

DECLARATION IN ACCORDANCE WITH D.P.R. N. 445/2000
AND SUBSEQUENT AMENDMENTS AND INTEGRATION

The undersigned _____
_____ resident _____
Street/Square _____, in possession of the
document _____ passport _____ which is attached in photocopy¹, acting as
_____ legal representative _____ of the company
_____, with registered office in
_____,
on _____²,

DECLARES³

☒ that there is NO reason for exclusion from participation in a tender or procurement procedure provided for by Articles 94 and 95 of Legislative Decree no. 36/2023 and, in particular, declares that:

☒ 1. NO convictions have been issued against the undersigned with a final judgement or penal decree of conviction that has become irrevocable, for one of the crimes indicated in art. 9 paragraph 1 of Legislative Decree no. 36/2023 and in particular due to:

- a) crimes, committed or attempted, referred to in articles 416, 416-bis of the penal code as well as crimes committed using the conditions provided for in the aforementioned article 416-bis or in order to facilitate the activity of the associations provided for in the same article, as well as for the crimes, consumed or attempted, provided for in article 74 of the consolidated text of the laws on the regulation of narcotic and psychotropic substances, prevention, treatment and rehabilitation of the related states of drug dependence, referred to in the Decree of the President of the Republic 9 October 1990, n. 309, by Article 291-quarter of the consolidated text of the legislative provisions on customs matters, referred to in the Decree of the President of the Republic 23 January 1973, n. 43 and by Article 452-quaterdecies of the Penal Code, as far as they can be attributed to participation in a criminal organization, as defined in Article 2 of Framework Decision 2008/841/GAI of the Council of the European Union of 24 October 2008;
- b) crimes, committed or attempted, referred to in articles 317, 318, 319, 319-ter, 319-quarter, 320, 321, 322, 322-bis, 346-bis, 353, 353-bis, 354, 355 and 356 of the Penal Code as well as in Article 2635 of the Civil Code;
- c) false corporate communications referred to in Articles 2621 and 2622 of the Civil Code;
- d) fraud within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests of 26 July 1995;

1 Attach: photocopy of the declarant's valid identity document.

2 Attach: photocopy of the declarant's valid identity document.

3 Tick with an X the boxes next to the declarations to be confirmed; Pursuant to and for the purpose of art. 76 of Presidential Decree no. 445/2000, aware of the responsibilities and of the civil and criminal consequences provided for in case of false declaration and/or formation or use of false documents, as well as in case of the exhibition of documents containing data that no longer corresponding to the truth, and also aware that if the untruthfulness of the content of this declaration emerges, the undersigned Company will forfeit the benefits for which the document is issued, for the purposes of participation in the procedure in question.

- e) crimes, consumed or attempted, committed for the purpose of terrorism, including international terrorism, and subversion of the constitutional order, terrorist crimes or crimes related to terrorist activities;
- f) crimes referred to in articles 648-bis, 648-ter and 648-ter.1 of the Penal Code, money laundering of proceeds of criminal activity or terrorist financing, as defined in Article 1 of Legislative Decree no. 109 of 22 June 2007;
- g) exploitation of child labour and other forms of trafficking in human beings defined by Legislative Decree no. 24 of 4 March 2014;
- h) any other crime from which hesitates, as an accessory penalty, to the inability to contract with the public administration.
- ✕ 2. according to art. 94, paragraph 2, of the Code, there are NO causes for disqualification, suspension or prohibition foreseen in Article 67 of Legislative Decree 6 September 2011, n. 159 or attempted mafia infiltration referred to in Article 84, paragraph 4, of the same decree concerning the subjects referred to in art. 94, paragraph 3, of the Code;
- ✕ 3. the causes of exclusion referred to in Article 94, paragraph 5, of the Code, as listed below, do NOT exist:
- ✕ the disqualification sanction referred to in Article 9, paragraph 2, letter c) of Legislative Decree 8 June 2001, n. 231, has NOT been applied, as well as other sanction that involves the prohibition to contract with the public administration, including the disqualification measures referred to in art. 14 of d.lgs. n.81, 9 April 2008 (art. 94, paragraph 5, letter a);
- with regard to the obligations referred to in Law No 68/99, hereby states:
 - ☐ to be compliant with the rules governing the right to work of disabled people according to Law no. 68/1999 (whether available, submit the certification pursuant to Article 17 of Law no. 68/1999);
- alternatively*
- ✕ that the company is NOT subject to the obligations referred to in Law no. 68/1999, because:
- ☐ it has a workforce of less than 15 employees;
 - ☐ it has a workforce between 15 and 35 employees and has not made any new recruitments since 18.01.2000;
 - ✕ other (please specify _____ the Company is not subject to Italian regulation on the matter _____);
- ✕ that the company is NOT in a state of bankruptcy, compulsory liquidation, composition with creditors, except in the case of composition with business continuity, or that the company is not subject to proceedings for the declaration of one of these situations, subject to the provisions of Article 95 of the Code of business crisis and insolvency, referred to in Legislative Decree of 12 January 2019, n. 14, by article 186-bis, paragraph 5, of Royal Decree 16 March 1942, n. 267 and by article 124 of the present code (art. 94, paragraph 5, letter d);
- or alternatively*
- ☐ to be in a state of bankruptcy / compulsory liquidation / composition with creditors / that proceedings are underway for the declaration of bankruptcy / compulsory liquidation / arrangement with creditors and that have been adopted the measures referred to in art. 186-bis, paragraph 4, of Royal Decree no. 267 of 1942 and Article 95, paragraphs 3 and 4 of the Code referred to in Legislative Decree no. 14 of 2019, which are attached;

X to have NOT been registered in the electronic register kept by the ANAC Observatory for having submitted false declarations or false documentation in tender procedures and in the assignment of subcontracts (Article 94, paragraph 5, letter e);

X to have NOT been registered in the electronic register kept by the ANAC Observatory for having submitted false declarations or false documentation for the purpose of obtaining the certificate of qualification (Article 94, paragraph 5, letter f);

- ☒ 4. pursuant to Article 94, paragraph 6, of the Code, to have NOT committed serious violations, definitively proven, with respect to the obligations relating to the payment of duties and taxes or social security contributions;
- ☒ 5. NO serious infringements have been committed and duly proven with regard to occupational safety and health standards as well as to environmental, social and labour obligations established by European and national law, collective labour agreements or international provisions listed in Annex X to Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 (Art. 95, paragraph 1, letter a);
- ☒ 6. that the participation in the procedure does NOT result in a conflict of interest in the meaning of Article 16, not otherwise resolvable (Article 95, paragraph 1, letter b);
- ☒ 7. to have NOT incurred in the distortion of competition resulting from previous involvement in the preparation of the procurement procedure that cannot be resolved by less intrusive measures (Article 95, paragraph 1, letter c);
- ☒ 8. to have NOT entered into agreements with other participants in the procurement procedure with the purpose of formulating the offer, which is therefore not attributable to a single decision-making centre (Article 95, paragraph 1, letter d);
- ☒ 9. to have NOT been guilty of grave professional misconduct, such as to make their integrity or reliability doubtful, (Article 95, paragraph 1, letter e), in details:
- ☒ to have NOT been the recipient of an executive sanction imposed by the Italian Competition Authority or by another sector authority, relevant in relation to the specific object of the contract (Article 98, paragraph 3, letter a);

or

- ☐ to have been the addressee of the sanction measure imposed by the Competition Authority or other sector authority in the case the excluding situation is derived from that measure (Article 96 paragraph 12), the details of which are reported:

_____;

- ☒ to have NOT attempted to unduly influence the decision-making process of the contracting station as well as to obtain confidential information for self-advantage, and false or misleading information capable of influencing decisions on exclusion, selection, or contract award (Art. 98, para. 3(b) were not provided, even negligently;
- ☒ to have NOT demonstrated significant or persistent deficiencies in the execution of a previous contract or concession contract that caused early resolution due to non-performance, and that it has NOT been ordered to pay damages or other comparable penalties resulting from particularly serious non-compliance or the repetition of which indicates persistent lack of professionalism (Art. 98, paragraph 3(c));
- ☒ to have NOT committed serious default against one or more subcontractors (Art. 98(3)(d));

- X to have NOT violated the prohibition of fiduciary registration under Article 17 of Law No. 55 of March 19, 1990, where the violation has not been remedied; (Art. 98, Paragraph 3(e);
- X to have NOT failed to report to the judicial authorities as a person offended by the crimes provided for and punished by Articles 317 and 629 of the Criminal Code aggravated under Article 416-bis.1 of the same code unless the cases provided for in Article 4, Paragraph 1, of Law No. 689 of November 24, 1981 (Article 98, Paragraph 3 (f));
carenza di professionalità
- X that has NOT been committed, by the economic operator, as well as by the subjects referred to in paragraph 3 of Article 94 any of the crimes referred to in paragraph 1 of the same Article 94 (Article 98, *paragraph 3, letter g*);

or

- ☐ to have been the recipient of one of the provisions referred to in Article 407-bis, paragraph 1, of the Code of Criminal Procedure or of any personal or real precautionary measures of the criminal judge, if prior to the exercise of the legal criminal action (*Article 96 paragraph 12 of Legislative Decree 36/2023*) (*indicate details of the provision e.g. date, etc.*)

- ☒ that has NOT been committed by the economic operator as well as the subjects referred to in paragraph 3 of Article 94, any of the following crimes: (Article 98, *paragraph 3, letter h of Legislative Decree 36/2023*):

- abusive exercise of a profession, pursuant to Article 348 of the Penal Code;
- simple bankruptcy, fraudulent bankruptcy, failure to declare assets to be included in the bankruptcy inventory or abusive recourse to credit, referred to in Articles 216, 217, 218 and 220 of Royal Decree No 267 of 16 March 1942;
- tax crimes pursuant to Legislative Decree no. 74 of 10 March 2000, and corporate crimes referred to in articles 2621 et seq. of the Civil Code or crimes against industry and commerce referred to in articles 513 to 517 of the Criminal Code;
- urban planning related crimes referred to in Article 44, paragraph 1, letters b) and c), of the consolidated text of the laws and regulations on construction, referred to in the Decree of the President of the Republic 6 June 2001, n. 380, with reference to contracts concerning works or services of architecture and engineering;
- crimes provided for by Legislative Decree no. 231 of 8 June 2001.

- ☒ 10. To have NOT committed serious violation which have NOT been definitively proven related to the obligations for the payment of taxes and social security contributions. Constitute serious tax violation which have NOT been definitively proven those infringements listed in Annex II.10 (*Article 95 paragraph 2 of the Code*);

- ☒ 11. to guarantee the validity of the offer for a period of 180 days from the date of expiration of the deadline for submitting the offer;

- ☒ 12. that there is NO disqualification pursuant to art. 53, paragraph 16-ter, of Legislative Decree no. 165 of 2001 (*so-called pantouflage*), therefore declares (*alternatively crossed out*):

- ☒ to have NOT conferred professional assignments or concluded any employment contract or self-employment to former employees of the Stazione Zoologica Anton Dohrn who have ceased their employment relationship with that Organization for less than three years who, in the last three years of

service, have exercised authoritative or negotiating powers on behalf of the Organization pursuant to art. 53, paragraph 16-ter of Legislative Decree no. 165/2001 as amended;

- ☐ to have conferred professional assignments and concluded some employment contracts or self-employment to former employees of the Stazione Zoologica Anton Dohrn who have ceased their employment relationship with that Organization for less than three years who, however, in the last three years of service, they have NOT exercised authoritative or negotiating powers on behalf of the Organization pursuant to art. 53, paragraph 16-ter of Legislative Decree no. 165/2001 as amended;
- ☐ to have conferred professional assignments and concluded some employment contract or self-employment to former employees of the Stazione Zoologica Anton Dohrn, after three years from when they ceased the relationship of work with this Organization and therefore in compliance with the provisions of art. 53, paragraph 16-ter of Legislative Decree no. 165/2001 as amended;

(It should be noted that if it emerges subsequently - as a result of the checks carried out by this Administration - the evidence of the existence of the above relationships, the exclusion of the private economic operator from the tender procedure will be arranged. Any contracts concluded and the assignments conferred in violation of the provisions of the law are null and void and it is forbidden for the private subjects who have concluded or conferred them to contract with the public administrations for the following three years, with the obligation to return any fees eventually received and proven to be related).

- ☐ Eventual: the company is subject to precautionary seizure of assets according to Article 240-bis of the Penal Code or Articles 20 and 24 of the Code of Anti-Mafia Laws and Prevention Measures, referred to in Legislative Decree 6 September 2011, n. 159, and is entrusted to a custodian or judicial or financial administrator, therefore, as a result of such situations, limited to the grounds for exclusion relating to the period prior to such entrustment, the grounds for exclusion provided for in Articles 94 and 95 shall NOT apply; (*Article 96 paragraph 13 of the Code*);

Eventual: in case that the cause of exclusion according to articles 94 and 95 of Legislative Decree 36/2023 occurred **before** the submission of the offer, the economic operator:

- ☐ declares to be affected by one of the grounds of exclusion provided for by articles 94 and 95 of Legislative Decree 36/2023, in particular: _____ and to have compensated or undertaken to compensate for any damage caused by the crime or offense, to have clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigative authorities and to have taken concrete technical measures, organizational and personnel related, suitable to prevent further crimes or offenses (*so-called self-cleaning*) (*Article 96 paragraph 6 of the Code*). The measures adopted are listed below: _____

Or

- ☐ declares for the following reasons _____ the impossibility of adopting self-cleaning measures before submitting the offer and undertakes to comply subsequently pursuant to paragraph 4 of art. 96 of Legislative Decree 36/2023 (*Article 96 paragraph 3 letter b of the Code*).

In faith,



Finanziato
dall'Unione europea
NextGenerationEU



Ministero
dell'Università
e della Ricerca



Italiadomani
PACCO MANIFESTO
DI POLITICHE E PRIORITÀ



Place and date

Signature



Attach: photocopy of the declarant's identity valid document

DECLARATION IN ACCORDANCE WITH D.P.R. N. 445/2000 AND SUBSEQUENT AMENDMENTS
AND INTEGRATION
PNRR FUNDS

I, the undersigned, _____
born in _____ on _____
resident in _____
Street / Square _____,
in possession of the identity document _____ passport _____ which is attached
in photocopy,
acting as _____
of the company _____ having its registered
office in _____
_____ VAT number _____

DECLARES⁴

☒ that the name of the person who is responsible for representing the Company, for all transactions and for all acts of any kind dependent on the contract, until the termination of all relations is as follows: _____
_____, born in _____,
resident in _____⁵;

☒ the following certified-mail address _____novogeneeu@pec-mail, it _____ is dedicated to the purposes of the communications referred to in this contract;

☒ N. of employees 100.....

☐ to be in compliance with the rules governing the right to work of disabled people referred to in Law 12/03/1999, n. 68

or, alternatively,

⁴ Tick the boxes next to the declarations to be confirmed with an X. If the space available for the declaration is not sufficient, annexes may be added to this declaration.

⁵ If the subject is not the legal representative of the Company, the same must produce a special power of attorney in public form, inserting it in envelope 1 "Administrative documentation".

X that the company is not subject to the obligations referred to Law no. 68/1999, because:

- a) employees fewer than 15 people;
- b) has between 15 and 35 employees and has not made new hires after 18/01/2000;
- c)** other (please specify NOT APPLICABLE as the Company is not subject to Italian regulation on the matter); the Company is not subject to Italian regulation on the matter

□ to indicate that the competent body to certify compliance with the obligations referred to in Law no. 68/1999 is as follows: _____;

X (for operators who employ more than fifty employees) pursuant to art. 47, paragraphs 2 and 3 of Legislative Decree no. 77/2021 (Simplification Bis Decree), converted into Law no. 108/2021 to undertake to submit, under penalty of revocation of the assignment, a copy of the latest report on the situation of personnel, pursuant to art. 46 of Legislative Decree no. 198 of 11 April 2006, with certification of its compliance with the certification that may have already been transmitted to the company trade union representatives and to the regional councillors of equality or, in case of non-compliance with the terms of delivery to the aforementioned bodies, a statement regarding the concurrent transmission to the above mentioned representatives/councillors (Article 47, paragraph 2 of Legislative Decree 77/2021);

□ (for operators who employ a number of employees equal to or greater than fifteen and not exceeding fifty) to undertake to present as soon as possible and in any case within six months of the stipulation of the contract, under penalty of application of the penalties referred to in art. 47, paragraph 6 of Legislative Decree no. 77/2021 converted with Law no. 108/21, the gender report on the situation of male and female personnel referred to in art. 47 paragraph 3 of Legislative Decree no. 77/2021 (Decree Simplifications Bis), converted into Law no. 108/2021. The report is forwarded to the company trade union representatives and to the (female) councillor and regional councillor of equality;

□ (for operators who employ a number of employees equal to or greater than fifteen) to undertake to present as soon as possible and in any case within six months of the conclusion of the contract, under penalty of application of the penalties referred to in art. 47, paragraph 6 of Legislative Decree no. 77/2021 converted with L. n. 108/21, the certification / declaration of the legal representative pursuant to art. 17 of Law no. 68 of 12 March 1999 on the right to work of people with disabilities, accompanied by a report on the fulfilment of the obligations referred to in

the same law and any sanctions and measures imposed on the company during the last three years. The report shall be forwarded to the company trade union representatives.

- *(for economic operators employing fifteen or more employees and not more than fifty)*, that there has been no failure to produce to the contracting station of a previous contract, financed in whole or in part with PNRR as well as PNC funds - during the twelve months preceding the deadline for submission of the tender - the report referred to in Article 47, paragraph 3, D.L. 77/21 converted into L. n. 108/21;

It should be noted that in case of false declaration and verification of the aforementioned violation, the economic operator will be excluded from the tender procedure;

✕ to undertake to comply with the specific obligations of the PNRR, including the principle of not causing significant damage to the environmental objectives cd. "Do No Significant Harm" (DNSH) pursuant to Article 17 of Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020, as well as the principle of contribution to the climate objective, moreover in accordance with the requirements of the "Guidelines for carrying out control and reporting activities of PNRR interventions under the responsibility of central administrations and implementing subjects";

✕ to be aware that the Contracting Authority may proceed with the start of execution on an urgency basis pursuant to art. 32 of the Code, as well as pursuant to art. 8, paragraph 1 letter a) of Law no. 120/2020 and subsequent amendments, should circumstances of necessity and urgency arise for compliance with the terms set by the institution providing co-financing.

In faith

Place, date _____ stamp, signature⁶ _____

⁶ Attachment: photocopy of identity document.

**DECLARATION IN ACCORDANCE WITH D.P.R. N. 445/2000 AND SUBSEQUENT AMENDMENTS
AND INTEGRATION**
in compliance with the provisions of Legislative Decree no. 231 of 21 November 2007
and the subsequent implementing provisions issued by the Bank of Italy on 23.12.2009
(Anti-money laundering prevention rules)

The undersigned, ...
born in (.....) on
TAX CODE
resident in (.....) ZIP Code
Street.....

domicile (if it is different from residence)
.....
.....

Valid identity document details:

☐ Identity card

☒ Passport

.....
.....
.....
.....
.....
.....

2. Legal Representative of the company

Company Name..... Novogene (UK) Company Limited.....

Registered office address: Street 2nd Floor, Bio-innovation Centre, 25 Cambridge

Science Park, Milton Road, Cambridge, England, CB4 0fW.....

ZIP CODE....CB4 0fW... Municipality.....Cambridge.....

Province....England.....

TAX CODE..... VAT GB273975163.....

classification of economic activities according to ISTAT (ATECO code and activity description):

.....72110 - Research and experimental development on biotechnology.....

.....

aware that if it emerges that the contents of this statement are not true, the company will forfeit the right, if any, to the benefits of the assignment in question, remaining the sanctions established by Article 76 of Presidential Decree 445/2000 for the hypotheses of falsity in acts and false statements.

DECLARES

In relation to the procedure in question, having read the instructions concerning the definition of "beneficial owner" and the relative methods of identification given at the bottom of this declaration scheme:

Option 1)

☐ to be the sole beneficial owner of the company above;

=====

Option 2)

☐ to be the beneficial owner of the company together with:

(repeat the information below for each natural person identified as beneficial owner)

Surname.....Name.....

born in (____) on

Tax Code

resident in (____) ZIP CODE.....

Street.....

domicile (if it is different from residence)

.....

Valid **identity document** details:

☐ Identity card

☐ Passport

having number issued on

by.....expiry date

=====

Option 3)

X ☐ to not to be the beneficial owner

The beneficial owner(s) of the enterprise is:

(repeat the information below for each natural person identified as beneficial owner)

District.....

domicile (if it is different from residence)

.....

Valid identity document details:

☐ Identity card

☒ **Passport**

having number

Option 4)

(ATTENTION: this choice is reserved only for cases in which there is no control or significant holdings in the company)

☐ that there is no beneficial owner of the business since

(please specify the rationale: publicly listed company/company with widespread ownership/etc)

.....

..... whereby

the beneficial owners are identified as the natural persons holding powers of administration or management of the enterprise listed below:

(repeat the information below for each natural person identified as beneficial owner, including the declarant where the declarant person is identifiable as beneficial owner due to the absence of control or significant holdings)

Surname..... Name.....

born in (____) on

Tax Code

resident in (____) ZIP CODE.....

road.....

domicile (if different from residence)

.....

Valid identity document details:

☐ Identity card

☐ Passport

having number issued on

by..... expiration.....

The undersigned declares that persons affected by the data processing have read the notice issued by the Personal Data Protection Officer pursuant to Articles 13 and 14 of the Regulation (UE) 679/2016 - GDPR General Data Protection Regulation - and they are informed that the personal data provided are prescribed as necessary by current regulations in force for the purpose of the administrative procedure / procedure in progress here and due to this purpose data will be processed, also by means of IT tools. The unwillingness to provide personal data will not allow the continuation of the procedure. Each interested party, pursuant to Articles 15 and following of the GDPR, may present requests for the exercise of their rights following the conditions indicated in the aforementioned Personal Data Officer notice.

With reference to all persons listed above, please find attached to this declaration:

1. copy of the identity documents of the legal representative and beneficial owners, the details of which have been reported in this statement.

Place and date _____

The legal representative



INSTRUCTIONS FOR IDENTIFYING THE BENEFICIAL OWNER

1. REFERENCE LEGISLATION

According to the Anti-Money Laundering Law (Legislative Decree no. 231 of 21 November 2007), the beneficial owner is the natural person on whose behalf a transaction or activity is carried out.

In the case of a legal entity, it is that natural person - or natural persons - who, by owning that entity, is the beneficiary of it.

All legal entities must therefore have a beneficial owner, except for sole proprietorships and freelancers, where the beneficial owner coincides with the natural person.

In light of the provisions of MEF Ministerial Decree no. 55 of 11 March 2022 *"Regulation containing provisions on communication, access and consultation of data and information relating to the beneficial ownership of companies with legal personality, relating to private legal persons, relating to trusts producing legal effects relevant for tax purposes and legal institutions similar to trusts"*, and by the *"Guidelines for carrying out the control and reporting activities of PNRR interventions under the responsibility of central administrations and implementing subjects"* issued by the MEF - Central Service for the PNRR with circular no. 30 of 11 August 2022, also the subjects participating in notices and calls of the PNRR have the obligation to provide the data necessary for the identification of the beneficial owner.

The FIU Communication of 11 April 2022 also reaffirms the importance of verify the "beneficial owner" pursuant to art. 22 Reg. 241/2021. In particular, *"For the purposes of checks on beneficial ownership, in analogy to what is required for the recipients about obligations of adequate due diligence of customers, it is appropriate that public administrations take in consideration the notion and the indications contained in d.lgs. 231/2007, make use of the aids deriving from public or private databases, where accessible, and take into account the criteria followed for the identification of beneficial ownership"*.

More in detail, pursuant to art. 1 of the aforementioned MEF Decree n.44 / 2022, for the identification of the beneficial owner, in the event of:

- companies with legal personality, reference is made to the natural person or natural persons to whom direct or indirect ownership is attributable pursuant to Article 20, paragraphs 2, 3 and 5, of the Anti-Money Laundering Decree;
- private legal persons, reference is made to the subjects identified by Article 20, paragraph 4, of the Anti-Money Laundering Decree;
- trusts and similar legal institutions, reference is made to the subjects identified by Article 22, paragraph 5, first sentence, of the anti-money laundering decree.

The identification data of the subjects to whom the beneficial ownership refers are:

- the name and surname;
- the place and date of birth;
- registered residence;
- the domicile, if it is different from the registered residence;
- the tax code.

1. CRITERIA FOR THE IDENTIFICATION OF THE BENEFICIAL

The *"Guidelines for the execution of control and reporting activities of PNRR interventions under the responsibility of central administrations and implementing subjects"* issued by the MEF - Central Service for

PNRR with circular no. 30 of 11 August 2022, in referring to d.lgs. n. 231/2007, as amended by Legislative Decree. n.125 of 2019, recalls the application of 3 alternative criteria for the identification of the beneficial owner:

1. **Ownership Structure:** On the basis of this criterion, the beneficial owner(s) is identified when one or more persons hold a holding in the company's capital of more than 25%. If this percentage of corporate participation is controlled by another non-physical legal entity, it is necessary to go back up the ownership chain until the beneficial owner is found;

2. **control criterion:** on the basis of this criterion, it is verified who is the person, or the group of people, who, through the possession of the majority of votes or contractual obligations, exerts greater influence within the panorama of shareholders. This criterion is essential in the event that it is not possible to trace the beneficial owner with the analysis of the ownership structure (see point 1);

3. **Residual criterion:** this criterion establishes that, if the beneficial owners have not been identified with the previous two criteria, the latter must be identified in the person who exercises powers of administration or management of the company.

The same MEF Circular 30/2022 specifies that all successful bidders/contractors with the Public Administration are required to communicate data on beneficial ownership.

In the event that subcontracting is used (if provided for by the Notice / Notice of Tender and the Contract) the communication of data relating to the beneficial owner must be carried out not only by the successful tenderer, but also by the third party (subcontractor) to whom the contractor entrusts in whole or in part, the execution of the work contracted to it.

In the case of a Temporary Grouping of Companies (RTI), the communication of data on the beneficial owner must be carried out by all the economic operators that are part of the Grouping.

2. REGULATORY APPENDIX

Legislative Decree no. 231 of 21 November 2007

Implementation of Directive 2005/60/EC on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing and Directive 2006/70/EC implementing it.

Art. 1. Definitions

... omitted...

2. In this decree the following definitions shall apply:

... omitted...

pp) **beneficial owner:** the natural person or natural persons, other than the customer, in whose interest or in whose interests the continuing relationship is ultimately established, the professional service rendered or the transaction is performed.

Art. 20. Criteria for determining beneficial ownership of customers other than natural persons

1. The beneficial owner of customers other than natural persons shall be the natural person or natural persons to whom direct or indirect ownership or control of the institution is ultimately attributed.

2. Where the client is a corporation:

(a) constitutes an indication of direct ownership the entitlement of a holding of more than 25 per cent of the client's capital, held by a natural person;

b) constitutes an indication of indirect ownership the ownership of a percentage of shareholdings exceeding 25 per cent of the customer's capital, held through subsidiaries, held through trust companies or through third parties.

3. In cases where the analysis of the ownership structure does not make it possible to identify unambiguously the natural person or natural persons to whom the direct or indirect ownership of the entity is attributable, the beneficial owner shall coincide with the natural person or natural persons to whom, in the last instance, control of the same is attributable by virtue of:

- a) control of the majority of votes exercisable at ordinary shareholders' ordinary assembly;
- b) the control of votes sufficient to exercise a dominant influence in ordinary shareholders' assembly;
- (c) the existence of special contractual constraints enabling a dominant influence to be exercised.

4. In the event that the customer is a private legal person, referred to in Decree No 361 of the President of the Republic of 10 February 2000, the following persons shall be cumulatively identified:

- (a) founders, if alive;
- (b) beneficiaries, when identified or easily identifiable;
- (c) persons with powers of legal representation, management and administration.

5. Where the application of the criteria referred to previous paragraphs does not make it possible to uniquely identify one or more beneficial owners, the beneficial owner shall coincide with the natural person or natural persons holders, in accordance with their respective organisational or statutory structures, of powers of legal representation, administration or management of the company or customer in any case other than the natural person.

6. The obliged entities keep track of the checks carried out for the purpose of identifying the beneficial owner and, with specific reference to the beneficial owner identified pursuant to paragraph 5, keep track of the reasons that did not allow to identify the beneficial owner pursuant to paragraphs 1, 2, 3 and 4 of this article.

Art. 22. Customer's obligations

... omitted...

5. Trustees of express trusts, regulated pursuant to Law No 364 of 16 October 1989, as well as persons exercising equivalent rights, powers and faculties in similar legal arrangements, provided that they are established or resident in the territory of the Italian Republic, obtain and hold adequate, accurate and up-to-date information on the beneficial ownership of the trust, or similar legal arrangement, meaning those relating to the identity of the constituent or constituents, the trustee(s), the guardian(s) or other person on behalf of the trustee, if any, the beneficiaries or class of beneficiaries and other natural persons exercising control over the trust or similar legal arrangement and any other natural person who exercises, as a last resort, control over the assets conferred in the trust or similar legal arrangement through direct or indirect ownership or through other means. Trustees of express trusts and persons exercising equivalent rights, powers and faculties in similar legal arrangements shall retain such information for a period of not less than five years from the termination of their trusteeship status and shall make it readily accessible to the authorities referred to in Article 21(2)(a) and (b). The same trustees who, in this capacity, establish a continuous or professional relationship or perform an occasional service declare their status to the obliged entities.



DECLARATION OF ABSENCE OF CONFLICT OF INTEREST

The undersigned..... [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

acting as

(tick the hypothesis of interest)

- ☐ legal representative and beneficial owner
- ☒ **legal representative**
- ☐ beneficial owner

of the company..... [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

pursuant to and for the purposes of Presidential Decree 28/12/2000 n. 445, aware of the penal sanctions provided for by the same D.P.R. for the hypotheses of falsity in acts and false declarations, indicated therein

DECLARES*

the absence of situations of conflict of interest with reference to the award procedures for the needs of the projects financed under the **National Recovery and Resilience Plan PRIN 2022 PNRR settore LS8 "Environmental Biology, Ecology and Evolution" - Istruttoria di apertura del progetto "BeLOw - ground pRocesses In Seagrass meadows: responses and adaptation to climate change".**, referred to Article 16 paragraph 1 of Legislative Decree 36/2023.

In particular, to have NOT any situation of conflict of interest with the personnel of the contracting authority involved in the preparation of the documentation relating to the assignment.

Place and date

[REDACTED]

Signature

Cambridge

N.B.: (text **art. 42 paragraph 2 of Legislative Decree 50/2016**): There is **a conflict of interest** when the personnel of a contracting authority or a service provider who, also on behalf of the contracting authority, intervenes in the conduct of the procedure for the assignment of contracts and concessions can influence, in any way, the result, has, directly or indirectly, a financial, economic or other personal interest which may be perceived as a threat to its impartiality and independence in the context of the procurement or concession procedure. In particular, a situation of conflict of interest is determined by the obligation to abstain provided for in Article 7 of Decree no. 62 of the President of the Republic of 16 April 2013.

***This declaration must be submitted both by the legal representative and by the beneficial owner (if different from the legal representative), signed digitally.**

DECLARATION IN ACCORDANCE WITH D.P.R. N. 445/2000 AND
SUBSEQUENT AMENDMENTS AND INTEGRATION

(Mandatory declaration only for economic operators employing fifteen or more employees)

The undersigned, _____

_____ which is attached in
photocopy⁷,

DECLARES⁸

pursuant to art. 47, paragraph 3 bis of Legislative Decree no. 77/2021 (Simplification Bis Decree) - converted into Law no. 108/2021, in order to promote the employment inclusion of people with disabilities in public contracts, in the PNRR and in the PNC, that in the last three years:

☒ has regularly fulfilled the obligations referred to in art. 17 of Law no. 68 of 12 March 1999 and has NOT suffered any sanctions and measures ordered towards the company ;

or

☐ with reference to the obligations referred to in Article 17 of Law no. 68 of 12 March 1999, it has suffered the application of sanctions and/or measures ordered against the company, as per the detailed report attached to this statement.

In faith,

(Place and date)

Cambridge

(stamp and signature)

⁷ Attach: photocopy of the declarant's valid identity document.

⁸ Tick the boxes next to the statements to be confirmed with an X



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