

Guidelines for the simplified inclusion in the Register of economic operators

This document is a translation from Italian.

In the event of a conflict or discrepancies the Italian document shall prevail.



SECRETARIAT
FOR THE ECONOMY

Summary

1. Object	3
2. Terms and definitions	3
3. Subjects admitted to the procedure	4
4. Simplified procedure for inclusion in the Register of economic operators	5
4.1 Registration form	5
4.2 Registration form completion guide	5
5. Application analysis	7
5.1 Receipt of the application	7
5.2 Analysis deadline	7
5.3 Analysis outcome	7
6. Disclosure obligations	7
7. Registration duration, renewal and cancellation	8
8. Guidelines update	8
9. Attachments	8
Attachment 1 - Registration form for the inclusion in the Register of economic operators	8

1. Object

This document defines the simplified forms of inclusion in the IT Register of economic operators of the Holy See and the Governorate of the Vatican City State (hereinafter "Register"), pursuant to art. 35 of the *"Norme sulla trasparenza, il controllo e la concorrenza dei contratti pubblici della Santa Sede e dello Stato della Città del Vaticano"* (hereinafter "NCP") of those economic operators who, in the country in which they are established, are already included in registers, lists and similar institutes on the basis of conditions and controls similar to those provided for by the NCP.

For anything not expressly governed by these Guidelines, please refer to the current legislation.

2. Terms and definitions

Terms/Abbreviations	Definition
Register	The IT Register of the economic operators of the Holy See and the Governorate of the Vatican City State, pursuant the art. 2, lett. k), NCP.
Decree of the Pontifical Delegate	The Decree of the Pontifical Delegate, of July 14 th 2020, Provisional and urgent provisions for the application of the Apostolic Letter in the form of a <i>Motu Proprio</i> of May 19 th 2020 containing "Regulations on the transparency, control and competition of public contracts of the Holy See and Vatican City State".
Decree SCV	Decree of the Governorate President N. CCCLXXXVII - Regolamento di attuazione delle Norme sulla trasparenza, controllo e concorrenza dei contratti pubblici della Santa Sede e dello Stato della Città del Vaticano.
Registration form	Self-declaration form signed by the legal representative of the company requesting registration in the Register of economic operators through the simplified procedure.
Regulation	The Decree of the Pontifical Delegate n. 1, of June 22 nd 2021, Regulations for the implementation of the Apostolic Letter in the form of a <i>Motu Proprio</i> of May 19 th 2020 containing "Regulations on the transparency, control and competition of public contracts of the Holy See and of the Vatican City State".
Public law subjects	Public law subjects are: 1) the administrations of the Italian State; 2) public institutes and schools of all types and levels / public educational institutions / public university institutions; 3) Italian Regions / Provinces / Municipalities / Mountain communities and their consortia and associations / Italian Chambers of commerce, industry, crafts and agriculture and their associations; 4) companies whose management is placed under the direct supervision (majority shareholding / control) of the Italian State, as evidenced by the publication in special official lists dedicated to the shareholdings held by the Italian State.
Third Countries	Countries that are not members of the European Union, but adhere to international conventions against corruption and are not registered in specific lists.

Country of establishment	Country where the company has its registered office.
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3. Subjects admitted to the procedure

The simplified forms of inclusion in the Register illustrated below apply to:

- 1) companies with registered office in Italy which fall under the following groups:
 - a) companies with shares listed on Italian regulated markets, subject to CONSOB supervision;
 - b) auditing firms included in the Special Register of Audit Firms at the Italian Ministry of Economy and Finance.
- 2) Public law subjects;
- 3) companies with registered offices in other member States of the European Union, which are listed on regulated markets recognized under European law and subject to controls similar to those ordered by the Italian authorities in their respective areas of competence;
- 4) companies with registered office in Third Countries that are listed on regulated markets pursuant to the legislation in force in the State of establishment of the company and subject to controls similar to those ordered by the Italian authorities in their respective areas of competence.
- 5) companies with registered office in Italy / Member States of the European Union / Third Countries that carry out their business outside the Vatican City State and fall into the following groups:
 - a) companies issuing financial instruments widely distributed among the public identified by CONSOB and subject its supervision; or companies identified and supervised by analogues subjects to those envisaged by the Italian authorities in their respective areas of competence;
 - b) companies authorized by the Bank of Italy, as well as by subjects similar to those arranged by the Italian authorities in their respective areas of competence, to carry out banking activities and registered in the related Register;
 - c) financial consultancy companies set up in the form of a joint-stock company or limited liability company included in the related section of the Register of financial advisors or in foreign registers similar to those provided by the Italian authorities in their respective areas of competence;
 - d) companies authorized to carry out insurance activities registered in the Register of Insurance Companies at IVASS or in foreign registers similar to those provided by the Italian authorities in their respective areas of competence.

4. Simplified procedure for inclusion in the Register of economic operators

4.1 Registration form

The economic operators referred to in paragraph 3 must submit, when enrolling in the Register, a specific request, by sending the following documents to the Procurement Regulatory Office, according to the modalities and within the terms indicated in the following paragraph 5:

- registration form drawn up according to the "Registration form for the inclusion in the Register of economic operators" (hereinafter also Registration form), available in Attachment 1, drawn up on headed paper and signed by the legal representative of the company submitting the application;
- copy of an identity document of the declarant;
- resolution for the attribution of powers of representation to the declarant;
- any further documentation to support the application.

The Registration form is a self-declaration concerning the possession of the necessary requirements for inclusion in the Register, by completing a series of declarations which, in addition to providing data relating to the economic operator and related subjects with powers of representation, certify the absence of causes of exclusion. The above mentioned self-declaration has the value of documentary evidence produced by the economic operator to replace the certificates issued by public authorities or third parties in the State of establishment.

The Secretariat for the Economy may, at any time, request the economic operators who have submitted an application, to provide the necessary documentation in order to prove that they possess the declared requirements.

4.2 Registration form completion guide

In order to certify possession of the necessary requirements, the economic operator must fulfil the self-declaration according to the Registration form. While some information is provided through a standardized "yes" or "no" answer, others require the completion of specific fields.

The Registration form includes eight sections, divided into several paragraphs.

Section 1 contains the "Application for registration" with which the economic operator formally expresses his will to be included in the Register, indicating under which title he requests registration and the specialization classes of interest. The application also contains the data of the legal representative who, by signing the Registration form, assumes responsibility for the truthfulness of the information provided, aware of the consequences in the event of false or misleading statements.

In *Section II*, the declarant indicates both the personal data of the economic operator requesting registration (paragraph A), and those relating to the subjects¹ against whom the causes of exclusion, provided for in art. 12 and 14 NCP and art. 16 of the Regulation, operates, indicating, in paragraph B, for each of them the position held within the company and whether, in relation to them, the causes for exclusion provided exist.

Section III contains the declaration certifying situations of control or connection to which the economic operator is subject pursuant to art. 2359 of the Italian Civil Code. In paragraph A, the economic operator declares the existence of any forms of control by third party companies or entities, indicating, if so, the subjects of the parent company in possession of the powers of representation. In paragraph B, on the other hand, the economic operator declares the possible belonging to a corporate group, indicating the companies belonging to the group and the related shares.

In *Section IV*, the declarant certifies the absence of causes of exclusion relating to the presence of investigations, preventive measures, pending criminal proceedings or criminal convictions, plea bargaining or similar forms of determining the penalty for the subjects referred to in paragraph B of Section II for the offenses provided for by art. 12 and 14 NCP and art. 16 of the Regulation. The declaration is divided into two parts:

- paragraph A refers to the reasons for exclusion relating to the subjects indicated in the table in Section II, paragraph B;
- paragraph B, to be completed only in the event that the economic operator is subject to forms of control, refers to the subjects belonging to the parent company and listed in the table in Section III, paragraph A.

In the event that the existence of a pending criminal charge or a criminal conviction is declared, the economic operator is required to produce, together with the Registration form, the relative Certificate of Pending Loads and the relative Certificate of the Criminal Records, or equivalent, if the offense was committed in a State other than Italy.

Section V includes a declaration concerning the non-payment of taxes and fees (certificate of tax regularity) and social security contributions (certificate of social security contribution regularity), as required by art 13, §1, lett. a), NCP. In the event of irregular tax and / or social security contributions, it is necessary to produce additional documentation issued by the competent entities, which proves what has been declared.

Section VI includes the declarations related to the additional causes of exclusion provided by the art. 13 NCP, lett. da b) a l).

Section VII certifies the possession by the economic operator of certifications issued by legitimate authorities or entities, relating to the professional capacity in the specialization class for which registration is requested.

¹ The legal representative of the Company and, taking into account the corporate nature of the economic operator, also for those subjects with powers of representation, for the members of the board of directors and for the shareholders' majority.

Section VIII contains the final declarations that the legal representative, as declarant and subscriber of the Registration form, certifies and undertakes to respect.

The Registration form must be produced in Italian or English. In the event that it is necessary to attach additional documentation in a language other than Italian or English, this must be duly translated with a sworn translation.

5. Application analysis

5.1 Receipt of the application

The application for registration referred to in paragraph "*4.1 Registration form*" must be sent by registered letter with acknowledgment of receipt or other equivalent to the Procurement Regulatory Office at the Administrative Section of the Secretariat for the Economy.

The Secretariat for the Economy may either request from the economic operator or acquire ex officio, also by resorting to the responsible authorities or entities, any further documentation or information useful to ascertain the effective application of the provisions of the NCP and the Regulation. The Office of the Auditor General, at the request of the Secretariat for the Economy, the APSA or the Governorate, may perform checks on the certificates made by economic operators, pursuant to art. 34, §5, NCP.

5.2 Analysis deadline

The analysis is completed within 30 (thirty) days from the date of acceptance of the application for registration by the Secretariat for the Economy. In case of incompleteness of the application or documentation, the Secretariat for the Economy asks the economic operator for the necessary integrations or clarifications, which must be provided within 30 (thirty) days of the request itself.

5.3 Analysis outcome

The Secretariat for the Economy, having verified the completeness of the information provided and the existence of the necessary requirements, authorizes or rejects the registration of the economic operator and communicates it to the economic operator and the Responsible of the Register.

In any case, the Secretariat for the Economy, at its sole discretion, reserves the right to reject applications for registration from economic operators whose activities are found to be in conflict with the social doctrine of the Church, in accordance with the principle set out in the art. 5, §1, lett. a), NCP.

6. Disclosure obligations

The economic operator who has applied for registration, or who has obtained the authorization to be included in the Register, must promptly notify the Secretariat for the Economy of any changes occurring after the date of submission of the application for registration, or to the registration itself, which may affect the possession of the requisites provided for by art. 11, § 1, 12, 13 and 14 NCP, or

which determine the loss of the subjective requirements referred to in paragraph 3 of this procedure.

Failure to communicate an event or a change that determines the occurrence of one of the causes of exclusion, entails the non-registration or cancellation of the economic operator from the Register. The Secretariat for the Economy reserves the right to carry out the appropriate checks, even on a sample basis, in order to confirm the validity of the registration of the economic operator in the Register or to proceed with the cancellation of the same.

7. Registration duration, renewal and cancellation

The inclusion in the Register has a duration of three years.

In the event of loss, for any reason, of even one of the requisites required for registration pursuant to Articles 11, § 1, 12, 13 and 14 NCP or the subjective requirements referred to in paragraph 3, the Secretariat for the Economy orders the cancellation of the economic operator from the Register, which starts from the date on which the requirement ceases to exist. If the authorization was issued on the basis of inaccurate statements, the Secretariat for the Economy, after evaluating any justifications presented by the economic operator, may order the cancellation of the economic operator from the Register pursuant to art. 34 NCP.

Without prejudice to what is defined in paragraph 6, at least two months before the expiration² of the validity of the declarations produced, it is the responsibility of the economic operator to send a new Registration form duly completed and the related accompanying documents to the Secretariat for the Economy. Failure to renew the declaration in question results in the cancellation of the economic operator from the Register.

8. Guidelines update

These Guidelines and the related attachment are updated, wherever necessary, also based on the eventual suggestion received from the Entities, by the Secretariat for the Economy with its own provision, after consultation.

9. Attachments

Attachment 1 - Registration form for the inclusion in the Register of economic operators

² Pursuant to art. 22, §8 of the Regulation, the documents produced are valid for twelve months from the date of their issue, even if the law of the country in which they were issued gives them a shorter duration.