

# Foreign economic operators

## UK - 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.

## United Kingdom



### Reference law

Public Contracts Regulations 2015 – Law 102

### Scope of

England, Galles and North Ireland

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

ITA art.	EU art.	UK art.	Exclusion criteria	Means of proof
Bribery and Corruption				
80.1.b	57.1.b	Reg 57 (d)	Bribery - Bribery within meaning of section 1-6 of the Bribery Act 2010 or section 113 of the Representation of the People Act 1983	N/D *
		R57 (1) (c) and (d)	Conviction for Bribery - Common law offence of bribery Bribery within the meaning of sections 1,2 or 6 of the Bribery Act 2010, or section 113 of the Representation of the People Act 1983	Self-declaration none conviction of corruption
		Reg 57 (c)	Bribery relating to active corruption	N/D *
		Reg 57 (b)	Corruption (active) - within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906; where the offence relates to active corruption	Self-declaration none conviction of corruption
Fraud				
80.1.c	57.1.c	Reg 57(e)	Fraud - where the offence relates to fraud affecting the European Communities financial aspects as defined by Article 1 of the Convention on the protection of the financial interests of the European Communities	Self-declaration none conviction of fraud

\* 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: DB eCertis, July 2017



## United Kingdom

ITA art.	EU art.	UK art.	Exclusion Criteria	Means of proof
<b>Terrorism</b>				
80.1.d	57.1.d	Reg 57 (f)	Terrorist offences or offences linked to terrorist activities - Any offence listed in Section 41 of the Counter Terrorism Act 2008 or Schedule 2 to that Act where the court has determined a terrorist connection	- Self-declaration none conviction of terrorist offence under Serious Crime Act - Self-declaration none conviction Terrorist offences
<b>Money Laundering</b>				
80.1.e	57.1.e	Reg 57(h)	Money laundering - within the meaning of section 340(11) and 415 of the Proceeds of Crime Act 2002	- Self-declaration none conviction of offence with proceeds of criminal conduct - Self-declaration none conviction of money laundering
<b>Child labour and other forms of trafficking in human beings</b>				
80.1.f	57.1.f	Reg 57(j)	Child labour and other forms of trafficking in human beings - Trafficking people for exploitation - An offence under section 4 of the Asylum and Immigration (Treatment of Claimants etc) Act 2004	- Self-declaration none conviction of offence with proceeds of drug trafficking - Self-declaration none conviction of child labour and other forms of trafficking human beings
<b>Mafia Infiltration</b>				
80.2	57.2	N/D	N/D	N/D
<b>Payment of tax</b>				
80.4	57.2	Reg 57(3)(a)(b)	Payment of taxes - Breach of obligations to pay taxes that has been established by a judicial or administrative decision with final and binding effect.	- Self-declaration none breach of obligations relating to the payment of social security contributions - Self-declaration none breach of obligations relating to the payment of taxes
<b>Social laws obligation</b>				
80.4	57.2	57(8)(a), 56(2)	Breaching of obligations in the field of social law	Self-declaration of none violation of social laws

Source: DB eCertis, July 2017



## United Kingdom

ITA art.	EU art.	UK art.	Exclusion criteria	Means of proof
<b>Compliance with labor laws</b>				
80.5.a	57.4.a	57(8)(a), 56(2)	Breaching of obligations in the field of labour law	N/D *
<b>Serious professional misconduct - significant weaknesses in the execution of a previous contract</b>				
80.5.c	57.4.c	57(8)(g)	Early termination, damages or other comparable sanctions	Self-declaration that no incidence of early termination, damages or sanctions
<b>Bankruptcy and agreement with creditor</b>				
80.5.b	57.4.b	N/D	N/D	N/D **
<b>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</b>				
80.5.c	57.4.b	R57(8)(i)(i)(aa)(bb) and R57(8)(ii)	Guilty of misinterpretation, withheld information, unable to provide required documents and obtained confidential information of this procedure - Influenced decision making to obtain confidential information or mislead decision making	Self-declaration not guilty of grave professional misconduct
<b>Serious professional malfeasance - residual cases</b>				
80.5.c	57.4.b	57 (8)(c)	Guilty of grave professional misconduct	Self-declaration not guilty of grave professional misconduct
<b>Conflict of interest for having participated in the preparation of the procedure</b>				
80.5.d	57.4.e	57(4)(e), 24	Conflict of interest due to its participation in the procurement procedure	self-declaration that there is no conflict of interest
<b>Agreements to distort competition</b>				
80.5.e	57.4.f	57(8)(d)	Agreements with other economic operators aimed at distorting competition	Self declaration that not entered into agreements aimed at distorting competition.
<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

\* 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 (Annex XI) containing the economic and financial information of the company, for example the "certificate of incorporation" issued by Register of Company ", or other equivalent documentation, has the value of a means of proof

Source: eCertis, July 2017

## United Kingdom

ITA art.	EU art.	UK art.	Exclusion criteria	Means of proof
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	N/D	N/D **
Participation in criminal associations				
80.1.a	57.1.a	Reg 57 (a)	Participation in a criminal organisation - Conspiracy within the meaning of section 1 or 1A of the Criminal Law Act 1977 or article 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA	- Self-declaration none conviction of terrorist offence under Serious Crime Act
		Reg 57 (1) (a)	Participation in a criminal organisation - offence as defined by section 45 of the Serious Crime Act 2015 Conspiracy within the meaning of section 1 or 1A of the Criminal Law Act 1977 or article 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA on the fight against organised crime;	N/D *
Bankruptcy				
80.5.b	57.4.b	57(8)(b)	Bankrupt or subject of insolvency or winding-up proceedings; England, Wales Northern Ireland	Self-declaration of bankruptcy, insolvency or winding up proceedings

\* The certificate of the criminal record or in its absence, an equivalent document issued by the competent judicial or administrative authority, as for example through the production of the «certificate of pending charges» issued on the basis of section 112 of the Regulation Police Act 1997, 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