



REGIONE AUTONOMA
FRIULI VENEZIA GIULIA

Regulations relating to the management of the Register of Economic Operators of the Region of Friuli Venezia Giulia

11/12/2017



eAppaltiFVG

Portale degli appalti della regione Friuli Venezia Giulia

Definitions

For the purpose of these Regulations, the following terms have the meanings given below:

RAFGV: The Autonomous Region of Friuli Venezia Giulia;

Register of economic operators: a List of economic operators set up by the RAFVG pursuant to and for the purposes of article 36 of Legislative Decree n° 50/2016 and of ANAC Resolution n° 1097 of 26 October 2016 Guidelines n° 4, implementing Legislative Decree n° 50/2016, containing "Procedures for awarding public contracts for amounts below the relevant Community thresholds, market surveys and formation and management of lists of economic operators";

Authority or contracting authority: any body that is authorised to use the Register to select the economic operators to be invited through the electronic system;

System: the RAFVG Electronic Procurement System used to manage the Register of Economic Operators;

Registration: the result of the procedure that allows economic operators who have applied for registration to access the Register of Economic Operators and participate in the System, following verification and acceptance by the RAFVG;

Economic operator: a legal person who, as a result of an application submitted to the RAFVG through the System, is registered in the Register of Economic Operators, following verification and acceptance by the RAFVG;

Account: a set of personal identification codes made up of User ID and Password to allow the economic operator to access the System;

Representative: the legal representative or the attorney to whom specific powers of attorney have been conferred by the entity or by the competent body of the economic operator interested in registering in the Register of Economic Operators, who has the power to request registration and to certify and declare acts, facts, data and information relating to the entity being represented, and in any case, the power to represent the economic operator vis-à-vis the RAFVG;

Email box of the economic operator: the email box chosen by the economic operator at the time of registering to the System, and subsequently updated if necessary, intended for communications, requests and all communications in general relating to the activity carried out in the System. If there should be any change to the email box related to the System, the economic operator will be responsible for updating the details thereof without delay;

Digital Signature: qualified electronic signature based on a cryptographic key system, one public and one private, as defined in accordance with Legislative Decree n° 82 of 7 March 2005 (Authority Digital Code);

System Manager: the entity, indicated on the site, providing support to the RAFVG in the management and running of the System;

Online procedure: the procedure that generates a document through the System, in which declarations are certified and/or the intention to register in the Register of Economic Operators is manifested;

System records: the results of the electronic archives containing acts, data, documents and information relating to the management of the Register of Economic Operators;

Site: the web portal <https://eappalti.regione.fvg.it> to access the System;

Suspension: a provision adopted by the RAFVG Process Manager in the cases provided for in these Regulations in relation to the economic operator and which consists of the temporary exclusion of the economic operator from the Register of Economic Operators;

Cancellation: a provision adopted by the RAFVG Process Manager in the cases provided for in these Regulations in relation to the economic operator and which consists of the temporary exclusion of the economic operator from the Register of Economic Operators.

Article 1 Purpose

The purpose of these Regulations and related annexes that form an essential and integral part hereof, is to establish and manage the Register of Economic Operators.

These Regulations also govern the conditions, terms and limitations of use of the System.

The Register of Economic Operators identifies the economic operators for each commodity sub-category who possess the general requirements, professional suitability, qualification to perform public works, economic and financial capacity and technical and professional ability to be invited, in compliance with the principles of cost effectiveness, timeliness, fairness, free competition, non-discrimination, equal treatment, proportionality, transparency and rotation, to the procedures of awarding contracts for amounts below the relevant Community thresholds, pursuant to Article 36 of Legislative Decree n° 50/2016.

Article 2 Categories

The categories and commodity sub-categories for which the RAFVG register of economic operators is established are listed in Annex 1 of these Regulations and may be modified periodically according to market and RAFVG requirements. The version of the list of product categories in force from time to time is accessible from the System homepage, in the section Services for Economic Operators - Register of suppliers. Registration thereto is possible only and exclusively for categories present on the System.

Article 3 Procedure to set up and form the Register of Economic Operators

The Register of Economic Operators is accessible in the Services area for Economic Operators of the regional eProcurement system <https://eappalti.regione.fvg.it>, section "Registration to the portal". These Regulations are also published in the "Register of suppliers" section in the public area of the system.

Publication of these Regulations, disclosure of the documentation referred to therein and setting up of the Register does not in any way constitute the start of any procedure of assignment and/or award of contracts by RAFVG.

The RAFVG Register of Economic Operators is managed electronically, therefore all applications to register, modify or renew must be submitted online as provided by the above-mentioned portal.

The Register is implemented by means of the registration procedure and, specifically through application by the concerned entities in the Register. Submission of an application to register in the Register of Economic Operators involves acceptance of all the provisions contained in these Regulations. The Register of RAFVG Economic Operators is an open register and application can be made at any time.

The RAFVG reserves the right to:

- terminate the Register of Economic Operators, wholly or partly, at any time;
- modify these Regulations and the general and specific registration requirements at any time;
- activate, modify or delete product categories at any time.

The RAFVG has the right to not use this Register of Economic Operators exclusively for tenders for the supply of goods, services and works.

Article 4 Admitted entities

The following are admitted to the procedure for registering in the Register of Economic Operators:

a) for the assignment of works, services and supplies:

- 1) individual businesses, even artisans, companies, including cooperatives;
- 2) consortia between production and labour cooperatives established pursuant to law n° 422 of 25 June 1909, and legislative decree of the interim Head of State n° 1577 of 14 December 1947 et seq., and the consortia between artisan companies as per law n° 443 of 8 August 1985;
- 3) permanent consortia, also constituted in the form of consortium companies pursuant to Article 2615-ter of the Italian Civil Code, between individual businesses, even artisans, commercial companies and production and labour cooperatives. Permanent consortia are formed by no less than three members who, by decision taken by the respective decision-making bodies, have established joint operations in the field of public contracts for works, services and supplies for a period of time of not less than five years, setting up a common business structure for this purpose;

b) for the assignment of services relating to the preliminary, final and executive project of the works, as well as to the management of the works:

- 1) individual or associated freelancers;
- 2) companies of professionals;
- 3) engineering companies;
- 4) service providers of engineering and architecture identified with the CPV codes 71200000-0 to 71541000-2 and 71610000-7 to 71730000-4 and 79994000-8, in accordance with Regulation (EC) n° 213/2008 of 28 November 2007, established in other Member States and set up in accordance with the legislation in force in the respective countries;
- 5) permanent consortia of companies of professionals and engineering companies.

It is understood that, regardless of the legal nature of the entity interested in registering, the tasks entrusted by the RAFVG must be performed by professionals who are enrolled in the appropriate professional registers pursuant to current professional regulations, who are personally responsible and indicated by name already at the time of submitting the application, specifying the respective professional qualifications.

In addition to Italian entities, the registration procedure may include entities belonging to member States of the European Union or third countries with which Italy or the European Union have concluded agreements or have mutual agreements to guarantee access to markets in the specific sector.

Article 5 General requirements

To be registered in the RAFVG Economic Operators Register, there must be no grounds for exclusion pursuant to art. 80 of Legislative Decree n° 50/2016.

The economic operator certifies that it possesses the requirements by means of a substitutive declaration in accordance with the provisions of the Consolidated Law on administrative documentation, pursuant to Presidential Decree n° 455 of 28 December 2000.

Article 6 Professional suitability requirements

The economic operators applying for registration to the Register of Economic Operators must submit a self-declaration pursuant to articles 46 and 47 of Presidential Decree 445/2000 in relation to registration in the business register of the Chamber of Commerce (CCIAA) or in the register of provincial committees for artisan businesses (Commissioni Provinciali per l'Artigianato), or be enrolled in one of the competent professional or trade registers, certifying their specific activity, the name or names of persons legally authorised to represent and commit them and the location of their production units.

Article 7 Economic and financial capacity requirements

The economic operators applying for registration to the Register for categories of services and works must provide statements made by at least two banking institutions operating in EU member states or by authorised brokers pursuant to Law n° 385 of 1 September 1993, which provide suitable references on the economic and financial capacities of the company. For entities referred to in art. 45, paragraph 2, lett. b) and c) of Legislative Decree n° 50/2016, bank references must be held by the consortium requesting registration.

For the purpose of validity, statements must have been issued within the six months prior to the application. Should the economic operator enter into relations with a single banking institute, only one statement may be submitted.

Article 8 Technical and professional ability requirements

The economic operators applying for registration in the Register for the categories of supplies and services must prove that they possess the technical and organisational abilities required by:

- 1) providing a list of the main supplies or services performed in the business sectors pertaining to the category of the application, indicating the subject of the contracts, amounts net of VAT, date/billing period and certificate of satisfactory execution and outcome.
- 2) providing certificates of regular execution, test certificates or other equivalent document, issued and endorsed by the subjects to whom the contract was intended, unless the customer was RAFVG/EGAS/INSIEL. This documentation must refer to the List above;
- 3) providing a description of the technical equipment possessed with reference to the product categories for which registration is requested;
- 4) informing of the number of employees at the date of submission of the application.

The requirement in points 1 and 2 listed above does not apply to architectural and engineering services.

On the other hand, as regards commodity categories related to works, companies who possess SOA certification or are registered with the Chamber of Commerce, which shows that their purpose is to execute works, are permitted to enrol in the Register. At the time of application for registration, the economic operator is therefore required to declare

that it possesses SOA certificates and attach them to the application itself or attach the certificate of registration in the business register of the Chamber of Commerce.

For the commodity sub-categories related to architecture and engineering services, in compliance with ANAC Resolution n° 973 of 14 September, 2016 - Guidelines n°. 1, implementing Legislative Decree n°. 50 of 18 April 2016, containing "General guidelines on the assignment of services related to architecture and engineering", the Register of economic operators will be used only for negotiated procedures without a call for competition for an amount of less than 100,000 Euros excluding VAT. A professional cannot participate individually and as a component of a group of professionals or company of professionals, nor participate simultaneously in more than one grouping. Likewise, an accumulation of assignments that exceed the relevant Community threshold over a period of one solar year is also prohibited. To register in the category of architecture and engineering services, specific indications about work performed for the categories and classifications according to the current professional rates are also required in order to assess that the previous experience requested corresponds to the type of projects during the planning stage, so that the required professional skills concretely meet the classes and categories of the work to be carried out.

The RAFVG reserves the right to modify the economic-financial and technical-organisational capacity requirements for access to the Register of Economic Operators at any time, by giving notice on the site <https://eappalti.regione.fvg.it> in the Services Area for Economic Operators, section of the Register of Economic Operators.

Article 9 Registration validity

There is no time restriction for registration in the Register of Economic Operators with the requirements requested, except for reviews, suspension and cancellation pursuant to these Regulations.

The data communicated can be updated at any time and submitted for assessment by the RAFVG, as also outlined in article 12.

Article 10 Application for registration

Applications for registration in the Register of Economic Operators must be submitted electronically, subject to registration on the eAppaltiFVG website at the following address <https://eappalti.regione.fvg.it> following the procedures indicated therein. The System requires several fields to be filled in, which relate to the personal data of the user who is applying in the name and on behalf of the economic operator, as well as the personal data of the operator itself and other personal information concerning the entities operating therein, including those declaring the possession of the subjective and objective requirements.

When registering in the System, an Account is associated with each economic operator, whose use is regulated by the discipline of the e-procurement system of the Autonomous Region of Friuli Venezia Giulia (RAFVG), accepted by the economic operator, as well as any further conditions of use published on the site to which reference is made.

All communications by the RAFVG, including registration or the possible rejection of the application, as well as the suspension or cancellation thereof, are considered validly carried out through the system's communication functions. All messages sent via the system are notified to the email box indicated for this purpose by the economic operator at the time of registration.

All communications that the economic operator intends to forward to the RAFVG must be made using only the communication functions of the System.

For registration purposes, the following information is requested, which may be modified at any time by the RAFVG:

User data

- Name (surname, first name, tax number)
- User profile
- Place and date of birth (city, province, country, date of birth)
- Residence (city, province, address, house number)
- Contact details (telephone, fax, email)

Economic Operator Data

- Name, type of economic operator, website, tax code, VAT number
- Certified and non-certified email (non PEC and PEC email) of the Economic Operator
- Registered office (address, number, city, postcode, province, country, telephone, fax)
- Chamber of Commerce (registration number, registered office, date of registration, company purpose, activity code, economic and administrative index (REA), date of termination of the company, details and date of incorporation, branch offices)

Representatives, Technical Directors and members who are no longer in office (for each person the surname, name, tax code, date and place of birth, sex, office and presence of any convictions pursuant to Article 80 paragraph 1 of Legislative Decree 50/2016 must be indicated)

Consortia memberships

Inps (Social security) (number, competent seat)

Inail (National Institute for Insurance against Accidents at Work) (company code, territorial insurance n° - P.A.T., competent office)

Building Workers' Welfare Funds (registered office, company code, number)

Registers (registration with registers or professional associations)

Economic-Financial Capacity

Banking institutions (banks with which there have been more relationships in the last three years)

Share capital (declared and paid up)

Share/stockholders (share/stockholders of share capital as per shareholders' register)

Global turnover (last three years)

Information

SOA certifications

Quality certifications

Environmental management certifications

ISO 34001 or CWA 15374 safety certifications

Certification of the quality system in compliance with the European UNI CEI ISO9000 standards

Environmental certification in accordance with the UNI ENISO1400 standard

Social accountability 8000 certification

Certification of the management system to protect the safety and health of workers

OHSAS 18001 certification

UNI CEI EN ISO 50001 Certification

UNI CEI 11352 Certification

ISO 27001 Certification

Other certifications (See Annex 2)

Main product lines or activities

Description of technical equipment

Secondary branches on the national territory

Commercial certifications (commercial certifications obtained from third parties for services and products)

Patents (patents and other property rights)

Major customers in decreasing order of amount and % of turnover according to the latest approved financial statements

Areas of interest for RAFVG contracts

Type of employment contract

Staff (directors, middle managers, employees, workers, other staff)

Declarations

Subsidiaries

Holding companies

Disabled work standards

Statements concerning art. 80 of Legislative Decree 50/2016

Convictions (pursuant to article 80 paragraph 1 of Legislative Decree 50/2016)

Convictions of prior members (Article 80 paragraph 1 of Legislative Decree 50/2016)

The online procedure for submission of the Application for Registration in the Register of Economic Operators, requires the inclusion of documents, electronically signed, as listed below:

- 1) Application for Registration in the RAFVG Register of Economic Operators (mandatory at all times)
- 2) List of services and supplies in the cases provided for by art. 8 technical and professional ability requirements
- 3) Commercial references for services and supplies in the cases provided for by art. 8 technical and professional ability requirements
- 4) Power of attorney (mandatory in case of declarations made by an attorney)
- 5) Documentation pursuant to art. 80 paragraph 7 of Legislative Decree 50/2016 (mandatory in the event of convictions pursuant to Article 80 paragraph 1 of Legislative Decree 50/2016)

6) Declaration of dissociation from offences committed by previous members pursuant to art. 80 paragraph 7 of Legislative Decree 50/2016 (mandatory in case of previous members who have been convicted pursuant to article 80 paragraph 1 of Legislative Decree 50/2016)

7) Company presentation (optional)

8) Quality certifications, (mandatory if possession of the quality certifications has been declared)

9) SOA Certifications (mandatory if possession of the SOA certifications has been declared or if categories of jobs are selected)

10) Other certifications

11) Other documents (optional)

12) Questionnaires (mandatory if a questionnaire has been completed)

13) Designers CVs (mandatory if the category architectural and engineering services is selected)

The application must be signed, by digital signature of the representative of the economic operator, namely:

- by the owner, if it is a sole proprietorship;

- by one of the general partners if it is a limited partnership;

- by one of the shareholders if it is a partnership company;

- by the director empowered to act as representative if the economic operator is another type of company or consortium;

- by the attorney who has the necessary powers;

- by the individual professional, if he/she is a freelancer;

- by the legal representative if the operator is a professional association.

A person cannot submit an application to register within the same category of goods, either individually or simultaneously in an associated form (Consortium) or to participate in more than one Consortium, otherwise all applications submitted will be excluded.

Article 11 Conditions of use of the System and rules of conduct

Submission of the application to register in the Register of Economic Operators and the related enrolment imply the full acceptance by the registered economic operator of all the terms, conditions and instructions contained in these Regulations et seq., as well as what has been brought to the attention of the Register of Economic Operators on the website and in the email box of the same economic operator.

It is understood that the RAFVG may modify the aforementioned terms, conditions and instructions at its sole discretion, at any time and without notice.

The registered economic operator is solely responsible for the constant monitoring of the site and the email box of the economic operator and, therefore, knowledge of these terms, conditions and instructions.

Economic operators who have an account and, in any case, registered economic operators, are required to use the System in good faith and only and exclusively for the purposes referred to in these Regulations. The aforementioned are, therefore, responsible for any violations of the provisions of law and regulatory violations for any administrative, civil or criminal offence.

Economic operators who have an account, are also obliged to put in place all the precautionary measures and, in any case, the necessary actions to avoid that disruptions occur in the System in relation to the correct operation of the institutional activities of the RAFVG, such as, by way of example and not limited to, forgery in deeds, collusive tendering and the cartel agreements.

Use of the account of the economic operator unquestionably attributes to the person to whom all the expressions of will, actions, deeds and/or facts made through the System have been issued.

The operations carried out within the System are referred to the registered economic operator and are intended to be carried out at the time and day resulting from the System recordings, which allow to preserve both the time of sending and the time of receipt by the System, and therefore by the RAFVG, of the documents certifying the individual operations.

To determine the time in the Register of Economic Operators, including communications, as well as all the procedures for which the System will be used, the System time will be adopted and will be valid and it will be synchronised with the Italian time referring to the UTC time (IEN), pursuant to decree n° 591 of the Minister of Industry, Trade and Crafts of 30 November 1993.

Article 12 Assessment of registration requirements

The economic operators are registered in the RAFVG Register of economic operators by category and sub-category as listed in Annex 1.

The registration is approved by the RAFVG process manager, after checking the completeness and regularity of the declarations made and the documentation attached in the system.

More specifically, after examining the application and verifying the declarations relating to the requirements, the process manager informs the applicant of the positive outcome of the registration process through the System and notifies the economic operator through the email box.

To verify the general requirements, the moral and professional suitability and the economic-financial capacity declared by economic operators, the RAFVG will make use of the services of public and private bodies and/or databases.

The RAFVG, through the use of the associated internal structures or external bodies appointed for this purpose, can carry out checks at any time, even randomly, of the declarations made or the documentation submitted in order to ascertain that the economic operator possesses the requirements to maintain its registration in the RAFVG Register of Economic Operators.

The deadline by which the RAFVG will have to complete or reject the registration is 30 calendar days from the date of submission of the application.

If the RAFVG considers that it cannot complete the procedure within the aforementioned term, it may extend the deadline once only by an additional 30 calendar days and will communicate this decision to the applying economic operator via the System outlining the grounds for the extension of the deadline and the date by which the application will be accepted or rejected.

Should the documentation submitted not be complete or exhaustive, the terms of the registration process will be interrupted until the economic operator is able to provide the required clarifications and/or additions. In this case, the RAFVG will communicate that the registration process has been interrupted, giving the reasons thereof and the new deadline to conclude the procedure will start from the date of receipt of the complete supplementary or modified documentation.

If the registration requirements have not been met, prior to adopting the negative provision, the RAFVG will promptly inform the applicant of the reasons that prevent admission of the application. The applicant has the right to submit his/her observations in writing, possibly accompanied by documents, within ten days of receiving the communication. The communication from the RAFVG interrupts the deadline to conclude the procedure that starts again from the date of submission of the observations or, failing that, from the deadline for submission of written observations. Should the observations not be accepted, the reasons will be given in the application rejection provision.

The "registered" Economic Operator will be able to restart the registration procedure in the Register of Economic Operators at any time.

If the application has been successful, the RAFVG will communicate acceptance and will specify the related commodity categories and sub-categories of the registration. In the event of partial acceptance, the RAFVG will also point out the categories and the sub-categories for which the registration has not been made and the reasons per single commodity sub-category.

Article 13 Information obligations by economic operators

The economic operator must notify the process manager of any modification and/or integration of the data declared at the time of submission of the application through the System. Any changes made regarding the requirements for registration may entail justified suspension or cancellation from the Register, where the cases outlined in article 16 here below may occur.

In particular, the persons registered in the Register of Economic Operators are required to inform the process manager:

- a) immediately of any modification and/or loss of the declared general requirements referred to in Article 5 above; in any case no later than 5 (five) calendar days from the occurrence of the event, subject to the economic operator being removed from the Register of economic operators;
- b) immediately of any change in the powers of the legal representative; in any case no later than 5 (five) calendar days from occurrence of the event, subject to the economic operator being suspended from the Register of economic operators;
- c) promptly of any modification and/or variation in the data, information and facts attested in the application, other than those referred to in letters a) and b); in any case no later than 30 (thirty) calendar days from the occurrence of the event, subject to the economic operator being suspended from the Register of Economic Operators.

Nevertheless, as the certificates provided in the application are statutory declarations, pursuant to article 47 of Presidential Decree n°. 445/2000, they must be renewed whenever the facts or acts declared therein have changed.

The changes referred to in the previous paragraphs must be carried out exclusively through the functions available in the System.

The data subject to the changes will also be subject to verification by the RAFVG in compliance with other sections of these Regulations.

Article 14 Confirmation of requirements

During the registration process, the economic operator must confirm the certifications supplied with the application he and/or information and/or data relating to the general requirements and professional suitability referred to in articles 5 and 6 of these Regulations on a six-monthly basis from the date of acceptance of registration in the Register. Once the aforementioned time has elapsed without receiving confirmation, the economic operator will automatically pass into an "expired" status, which does not allow him/her to be invited to the negotiated procedures below threshold. However, the "expired" economic operator will be able to reactivate the registration in the Register of Economic Operators at any time by sending the six-monthly confirmation. Should the economic operator remain in the "expired" status for over 180 calendar days, the RAFVG may remove the economic operator from the Register of Economic Operators.

Article 15 Suspension from the Register of Economic Operators

Suspension from the Register of Economic Operators takes place in the following circumstances:

1. when the preliminary verification process relating to possession of the requirements for registration in the Register of Economic Operators is negative, a further verification/follow-up procedure is in progress;
2. when formal assessment procedures are in progress as regards irregularities in the execution of deliveries and/or partial non-performance, possibly with the application of penalties;
3. failure to communicate modified documents and/or data in relation to those provided with the application;
4. ascertainment of the non-existence or loss of any of the requirements for registration in the Register of Economic Operators pursuant to Articles 5, 6, 7 and 8;
5. false statements that also arise as a result of verifying the truthfulness of the statements made by the person pursuant to articles 46 and 47 of Presidential Decree 445/2000, without prejudice to the provisions of art. 71, paragraph 3 of the same Decree concerning irregularities or omissions not constituting falseness for which the economic operator will be required to regularize or complete the declaration;
6. termination of a contract for non-compliance or irregularities in the execution thereof;

Validity of the suspension:

- shall be for a minimum of one month for points 1 and 2 and in any case until the end of any investigations;
 - may vary from 6 to 24 months for points 3 to 7, depending on the severity of the non-compliance;
- In the cases referred to in points 1, 2, 3 and 4, the suspension may be withdrawn in advance of the established duration if the complete removal of the cause of suspension is ascertained.

The provision of suspension from the Register of Economic Operators will be promptly communicated to the interested party through the System and notified through the email box of the Economic Operator.

During the suspension period, economic operators cannot participate in tenders negotiated below the threshold. Once the suspension period has expired, if the complete removal of the cause of the suspension has been ascertained, the Economic Operator will return to "operational" status, unless the annual or three-year expiry of the registration took place during the suspension period. If, on the other hand, the cause of the suspension continues, the economic operator is removed from the Register of Economic Operators.

Article 16 Cancellation from the Register of Economic Operators

Cancellation from the Register of Economic Operators will take place in the event of:

- continuity of the cause of the suspension upon expiry of the suspension period;
- request by the economic operator to abandon the Register of Economic Operators
- failure to submit offers following three invitations to tender in the two-year period;
- discontinuance of business.

For the purpose of cancellation from the Register of Economic Operators on the System, the economic operator will be downgraded to the "registered" status, which does not allow the operator to be invited to negotiated procedures below threshold. However, the user remains active and can participate in all other procedures.

Notice of cancellation from the Register of Economic Operators will be promptly given to the economic operator with the reason therefor through the System and, at the same time, a notification will be sent to the email box of the economic operator. Cancellation due to discontinued business will be done by disabling the account completely, hence the cancelled economic operator will no longer be able to access the System.

Article 17 Communications and methods of transmission

Except where otherwise stated, all communications between Economic Operators and the RAFVG for the purposes of registration and management of the Register of Economic Operators including, by way of an example, those relating to the application, enrolment, rejection of registration, suspension, termination or cancellation, as well as any requests for clarifications, documents, certifications, justifications, will be valid and effective only if made each time using the communication functions available on the system, according to the provisions of these Regulations.

Hard copy documents cannot be accepted, that is electronic formats sent by email outside the System, or attached to communications sent via the System if there are appropriate areas in the system where these documents can be uploaded.

The RAFVG and the process manager cannot be held responsible in any way for any malfunction in the System, which may prejudice or delay delivery of communications to the final recipient.

It is the duty and obligation of the interested economic operator to maintain perfect functionality, efficiency and capacity of:

- the connection and access to the system;
- the email box indicated at the time of registration to the System, and subsequently updated as mentioned above.

Where possible, the RAFVG will promptly inform of any System maintenance interventions through the Site.

In any case, users acknowledge and accept that access to the Site and the System may be suspended or limited at any time for any necessary technical interventions aimed at restoring or improving the functioning or security of the System itself.

Article 18 Preservation of the Account

The account required to access and use the System is personal and must be kept by the economic operators with the utmost diligence, in a secret and confidential manner and must not be disclosed or, in any case, transferred to third parties. The economic operators in possession of the account are obliged to immediately notify the process manager of any loss, abduction, improper or abusive use of such instrument, expressly relieving the RAFVG and the system manager from any liability for any detrimental consequences or damages, whether direct or indirect, which were caused to them or to third parties due to use of the account.

In the event that an economic operator has forgotten his/her password to access the System, he/she must follow the recovery instructions on the site.

Should the username have been forgotten, the Helpdesk should be contacted.

Article 19 Guarantees and holding harmless

The RAFVG and the process manager will not be held responsible for any kind of damage, whether direct or indirect, that may be suffered by users or any third party due to or, in any case, in connection with access, use or operation of the System.

Correspondence of the Site and the System to the needs and expectations of USERS is not guaranteed.

The RAFVG assumes no responsibility for the accuracy, truthfulness, updating and compliance with current legislation of the Site content - for the section relating to the Register of Economic Operators – despite the fact that it will put in place any appropriate activity in order to verify and check that the contents of the aforementioned section of the Website are up-to-date.

The economic operators undertake to hold the RAFVG harmless, compensating any detriment, damage, cost and expense of any kind, including any legal fees that may be charged or suffered by the RAFVG, and/or third parties due to violations of these Regulations and/or incorrect use of the System or violations of current legislation.

In the event of any breach of these Regulations and/or incorrect use of the System or violations of the current legislation, in addition to these Regulations, the RAFVG reserves the right to claim for compensation for any direct, indirect, property or image damage suffered.

Article 20 Privacy Notice

Pursuant to Article 13 of Legislative Decree n° 96 of 30 June 2003 the RAFVG informs that the personal data communicated for the purpose of enrolment and registration in the Register of Economic Operators will be processed by specially appointed RAFVG personnel and authorised third parties, including the system manager appointed as an external manager pursuant to art. 29 of Legislative Decree 196/2003, according to paper and electronic methods for the purpose of establishing, managing and keeping the Register of Economic Operators, creating lists of economic operators that can be selected for specific contractor selection procedures, carrying out procedures of public evidence relating to contractor selection. The system manager, in particular, is responsible for the IT, logical and physical security

of the System itself, appoints the system administrators and, in any case, is responsible for the adoption of all the measures established by Legislative Decree n° 196/2003 concerning the protection of personal data. The system manager, as an external manager for the processing of personal data takes care of the obligations regarding the operation of authorisation processes on behalf of the RAFVG.

the RAFVG is the controller of data entered for the purpose of enrolling in the Register of Economic Operators. Access to the system through the account implies acceptance of the information on the Site, as well as, in any case, consent for the processing of personal data where this is necessary for the purposes related to the communication and dissemination of information and data provided.

The complete privacy policy is available on the website www.RAFVG.it, Privacy Section, under "Information pursuant to Article 13 of Legislative Decree 196/2003, Economic Operators".

Article 21 System Manager

The system manager is the person appointed by the RAFVG to manage and run the System and the IT applications necessary for the functioning of the System itself, taking on the responsibility in this regard.

The system manager controls the main operating parameters of the System, reporting any irregularities thereto same. The system manager is also responsible for the preservation of the documents produced by the economic operators and sent through the System as part of the procedure for enrolling in the Register of Economic Operators and, in general, of the System recordings.

The system manager is responsible for the IT, logical and physical security of the System itself and plays the role of system administrator and, in any case, is responsible for the adoption of all the measures established by Legislative Decree n° 196/2003 concerning the protection of personal data.

Furthermore, the system manager assumes the role of manager for the processing of personal data and ensures that the authorisation processes are fulfilled on behalf of the RAFVG.

Article 22 Applicable law

Any item that has not been expressly covered in these Regulations et seq., and in any case as an integration thereof, the applicable regulations in the respective matters are applied as they are compatible.

The provisions of these Regulations are replaced, modified or automatically repealed due to binding Regulations contained in laws or regulations which will come into force even after the adoption thereof.

In any case, the RAFVG reserves the right, at its incontestable discretion, to make any changes to these Regulations that may be necessary and appropriate to ensure the functionality of the Register of Economic Operators and the System, in compliance with the Regulations and principles of transparency, correctness and impartiality of the administrative action.

In this case, the change will be communicated to the economic operators through a communication sent via the System, while the changes will be published on the website. The registered economic operator may ask to be removed from the Register of Economic Operators, pursuant to and for the purposes of preceding article 16, within the term of 15 (fifteen) days from sending the aforementioned communication to the email box of the economic operator. In the absence of cancellation, the new provisions of the Regulation will be considered automatically accepted and will be applied to the economic operator from the date of their entry into force.

Article 23 Court of Jurisdiction

For any controversial issue or controversy regarding the interpretation, application and execution of these Regulations for which the civil court is competent, the Court of Trieste will have exclusive jurisdiction.

Article 24 Final provisions

These Regulations come into force at the time of their publication on the eAppaltiFVG website of the RAFVG at the following address <https://eappalti.regione.fvg.it> - Services Area for Economic Operators.

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