

QUALIFICATION SYSTEM

Suppliers of goods, service providers and work executors

GENERAL REGULATION

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Article 1 - Definitions

1. For the purposes of these Regulations and the related annexes on the Home page of the Purchasing Portal, the following definitions apply.
 - **"Account"**: the set of personal identification codes consisting of User ID and Password that allow the Economic Operator to access the System;
 - **"Qualification Procedure Cancellation"**: measure adopted by the Company's Qualification Manager to terminate the qualification process, as the conditions for registration do not exist;
 - **"Qualification Cancellation"**: provision adopted against the qualified Economic Operator, which consists in the exclusion of the same from the System;
 - **"Certified E-Mail (PEC) of the Economic Operator"**: the Certified Electronic E-mail indicated by the User, at the time of presentation of the Application for Qualification, in which the economic operator elects domicile for receiving communications, requests and invitations and in general, for the activity carried out on the Purchasing Portal;
 - **"Certified E-mail (PEC) of the Company's Purchasing Portal"**: the Certified Electronic Mailbox through which all communications relating to the activity carried out on the aforementioned Purchasing Portal are managed. Certified Electronic Mail, pursuant to D.P.R. 11 February 2005, no. 68, is an electronic mail system through which electronic documentation is provided to the sender, with legal value, certifying the sending and delivery of electronic documents;
 - **"Categories of supplies/services/works"**: the types of supplies/services/works included in the various "Subsystems" that make up the Qualification System;
 - **"Enrolment class" (C.I.)** defines:
 - the presumed maximum annual amount of the competitive comparisons to which the qualified economic operator may be invited coinciding with the maximum threshold of annual turnover/presumed annual value of the contracts awarded that the Operator may carry out with companies of the FS Italiane Group over a period of one year. In the event that this threshold is reached, the Operator will not be invited to further competitive comparison procedures both based on this System and external to it. In any case, the economic operator may be invited (according to the mechanism described in

the category technical sheets) to competitive comparisons based on this system for contracts whose estimated annual amount is equal to or lower than the assigned enrolment class, taking into account the turnover at the end of the year or during the year in progress in which the comparison is called, on the basis of all the contracts with companies of the FS Italiane Group, however awarded;

- **"Qualification Committee"**: hereinafter referred to as the **"Committee"**, is the internal body that approves the requirements, supplier qualification/suspension/cancellation procedures/relative enrolment class.
- **"Application for Registration"**: electronic document containing the declaration made by the Economic Operator certifying the insertion and/or updating of the information and documentation relating to the qualification application;
- **"Extension"**: the extension of the Qualification to other Category/s of supplies/services/works of the same Subsystem in which the Economic Operator is already registered;
- **"Digital Signature"**: a particular type of qualified electronic signature based on a system of cryptographic keys, one public and one private pursuant to art. 1 paragraph 1 lett. s) of Italian Legislative Decree 82/2005 and subsequent amendments;
- **"IT System Manager"**: the party on behalf of the Company as support for the management and running of the IT System;
- **"Application for Qualification"**: the set consisting of the Application for Registration, documents and declarations, through which the interested parties request qualification to the System in one or more Categories of supplies/services/works;
- **"Annual monitoring"**: periodic verification of the continued possession of the qualification requirements of the Economic Operators, during the qualification period;
- **"Regulation"**: this document which governs the registration and permanence of suppliers of goods, service providers and work executors in the Qualification System;
- **"Qualification Manager" or the "Qualification System Manager"**: person who takes care of the investigation of each qualification application, from receipt of the same until the end of the procedure;

- **"Reduction of the Enrolment Class (C.I.)"**: the reduction of the enrolment class for the Categories of supplies/services/works to which the Economic Operator is already registered;
- **"Qualified Operator"**: the economic operator who, following the Application for Qualification sent to the Company via the Purchasing Portal, has obtained registration in the Qualification System;
- **"Qualification"**: the outcome of the procedure which corresponds to the registration in the Qualification System and allows the participation of the Economic Operators in the awarding procedures;
- **"Procurement Portal"/"IT System"**: the virtual telematic environment, provided and managed by a third party, through which both registrations to the Qualification System and online tenders are made and managed, accessible from the site "acquistionline.mercitalia.it";
- **"Qualification Provision"**: provision of the Qualification Manager with which the positive outcome of the Qualification Procedure is communicated to the economic operators;
- **"IT System Records"**: the results of the electronic archives containing the deeds, data, documents and information relating to the keeping and management of the Qualification System;
- **"Renewal"**: new qualification for a further three years, upon expiry of the three-year period of validity;
- **"Technical File"**: the document which identifies, for each category of supplies/services/works, the specific requirements relating to the technical capacity, necessary for registration in the same category;
- **"System"**: the Qualification System of the Company's suppliers of goods, service providers and executors of works;
- **"Site"**: <https://acquistionline.mercitalia.it>;
- **"Company"**: the company of the Ferrovie dello Stato Italiane Group (FSI) called Mercitalia Logistics S.p.A. which manages this Qualification System also on behalf of the FSI Logistics Hub Companies (Mercitalia Rail S.r.l., Mercitalia Intermodal S.p.A., Mercitalia Shunting & Terminal S.r.l., Terminal Alptransit S.r.l.);

- **"Applicant party"**: the legal representative of the economic operator or the party interested in qualification to the System, who has the power to request qualification and to declare facts, data and information relating to the economic operator he represents, committing the same towards the Company, or the Attorney who has been granted a specific power of attorney;
- **"Suspension of Qualification"**: the measure adopted by the Company in the cases provided for by these Regulations against the Qualified Economic Operator and which consists in the temporary disabling of the same from the Qualification System;
- **"Subsystem"**: the various product sectors that make up the Qualification System;
- **"Transfer of qualification"**: takeover by another Economic Operator of the qualified Economic Operator, as a result of a corporate operation (mergers, demergers, transfers, assignments, transformations, etc.) which involves the transfer of the requirements on the basis of which it was originally qualification issued;
- **"IT System User(s)"**: party/parties interested in enrolment in the Qualification System, as well as the Company, the IT System Manager, any other parties to whom the Company allows to use the IT System.

Article 2 - Establishment and purpose of the Qualification System

1. The Qualification System of suppliers of goods, service providers and executors of works of Mercitalia Logistics S.p.A. has been established. and the companies of the Logistics Hub of the FS Italiane Group (Mercitalia Rail S.r.l., Mercitalia Intermodal S.p.A., Mercitalia Shunting & Terminal S.r.l., Terminal Alptransit S.r.l.).
2. The System has the purpose of defining lists of suppliers of goods, of service providers and executors of works equipped with specific general, technical and financial requirements interested in participating in the award procedures and in competitive comparisons for the assignment of supplies of goods, provision of services and execution of works.
3. The purpose of these Regulations is to define the rules by which the Company's Qualification System is established and managed and in particular to regulate the qualification to the System of economic operators with proven suitability. It includes some annexes present on the Home Page of the Purchasing Portal, which form an integral part of it;
4. The System is divided into several Subsystems, including one or more Categories of supplies/services/works and related Sub-Categories.

5. The Company has the right to use the System for the purpose of awarding contracts for supplies/services/works of any amount, referred to in the Categories of supplies/services/works envisaged. To this end, the Company invites qualified parties to submit offers taking into account the provisions of article 7 below - Enrolment classes.
6. The Application for Qualification submitted by the economic operators concerned has the sole purpose of expressing their will to achieve registration in the Qualification System, without establishing any constraint on the part of the Company for the assignment of any assignment to said parties.
7. The application for Qualification and the consequent use of the Purchasing Portal through the Account by the Users entail the acceptance of all the provisions contained in these Regulations and in the documents referred to therein.
8. In order to use the IT System, the Users concerned must acquire, at their own expense, the technical and IT software and hardware instrumentation expressly referred to on the Home Page of the Purchasing Portal, in the section "Minimum hardware and software requirements", as well as links to telecommunications lines, necessary for connection to the Internet and, in general, to carry out activities within the System.
9. The Company reserves the right to have other Clients/Awarding Entities use the System, or to make use - in turn - of Qualification Systems managed by other Clients/Awarding Entities internal and/or external to the Ferrovie dello Stato Italiane Group, giving, in this case, suitable communication to the interested parties.
10. The assignment procedures will be conducted by the Company in its own name and on its own behalf or in the name and on behalf of the companies of the FSI Group Logistics Hub, in compliance with the provisions of these Regulations.

Article 3 - Duration of the Qualification System

1. The Qualification System **has an indefinite duration**.
2. Interested economic operators can submit an Application for Qualification to the System at any time during its duration. In any case, the Company reserves the right to:
 - update the Regulation, including the related annexes, also by introducing changes to the qualification criteria and the eligibility requirements necessary for qualification to the System;
 - terminate, at any time, one or more Subsystems or one or more categories or the System;
 - integrate or modify one or more Subsystems or one or more categories.

The above will be the subject of a specific notice and will be made public in the manner provided for in art. 15 – Advertising.

3. The provisions referred to in this Regulation must be understood as replaced, modified, repealed or automatically disappplied, where the relative content is incompatible with supervening mandatory legislative or regulatory provisions.

Article 4 - Conditions of use of the IT system and rules of conduct

1. The forwarding of the Application for Qualification implies the timely acceptance by the Economic Operator of all the terms, conditions and warnings contained in these Regulations (and related annexes) and its subsequent amendments, as well as, in any case, of what known to the Economic Operator through the Site and on its Certified Electronic E-mail (PEC).
2. It is hereby understood that the Company may modify, at its sole discretion, at any time and without notice, the aforementioned terms, conditions and notices by notifying them on the Purchasing Portal.
3. It is the sole responsibility of the Economic Operator to constantly monitor the Site and its Certified Electronic Mail Box (PEC) and, therefore, to be aware of the aforementioned terms, conditions and warnings.
4. Economic Operators are required to use the System in a trustworthy manner of conduct and exclusively for the purposes set out in these Regulations and, therefore, remain liable for any violations of legal and regulatory provisions, for any administrative, civil and criminal offence.
5. The Economic Operators also undertake to implement all the precautions and, in any case, the actions necessary to prevent disturbances to the correct functioning of the Company's institutional activities through the System, such as, by way of example and not limited to, the false statements and documentation submitted for qualification purposes, cartel agreements.
6. As regards the time standard adopted by the Qualification System, including communications, as well as for all the procedures for which the System will be used, the CET (Central European Time) is adopted and will be used as the mean time of Central Europe, which is the time in the first time zone, the one immediately east of time zone zero, 1 hour ahead of UTC time (UTC +01:00), where UTC is meant to be Coordinated

Universal Time (also called Greenwich Mean Time (GMT), official measure of time in the world, independent of time zones.

Article 5 - Parties admitted to the Qualification System

1. Economic Operators established in accordance with the legislation in force in their respective countries can submit an Application for Qualification to the System, namely:
 - a) individual entrepreneurs, including artisans, and companies, including cooperatives;
 - b) consortia between production and labour cooperatives and consortia between craft enterprises set up in accordance with the law;
 - c) stable consortia, made up of no less than three consortium members who, with a decision taken by their respective decision-making bodies, have established to operate jointly in the sector of public works, services and supply contracts for a period of time of no less than five years, by setting up a joint enterprise structure for this purpose;
 - d) ordinary consortia;
 - e) aggregations between companies adhering to the network contract;
 - g) economic operators established in other member states of the European Union or recognized under a bilateral or multilateral agreement between the European Union and extra-EU countries.
2. Registration in the Qualification System by **Economic Operators gathered in a Temporary Grouping of Companies is not permitted**. Otherwise, for the individual competitive comparison procedures, the qualified and individually invited economic operator will have the right to submit an offer for itself or as **an agent of economic operators gathered in a temporary grouping of companies**. This means that in the single comparison procedure participation in group form may be permitted, with **other parties qualified** in the Qualification System.
3. Furthermore, an economic operator is allowed to submit an Application for Qualification, within the same Category, individually and simultaneously in the associated form of a single Consortium, without prejudice to the **prohibition of simultaneous participation in the same competitive comparison**.
4. Applicants for qualification must meet all the general, technical, professional and financial requirements referred to in the provisions set out in the General Qualification Requirements Sheet and in the category Technical Sheets.

Article 6 - Application for Registration and Application for Qualification

1. Economic operators who intend to qualify for the System are required to submit a specific Application through the Purchasing Portal.
2. The Application Form must be completed and digitally signed by the following parties.
 - a) by the owner, in the case of a sole proprietorship;
 - b) by a legal representative, or by an attorney with the necessary powers, in the case of a company, consortium or business network, indicating the details of the relative power of attorney and integrating the Application Form with a copy of the same.
3. The Application for Registration in the System must be prepared exclusively using digital means, by accessing the Purchasing Portal, following the procedures indicated therein. The User interested in registering on the aforementioned Portal must provide his/her personal details, personal information and those relating to the Company requested. Upon completion, the economic operator will receive, by certified mail, the credentials to access the Reserved Area of the System.
4. By accessing the Reserved Area, the User must select the Categories included in the various "Subsystems" for which he intends to request qualification, following the instructions on the Home Page of the Purchasing Portal in the Instructions section - *Instructions for registering with the Qualification*.
5. The **Application for Qualification** consists of the following items:
 - a) Registration Application with which qualification is requested;
 - b) documents referred to in the respective category Technical Data Sheets.All the documents referred to in letters a) and b) above must be signed with a **digital signature** and entered on the Purchasing Portal by the User.
6. If it is drawn up in a language other than **Italian**, the Qualification Application (and any other document produced by the applicant) must be accompanied by a sworn translation in Italian, whose conformity with the original text is certified by a Italian consular or diplomatic authority of the country in which the application, declarations and accompanying documents were drawn up.
7. The Economic Operator interested in registering guarantees the accuracy and truthfulness of all the declarations presented.
8. The Economic Operator acknowledges that the registration is made on the basis of substitutive declarations made pursuant to the D.P.R. 28 December 2000, no. 445.

9. The Economic Operator elects domicile at the Certified E-mail (PEC) for sending and receiving all communications, requests and invitations relating to the Qualification System.
10. In particular, all communications relating to the Qualification System are considered validly sent to the aforementioned Certified E-mail (PEC). The Economic Operator, on its behalf, also carries out all communications using exclusively the aforementioned Certified E-mail (PEC).
11. In any case, all the aforementioned communications must be carried out in accordance with the following art. 18 (Personal data processing).

Article 7 - Enrolment classes

1. At the end of the Qualification Procedure, the application class is assigned to the economic operator for each Category of supplies/services/works for which qualification has been requested, confirming or modifying the C.I. requested by the Economic Operator.
2. Enrolment class is determined on the basis of the criteria reported on each subsystem economic and financial requirements sheet and/or in the category technical sheet;
3. The amounts of the single C.I. are shown in the Annex "Enrolment Classes", associated with the single Subsystem of interest.

Article 8 - Qualification requirements and supporting documents

1. The qualification requirements are contained in the Legal and Integrity Requirements Sheet and in the Economic-financial Requirements Sheet and the technical qualification requirements in the category Technical Sheets.

Article 9 - Types of outcomes of the Application for Qualification and Qualification committee

1. The Qualification Procedure can have a maximum duration of **4 months**, starting from the date on which the Application for Qualification is received on the IT System, **complete** with all the declarations and documents required by these Regulations, although not yet verified on the merits, with the specific indication of the Category/Categories of supplies/services/works and the relative limit of the services for which the economic operator requests to be qualified.

Failure to issue a specific provision by the Qualification Manager within the aforementioned term will result in the automatic forfeiture of the Application for

Qualification, which may be freely resubmitted. In this case, the applicant economic operator **is not entitled to any reimbursement** for the expenses incurred, pursuant to the following **article 14 - Qualification fee**.

2. **Document Integration Request.**

In the event that the **documentation** presented in support of the Application and analysed on the merits requires clarifications/integrations, the Company requests the instant economic operator, through the messaging system of the Purchasing Portal, to specify the relative contents and/or **integrate the statements** made and the documentation produced, or to make new statements, to which the applicant must respond **within a maximum period of 2 months**, under penalty of cancellation of the relative procedure. In the event of requests for supplementary documents, the **terms are interrupted**, to start running again in accordance with the provisions of paragraph 1, from the day of receipt by the Company of the supplementary, complete and correct documents.

3. In the event that, pending qualification to the System, the applicants report **one or more variations of the eligibility requirements**, for the purposes of the term referred to in paragraph 1 of this article, the term in which the complete new documentation has been submitted.

4. **Cancellation of the Qualification Process.**

The Qualification Process can be cancelled for:

- **failure or incomplete transmission of the documents** object of the request for documentary integration referred to in paragraph 2, **within 2 months** of the request;
- **lack of proof** of possession of one or more of the required requirements, or proof of the same in ways other than those set out in the *General Qualification Requirements Sheet*.

In the event of cancellation of the Qualification Procedure, the applicant economic operator has no right to any reimbursement for the expenses incurred, pursuant to the following article 14 - Qualification fee.

5. **Suspension of the Qualification Process.**

The Qualification Process may be suspended, when:

- a) one of the relevant parties¹ has been **convicted with a criminal sentence, even if not definitive**, for alleged facts, such as to make the moral integrity of the

¹ Relevant parties are:

a) in the case of a sole proprietorship, the owner, the technical director (if relevant);
b) in the case of general partnerships, the partners, the technical director (if relevant);

Economic Operator and its reliability, understood as technical and professional capacity, in the performance of services to be performed and/or carried out for the Company and/or for other companies of the Ferrovie dello Stato Italiane Group;

- b) it has been duly ascertained by the Company that the requesting or qualified Economic Operator has carried out **acts and/or conduct that are seriously prejudicial to the safety of railway operations** in the context of services in progress and/or already rendered, or if the Company becomes aware of it, during internal/external audit activities or investigations carried out by Judicial Authorities and/or measures adopted by the latter;
- c) the applicant economic operator has disputes pending with the Company or with other companies of the FSI Group **for serious breaches in relation to previous contracts** or if, as a result of the same, it has been included in the **Group Database referred to in DdG n. 156/AD of 21 December 2012**;
- d) there is **no adequate professional reliability** towards the Economic Operator as it appears to have incurred in the last three years:
 - in the termination for non-fulfilment of contracts for works, services and supplies entrusted by contracting authorities of the Company itself as well as of other companies of the FSI Group;
 - in the failure to take delivery, due to one's own act and fault, of works, supplies or services entrusted to the Company or by another Company of the FSI Group;
 - in the declared non-testability of works, services and supplies covered by a contract stipulated with the Company or another Company of the FSI Group;
 - in the violation, during the execution of previous contracts or during the participation in previous competitive comparisons, of any of the rules contained in the Code of Ethics of the FSI Group, ascertained by any means of proof by the Company itself.

c) in the case of a limited partnership, the general partners, the technical director (if relevant);

d) in the case of another type of company or a consortium, the directors or alternatively the members of the management board with power of representation; the technical director (if present); the sole shareholder who is a natural person, or the majority shareholder who is a natural person in the case of companies with a number of shareholders equal to or less than four;

In the event of suspension of the qualification procedure, **the time limit provided for in paragraph 1 is interrupted**, to resume starting from the day of any cessation of the cause that determined the suspension itself.

6. For the purposes of qualification for the System, the Company reserves the right to carry out any further checks on the documentation and declarations made by the applicant economic operators.
7. The provisions relating to the qualification, including any changes to the qualifications already in place, are approved by the **Committee** on the proposal of the Qualification Manager. The Committee approves the qualification requirements, decides on the qualification status of the Economic Operator and on the related Class of ruling.
8. **Method of communication of the results.**

The outcome of the Qualification Procedure is communicated to the applicant economic operators within five working days from the date of the decision, by means of a specific provision by the Qualification Manager, by entering the latter in the dedicated section of the Purchasing Portal.

Article 10 - Validity of the Qualification, Reduction of the Enrolment Class, Suspension and Cancellation of the Qualification

1. **The Qualification is valid for three years** from the date of signing the Qualification Provision or its Renewal. The **3-year** period from the date of signing of the measures indicated above will not be interrupted by any changes in status that may occur (suspensions or qualifications reassessed).
2. During the validity period of the registration, the Company has the right to proceed with the **Reduction of the enrolment class**, the **Suspension** and the Cancellation of the Qualification, if one or more of the conditions referred to in the following paragraphs occur.
3. The **Reduction of the** enrolment class it is ordered by the Company if it has been ascertained that the person has undergone changes that lead to a **worsening of the requirements**. The Economic Operator, in respect of which the Reduction of the C.I. may present, for the purpose of the possible revocation by the Company of **said deed**, a specific request with which it declares the cessation of the causes that led to its adoption, providing the necessary elements in order to prove what has been stated.

4. **The Suspension of Qualification** is ordered by the Company if it has been ascertained that the economic operator:
- a) **is no longer in possession of even just one of the minimum requirements;**
 - b) has had **conduct such as to seriously disturb the normality of relations with the Company** (for example, in the execution of existing contracts, serious delays, serious defaults or insufficient results in monitoring the services rendered);
 - c) **has an ongoing legal** dispute brought by the Company or by other companies of the Ferrovie dello Stato Italiane Group;
 - d) does not comply with availability criteria, within the times indicated by the Company, to send the documentation necessary for carrying out periodic and/or random checks, as well as for carrying out inspections;
 - e) has **omitted or delayed the reporting of significant changes** and/or has **omitted or delayed the sending of documents** for the **annual monitoring** of qualification.
5. In the event of suspension, the decision is made known to the economic operator concerned by means of a provision entered on the Portal with which the same is simultaneously requested to present - **within 30 days** from the date of the suspension - **a compliance plan** regarding the deficiencies that gave reason to suspension.
- The Qualification Manager verifies the implementation of the recovery plan, monitors its completion and - at the end of the period envisaged for its implementation, submits a specific report to the Commission containing a proposal for:
- the readmission of the Economic Operator to the qualification system as long as it has not expired in the meantime (see previous art. 10.1);
 - the cancellation of the qualification.
- The Commission decides on this.
6. **For the entire duration of the suspension, the presentation of the Application for Renewal of Qualification**, that is, **a new application for registration, is precluded**. It is understood that the economic operator, in respect of which a deed of Suspension has been ordered, cannot, in any case, present an offer and/or acquire orders in the procedures for which the Company makes use of the Qualification System, nor in the scope of competitive comparisons external to the System.
7. **Qualification Cancellation** is ordered by the Company if it is ascertained that the party:
- a) is the recipient of an **anti-mafia communication or information of a disqualification nature;**

- b) has made **false statements or false documentation** regarding the requirements that have allowed the qualification and its maintenance;
 - c) **has transferred a contract** to third parties, or has entrusted its total or partial execution to third parties **without prior authorization from the Company**;
 - d) **incurs**, within the **3 years** of validity of the qualification, the **second suspension** of its qualification;
 - e) has incurred the suspension of his/her qualification and the period of **suspension has exceeded the duration of 1 year**, starting from the date of the relative provision.
8. The Economic Operator, in respect of which the Cancellation of the qualification has been ordered, can present, for the purpose of the possible revocation by the Company of said deed, a **specific request** with which it declares the cessation of the causes that led to its adoption, providing the necessary elements in order to substantiate what has been stated.
 9. In the event of cancellation from the qualification system, the Economic Operator will not be able to request a new qualification **before 1 year** from the date of the cancellation provision. The related procedure can only be initiated after the Economic Operator has demonstrated to the Company, and the latter has verified, that the conditions that had led to the cancellation of the qualification no longer exist.
 10. In the event of suspension of qualification or cancellation from the Qualification System due to lack of legal/integrity and economic-financial reliability requirements, the provision applies to all product categories.
 11. If the Reduction of the enrolment class the Suspension and the Cancellation of the qualification are ordered against the **company awarded a contract** falling within the enrolment class and/or specialization category covered by the measure, the Company reserves the right to take any suitable action to protect its interests, including the revocation of the award, the failure to stipulate the contract or its termination to damage.
 12. **Failure or incorrect use of the IT tools** requested from time to time may constitute, depending on the seriousness of the circumstance detected, **cause for Suspension or Cancellation** from the Qualification System, as well as cause for compensation for any damages caused.

Article 11 - Notification of changes, request for modification and Monitoring of the Qualification

1. Qualified economic operators and those in the process of qualification must **notify the Company of all changes relevant for the purposes of qualification** - relating both to their organization and structure, and to their requirements - which may occur during the period of validity of the qualification or in the period in question. which the qualification process takes place.
2. The communication referred to in the previous paragraph must be **made within 30 days** from the date on which the changes occurred.
3. Any variation, even in the absence of communication from one party, may result in an automatic modification of the qualification.
4. However, the duration of the qualification remains unchanged and fixed at three years from the date of the qualification provision, even if there are variations.
5. **Monitoring of Qualification.** The Qualification Manager in order to verify the maintenance of possession of the qualification requirements of the Economic Operators in the qualification period:
 - constantly monitors legal/integrity requirements through data and information available in external databases or received from internal Security functions;
 - constantly verifies the economic-financial requirements through the data and information available on external databases;
 - requests any Economic Operators to update the documentation;
 - once a year, at the specific request of the Economic Operator, it updates the enrolment class.

In general, the Company reserves the right to carry out **surveillance** on the possession/permanence of the general, economic-financial and technical-organisational requirements through periodic spot checks or in case of reasonable doubt. The checks will also be implemented in the event of reports of adverse events in the selection phase of the Economic Operators and in the execution of the related contracts, in the event of corporate changes or on the basis of information inferable from databases or third-party platforms. In this sense, the Company reserves the right to ask, at any time, the qualified Economic Operator to produce all appropriate documentation regarding the possession of the declared requisites. Surveillance, carried out on parties registered in the Qualification System, has the purpose of keeping their technical, financial and administrative reliability under control over time.

6. In the event of a change in the qualification requirements, the Qualification Manager draws up a report so that the Commission can evaluate and define any action concerning the qualification status of the Economic Operator (e.g. suspension, modification of the enrolment class, etc.).
7. The data of the Economic Operators are subject to continuous monitoring and updating as a result of company operations of an extraordinary nature. In the event of extraordinary corporate operations (e.g. mergers) or significant organizational changes, the Qualification Manager verifies the existence of all the requirements and submits the update for approval by the Commission.
8. The transfer/revision of qualification does not affect the original expiration date, which remains unchanged.
13. During the three-year period of validity of the qualification and for monitoring purposes, the Company may in any case verify that the qualified economic operator continues to meet the requirements also through **inspection visits and/or documentary requests**.

Article 12 - Renewal, Extension of Qualification and Increasing the Enrolment Class

1. Qualified parties can apply for the three-year **Renewal of Qualification**. To this end, at **least 4 months before** the expiry date of the three-year period of validity of the Qualification, they must send a specific application accompanied by all the adequately updated documentation. For the purposes of Renewal, the same provisions governing Qualification to the System apply.
2. The Company informs the economic operator of the outcome of the Renewal Process via the Purchasing Portal.
3. The qualified Operator can request the **Extension of the Qualification** to other Category/Categories of the same Subsystem. In this case, the applicant must submit a specific application by attaching all the documentation necessary for the extension. The Qualification relating to the Category for which the extension is requested starts from the date of signing of the relevant Provision. For the purposes of the Extension of the Qualification, the same provisions governing the Qualification to the System apply.
4. The qualified Economic Operator can request an **Increase of Enrolment Class**. In this case, the applicant must enter into the System all the documentation that contributes to the identification of the new benefit limit, proving possession of the related requirements. For

the purposes of Increasing the Enrolment Class, the same provisions governing Qualification to the System apply.

Article 13 - Transfer of qualification

1. In the event that a qualified Economic Operator is replaced by another Economic Operator as a result of a corporate operation (mergers, demergers, transfers, assignments, transformations, etc.) which involves the transfer of the requirements on the basis of which the qualification was originally issued, the qualification can be transferred to the new Economic Operator resulting from the corporate operation.
2. To this end, the **request for transfer** resulting from the corporate operation must be presented by the Economic Operator concerned together with the documentation necessary to verify the existence of all the requirements, according to what is indicated in these Regulations, in the relative annexes and in the technical data sheets of the category, attaching a copy of the deed with which the corporate action was carried out. The Company will decide on the transfer request within 3 months of the submission of the request. In the event of failure to pronounce within the aforementioned term, the request will automatically be deemed to have lapsed and the Economic Operator resulting from the corporate operation will be able to freely re-submit it.
3. Wherever, as deemed by the Company, the corporate action that has taken place does not lead to a change in the requirements, the transfer of the Qualification will be granted automatically without interruption, the expiry date envisaged for the original Qualification remaining unchanged.
4. When, however, in the opinion of the Company, the corporate action that has been implemented involves a change in the requirements, the Economic Operator resulting from the corporate action will have to submit a new Application for Qualification.

Article 14 - Qualification fee

The initiation by the Company of the Qualification Procedure, or the three-year renewal of an already existing Qualification, is in any case **subject to receipt of a copy of the receipt certifying the payment** by the applicant of the amount indicated on the individual forms category techniques, by way of **reimbursement of technical-administrative expenses**.

The qualification fee (Annex "*Qualification Fee Sheet*") is **valid for three years** and must be paid for each Category, regardless of the number of Sub-Categories in which the economic operator intends to be registered.

Article 15 - Advertising

1. The notice on the establishment and existence of the Qualification System and related Subsystems, written in Italian, is made known on the Company's website (https://www.mercitalialogistics.it/content/mercitalia_logistics/it/bandi-gare.html) and by extract in two newspapers;
2. The Company reserves the right to resort to further forms of advertising to publicize the existence of the System.
3. The documentation required for qualification can be consulted and downloaded free of charge from the Home Page of the Purchasing Portal, in the "Qualification System" section.

Article 16 - Voluntary cancellation

1. **The Economic Operator can unsubscribe** from the Qualification System at any time, without prejudice to the obligations already undertaken, by communicating his intention to the Company.
2. Voluntary Cancellation results in **deactivation of the Account**.

Article 17 - Guarantees and indemnity

1. The Economic Operators undertake to **indemnify and hold the Company harmless**, indemnifying any injury, damage, cost and burden of any kind, including any legal fees, which may be charged or suffered by the Company itself, and/or by third parties due to violations of these Regulations and/or incorrect use of the System or violations of the current Regulation.
2. In the event of violations of these Regulations and/or incorrect use of the System, the Company reserves the right to take action for compensation for direct and indirect damages to property and image, possibly suffered.
3. The Company is expressly released from any liability if it is impossible to contact the Economic Operators at the Certified E-mail (PEC) indicated in the Qualification Application.

Article 18 - Processing of personal data

1. The Company informs that the personal data of the Economic Operators and their representatives and/or contact persons will be collected and processed by the Company, or by authorized third parties (including in the first place the System Manager), for the purposes and in the manner referred to in attached information sheet published on the Home of the Purchasing Portal.

Article 19 - Jurisdiction

For any issue or controversy arising regarding the interpretation, application, execution of these Regulations, it will be referred exclusively to the Court of Rome.

Article 20 - Liability

1. With the use of the Account and/or Certified Email Box, issued to the User for the purposes of enrolment in the Qualification System, all expressions of will and actions carried out through the Qualification System **are charged unquestionably to the User/Economic Operator**.
2. The Economic Operator acknowledges and accepts that the use of the System will not imply any preventive control of compliance with the Regulations in force by the Manager of the IT System itself, nor by the Company, and the Economic Operator itself is, therefore, exclusively responsible in case of violation of the aforementioned Regulation and for any kind of offence. The Economic Operators are aware that the forgery of documents and false declarations involve, in addition to the Cancellation from the Qualification System, the application of penal sanctions pursuant to art. 76 of the Presidential Decree no. 445/2000

Article 21 - Applicable legislation

These Regulations, even for matters not expressly regulated in it, will be implemented and applied in accordance with any law and/or relevant provision, which in any case prevail over the provisions contained in this document.

In any case, the Company reserves the right, at its sole discretion, to make any changes to these Regulations that may be necessary and appropriate to ensure the functionality of the System, in compliance with the principles established by Community and national law. In this case, the changes made will be published on the Company's website (https://www.mercitalialogistics.it/content/mercitalia_logistics/it/bandi-gare.html).

Annexes

The following transversal documents/forms are attached to these Regulations:

Annex 1 - Legal and Integrity Requirements Sheet

Annex 2 - Economic-financial reliability requirements sheet

Annex 3 - IT Requirements Sheet

Annex 4 - Qualification fee

Annex 5 - Privacy Policy

Annex 6 - Conflict of Interest Statement

Annex 7 - Enrolment class