidator	Extract from the trade register of the Chamber of Commerce
<b>Participation in criminal associations</b>				
80.1.a	57.1.a	2.86 (2a)	Participation in a criminal organisation	Certificate of Conduct for Procurement from the Central Agency Good Conduct Certificates
<b>Bankruptcy</b>				
80.5.b	57.1.a	2.87 (1b)	Bankruptcy	Extract from the trade register of the Chamber of Commerce
		2.87 (1b)	Analogous situation like bankruptcy under national law	Extract from the trade register of the Chamber of Commerce
		2.87 (1b)	Business activities are suspended	Extract from the trade register of the Chamber of Commerce

Source: eCertis, July 2017