

## **Tender specifications COMP/2015/007**

Support study for impact assessment concerning the review of Merger Regulation regarding minority shareholdings

### **1. Purpose and context of the contract**

On July 2014, the Commission launched a public consultation on the White Paper "Towards more effective EU merger control", adopted on 9 July 2014.

The White Paper proposed an amendment to the Merger Regulation in particular in two main areas: the possibility for the Commission to review certain acquisitions of non-controlling minority shareholdings that create a "competitively significant link", and the reform of the system for referring cases from Member States to the Commission with a view to ensuring that referral procedures become less burdensome and time-consuming and that merger cases are dealt with by the best placed authority. In addition, some more technical amendments were proposed.

The aim of the consultation was to allow the stakeholders to comment and discuss the options presented for the way forward, in particular on the extension of the scope of the Merger Regulation to non-controlling minority shareholdings, but also on other topics of the White Paper.

In the public consultation, DG Competition received more than 90 replies from private and public stakeholders. While the parts of the White Paper and the Staff Working Document on referrals and the technical and procedural amendments were widely positively received, many stakeholders expressed scepticism about the proposed system for the review of acquisitions of non-controlling minority shareholdings. They questioned in particular the proportionality of the system proposed in the White Paper and the Staff Working Document, and feared that the system would be too burdensome in terms of procedure and information requirements.

Therefore, DG Competition has decided to gather information on the competition law enforcement system in selected countries (both Member States and third countries) which have already a system for the review of the acquisition of non-controlling minority shareholdings in place, and to gather more information on the rights typically attached to minority shareholdings in selected EU and non-EU countries in order to assess if a certain level of shareholdings and the distinction between passive and active minority shareholdings could be used as a way to define a possible jurisdiction more narrowly and clearly.

The study will help to inform DG Competition about practices in other jurisdictions. It will feed into the decision making on any follow-up to be given to the White Paper and might ultimately be used to improve the design of a possible system for the review of the acquisitions of non-controlling minority shareholding at the EU level.

### **2. Subject of the contract and task description**

The study will assess two broad topics, namely the modalities of merger control systems in countries which have the competence to review the acquisition of non-controlling minority

shareholdings, and the delineation between passive and active minority shareholdings. In order to facilitate the understanding of the subject of the contract the tenderers are invited to read the White Paper<sup>1</sup>, the Accompanying Staff Working Document<sup>2</sup> (published in July 2014) and the Consultation Paper<sup>3</sup> (published in June 2013).

The first topic concerns the modalities of merger control systems in countries which review already the acquisition of non-controlling minority shareholdings. In addition to the research carried out by DG Competition in preparation of the Consultation Paper and White Paper which is summarized in the annexes to the consultation documents, the study will provide a systematic overview of the rules governing the jurisdiction in the specified countries which control the acquisition of non-controlling minority shareholdings, and their practical application of the rules. The result of this overview will feed into designing a potential system for the control of non-controlling minority shareholding at EU-level.

The second topic concerns the delineation between passive and active minority shareholdings. The study will describe and assess the rights such as information rights, veto rights, the right to nominate a member of the board, etc. which are typically attached to different levels of minority shareholdings. For different levels of shareholdings (5%, 10%, 15%, 20%, 25%, 33%), the study shall assess which rights are typically attached to such shareholdings. The scope of this assessment shall cover a number of specified countries and within these countries for the two or three main legal forms of companies of a certain size.

The purpose of this part of the study is to find out whether it is possible to define a level of shareholding below which a minority shareholding would typically qualify as a passive minority shareholding, i.e. one which is mainly held for investment purposes and where the company holding the minority shareholding does not have the possibility to interfere with the business strategy of the target company. If the result of the study were that it is indeed possible to define a certain level of shareholding for passive minority shareholdings, it could be envisaged to use this information in the design of the jurisdictional criteria.

More specifically the study will assess the following aspects:

**Topic 1: Modalities of merger control systems in countries which review the acquisition of non-controlling minority shareholdings**

The study shall assess the modalities of merger control systems for the following countries which review the acquisition of non-controlling minority shareholdings: Austria, Germany, the United Kingdom ("UK") and the United States of America ("US") and optionally for one or more of the following countries: Brazil, Canada, Japan, Norway.<sup>4</sup>

<sup>1</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1406814408042&uri=CELEX:52014DC0449>

<sup>2</sup> [http://ec.europa.eu/competition/consultations/2014\\_merger\\_control/staff\\_working\\_document\\_en.pdf](http://ec.europa.eu/competition/consultations/2014_merger_control/staff_working_document_en.pdf)

<sup>3</sup> [http://ec.europa.eu/competition/consultations/2013\\_merger\\_control/index\\_en.html](http://ec.europa.eu/competition/consultations/2013_merger_control/index_en.html)

<sup>4</sup> The assessment of the legal systems of these four countries listed as "optional" will give extra points for the award of the contract.

The study shall assess the jurisdictional criteria for minority shareholdings in these countries, provide an insight on how these are applied in practice, summarize the enforcement activities in the area of minority shareholdings in these countries and assess whether there are any trends.

1. Regarding the jurisdictional criteria used for the review of the acquisition of non-controlling minority shareholdings the study has to assess the following questions<sup>5</sup>:
  - What level of shareholding is required in order to establish jurisdiction?
  - Does the shareholding have to confer certain rights to the acquirer in order to establish jurisdiction? And if so, what specific rights does it have to confer?
  - Regarding the relationship between the acquirer and the target: Do the acquirer and the target have to have a competitive relationship? E.g. do they have to be actual competitors, potential competitors, or do they have to be vertically related?
  - If a competitive relationship is required, how do the parties and competition authorities assess the competitive relationship in practice for the purpose of determining jurisdiction? Do they define the market at the stage of ascertaining jurisdiction? Or does it suffice that the companies are active in the same sector?
2. Regarding the review of past decisions in the specified countries which operate a system for the review of minority shareholdings the study has to assess the following:
  - What is the minimum level of a minority shareholding in cases where the authorities successfully intervened (i.e., either blocked the merger or approved the merger only subject to conditions)?
  - In intervention cases, what were the rights typically associated with the shareholding?
  - Are there any intervention cases in which the NCAs intervened only on the basis of a passive shareholding, i.e. a shareholding which was carried out for investment purposes only and did not confer any rights on the acquirer?
3. Regarding enforcement and trends:
  - Are there some sectors where minority shareholdings are more prominent than in others and where the NCAs intervened more often? Which ones?
  - What is the enforcement record in the specified countries over the last 10 years? (1) How many cases per year are assessed by the competition authority, and (2) in how many cases has the authority intervened?
  - Are there any enforcement "trends" (e.g. increasing/decreasing number of cases)? If yes, what are the possible reasons for these trends?

## **Topic 2: Research on rights attached to different levels of minority shareholdings**

The study will describe and assess the rights such as information rights, veto rights, and the right to nominate a member of the board, which are typically attached to different levels of minority shareholdings for at least two legal forms of companies in selected countries.

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<sup>5</sup> Please see also Annex II of the Consultation Paper (published June 2013) where the jurisdictional questions were already assessed for some of the countries.

1. The study will assess and describe, first, the rights which are automatically granted by law (either binding law or where the law provides for certain rights as a default), and, secondly, the rights which are typically granted in practice through e.g. the articles of association, articles of incorporation, etc. The study shall assess these rights with respect to:
  - At least two legal forms of companies under the laws of France, Germany, the UK, the U.S., and optionally one or more of the following countries: Italy, the Netherlands, Poland, Sweden and Spain<sup>6</sup>. Regarding the legal forms to be investigated, the contractor shall propose a methodology to identify at least the two most relevant company forms for the purpose of the study, taking into account that the Commission's competence to review merger transactions requires a certain turnover of the companies involved; for the second question, i.e. the rights typically granted in practice, it might be appropriate to focus on certain groups of companies, e.g. companies with a certain turnover, publicly listed companies etc. In addition to these national company forms the contractor shall also assess the company form of a Societas Europaea (SE).
  - For the identified company forms the study will assess the following levels of minority shareholdings: 5%, 10%, 15%, 20%, 25% and 33%, or any other, if relevant.
2. Based on the results of the previous question, the study will assess whether it is possible to define a certain level of shareholding which typically constitutes a passive minority shareholding, i.e. a shareholding without a board seat, without information rights and without veto rights to block special resolutions.

### **Methodology:**

The tenderer will propose an appropriate methodology to fulfil the tasks described above.

The methodology should include some of the following tools: academic research (review of legislation and academic papers), collecting information via guided interviews or questionnaires with national competition authorities, practitioners (such as competition lawyers and corporate lawyers) and other stakeholders. In particular for topic 2, the tenderer should also consider contacting other stakeholders, such as associations of venture capital firms, institutional investors, and private equity firms, which might be able to provide insight into any patterns of investment and rights they are typically requesting or obtaining when acquiring a minority stake.

To the extent that questionnaires and guided interviews will be used by the contractor, DG Competition will have the opportunity to review and comment on the questionnaire. Similarly, the list of persons, law firms, competition authorities and other stakeholders, which the contractor intends to contact needs to be approved by DG Competition. In order to achieve a higher response rate, it could be envisaged that DG Competition establishes a first contact with the respondents.

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<sup>6</sup> The assessment of countries listed as "optional" will give extra points for the award of the contract.

In relation to topic 2, it could also be envisaged to collect information from publicly available sources such as shareholder registers for publicly listed companies, or possibly, company registers.

### **3. Technical requirements of the final deliverable**

All studies produced for the European Commission and Executive Agencies shall conform to the corporate visual identity of the European Commission by applying the graphic rules set out in the European Commission's Visual Identity Manual, including its logo<sup>7</sup>.

The Commission is committed to making online information as accessible as possible to the largest possible number of users including those with visual, auditory, cognitive or physical disabilities, and those not having the latest technologies. The Commission supports the [Web Content Accessibility Guidelines 2.0](#) of the W3C.

For full details on Commission policy on accessibility for information providers, see: [http://ec.europa.eu/ipg/standards/accessibility/index\\_en.htm](http://ec.europa.eu/ipg/standards/accessibility/index_en.htm)

Pdf versions of studies destined for online publication should respect W3C guidelines for accessible pdf documents. See: <http://www.w3.org/WAI/GL/WCAG20-TECHS/pdf.html>

#### **3.1. Content**

##### **3.1.1. Interim Report**

In order to allow the Commission to review and comment on the study as it progresses, the contractor shall send an interim report and present the interim report to DG Competition. The interim report is due three months after the signing of the contract. The interim report shall cover the preliminary results of the study as regards one country (the UK, Germany or the U.S.) and shall include also the preliminary results of the field research. This will allow an initial review e.g. in order to allow further fine tuning of the questionnaires for the other countries.

##### **3.1.2. Draft Final Report**

The Draft Final Report shall deliver the results of all tasks covered by these tender specifications, and must be clear enough for any potential reader to understand. This document has to be presented at the final meeting in Brussels.

The structure of this report shall contain

- An introduction describing the objectives of the study, the approach and the main contents of the study;
- The results regarding the topics listed above.

Apart from the Draft Final Report, the contractor will also provide a PowerPoint presentation on the main findings of the study.

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<sup>7</sup> The Visual Identity Manual of the European Commission is available upon request. Requests should be made to the following e-mail address: [comm-visual-identity@ec.europa.eu](mailto:comm-visual-identity@ec.europa.eu)

### 3.1.3. Final Report

The Final Report follows the same format as the Draft Final Report. It needs to be edited by a native English speaker to ensure publishable quality.

The Final Report shall include:

- an abstract of no more than 200 words and an executive summary of maximum 6 pages, in English and French;
- the following standard disclaimer:
- *“The information and views set out in this study are those of the author(s) and do not necessarily reflect the official opinion of the Commission. The Commission does not guarantee the accuracy of the data included in this study. Neither the Commission nor any person acting on the Commission’s behalf may be held responsible for the use which may be made of the information contained therein.”*
- specific identifiers which shall be incorporated on the cover page provided by the Commission.

### 3.1.4. Publishable executive summary

The publishable executive summary shall be provided in English and French and shall include:

- the following standard disclaimer:
- *“The information and views set out in this study are those of the author(s) and do not necessarily reflect the official opinion of the Commission. The Commission does not guarantee the accuracy of the data included in this study. Neither the Commission nor any person acting on the Commission’s behalf may be held responsible for the use which may be made of the information contained therein.”*
- specific identifiers which shall be incorporated on the cover page provided by the Contracting Authority.

### 3.2. Visual requirements

For visual requirements please refer to the template available in (annex IV to the invitation to tender). The cover page shall be filled in by the contractor in accordance with the instructions provided in the template. For further details you may also contact [comm-visual-identity@ec.europa.eu](mailto:comm-visual-identity@ec.europa.eu).

## 4. Timetable

The indicative starting date is end of October 2015. The implementation of the contract will start when both parties have signed the contract. The total duration of the contract cannot exceed 7 months.

The following indicative timetable is envisaged:

<b>Month</b>	<b>Task and deliverables</b>
<b>N</b>	<b>Signing of the contract by last signing party</b>
N + 10 days max.	Kick-off meeting of the Contractor with the Commission
<b>N + 3 months</b>	<b>Submission of the interim report</b>
N + 3 months + 10 days max	Meeting of the contractor with the Commission to discuss the interim report.
<b>N + 5 months</b>	<b>Submission of the draft final report and Powerpoint presentations</b>
N + 5 months + 10 days max	Final meeting of the contractor and the Commission to discuss the draft final report.
<b>N + 7 months</b>	<b>Submission of the Final report, Executive Summary, Abstract</b>

## **5. Place of performance**

The place of performance of the tasks shall be the Contractor's premises or any other place indicated in the tender, with the exception of the Commission's premises. Meetings with the Commission, however, will be held in Commission premises in Brussels.

## **6. Volume**

The budget of the contract, including all costs, travel and incidental expenses, cannot exceed Euro 55,000 for its total duration. Travel and subsistence will not be reimbursed separately.

The tenderer should however be aware that the contract will be awarded to the tender offering the best value for money.

## **7. Terms of payment**

Payments shall be made in accordance with Articles I.4 and II.15 of the draft service contract (annex II to the invitation to tender).

## **8. Evaluation and award**

### **8.1. Evaluation steps**

The evaluation is based on the information provided in the submitted tender. It takes place in three steps:

- (1) Verification of non-exclusion of tenderers on the basis of the exclusion criteria
- (2) Selection of tenderers on the basis of selection criteria
- (3) Evaluation of tenders on the basis of the award criteria

Only tenders meeting the requirements of one step will pass on to the next step.

### **8.2. *Exclusion criteria***

All tenderers shall provide a declaration on their honour (see Annex III to the invitation to tender), duly signed and dated by an authorised representative, stating that they are not in one of the situations of exclusion listed in the Annex III.

The declaration on honour is also required for identified subcontractors whose intended share of the contract is above 20 %.

The Contracting Authority reserves the right to verify all information contained in the declaration by requiring the supporting documents listed in the Annex III.

### **8.3. *Selection criteria***

Tenderers must provide evidence of technical and professional capacity to carry out the work subject to this call for tender. Tenderers who do not provide the documentation specified, or who are judged, on the basis of the documentation provided, not to have fulfilled the criteria specified below, will be excluded.

The evidence requested should be provided by each member of the group in case of joint tender and identified subcontractors whose intended share of the contract is above 20%. However a consolidated assessment will be made to verify compliance with the minimum capacity levels.

The tenderer may rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the Commission that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal.

#### **8.3.1. *Technical and professional capacity***

##### **a. *Criteria relating to the tenderer***

The tenderer (in case of a joint tender the combined capacity of all tenderers and identified subcontractors) must comply with the following criteria:

- To be eligible, the tenderer must have the technical and professional capacity to perform the tasks required in this call for tender during the entire contractual period;
- The tenderer must provide a team with proven experience in the field of competition law, corporate law and competition policy;
- The tenderer must have the appropriate study and research facilities in order to be able to perform the tasks described in these tender specifications;
- The tenderer must prove experience of working in English, German and French. If further countries listed as optional countries in the point 2 of these tender specifications are included, the tenderer must also prove experience working in the language of these countries;
- The tenderer must prove experience in drafting reports and recommendations.



**b. Criteria relating to the team delivering the service:**

The team delivering the service should include, as a minimum, the following profiles:

The tenderer should include a team of senior level academic experts (with postgraduate degree) in the field of competition law and corporate law or senior lawyers in the field of competition law and corporate law, or a team of lawyers working under close supervision of at least one senior level academic expert (with postgraduate degree in law) or a senior lawyer in the field of competition law and corporate law.

For the purpose of this tender, a senior lawyer is considered to be someone with at least 8 years' professional experience in the field of competition law and/or corporate law, and a senior level academic expert (with postgraduate degree in law) is considered to be someone who holds a teaching or research position in a university or research centre and publishes in peer reviewed academic journals and publishes to topics in the field of competition and/or corporate law. Such a position would generally be Professor, Associate or Assistant Professor or Research Fellow or equivalent.

The team leader has to have at least 5 year experience with project management and experience in management of a team of at least 4 people.

Language quality check: at least 1 member of the team should have native-level language skills or equivalent, in English as guaranteed by a certificate or past relevant experience.

**c. Evidence:**

The following evidence of the technical and professional capacity shall be provided to fulfil the criteria under a. and b. above:

- Detailed description of the resources available to perform the contract: infrastructure, equipment, personnel etc.
- The educational and professional qualifications of the persons who will provide the service for this tender (detailed CVs) including the management staff.

**8.4. Award criteria**

The contract will be awarded based on the best value for money and the selected tenders will be evaluated according to the following criteria and points will be scored against each quality criterion. The total number of points is one hundred.

**1. Quality of the proposed methodology (60 points - – minimum threshold 50%)**

This criterion will assess the quality of the proposed methodology.

**Sub-criterion 1.1: Assessment of quality of the proposed methodology for topic 1 (30 points – minimum threshold 50%):**

The quality of methodology and tools chosen will be assessed as well as the reasoning for why a specific methodology/tool has been chosen.

**Sub-criterion 1.2 Assessment of quality of the proposed methodology for topic 2 (30 points – minimum threshold 50%)**

The quality of methodology and tools chosen will be assessed as well as the reasoning for why a specific methodology/tool has been chosen.

**2. Quality of the proposed organisation and management of the work (20 points – minimum threshold 50%)**

This criterion will assess how the roles and responsibilities of the proposed team (in case of joint tenders, including subcontractors if applicable) are distributed for each task. It also assesses the global allocation of time and resources to the project and to each task or deliverable, and whether this allocation is adequate for the work. The tender should provide details on the allocation of time and resources and the rationale behind the choice of this allocation.

**3. Quality control measures (10 points – minimum threshold 50%)**

This criterion will assess the quality control system applied to the service foreseen in this tender specification concerning the quality of the deliverables, the language quality check, and continuity of the service in case of absence of the member of the team. The quality system should be detailed in the tender and specific to the tasks at hand; a generic quality system will result in a low score.

**4. Scope of the study (10 points)**

In addition to the countries which the study has to cover (Austria, Germany, the UK and the US for topic 1, and France, Germany, the UK and the US for topic 2) the contractor is encouraged to cover additional countries. Each country, listed as optional in the task descriptions of topic 1 and topic 2 will give 2 extra points, up to a maximum of 10 points.

Tenders must score minimum 50% for each criterion or sub-criterion, and minimum 60% in total. The minimum threshold does not apply to criterion 4. Tenders that do not reach the minimum quality thresholds will be rejected.

After evaluation of the quality of the tender, the tenders are ranked using the formula below to determine the tender offering best value for money.

The tender offering the best value for money will be determined on the basis of the price and quality of the tender, by calculating the final score according to the following formula, in which the quality of the tender has a weighting of 60 %, and 40 % weighting is given for price:

$$\text{Score for tender x} = \frac{\text{cheapest price}}{\text{price of tender x}} * 100 * 40 \% + \frac{\text{Total quality score (out of 100) for all award criteria of tender x}}{100} * 60 \%$$

### **8.5. *Technical offer***

The technical offer must cover all aspects and tasks required in the technical specification and provide all the information needed to apply the award criteria. Offers deviating from the requirements or not covering all requirements may be excluded on the basis of non-conformity with the tender specifications and will not be evaluated.

### **8.6. *Financial offer***

The price for the tender must be quoted in euro. Tenderers from countries outside the euro zone have to quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to assume the risks or the benefits deriving from any variation.

Prices must be quoted free of all duties, taxes and other charges, i.e. also VAT, as the European Union is exempt from such charges under Articles 3 and 4 of the Protocol on the privileges and immunities of the European Union.

The quoted price must be a fixed amount which includes all charges (including travel and subsistence).

In order to facilitate the assessment of the price, the tenderer should specify for each category of staff to be involved in the project: the total labour costs; the daily rates and total number of days (man-days) each member of staff will contribute to the project; other categories of costs, indicating the nature of the cost, the total amount, the unit price and the quantity.

Costs incurred in preparing and submitting tenders are borne by the tenderers and cannot be reimbursed.

## **9. Information on tendering**

### **9.1. *Participation***

Participation in this tender procedure is open on equal terms to all natural and legal persons from one of the EU Member States and to all natural and legal persons in a third country which has a special agreement with the Union in the field of public procurement on the conditions laid down in that agreement. Where the Multilateral Agreement on Government Procurement<sup>8</sup> concluded within the WTO applies, the participation to the call for tender is also open to nationals of the countries that have ratified this Agreement, on the conditions it lays down.

### **9.2. *Contractual conditions***

The tenderer should bear in mind the provisions of the draft contract which specifies the rights and obligations of the contractor, particularly those on payments, performance of the contract, confidentiality, and checks and audits. By submitting an offer the tenderer accepts the conditions of this contract.

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<sup>8</sup> See [http://www.wto.org/english/tratop\\_E/gproc\\_e/gp\\_gpa\\_e.htm](http://www.wto.org/english/tratop_E/gproc_e/gp_gpa_e.htm)

### **9.3. Joint tenders**

A joint tender is a situation where a tender is submitted by a group of economic operators (consortium). Joint tenders may include subcontractors in addition to the joint tenderers.

In case of joint tender, all economic operators in a joint tender assume joint and several liabilities towards the Commission for the performance of the contract as a whole. Nevertheless, tenderers must designate a single point of contact for the Commission.

After the award, the Commission will sign the contract either with all members of the group, or with the member duly authorised by the other members via a power of attorney.

### **9.4. Subcontracting**

Subcontracting is permitted in the tender but the contractor will retain full liability towards the Commission for performance of the contract as a whole.

Tenderers must give an indication of the proportion of the contract that they intend to subcontract.

Tenderers are required to identify subcontractors whose share of the contract is above 20%.

During contract execution, the change of any subcontractor identified in the tender will be subject to prior written approval of the Commission.

### **9.5. Content of the tender**

The tenders must be presented as follows:

Part A: Identification of the tenderer (see below)

Part B: Evidence for exclusion criteria (see section 8.2)

Part C: Evidence for selection criteria (see section 8.3)

Part D: Technical offer (see section 8.5)

Part E: Financial offer (see section 8.6)

### **9.6. Identification of the tenderer: legal capacity and status**

The tender must include a cover letter signed by an authorised representative of the tenderer presenting

- the name of the tenderer (including all entities in case of joint offer),
- identified subcontractors if applicable, and
- the name of the single contact person in relation to this tender.

If applicable, the cover letter must indicate the proportion of the contract to be subcontracted.

In case of joint tender, the cover letter must be signed by a duly authorised representative for each tenderer, or by a single tenderer duly authorised by other tenderers (with power of attorney).

Subcontractors must provide a letter of intent stating their willingness to provide the service foreseen in the offer and in line with the present tender specification.

In order to prove their legal capacity and their status, all tenderers must provide a signed Legal Entity Form with its supporting evidence. The form is available on:

[http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/legal\\_entities/legal\\_entities\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm)

Tenderers that are already registered in the Contracting Authority's accounting system (i.e. they have already been direct contractors) must provide the form but are not obliged to provide the supporting evidence.

The tenderer (or the single point of contact in case of joint tender) must provide a Financial Identification Form and supporting documents. Only one form per offer should be submitted (no form is needed for subcontractors and other joint tenderers). The form is available on:

[http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/index\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm)

Tenderers must provide the following information if it has not been included with the Legal Entity Form:

- For legal persons, a legible copy of the notice of appointment of the persons authorised to represent the tenderer in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation which applies to the legal entity concerned requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.

- For natural persons, where applicable, a proof of registration on a professional or trade register or any other official document showing the registration number.