

## RESPONSES

### TO CLARIFICATION REQUESTS SUBMITTED BY INTERESTED PARTIES IN CONNECTION WITH THE INVITATION TO SUBMIT AN EXPRESSION OF INTEREST FOR THE SUBCONCESSION OF THE RIGHT TO CONSTRUCT, OPERATE, MANAGE, MAINTAIN AND EXPLOIT OF THE CORFU TOURIST PORT (MARINA MEGA YACHTS)

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Athens, 07.04.2022

To: The Interested Parties of the International Open Tender for the Sub-concession of the Right to construct, operate, manage, maintain and exploit of the Corfu MegaYacht Marina

#### **Clarification 1: Shareholders' Structure/Beneficial Owners**

*(the question is not translated word to word)*

Regarding the declaration of Annex 1- Personal Status Criteria as per the shareholders structure and the beneficial owners, please inform us if, the relevant declarations could be submitted in accordance with the percentage of participation declared by each third member, given that there is no authorization of use and processing and the extensive structure of the company up to the beneficial owners is a long and complicated process, and if a declaration of the structure of the beneficial owners may serve the purported purpose.

#### **Answer**

The Statement Template no 3 of Annex B, related to the provisions of para 4.1.A. of the EOI and Annex A.9, is mandatory and should contain exhaustive presentation of each member's and/or the Third Party shareholders structure regardless its participation percentage.

#### **Clarification 2**

*(The question is cited in an abbreviated form)*

Please clarify that extracts of criminal record from the competent judicial or administrative authorities for persons of EU member states' origin should not bear apostille and inform us if such extracts should be officially translated if the multilingual form provided in the EU Regulation no 2016/1191 in the Greek language is used.

#### **Answer**

It is confirmed that extracts of criminal record from the competent judicial or administrative authorities for citizens of EU member states, issued from the authorities of the member state of their nationality, is not required to bear

apostille, if it is about a clean criminal record, and should not be officially translated if the multilingual form, provided in the EU Regulation no 2016/1191, in the Greek language is used.

### **Clarification 3**

Pursuant to article 6B of the Annex 1 for Greek legal entities established before April 21, 2021 a certificate of judicial protection must be submitted and a certificate that no decision declaring bankruptcy/suspension of payments has been issued.

The competent court of Piraeus informed us that the aforementioned certificate is not issued any longer given that the relevant information is included in the judicial protection certificate. Please inform us if any other action or declaration of the Interested Party is necessary instead of the above certificate

*(similar question)*

We refer to the paragraph 1.1.6.b of Annex A, regarding the required certificates for Greek legal entities established before 01.01.2001, where it is provided that a certificate of judicial protection must be submitted and a certificate that no decision declaring bankruptcy/suspension of payments has been issued.

Given that according to the Circular of Ministry of Justice no 13535/29.03.2021, for the period after 01.01.2001 and onwards such certificate is substituted by the certificate of judicial protection, please clarify that the requirement of submission of a certificate issued by the competent First Instance Court for no issuance of decision declaring bankruptcy or suspension of payments regards companies established before 01.01.2001 for the period preceding that date.

### **Answer**

The judicial protection certificate is enough as far as it covers the above cases (no decision declaring bankruptcy/suspension of payments has been issued). The additional submission of a certificate issued by the competent First Instance Court is required for companies established before 01/01/2021 and for the period preceding that date.

*(The questions are cited in an abbreviated form)*

### **Clarification 4**

We refer to Annex A paragraph 2.1 (A),

Where as per the auditing firm it is provided that it must be registered with the competent authority in the country of the Corporate Entity's registered seat (relevant evidence of such valid and not expired registration should be submitted in original or in certified copy).

Please clarify that, save paragraph 5.1.α' of the EOI regarding submission of Folder B' which contains certified copies of Folder A', the submission of the above document in Folder A' in original form or certified copy is enough, for the ease of the Interested Parties and pursuant to art.1 of law 2690/1999 as amended by art. 1 of law 4250/2014 and in force.

**Answer**

Paragraph 2.1.A of Annex A applies. The relevant certificate of registration may be submitted in original or certified copy (as far as the validation of inscription of the auditing is proved by such certificate).

**Clarification 5**

We refer to paragraph 4.2.3.A of the EOI and para 2.1.A of Annex A. Given that the financial statements of the Greek societies anonymes are available to the shareholders the latest until the end of August of each year and at the current time such statements for the year 2021 have not been completed yet, please clarify that the 3 required financial years could be the financial years 2018, 2019 και 2020.

**Answer**

It is confirmed that the financial statements for the years 2018,2019,2020 may be submitted.

**Clarification 6**

Please clarify if several solemn declarations provided in Annex A may be cumulated in one and same notarial deed.

**Answer**

It is confirmed that more than one solemn declarations provided in Annex A may be included/cumulated in one and same notarial deed.

These clarifications are published on HRADF's website and constitute an integral part of the EOI. The present clarifications made available, as mentioned above, on the Fund's website will be presumed to be unquestionably known to all Interested Parties from the date of their publication.