

“DECLARATIONS OF EMPLOYMENT OBLIGATIONS”

ASSIGNMENT OF THE SUPPLY OF M-PATH SOFTWARE, PROF. ZUFFIANÒ, WITHIN THE SCOPE OF PRIN 2022 – PROJECT CODE: 2022C7N58K PROMOTING SOCIAL INCLUSION AND PSYCHOLOGICAL WELL-BEING THROUGH PROSOCIAL FUNCTIONING: FROM AN ECOLOGICAL-CAUSAL PERSPECTIVE TO INTERVENTION DESIGN - FINANZIAMENTO DELL'UNIONE EUROPEA – NEXT GENERATION EU MISSIONE 4, COMPONENTE 2, INVESTIMENTO 1.1 - CUP: B53D23019400006 - TITOLARE DEL FONDO: ANTONIO ZUFFIANÒ;

The undersigned	<i>Merijn Mestdagh</i>
the dayTax ID code/VAT Number	<i>N/A</i>
In his capacity as:	
<input checked="" type="checkbox"/>	Owner or legal representative
<input type="checkbox"/>	Attorney
Of the economic operator	<i>m-Path Software</i>

pursuant to articles 46 and 47 of the Presidential Decree. 28 December 2000, n. 445,

- Aware of the responsibility and the civil and criminal consequences envisaged in the event of false declarations and/or the preparation or use of false documents, as well as in the event of the production of documents containing data that no longer correspond to the truth;
- Aware that failure to comply with the employment obligations of people with disabilities referred to in Law 68/1999 will result in the revocation of the assignment;
- Aware that failure to comply with the quota of hiring of young people and women in the percentage of 30%, as calculated on the basis of the Guidelines approved with the Decree of the Presidency of the Council of Ministers - Equal Opportunities Department, 7/12/2021 (G.U.R.I. 30/ 12/2021), will result in the application of a penalty quantified between 1% and 4% of the value of the credit, depending on the severity of the breach;

DECLARE

THAT THE ECONOMIC OPERATOR HAS A EQUAL NUMBER OF EMPLOYEES, and that (please tick the item of interest):



○	<ul style="list-style-type: none"> ● As an economic operator who employs more than 50 employees, he is subject to the obligation to draw up a report on the personnel situation, pursuant to article 46, paragraph 2, legislative decree no. 198/2006. Therefore: ● Attach to the offer a copy of the latest report sent to the company trade union representatives, the councilor and the regional equality councilor and the related certification of conformity with the one sent to the company trade union representatives, the councilor and the regional equality councilor. In addition, in the event that the report has not been sent within the terms indicated in article 46 of Legislative Decree no. 198/2006: Attach to the offer the certification of the transmission to the company trade union representatives and to the councilor and the regional equality councilor, on a date prior to the date of presentation of the offer. ● Undertakes, in the event of an award, to deliver to the contracting authority, within 6 months of signing the contract, a report relating to the fulfillment of the obligations referred to in Law no. 68/1999 and any sanctions and measures imposed on them in the three-year period preceding the deadline for submitting offers. The report must also be sent to the company trade union representatives within the same deadline.
○	<p>As an economic operator employing a number of employees equal to or greater than 15 and not exceeding 50:</p> <ul style="list-style-type: none"> ● Declare that in the 12 months preceding the deadline for submitting the offer it has not incurred a violation of the obligation to produce to the contracting authority of a previous procurement contract financed in whole or in part with P.N.R.R. funds. or P.N.C. the gender relationship on the situation of male and female staff referred to in art. 47, paragraph 3, of the Legislative Decree n. 77/2021 converted into Law no. 108/2021. Therefore: ● Undertakes to prepare a gender report on the situation of male and female staff in each of the professions and in relation to the state of recruitment, training, professional promotion, levels, category or qualification changes, other phenomena of mobility, the intervention of the Redundancy Fund, dismissals, early retirement and retirement, the salary actually paid which must be delivered, in the event of an award, to the contracting authority, as well as to the company trade union representatives, to the councilor and to the regional equality councilor , within 6 months of signing the contract; ● Undertakes, in the event of an award, to deliver to the contracting authority, within 6 months of signing the contract, a report relating to the fulfillment of the obligations referred to in Law no. 68/1999 and any sanctions and measures imposed on them in the three-year period preceding the deadline for submitting offers. The report must also be sent to the company trade union representatives within the same deadline; ● Declares not to have incurred automatic disqualification for failure to fulfill the obligation to deliver to the contracting authority, within six months of the conclusion of the contract, the gender report referred to in the art. 47, paragraph 3 of the Legislative Decree. 77/2021.

X	<p>As an economic operator employing fewer than 15 employees</p> <p>Declare that are not required to comply with the provisions of the art. 47, paragraphs 2, 3 and 3bis, of the Legislative Decree. n. 77/2021 converted into Law no. 108/2021.</p>
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TO COMMIT, where recipients of the legislation, pursuant to art. 47, paragraph 4, Legislative Decree 77/2021, where for the execution of the contract itself or for the implementation of activities connected or instrumental to it, it was necessary to proceed with new hirings in numbers equal to or greater than three units, to assume the obligation to ensure a quota equal to:

- a) at least 30% of the new hires necessary for youth employment;
- b) at least 30% of the new hires necessary for female employment.

The economic operator is aware that failure to comply with the quota of hiring of young people and women in the percentage of 30%, as calculated on the basis of the Guidelines approved with the Decree of the Presidency of the Council of Ministers - Equal Opportunities Department, 07/12/2021 (G.U.R.I. 30/12/2021), will result in the application of a penalty quantified between 1% and 4% of the value of the credit, depending on the severity of the breach.

POSITION REGARDING THE EMPLOYMENT OBLIGATIONS OF PEOPLE WITH DISABILITIES REFERRED TO IN THE LAW OF 12 MARCH 1999, N. 68 (please tick the relevant item)

The economic operator is in compliance with the rules governing the right to work of disabled people pursuant to law. 12 March 1999, n. 68 (art. 80, co. 5, letter i), Legislative Decree. 50/2016 and subsequent amendments)?	<ul style="list-style-type: none"> ● YES
	<ul style="list-style-type: none"> ● is NOT required to comply with the provisions of Law 68/1999 as: ● X employ fewer than 15 employees; ● other (specify.....)

The economic operator is aware that failure to comply with the obligations relating to the employment of people with disabilities referred to in Law 68/1999 will result in the revocation of the assignment.

The economic operator will be required to deliver within six months of signing:

- Gender report on the situation of male and female staff
- Report illustrating the fulfillment of the obligations referred to in l.68/99 and any sanctions and measures imposed on the economic operator in the three-year period preceding the deadline for submitting offers

Digital signature of the legal representative/attorney of all subscribers.

Merijn Mestdagh



Explanation



1) As specified in the Guidelines approved with the Decree of the Presidency of the Council of Ministers - Department of Equal Opportunities, 7/12/2021 (G.U.R.I. 30/12/2021), the objectives of increasing youth and gender employment that are intended to be pursued with the resources provided for by Regulation (EU) 2021/240 of the European Parliament and of the Council of 10 February 2021 and by Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021, as well as by the PNC, constitute two distinct policy targets. This means that in the assignment procedures the target of increasing youth employment must be considered independent compared to that of female employment. The obligation is aimed at guaranteeing an increase in both young workers and female workers and therefore the percentage increase must be ensured with reference to both types.

Without prejudice to the exceptions referred to in paragraph 7, for example, a company that is committed to the 30 percent increase obtained with 20 percent of young people and 10 percent of women must be excluded, unless these percentages do not reflect the criteria for the application of the exemptions indicated below. Differently, for example, the company that guarantees the commitment with hirings which, although nominally do not exceed the percentage of 30 percent, nevertheless guarantee the target with a lower number of units wholly or partly characterized by the double requirement of gender and age (30 percent of women under 36 years old or 20 percent of women under 36 years old, 10 percent of women under 36 years old and 10 percent of men under 36 years old). In any case, for operational details on the calculation methods, please refer to the aforementioned guidelines.

2) In order to avoid that the assumption of the obligation to provide a declaration could discourage participation or, again, determine the conviction among operators not to attach the declaration, which constitutes a necessary requirement of the offer, subject to exclusion, it is believed that report, in addition to what is indicated in the aforementioned guidelines, the answer given to the question below by the MIT Legal Support Service (Identification code: 1133 Received date: 12/01/2022 Topic: PNRR and PNC tenders):

Subject: Contracts financed with PNRR - 30% quota requirement for youth and female employment hiring

Question: For public contracts financed with resources from the PNRR and the PNC in paragraph 4 of the art. 47 of Legislative Decree 31 May 2021 n. 77 provides, as a necessary requirement for the offer, the assumption of the obligation to ensure, in the event of awarding the contract, a share equal to at least 30 percent of the hiring necessary for the execution of the contract or for the realization of activities connected to it or instrumental to both youth employment and female employment. In this regard, we ask what is meant by "necessary hiring" and, in particular, whether this hiring obligation exists only if the employer has an actual need to resort to new hiring in order to carry out the activities covered by the tender, and therefore the measure of 30% refers to the number of new hires, or whether there is an obligation to make new hires even if the employer already has a sufficient number of employees to allow it to carry out the activities covered by the tender.

Answer: Regarding the assumption of the obligation to ensure, in the case of awards falling under the PNRR and PNC, please refer to the provisions referred to in Paragraph 5 of the "Guidelines aimed at promoting equal gender and generational opportunities, as well as the employment inclusion of people with disabilities in public contracts financed with the resources of the PNRR and the PNC" approved with Ministerial Decree 7 December 2021, published in the Official Journal 30 December 2021, n. 309. On the basis of these Guidelines, the 30% quota of new hires destined for new youth and female employment (art. 47, paragraph 4, of Legislative Decree no. 77/2021) must refer solely to hires "necessary for the execution of the contract or for the implementation of activities connected or instrumental to it", to be determined having regard to the entire time span



of execution of the contract and by applying a criterion of functionality of said new hires with respect to the execution of the contract awarded within the timescales and according to the foreseen methods.

It is therefore not required that the operator undertakes to hire staff, in the event that the service can be performed with already contracted staff.