



29th March 2022

REFERENCE NUMBER: SPD3/2022/018

TENDER FOR A DIGITAL MARKET CAMPAIGN AND WEB DESIGN IN CONNECTION WITH THE BIOBLU PROJECT UNDER THE INTERREG: ITALIA-MALTA PROGRAMME 2014 – 2020

Clarification No. 2

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The Department of Contracts in liaison with the Planning, Priorities and Co-ordination Division and in compliance with EU legislation^[1], is requesting that any EU funded tender published, is according to the required standards in terms of collection of information on beneficial ownership as part of the reporting and verification process under European funds. In this respect, a filled-in Ultimate Beneficiary Owner Information Sheet and any supporting documentation (as applicable) will be requested to be provided by the recommended Tenderer once the tender has been awarded. Therefore, whoever submits a tender for this CfT is automatically agreeing and confirming that such a form will be endorsed and provided (as applicable) upon request. A copy of this declaration is being attached to this clarification.

[¹] DIRECTIVE (EU) 2015/849 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC; REGULATION (EU) 2021/241 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 12 February 2021 establishing the Recovery and Resilience Facility.

All other tender documents, conditions and requirements, which are not superseded by this Clarification, remain in place.

Sectoral Procurement Unit 3
Sectoral Procurement Directorate

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Ultimate Beneficiary Owner Information Sheet (Declaration Form)

Purpose: This declaration form has been issued by the Department of Contracts in compliance with EU legislation¹ in terms of collection of information on beneficial ownership as part of the reporting and verification process under European funds.

Definition: In line with Article 3 (6) of EU Directive (EU) 2015/849 of the European Parliament and of the council of 20 May 2015, a **'beneficial owner'** refers to any natural person(s) who ultimately owns or controls the customer and/or the natural person(s) on whose behalf a transaction or activity is being conducted and includes at least:

(a) In the case of corporate entities:

- (i) the natural person(s) who ultimately owns or controls a legal entity through direct or indirect ownership of a sufficient percentage of the shares or voting rights or ownership interest in that entity, including through bearer shareholdings, or through control via other means, other than a company listed on a regulated market that is subject to disclosure requirements consistent with Union law or subject to equivalent international standards which ensure adequate transparency of ownership information;

A shareholding of 25 % plus one share or an ownership interest of more than 25 % in the customer held by a natural person shall be an indication of direct ownership. A shareholding of 25 % plus one share or an ownership interest of more than 25 % in the customer held by a corporate entity, which is under the control of a natural person(s), or by multiple corporate entities, which are under the control of the same natural person(s), shall be an indication of indirect ownership. This applies without prejudice to the right of Member States to decide that a lower percentage may be an indication of ownership or control. Control through other means may be determined, inter alia, in accordance with the criteria in Article 22(1) to (5) of Directive 2013/34/EU of the European Parliament and of the Council;

- (ii) if, after having exhausted all possible means and provided there are no grounds for suspicion, no person under point (i) is identified, or if there is any doubt that the person(s) identified are the beneficial owner(s), the natural person(s) who hold the position of senior managing official(s), the obliged entities shall keep records of the actions taken in order to identify the beneficial ownership under point (i) and this point;

(b) In the case of trusts:

- (ii) the settlor; (ii) the trustee(s); (iii) the protector, if any; (iv) the beneficiaries, or where the individuals benefiting from the legal arrangement or entity have yet to be determined, the class of persons in whose main interest the legal arrangement or entity is set up or operates; (v) any other natural person exercising ultimate control over the trust by means of direct or indirect ownership or by other means;
- (c) in the case of legal entities such as foundations, and legal arrangements similar to trusts, the natural person(s) holding equivalent or similar positions to those referred to in point (b).

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