

Foreign economic operators

France- 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:

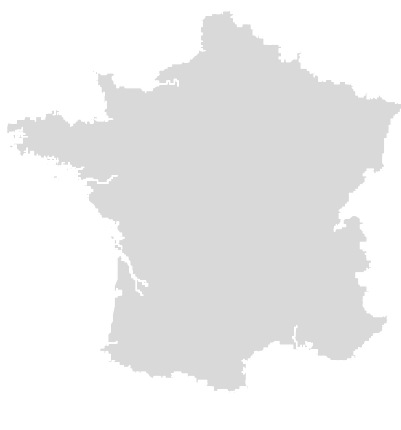
proof of registration with one of the professional and commercial registers of the Member State of origin (see Annex XI of Directive 24/2014 / EU);

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.

France



Reference law

Penal Code, Tax Code, Ordinance No. 2015-899 of 23 July 2015 on public procurement, Labor Code, Order of 29 March 2016 on information and documents which may be requested, Decree No 2016-360 on public procurement, Trade Code

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

ITA art.	EU art.	FR art.	Exclusion criteria	Means of proof
Corruption (Penal Code)				
80.1.b	57.1.b	Art. 432-10	Corruption - Concussion	N/D *
		Art. 432-11	Corruption - Passive bribery and influence	N/D *
		Art. 432-12 to 432-16	Corruption - Illegal Interest	N/D *
		Art. 433-1 and 433-2	Corruption - Active bribery and influence	N/D *
		Art. 435-3, 435-4, 435-9 and 435-10	Corruption and trading in influence active towards the public administration of a foreign state member of the European Union	N/D *
		Art. 445-1 to 445-2-1	Corruption against a person not in the public service	N/D *
		Art. 434-9 and 434-9-1	Corruption against a person not in the public service	N/D *
Fraud (Penal Code)				
80.1.c	57.1.c	Art. 434-9 and 434-9-1	Fraud	N/D *
		Art. 314-1	Breach of trust	N/D *
		Art. 441-1 to 441-7 and 441-9	Forgery	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

Source: eCertis, July 2017



France

ITA art.	EU art.	FR art.	Exclusion criteria	Means of proof
Terrorism (Penal Code)				
80.1.d	57.1.d	Art. 421-1 to 421-2-4 and 421-5	Terrorist offences or offences linked to terrorist activities	N/D *
Money Laundering (Penal Code)				
80.1.e	57.1.e	Art. 222-34 to 223-40	Drug trafficking	N/D *
		Art. 222-34 to 223-40	Money laundering	N/D *
Child labour and other forms of trafficking in human beings (Penal code)				
80.1.f	57.1.f	2.86 (2f)	Child labour and other forms of human trafficking	N/D *
Mafia Infiltration				
80.2	57.1.a	N/D	N/D	N/D
Payment of (Tax Code / Ordinance No. 2015-899)				
80.4	57.2	TC: Art. 1741 to 1743, 1746 and 1747	Fraudulent subtraction at payment and establishment of tax	N/D ***
		Or. 899: Art. 45 2°	Payment of taxes	Lack of tax declarations or non-payment of taxes, dues
Social law obligation (Ordinance No. 2015-899)				
80.4	57.2	Art. 45 2°	Payment of Social Security Contributions	Absence of declarations in social matter or non-payment of social security contributions due

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*** 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, July 2017



France

ITA art.	EU art.	FR art.	Exclusion criteria	Means of proof
Compliance with labor laws(Labor Code)				
80.5.a	57.4.a	Art. L. 8221-1	Hidden work	N/D *
		Art. L. 8231-1	Bargaining	N/D *
		Art. L. 8241-1	Loan of workforce illegally	N/D *
		Art. L. 8251-1	Employement of foreigners not authorized to work	N/D *
		Art. L. 1146-1	Discrimination in professional equality between women and men	N/D *
		Art. 225-1	Discrimination	N/D *
		Art. L. 2242-5	Lack of implementation of the annual negotiating obligation on remuneration, working time and the sharing of value added from the previous year of the current procurement procedure	N/D *
Serious professional misconduct - significant weaknesses in the execution of a previous contract (Ord. 899)				
80.5.c	57.4.c	Art. 48 I. 1)	Optional Tendering Requirements : Sanctions related to damages, termination or similar	During the previous three years have been required paying damages, have been sanctioned by a termination or have suffered a similar penalty due to a serious or continuing breach of their contractual obligations during the performance of a previous concession contract or public contract
Bankruptcy and agreement with creditor				
80.5.b	57.4.b	N/D	N/D	N/D **
Serious professional misconduct (Ord.899) - 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	N/D	Optional Tendering Requirements : Influence on buyer's decision through information	
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(Ord. 899)				
80.5.d	57.4.e	Art. 48 I. 5)	Optional Tendering Requirements : Conflict of interest due to its participation in the procurement procedure	N/D

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** 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



France

ITA art.	EU art.	FR art.	Exclusion criteria	Means of proof
Agreements to distort competition (Ord. 899)				
80.5.e	57.4.f	Art. 48 I. 3)	Optional Tendering Requirements : Early participation in the procedure and access to information	N/D
		Art. 48 I. 4)	Optional Tendering Requirements : Agreements with other economic operators	N/D
Prohibition to contract with the Public Administration (Penal Code / Labor Code)				
80.5.f	57.4.f	PC: Art. 131-39	Exclusion from public procurement	N/D *
		LC: Art. L. 8272-4	Exclusion from administrative contracts	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
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	N/D	N/D **
Participation in criminal associations(Penal Code)				
80.1.a	57.1.a	Art. 450-1	Participation in a criminal organisation	N/D *
Bankruptcy (Trade Code)				
80.5.b	57.1.a	Art. L. 640-1	Bankruptcy	N/D **
		Art. 653-1	Insolvency - Individuals subject to personal bankruptcy proceedings, ban on management or the equivalent for a foreign country	N/D **
		Art. 631-1	Becoming bankrupt	N/D **

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