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HELLENIC REPUBLIC ASSET
DEVELOPMENT FUND

INVITATION TO SUBMIT AN EXPRESSION OF INTEREST

FOR THE CONCESSION OF PORT OPERATION SERVICES
AND OF THE RIGHT TO USE, OPERATE, MANAGE AND EXPLOIT
THE MARINA OF KALAMARIA (ARETSOU)

Athens, 22.01.2021

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1. INTRODUCTION

1.1. Contracting Entity

Contracting Entity	Hellenic Republic Asset Development Fund S.A.
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Contact details	Telephone +30 210 3274400 Fax +30 210 3274448-9 E-mail info@hradf.gr web www.hradf.gr
Advisors to the Contracting Entity	▪ Kantor Management Consultants A.E. ▪ LEXPARTNERS Sfikakis & Associates Law Firm ▪ MARNET S.A. ▪ SAMARAS & ASSOCIATES S.A. – CONSULTING ENGINEERS ▪ Technical Office Th. Papagiannis & Associates
Contact person	Nikolas Giampanas Tel.: +30 210 3274400 Fax: +30 2103274448 e-mail: info@hraf.gr

1.2. The Hellenic Republic Asset Development Fund

The Hellenic Republic Asset Development Fund Société Anonyme (the “Fund” or “HRADF”) is a société anonyme incorporated under the Law 3986/2011 (the “Fund Law”) (Government Gazette A’ 152/01.07.2011), the entire shares of which is owned, and all relevant voting rights are exercised by the Hellenic Corporation of Assets and Participations Société Anonyme (the “HCAP”), as established under the provisions of the Law 4389/2016 (Government Gazette A’ 94/27.05.2016).

Pursuant to the Fund Law, the Fund is entrusted with the development of the assets of the Hellenic Republic (the “HR”) as well as the assets of public law entities and

companies, the share capital of which is fully owned, directly or indirectly, by the HR or by public law entities in the context of the Privatization Programme of the Law 3985/2011 “Medium-Term Fiscal Strategy Framework 2012-2015” (Government Gazette A’ 151/01.07.2011), as the Privatization Programme has been updated by virtue of (a) the provisions of paragraph C of article 3 of Part B of the Law 4336/2015 (Government Gazette A’ 94/14.08.2015), and in particular subparagraph 4.4.iv and Annex 1 thereof, which refer to the Asset Development Plan, as decided by the Board of Directors of the HRADF on July 30th 2015 and endorsed by means of a relevant decision by the Government’s Council for Economic Policy on July 30th 2015 (Government Gazette A’ 93/14.08.2015) and (b) the provisions of the updated Asset Development Plan of the HRADF, as decided by the Board of Directors of the HRADF on 09.09.2020 and endorsed by means of a relevant decision by the Government’s Council for Economic Policy (Government Gazette B’ 3868/10.09.2020), which also refers to the long-term concession of the Marina of Kalamaria, Thessaloniki (Aretsou), (the **“Marina of Kalamaria”**).

Pursuant to article 2 par. 5 of the Fund Law, all the assets of the HR included in the Privatization Programme are to be transferred to the Fund by virtue of a relevant decision of the Inter-ministerial Committee for Asset Restructuring and Privatizations (the **“ICARP”**). In this respect, the HR transferred to the Fund, by virtue of the Decision No 218/13.08.2012 of the ICARP (Government Gazette B’ 2322/13.08.2012), as amended by the Decision No 237/05.07.2013 of the ICARP (Government Gazette B’ 1668/05.07.2013), the right to grant a concession of the right to use, manage and exploit the movable and/or fixed assets related with the operation of 23 ports and tourist ports/marinas, as well as adjacent upland and sea areas, including, inter alia, the Marina of Kalamaria.

1.3. Advisors

The Fund has appointed Kantor Management Consultants SA for the provision of advisory services as its Financial Advisor, LEXPARTNERS Sfrikakis & Associates Law Firm as its Legal Advisor and the companies MARNET S.A., SAMARAS & ASSOCIATES S.A. – CONSULTING ENGINEERS and the Technical Office Th. Papagiannis & Associates, as its Technical Advisors (together the **“Advisors”**).

1.4. Personal Data

The Fund acts as the data processor, within the meaning of the Greek and European legislation on the protection of data, in particular of the General Regulation on the Protection of Data (EU) 2016/679 and Law 4624/2019, with regards to the personal data of natural persons, which are collected in the framework of the Tender Process; the processing of the said data shall be carried out in accordance with the existing legislation on the protection of personal data, as in force. More information



on the processing of personal data is included in Annex D.

2. DESCRIPTION OF THE CONCESSION

2.1. General information

Nature of services	Concession of port operation services (berthing and other services) and of the right to use, operate, manage and exploit the movable and/or fixed assets within the upland area and/or the sea area of the Marina of Kalamaria (Aretsou)
Main vocabulary codes CPV	63721200-1 Port operation services 63723000-3 Berthing services
	Supplementary vocabulary codes CPV: -
NUTS codes	EL522 (Main place of performance concession services)
Contract Duration	Minimum 35 years
Division in lots	Not allowed

2.2. Concession

In view of the Fund's overall scope in accordance with Fund Law as well as in the context of the Privatization Programme referred to hereinabove, the Fund has decided to enter into a contract for the concession of port operation services (berthing and other services) and of the right to use, operate, manage and exploit the movable and/or fixed assets within the upland area and/or the sea area of the Marina of Kalamaria, as described in Section 2.6 and illustrated in Annex C of this invitation (the **"Concession"**).

The Fund intends to attract suitable investors for Marina of Kalamaria and to attain the optimal services provision, operation and management of this asset.

The key objective of the Fund is to achieve the maximization of the net present value of the financial proceeds of the Concession payable by the concessionaire.

The Fund also aims at achieving and securing a combination of high quality port, operation and maintenance services for the Marina of Kalamaria to the benefit of the asset itself as well as of the end users. To this end, the Fund intends to attract



and award the tender to economic operators with related experience, at a national and/or international level.

2.3. Duration of Concession

The duration of the Concession is set at a minimum of thirty five (35) years. The exact duration of the Concession will be determined by the Fund in the request for proposals that will be issued in Phase B (as defined below in Section 3.3).

2.4. Award criteria

The Fund shall award the Concession on the basis of the offered financial proceeds of the Concession payable by the concessionaire, as it will be defined by the Fund in the request for proposals that will be issued in Phase B (as defined below in Section 3.3).

2.5. Option

The Concession Contract may provide for the Fund's option to further extend the duration of the Concession for another ten (10) years, at maximum.

In this case, the exact object and the terms of activation of the aforementioned option will be further defined in Phase B of the Tender Process, pursuant to the provisions of article 51 § 1 item a' of Law 4413/2016 and pursuant to the provisions of article 17 of Law 4413/2016. The activation of the Fund's option does not alter the overall nature of the contract as a concession contract. The aforementioned option may be exercised, in whole or in part, by means of notification of the Fund's relevant decision, at any rate, before the expiry of the initial duration of the Concession.

2.6. Overview of Marina of Kalamaria

The Marina of Kalamaria (or, as it is widely known, the Marina of Aretsou) is located on the east coast of the Gulf of Thessaloniki, in front of the coastal front of the Municipality of Kalamaria. It is the only operating facility for servicing tourist boats on the coastal front of the Thessaloniki Urban Area (all the others are used to serve nautical-athletic clubs). At the moment, the Marina of Kalamaria has 242 berths for cruise boats/yachts of different sizes, up to a maximum length of 30m.

The Marina of Kalamaria is located at a distance of about 10 km from the center of Thessaloniki, accessible via Vasilisis Olga Avenue, and 9 km from the International Airport of Thessaloniki "Macedonia", accessible via Georgikis Scholis Avenue. The Marina is also accessible by public transport; at the moment, by bus and in the future (subject to the completion of the relevant projects) by metro ("Aretsou"

Station) but also, as planned at the moment, by maritime public transport, a stop of which will be in the Marina.

The sea area of the Marina of Kalamaria comprises of a basin of a surface of about 100 stremmas, which is bounded to the southwest by a detached breakwater, to the northwest and southeast by piers and to the northeast by the existing coastal wharves. Access by sea to the basin is also possible from the north and the south, despite the breakwaters. The basin comprises of 4 fixed jetties. Crafts are moored at the fixed jetties, the coastal wharves and the inner side of the piers. Most berths are equipped with bollards and turrets for the supply of electricity and water. Today, fishing boats are served in the southern part of the basin. This berthing space is temporary since the fishing boats are to be relocated in the licensed fishing shelter of Nea Krini once the construction is completed and put into operation.

The land area of the Marina of Kalamaria, of a surface of approximately 77 stremmas, is separated from the densely populated urban area by means of N. Plastira Str., a road which also provides access to the Marina. Its northeast part is a leafy elongated area with a steep slope. A large undergrowth area, in a degraded condition, extends along the center of the land zone. The building infrastructure of the Marina comprises mainly of a building in the north part of the Marina, which houses the administration and a refreshment room. With regards to the remaining land area, it comprises of scattered small buildings of various ages and uses (mostly roughly constructed), a chapel, a substation and other structures which house electromechanical installations, parking spots as well as extended free areas.

The Marina of Kalamaria (Aretsou of Kalamaria) was site-planned according to article 30 and Annex II of article 41 of L. 2160/1993. Moreover, the Fund has started the procedure provided for by the same law, as amended and in force on this day, for the implementation of a new spatial planning of the Marina of Kalamaria, by issuing a new Presidential Decree, according to article 31 par. 1 item c' of updated Law 2160/1993, which updates and amends abovementioned provisions. In this context, the general design of the Marina has already been approved by the Committee of Tourist Ports of the Ministry of Tourism and the consultation process on the Strategic Environmental Impact Study (SEIS) of the said general design has been completed with the issuance of a positive suggestion by the Directorate of Environmental Licensing (DIPA) of the Ministry of Environment and Energy. Finally, the process is expected to be completed soon with the issuance of a Presidential Decree on the approval of the general design of the Marina of Kalamaria (Aretsou).

3. PROCESS OVERVIEW

3.1. International Tender

The Board of Directors of the Fund, by means of its decision dated 21.01.2021, has approved the terms and conditions of the international tender procedure for the selection of a concessionaire (**the “Tender Process”**) and the conditions/provisions of this invitation (the **“Invitation”**).

In the above context, the Fund invites potential investors to submit their expressions of interest (together with the Supporting Documents as specified in Section 6.3 and Annex A, hereinafter referred to as the **“Expression of Interest”** or **“Eoi”**) for entering into a contract granting the Concession for the Marina of Kalamaria for the duration defined in Section 2.3 of this Invitation. The Tender Process shall result in the conclusion of the relevant concession (the **“Contract”**).

Throughout the Tender Process and the Concession, the Fund intends to comply with general principles derived from the fundamental rules and principles of the EU law, including the free movement of goods, the right of establishment, the freedom to provide services, non-discrimination and equal treatment, transparency, proportionality and mutual recognition.

The Fund offers by electronic means unrestricted and full direct access, free of charge, to the tender documents and, in general, to the documents of this Phase A of the Tender Process, as of the date of publication of the relevant notice. The tender documents and, in general, the contract documents of Phase A of the Tender Process are available at the following web address: www.hradf.gr

The publication of a concession Notice for the present Invitation with the Supplement to the Official Journal of the European Union (Art. 30 of the Law 4413/2016 and Art. 32 of the Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts), marks the commencement of the Tender Process for the awarding of the Contract.

The procurement process for this project involves two phases:

- Phase A (prequalification), consisting of this Invitation to be responded to with the submission of the Expression of Interest in accordance with Section 6.1 herein and
- Phase B (submission of offers), consisting of the Request for Proposals (RfP), by which it is requested that binding proposals relating to the Concession are submitted.



3.2. Phase A – Pre-Qualification

Phase A of the Tender Process ("**Phase A**") is regulated by the terms and conditions of this Invitation.

Candidates, either natural persons or legal persons or groups of such persons (consortia, joint ventures etc.) shall express their interest by submitting a written EoI. The EoI should be submitted on **Tuesday, 11 May 2021** (the "**Submission Date**") to the Fund's premises as specified in Section 6.2. Groups of natural or legal persons, consortia and joint ventures are referred to hereinafter as "**Consortia**" or a "**Consortium**". Each member of a Consortium is referred to hereinafter as a "**Consortium Member**". Natural persons, legal persons and Consortia, participating in the Tender Process, are referred to in this Invitation as the "**Interested Parties**", and each as an "**Interested Party**".

The Expressions of Interest shall be opened by the Fund at its premises, 1 Kolokotroni & Stadiou Str., 105 62, Athens, Greece on the date and time that will be previously acknowledged in writing to the tenderers. A duly authorized representative of each Interested Party is entitled to be present during the opening.

EoI submissions will be reviewed to ensure that all of the information requested is included and that the EoI is, therefore, complete. The completeness review will ensure (i) that the required contents have been submitted and (ii) that such contents have been submitted in the format as set out in this Invitation.

EoI submissions will be assessed by the Fund in accordance with the criteria defined in Section 5. In case that an Interested Party does not meet any of the criteria set forth, the Fund shall, in accordance with the provisions of Section 5, disqualify this Interested Party.

The Fund, at its own discretion, retains the right to request that the Interested Parties provide supplementary information or clarifications on the documents and the supporting evidence submitted. In case that an Interested Party does not provide supplementary information or clarifications on the EoI submissions, upon the relevant request of the Fund and within a reasonable time period to be defined by the latter, this Interested Party shall be disqualified. Any clarifications or supplementary information submitted by the Interested Party without having been requested by the Fund shall not be taken into account. The Fund has the right to decide on the disqualification of an Interested Party and in the case of a Consortium Member, the disqualification of the Consortium for the purpose of national security; to that effect, it may request that an Interested Party or a Consortium Member submit all the information required in order to exercise the said right.



In order to avoid any doubt, the clarifications or supplementary information provided for in the abovementioned paragraph may refer only to ambiguities and may not result in subsequent replacement or in submitting documents anew in conformity with the terms of this Invitation, but only in clarifying and supplementing, even by means of new documents, the documents and supporting evidence that have already been submitted. The clarifications or supplementary information in accordance with the abovementioned shall be submitted in Greek.

The Fund shall review the EoIs submitted and invite all the Interested Parties which fulfill the Selection Criteria as described hereby under section 5 to participate in Phase B of the Tender Process, as described below. Such Interested Parties which qualify as eligible investors (the **"Eligible Investors"**) will be notified in writing and further invited to participate in Phase B. Disqualified Interested Parties will be notified in writing for the reasons of their disqualification.

3.3. Phase B' – Request for Proposals

Phase B of the Tender Process ("Phase B") will be regulated by the terms and conditions outlined in a detailed manner in the Request for Proposals.

The description below constitutes only a general outline of Phase B, without prejudice to the terms and conditions to be finally designated in the Request for Proposals.

In order to participate in Phase B, Eligible Investors will be required to sign a non-disclosure agreement. In the case of a Consortium, the non-disclosure agreement will be signed by a common representative appointed by the Consortium Members with the authority to sign on its behalf. Following the execution of the non-disclosure agreement, Eligible Investors will receive binding instructions and a detailed description of Phase B.

Upon execution of the non-disclosure agreement, the Eligible Investors will be granted inter alia the right to:

- receive access to a virtual data room (VDR) in order to carry out their due diligence review on the Marina of Kalamaria,
- conduct site visits following appropriate coordination and scheduling,
- submit non-binding comments on the draft Contract that will be made available to the Eligible Investors upon the release of the RfP or at any time later. The Fund will be entitled to accept or reject the said comments, in total or in part, at its absolute discretion,



- submit binding financial offers together with the relevant financing commitments and other supporting material.

The RfP will also determine the criteria for the selection of the participant with which the Fund will enter into the Contract (the **“Preferred Investor”**).

A detailed timetable for Phase B and the remaining Tender Process will be outlined in the RfP.

4. RIGHT TO PARTICIPATE

4.1. Participation terms and conditions

The Interested Parties are eligible to participate in the Tender Process and submit their Expressions of Interest, provided that they meet the terms and conditions set out in this Section 4 as well as in Section 5 herein. Expressions of Interest from any Interested Party should be supported by the documentation specified in Annex A, as applicable. Interested Parties which fail to satisfy any of the requirements set out in Annex A, or make any false or inaccurate statement in this respect, will be disqualified. In case of a Consortium, each of the above requirements should be satisfied by each Consortium Member.

Interested Parties that participate in the Tender Process in the form of a Consortium are not required to assume a specific legal form in order to submit an Expression of Interest. However, each Consortium Member must retain at least a ten per cent (10%) share in the Consortium (the «Minimum Participation Share in the Consortium”).

In case that a Consortium or an Interested Party which has already been declared an Eligible Investor is subsequently qualified as the Preferred Investor, the said Consortium or the said separate Interested Party, in order to achieve a satisfactory performance of the contract, must proceed to the establishment of a Special Purpose Vehicle (“SPV”), in the form of a Greek Société Anonyme, in order to be able to enter into a Contract.

Each Interested Party may submit only one Expression of Interest. A Consortium Member cannot participate in more than one bidding Consortia during the Tender Process, nor can a member of a bidding Consortium submit an individual Expression of Interest as a separate Interested Party. A violation of this rule results in the immediate disqualification of all the Interested Parties involved.

All Consortium Members shall be jointly and severally liable towards the Fund for any cause relating to the Tender Process.

4.2. Lead Member



In the event that an Expression of Interest is submitted by a Consortium, the Consortium must designate one of its members as the leader (the **“Lead Member”**), which shall be required to hold a participation stake in the Consortium of no less than 34% of the total interest of the Consortium.

The Lead Member, as it is represented in the Tender Process, must be duly authorized by the other Consortium Members to represent the Consortium in relation to the Tender Process and the Concession. If the Lead Member's stake in a Consortium falls below 34% after the submission of the EoI or at any time during the Tender Process, such a Consortium will be disqualified from the Tender Process. If the Contract is awarded to a Consortium, the designated Lead Member must retain a stake of at least 34% in the shareholding of the SPV (which will sign the Contract) for a minimum lock up period as detailed in the Contract and subject to the exceptions set out therein.

4.3. Affiliate

In case that an Affiliate of an Interested Party (as defined below) submits a separate EoI (i.e. it participates in the Tender Process as a separate Interested Party), or participates as a Consortium Member in another Consortium which submits a separate EoI, then both Interested Parties bear the burden to prove to the Fund, in a satisfactory manner, that their submitted EoIs, although separate, they have not been influenced by one another. Otherwise the Fund may disqualify both or one of the Interested Parties at its discretion.

For the purposes of this Invitation, the term “Affiliate” means any other person who, directly or indirectly is in control of, or controlled by, or is under common control with, the Interested Party. For the purposes of the aforementioned definition, “control” of a legal entity is defined as the exercise of dominant influence or control over a legal entity. Such a case occurs when a legal entity (controlling entity) consolidates its annual accounts with the accounts of another legal entity (controlled entity) in accordance with the requirements of Law 4308/2014. In case of entities which do not fall within Law 4308/2014, “control” is defined as the fulfillment by the controlling entity of any of the following criteria (a) to (e):

- (a) having the majority of the shareholders’, partners’ or members’ voting rights in another entity (subsidiary entity).
- (b) having the right to appoint or remove the majority of the members of the administrative, management or supervisory body of another entity (a subsidiary entity) and being at the same time a shareholder in, partner or member of that entity.



- (c) having the right to exercise a dominant influence over another entity (a subsidiary entity) of which it is a shareholder, partner or member, pursuant to a contract entered into with that entity or to a provision in its memorandum or articles of association.
- (d) being a shareholder in, partner or member of another entity, and either:
 - (aa) controls alone, pursuant to an agreement with other shareholders in, partners or members of that entity (a subsidiary entity), a majority of shareholders', partners' or members' voting rights in that entity, or
 - (bb) all of the following conditions apply:
 - (i) The majority of the members of the administrative, management or supervisory bodies of that entity (a subsidiary entity) who have held office during the current financial year, during the preceding financial year and up to the time when the consolidated financial statements are drawn up, has been appointed solely as a result of the exercise of its voting rights.
 - (ii) The voting rights held by that Candidate represent at least 20% of the total voting rights in the subsidiary entity.
 - (iii) No third party has the rights referred to in points (i), (ii) or (iii) of this paragraph with regard to that entity (a subsidiary entity).
- (e) having the power to exercise, or actually exercises, dominant influence or control over another entity (the subsidiary entity).

4.4. Changes in the composition of Interested Parties

A. Any changes in the composition of a Consortium (by way of an exit of one or more existing members, or an entry of one or more new members, or internal reallocation of the participation percentages or in case that a single Interested Party subsequently forms a Consortium) as well as any designation or replacement of a Third Entity, on the capabilities of which the Interested Party possibly relies, are permitted only after the results of Phase A of the Tender Process are finalized and only under the following conditions, as summarized hereinbelow, which will be specified in a more detailed way in the Request for Offers:

- (a) The change must be notified to the Fund in writing until the date to be specified in the Request for Offers (the "Relevant Date") and will be subject to the prior permission of the Fund. The notification of the entry of a new member must be accompanied by the relevant Supporting documents referred to in Annex A.



- (b) The Lead Member remains the same. In case that a single Interested Party forms a Consortium following the submission of its EoI, such a single Interested Party must be designated the Lead Member of the Consortium to be formed. In any case, the Consortium (or/and the Interested Party to which the change relates, as the case may be) must meet or continue to meet (as the case may be) all the Selection Criteria as set out in Section 5 and the new party entering the Consortium, or the new Third Entity, must meet the Personal Situation Criteria as set out in Section 5.2.
- (c) In case of an entry of a new member, the said new member must participate in the Consortium by a percentage at least equal to the Minimum Participation Percentage specified in Section 4.1. Moreover, in case of an internal reallocation of the participation percentages in the Consortium, each Consortium Member must retain a participation percentage in the Consortium at least equal to the Minimum Participation Percentage specified in Section 4.1.
- (d) The Request for Offers may impose restrictions on the possibility of a Consortium to add, as a Consortium member, one or more financial entities which, at any time during the Tender Process, have acted as Consortium Members (Lead or simple Members) in other Consortia or as single Interested Parties.
- (e) No changes in the composition of a Consortium or a designation or replacement of a Third Entity will be permitted after the Relevant Date, other than those concerning (i) changes justified by objective reasons (e.g. liquidation, bankruptcy etc.) or (ii) changes justified by corporate reorganization (e.g. merger, split, transformation etc.) or (iii) replacement of an Interested Party by an Affiliate or (iv) any changes in the participation percentage of the Consortium Members. Any such change will be subject to the prior approval of the Fund and under the condition that the Consortium (or/and the Interested Party to which the change relates, as the case may be) continues to meet all the Prequalification Criteria specified in Section 5 and that the new member entering the Consortium, or the new Third Party, meets the Personal Situation Criteria specified in Section 5.2.

Abovementioned conditions (a) to (e) apply cumulatively. Any breach of the conditions, as set out hereinabove, results in the disqualification of the Consortium or of the single Interested Party, as the case may be, from the Tender Process.

B. Despite the abovementioned, the Request for Offers may provide for the possibility of replacement of the Eligible Investors by an Affiliate, as there will be further determined and, in all cases, under the following conditions, which will apply cumulatively:



- (a) The change will be subject to the prior permission of the Fund.
- (b) The said Affiliate must meet the Personal Situation Criteria specified in Section 5.2 and the notification of replacement must be accompanied by the relevant Supporting documents referred to in Annex A.
- (c) The Eligible Investor will continue, after the said substitution, to meet all the Selection Criteria, as specified in Section 5 and
- (d) The said Affiliate will enter into the Non-Disclosure Agreement referred to in Section 3.3 of this Invitation.

4.5. Release from liability

The Fund (or any of its directors, officers, agents, employees and assignees) and the Advisors (or any of their directors, officers, agents, employees and assignees) are not to be held responsible or liable for any costs or expenses incurred on the part of the Consortium or any Consortium Member or any Interested Party, as the case may be, relating to their disqualification or non award to them of the result of the Tender Process. No person will have against the Fund (or any of its directors, officers, agents, employees and assignees) and the Advisors (or any of its directors, officers, agents, employees and assignees) any right or claim for compensation or other indemnification from this Invitation, or from their participation in the Tender Process, or from their disqualification or non award to them of the result of the Tender Process for any reason or cause, including any error, or misstatement/misrepresentation in, or omission from this Invitation.

5. SELECTION CRITERIA

5.1. Introduction

This section sets out the selection criteria that Interested Parties must meet (the "Selection Criteria"), which comprise of the following: (a) the Personal Situation Criteria, as defined in Section 5.2 below, (b) the Economic Standing Criteria, as defined in Section 5.3 below. Apart of these, Technical Ability Criteria are defined in Section 5.4 below.

The Personal Situation Criteria and the Economic Standing Criteria are to be satisfied by the Interested Parties upon the submission of their Expression of Interest and throughout the Tender Process. The Technical Ability Criteria are to be satisfied by the Interested Parties which were declared Eligible Investors upon the submission of their binding offers in Phase B in accordance with the relevant terms of the Request for Offers.



Meeting the Selection Criteria is an ongoing requirement that will continue after the EoI has been submitted and evaluated. The bidders of Phase B will be required to include an acknowledgement with their RfP submissions that they continue to meet the Selection Criteria. Further details on the ongoing nature of the Selection Criteria will be set out in the RfP.

5.2. Personal Situation Criteria

The Interested Parties must possess and evidence compliance with the criteria set out in this paragraph and in paragraph 1 of Annex A cumulatively (the **“Personal Situation Criteria”**). In the case of a Consortium, each Consortium Member must also evidence compliance with the Personal Situation Criteria. Any Interested Party which does not satisfy any of the requirements set out in this Section and Annex A, fails to submit any document requested in Annex A or makes a false or inaccurate statement in this respect, will be disqualified from the Tender Process.

An Interested Party, and in the case of a Consortium Member, the Consortium, will be excluded from the participation in the Tender Process if, at any time during the Tender Process, it turns out that the Interested Party is, in view of acts committed or omitted either before or during the Tender Process, in one of the following situations and under the following conditions:

- (a) Where the Fund is aware that any of the Affected Persons (as defined below in this Section) has been the subject of a conviction by final judgment for the reasons referred to in Annex A, paragraph 1.1(3)(i). The above exclusion of an Interested Party or a Consortium, as the case may be, shall also apply where the person convicted by final judgment is a member of the administrative, management or supervisory body of that economic operator or has powers of representation, decision-making or control over it (the **“Affected Persons”**).
- (b) Where the Fund is aware that the Interested Party is in breach of its obligations relating to the payment of taxes or social security contributions and where this has been established by a judicial decision having final and binding effect in accordance with the legal provisions of Greece or the country in which it is established; or/and where the Fund can demonstrate by any appropriate means that the Interested Party is in breach of its obligations relating to the payment of taxes or social security contributions. This paragraph shall no longer apply (i) when the Interested Party has fulfilled its obligations by paying or entering into a binding arrangement with a view to paying the taxes or social security contributions due, including, where applicable, any interest accrued or fines; (ii) where an exclusion would be clearly disproportionate, in particular where only minor amounts of taxes or social security contributions which, however, do not exceed the amount of

one thousand (1.000) euro, are unpaid or where the financial entity was informed of the exact amount due following its breach of its obligations relating to the payment of taxes or social security contributions at such time that it did not have the possibility to take measures as provided for in subparagraph (i) of this paragraph (b) before expiration of the deadline for submitting its EoI.

- (c) Where the Fund can demonstrate by any appropriate means any violation of applicable obligations referred to in Article 29 (3) of Law 4413/2016 (Article 30(3) of Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts).
- (d) Where the Interested Party is bankrupt or is subject to rehabilitation or special liquidation proceedings, where its assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under national laws and regulations (in Greece see Law 3588/2007 - Bankruptcy Code, as in force); the Fund, however, may decide not to exclude an Interested Party which is in one of the above situations where it has established that the Interested Party in question will be able to perform the Contract, taking into account the applicable national rules and measures on the continuation of business in the case of those situations.
- (e) Where a conflict of interest, within the meaning of paragraph 3 article 35 of Law 4413/2016, cannot be effectively remedied by any other less intrusive measure. The concept of conflicts of interest shall at least cover any situation where staff members of the Fund who are involved in the conduct of the Tender Process or may influence the outcome of that procedure have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the Tender Process.
- (f) Where the Interested Party has shown significant or persistent deficiencies in the performance of a substantive requirement under a prior concession contract or a prior public contract which led to early termination of that prior contract, damages or other comparable sanctions.
- (g) Where the Interested Party or the Affected Persons have been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for disqualification or the fulfilment of the Selection Criteria, have withheld such information or are unable to submit the required documents supporting such information.

- (h) Where the Interested Party or the Affected Persons have undertaken to unduly influence the decision-making process of the Fund, to obtain confidential information that may confer upon them undue advantages in the Tender Process or to negligently provide misleading information that may have a material influence on decisions of the Fund concerning exclusion, selection or award.

An Interested Party that is in one of the above situations (except for the situation referred to in case (b) above), including also the situations of paragraph 1 of Annex A of this document (namely the situations of paragraph 4 article 39 of Law 4413/2016), may provide evidence to the effect that measures taken by it are sufficient to demonstrate its reliability despite the existence of the relevant ground for disqualification. If such evidence is considered to be sufficient, the Interested Party concerned, and in the case of a Consortium Member, the Consortium, shall not be disqualified from the Tender Process. For this purpose, the Interested Party shall prove that it has paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct, clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities and taken concrete technical, organizational and personnel measures that are appropriate to prevent further criminal offences or misconduct. The measures taken by the Interested Party shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered to be insufficient, the Interested Party concerned shall receive a statement of the reasons for that decision. An Interested Party which has been excluded by final judgment from participating in procurement or public contracts award procedures shall not be entitled to make use of the possibility provided hereinabove during the period of exclusion resulting from that judgment if it is effective in Greece.

The decision, as to whether the corrective measures are considered sufficient or not in accordance with the aforementioned paragraph, will be issued after the consent of the committee of par. 9 article 73 of Law 4412/2016 on "Public works, Supplies and Services Contracts (transposition of Directives 2014/24/EU and 2014/25/EU)", within a time period of thirty (30) days from the date on which the said committee receives the draft decision, accompanied by all the relevant data. Upon the expiry of that period, if the failure to comply persists, the said Interested Party will be disqualified by the Fund from the procedure of entering into a contract. The Fund's decision as well as the decision by which remedies against it are accepted, will be notified to the Hellenic Single Public Procurement Authority ("H.S.P.P.A.").

Offshore companies or partnerships or natural persons or Third Entities which are residents of, have their registered or actual seat in, or have an establishment in



Non-Cooperative Countries, as those are defined by article 65 of the Greek Income Taxation Code (Law 4172/2013 as amended and currently in force) and are listed in Decision 1353/19.09.2019 of the Minister of Economy (Government Gazette B' 3558/23.09.2019) or in any subsequent act issued under the authority of the aforementioned provision, do not qualify for participation in the Tender Process, either individually or as Consortium Members or as partners or shareholders holding more than 1% of the share capital of a legal entity that is an Interested Party or Consortium Member.

The Fund may disqualify an Interested Party and, in case of a Consortium Member, the Consortium if the Interested Party is established in a country (a) with which the HR has no diplomatic or trade relations pursuant to the relevant decision of HR, and/or (b) in a country referred to in the two public documents issued by the Financial Action Task Force (FATF) three times per year, namely (i) "Jurisdictions under Increased Monitoring" and (ii) «High-risk Jurisdictions subject to a Call for Action". The Fund may also disqualify an Interested Party if the said Party and, in case of a Consortium, a Consortium Member, is subject to sanctions of the United Nations (UN) and/or restrictive measures of the EU applicable pursuant to any EU Regulation under article 215 of the Treaty on the Functioning of the European Union (EU C 326, 26.10.2012, p. 47-390) or a Decision issued within the framework of the Common Foreign and Security Policy of the EU. The Fund may also disqualify, at any stage of the Tender Process and until the completion of the Transaction, upon consultation with the HR, any Interested Party for reasons of protection of the national security interests of the HR. The aforementioned terms and conditions also apply in case that a Third Entity or an Affiliate falls within the aforementioned conditions. For this purpose, the Fund may, during the Tender Process, request, at its own discretion, any information in relation to an Interested Party or a Third Entity or an Affiliate and, in particular, as regards the composition of shareholders or the actual beneficiary thereof.

From participating in the Tender Process, is also excluded any Interested Party and, in case of a Consortium Member, any Consortium if the conditions for the implementation of par. 6 article 8 of Law 3310/2005, as in force, occur (national disqualification reason).

5.3. Economic Standing Criteria

Interested Parties must possess and evidence compliance with the following financial criteria (the "**Economic Standing Criteria**") for the last three (3) audited financial years:

- Average annual consolidated equity position (calculated as total consolidated assets minus total consolidated liabilities) of at least € 10,000,000.00 (ten million euro).



In the case of a Consortium, the Economic Standing Criteria are considered fulfilled if the weighted sum, calculated by aggregating such financial criteria for each Consortium Member, on a proportionate basis (pro rata) taking into account the relative interest of each Consortium Member (stake) in the Consortium, meets the aforementioned criteria.

In case that the Interested Party is a private equity firm or fund, it must demonstrate that the amount of the available and non invested funds ("Total Funds") in the last audited financial year, prior to the date of publication of this Invitation, is at least € 10,000,000.00 (ten million euro).

If the Consortium Members do not belong in the same category, they should meet, on a proportionate basis (pro rata), the corresponding criteria, namely if the private equity firm or fund is a Consortium Member, the aforementioned requirement should be satisfied on a proportionate basis (pro rata), taking into account the relative interest of each Interested Party (stake) in the Consortium. The remaining Consortium Members, which are not a private equity firm or fund, should satisfy, on a proportionate basis (pro rata), the relevant criteria.

In the event an Interested Party or a Consortium Member or a Third Entity has merged with or acquired any businesses during the last three (3) financial years, the aforementioned Economic Standing Criteria, may also be met on the basis of pro-forma financial statements, prepared on the assumption that the acquisition or merger took place at the beginning of the three year period.

In the event that an Interested Party or a Consortium Member or a Third Party has been incorporated for less than three (3) financial years, the Fund will take into account the financial years that such Interested Party or Consortium Member or Third Party is in operation, provided that it has at least one financial year of audited financial statements.

In the case of a natural person, the latter must demonstrate personal and direct ownership and possession of available, liquid and unencumbered financial assets (personal net worth) having aggregate market value of at least € 10,000,000.00 (ten million euro). For purposes of calculation of a person's personal net worth, the following may be taken into account:

- (a) Cash deposits in a bank or any other credit institution,
- (b) Liquid and transferable securities.

5.4. Technical Ability Criteria

In Phase B of the Tender Process and in accordance with the relevant terms of the Request for Proposals, each Interested Party must possess and evidence



compliance with the following criteria relating to technical and professional ability (the “Technical Ability Criteria”):

A) In case of a natural person, or a legal person, the Interested Party must provide proof of evidence that it has managed:

- (a) One (1) marina with at least [200] (wet) berths for crafts of various sizes for a time period of at least three [3] consecutive years, within the last ten-year period: OR alternatively
- (b) One (1) marina or yacht shelter with at least [70] (wet) berths for super-yachts (namely crafts exceeding 24 m. in length) for a time period of at least three [3] consecutive years, within the last ten-year period; OR alternatively
- (c) At least two (2) marinas and/or yacht shelters with a cumulative capacity of at least [150] (wet) berths, for a time period of at least three [3] consecutive years, within the last ten-year period.

For the purposes of this criterion, “managed” shall mean that the Interested Party has either been the concessionaire and/or the operator of the relevant marina/ yacht shelter or has held at least 1/3 stake in the marina/ yacht shelter operating company (either a concessionaire or a company under a management agreement or subcontract).

B) In case of a Consortium, the Technical Ability Criteria must be collectively satisfied by no more than 2 (two) Consortium Members, collectively holding no less than 20% of the total interest of the Consortium.

In case that an Interested Party or a Consortium Member, as the case may be in accordance with section 5.4 B has been excluded from the management of a marina and/or yacht shelter due to a breach of any of the terms and conditions related to the management thereof, or for any other reason related to a misconduct or a fault of such Interested Party or Consortium Member, the Fund may, at its absolute discretion, disqualify such an Interested Party.

C) During Phase B of the Tender Process and in accordance with the relevant terms of the Request for Offers, an Interested Party may rely on the resources of third financial entities for its compliance with the Technical Ability Criteria, according to the provisions of Section 5.5 of this Invitation.

5.5. Reliance on resources of third financial entities

As regards the economic standing criteria referred to in Section 5.3 and the technical ability criteria referred to in Section 5.4 of this Invitation, an Interested Party may rely on the capacities of other entities (the “Third Entity”), regardless of



the legal nature of its links with them. Under the same terms, a Partnership may rely on the capacities of the partnership members or on other entities.

In this case, the Interested Party should prove to the Fund that it will have at its disposal the necessary resources from the Third Entity which provides such capacities (Economic Standing or Technical Ability) throughout the duration of the Contract for the implementation of its object, by submitting the relevant commitment of the Third Entity, according to the aforementioned.

Third Entities are allowed to be natural or legal persons or partnerships provided that the said persons or, in case of a partnership, their members, meet the Personal Situation Criteria (as set out in Section 5.2 of this Invitation).

With regard to the Economic Standing, the Candidate and the Third Entities which provide the relevant capacities will be jointly liable for the execution of the Project, each of them being jointly and severally liable towards the Fund. The Expression of Interest will include a Solemn Declaration, signed by the legal representative of the Third Entity which will provide the relevant capacities, wherein it will declare that it is bound to make all the necessary resources available to the Interested Party throughout the duration of the Tender Process and, in case that it is declared the Preferred Investor, to the Concessionaire for the overall duration of the Contract (as specifically provided for therein) and that it will be liable towards the Fund in case that the terms described in this Section are not met in accordance with the template included in ANNEX B-DECLARATION TEMPLATE 5, which will, in all cases, be considered as sufficient evidence.

With regard to the Technical Ability, the Candidate and the Third Entities which provide the relevant capacities should prove that the Third Entity will actively participate, as the case may be, and proportionately to the capacities provided for the implementation of the object of the Contract. The Request for Offers of Phase B of the Tender Process, in accordance also with the relevant terms thereof, should provide for the obligation to submit a Solemn Declaration, signed by the legal representative of the Third Entity providing the said capacities, wherein it will state that it is bound to make all the necessary resources, know-how and technical means available to the person Eligible for the implementation of the object of the Contract, by means of a relevant contract and that it will be liable towards the Fund in case that the terms described in this Section are not met, which, in all cases, will be considered as sufficient evidence.

Furthermore, the Third Entity should submit the Supporting Documents referred to in Annex A, Part 1 and 2 and, as the case may be, the documents provided for by Annex A, Part 2 (ECONOMIC STANDING CRITERIA) or Part 3 (TECHNICAL ABILITY CRITERIA).



Reliance on the capacities of other financial entities, by way of derogation from the provisions of this Invitation, will result in disqualification.

6. SUBMISSION OF EXPRESSION OF INTEREST – PROVISION OF INFORMATION AND CLARIFICATIONS

6.1. Contents and form of the Expression of Interest

The EoI shall be considered duly submitted when an Interested Party submits all of the following:

- (a) an original hard copy marked as “original hard copy”,
- (b) a duplicate hard copy, and
- (c) an electronic copy in an easily accessible and non-rewriteable format;

(together referred to as the **“Submission Copies”**) in accordance with the provisions of this Section 6 of the Invitation.

Each EoI shall include a Letter of Expression of Interest with the content of the template letter stipulated in Annex B (Template Letter of Expression of Interest).

Each package must include the name and address of the Interested Party.

Submission Copies submitted in any other manner or form may be rejected. Only the information required by this Invitation should be submitted. Supplementary information included in the package that is not specifically required pursuant to this Invitation may be disregarded. Interested Parties should therefore review this Invitation and ensure that the appropriate information is submitted.

In case of any discrepancy or inconsistency between the documents submitted in hard copy or in electronic form, the original hard copy submission shall prevail.

A copy of the Letter of Expression of Interest will be submitted at the time of submitting the EoI package, to facilitate registration thereof.

Each Interested Party must appoint a natural person as an attorney-in-fact (‘Antiklitos’), with an address in Greece, with whom the Fund and its Advisors may communicate. In this context, the Letter of Expression of Interest will contain the full name of the attorney-in-fact (‘Antiklitos’) and his contact details (including his correspondence address, land-based contact telephone number, facsimile number and e-mail address) and further include a duly authorized copy or an extract of the resolution regarding his appointment which is made by competent body or officer of the Interested Party, in accordance with its articles of association.



The Expression of Interest must be signed by the Interested Party itself, in case of natural person or by duly authorized representative(s) of the Interested Party in case of legal persons. The relevant authorizations must be included in the Supporting Documents that will be submitted together with the Expression of Interest. In case of a Consortium, the Expression of Interest may be signed either by all the Consortium Members, legally represented as specified above, or by a common representative who will be duly authorized by all the Consortium Members in person or as legally represented. In this case, the relevant authorizations for the appointment of a common representative must be included in the Supporting Documents to be submitted together with the Expression of Interest.

6.2. Submission of the Expression of Interest

The Interested Parties shall submit their Submission Copies to the Fund in a sealed envelope, either in person or by registered post, at the Fund's premises, 1 Kolokotroni & Stadiou Str, 105 62 Athens, Greece, on the Submission Date and not later than 17:00 p.m. hrs. (Athens time).

An Expression of Interest submitted after the aforementioned date and time shall be deemed inadmissible and thus immediately rejected. In the case of a late receipt, the Expression of Interest shall be returned to the Interested Party without being unsealed.

6.3. Supporting documents

The Expression of Interest shall be accompanied by the supporting documents outlined and specified in Annex A and Annex E (the **"Supporting Documents"**). The Supporting Documents must be submitted in two (2) hard copies, of which the first will be an original or a lawfully certified copy and the second one will be a simple copy of the first document. Supporting Documents edited in any language, other than Greek, must be accompanied by an official translation into Greek, duly certified and, if required, apostilled according to the Greek Law 1497/1984. It should be clarified that the aforementioned reference to the Apostille is applied to documents considered as public documents in accordance with article 1 of aforementioned Convention and, in particular: (i) documents originating from an authority or a public official connected with the courts of the state, (ii) administrative documents, (iii) notarial acts and (iv) official certificates, such as certificates recording registrations, certificates validating dates and certificates validating signatures affixed on a private document.

Foreign public documents originating (i) from a member state being a party to the Hague Convention of 5 October 1961 save for the cases exempted from the scope of this convention or (ii) from a country which is not a party to the Hague



Convention, must bear validation by the Greek Consular authority in their country of origin or by the consular authority of this country in Greece, with validation of the signature of the consular agent of the foreign consular authority by the Validation Office of the Translation Service of the Ministry of Foreign Affairs. In particular, with regards to documents originating from a country for which Greece has expressed objections as to being a party to the Hague Convention, the validation is carried out only from the competent Greek Consular authority in the said country.

For the purposes of the submission of an EoI, the translation is considered to be official when it is produced by the translation service of the Greek Ministry of Foreign Affairs or by certified translators or by a lawyer, within the meaning of article 454 of the Greek Code of Civil Procedure, the provisions of the Law 3712/2008 and article 36 of the Law 4194/2013 respectively.

Informative and technical documents as well as other document – whether corporate or not – of special technical contents of the Interested Parties may be submitted in English, without being accompanied by a translation into Greek.

Where templates for the form and content of the Supporting Documents are provided for in this Invitation (Annex B), the use of such Templates is mandatory for the Interested Parties.

All Solemn Declarations of Law 1599/1986, submitted along with the EoI, must be signed within two (2) months from the Date of Submission.

All the Supporting Documents of the Expression of Interest shall also be submitted in electronic form, in an easily accessible, non-rewritable, electronic format. In case of any discrepancy between the Supporting Documents submitted in hard copy and those submitted in electronic form, the hard copy submission shall prevail.

6.4. Provision of information and clarifications

The Fund considers that the information included in this Invitation is sufficient for the submission of the Expression of Interest and of the Supporting Documents. Nevertheless, should the Interested Parties have any questions regarding the Tender Process or the present Invitation, they are entitled to address detailed requests for clarification in writing (via e-mail or facsimile), fourteen (14) days prior to the Submission Date the latest, to any of the following contact persons:

(1) Stavroula Saranti (Mrs.)
Tel.: +30 2107297151
Fax: +30 2107249528
e-mail: sgs@kantor-group.eu



Kantor Management Consultants S.A.
15 Voukourestiou Str.
10671 Athens, Greece

(2) Nikoleta Kalfamanoli (Mrs.)
Tel.: +30 2107299841
Fax: +30 2107249528
e-mail: nsk@kantor-group.eu
Kantor Management Consultants S.A.
15 Voukourestiou Str.
10671 Athens, Greece

with notification to the Fund (e-mail: crallia@hraf.gr, fax: (+30) 210 3274448-9).

The Fund accepts written requests for clarification submitted as above. The requests for clarifications may be sent to the contact persons by email or fax at the contact details provided in this Section. The contact persons shall reply to such requests for clarification also in writing and within a reasonable timeframe. With a view to achieving the highest standards of objectivity and transparency of the Tender Process, all such written questions and their respective responses given from the contact persons will be made available to all Interested Parties in due time on the website of the Fund (www.hradf.gr) in an anonymous manner, i.e., without revealing the Interested Party which submitted the specific question. Any information made available, as described above, in the website of the Fund, shall be deemed incontestably known to all Interested Parties from the date of its publication.

7. MISCELLANEOUS / DISCLAIMERS

By the submission of their Expression of Interest, the Interested Parties and in the case of a Consortium, all Consortium Members, accept fully and unconditionally the terms and conditions of this Invitation. All the Expressions of Interest, questions, proposals and other submissions relating to this Invitation and/or the Tender Process are made at the risk of the Interested Parties.

Furthermore, by submitting their Expression of Interest, the Interested Parties and, in case of a Consortium, all the Consortium Members, are fully aware of all the terms and conditions of this Invitation, including the terms for the processing of the personal data of Annex D of this document.

Natural persons which are Interested Parties or legal representatives or attorneys-in-fact ('Antiklitoi') of the Interested Party, unconditionally provide their consent to any processing of their personal data by the Fund in accordance with the specific provisions of Annex D of this document.



The Interested Parties shall bear their own costs and expenses in connection with the Tender Process and the Concession, including the fees and expenses of their legal, technical, financial and other advisors.

Prior to the commencement of Phase B of the Tender Process, the Fund may proceed, at its own absolute discretion, to any amendments to the Concession.

The Fund reserves the right to repeat, postpone, cancel or amend the terms, the timetable and any phase of the present Tender Process, this Invitation or the Request for Proposals, as well as the Tender Process as a whole, at any time and without prior notice. Under no circumstances is the Fund and its, agents, employees and officers, or the HCAP or the HR or the Advisors to be held liable and responsible towards the Interested Parties, including Consortia Members as the case may be, and/or towards any third parties for any reason or cause, including *inter alia* any error, or inaccuracy, or omission in this Invitation, or the modification of the applicable laws affecting or related to the Tender Process. No person acquires against the Fund and its officers, agents, employees and officers, or the HCAP or the HR or the Advisors any right or claim for compensation, or indemnification, or other by reason of this Invitation and/or the Expression of Interest and/or the participation in the Tender Process. No representation, warranty or undertaking, express or implied, is or will be made in relation to the accuracy, adequacy or completeness of this Invitation and the Tender Process in general.

This Invitation is not the basis for any investment decision or investment recommendation made by the Fund or the HCAP or the HR or any of the Advisors and may never constitute investment advice by the Fund or any of the Advisors. Each interested party must make its own independent assessment and research and employ independent professional advice, as it deems necessary, in relation to this Invitation.

All Expressions of Interest will become property of the Fund after their submission. Interested Parties give the Fund the right to reproduce and disclose the submitted Expressions of Interest for any purpose in connection with this Invitation and/or the fulfilment of its legal functions. The Fund may be required to disclose certain information and/or documents relating to the Expressions of Interest to the Greek Parliament, within the powers and privileges of the latter or within the statutory functions of its officials, to a court during legal proceedings, or to any administrative or independent authority or body in relation to the fulfilment of its statutory functions. The Fund may also disclose, at its own absolute discretion, certain information and/or documents relating to the Expressions of Interest in the context of any judicial or extrajudicial proceedings when such disclosure is considered to be indispensable to protect its rights. The Fund may be required to disclose information acquired in response to requests for information, subject to any related exceptions.



Where the Fund has reasonable grounds for assuming that the Eligible Investors or the Preferred Investor have colluded with a view to distort competition in the Tender Process, or that the composition of an Eligible Investor or the Preferred Investor potentially violates the competition law rules, as applicable, the Fund may require from the Eligible or Preferred Investor accordingly to produce the evidence which the Fund deems to be necessary.

Any Expression of Interest submitted in response to this Invitation shall be valid for 24 months following its submission. Said period of validity may be extended, if required by the Fund, provided that the Interested Party consents thereto.

The documents of the Contract, including the Contract itself, as well as the bidders' binding offer will contain the special terms for the implementation of the Contract, which will pertain to the binding commitment of the financial entities that, throughout the implementation of the Contract, they will fulfill their obligations emanating from the provisions on the environmental, social security and labour law, established in conformity with the provisions of the EU legislation, of the national legislation, of the collective agreements or with the international provisions on the environmental, social security and labour law, as referred to in Annex X of Law 4413/2016.

The official language of the Tender Process is the Greek language and all of the Fund's documents will be drawn in Greek.

All written and oral communication between the Fund and the Advisors with the Interested Parties will be in Greek.

8. APPLICABLE LAW AND JURISDICTION

8.1. Applicable law

This Invitation, the Expression of Interest and in general every Phase of the Tender Process until the signing of the Contract, shall be governed by the laws of Greece. In particular, the following laws and regulations are mainly (but not exclusively) applicable:

- Law 4413/2016 on the award and execution of concession contracts – Harmonization with Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts and other provisions.
- Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts.



- Law 3986/2011, Chapter A on the Hellenic Republic Asset Development Fund.
- Law 2160/1993 on regulations for tourism sector and other provisions.

8.2. Procedures for review

In accordance with the provisions of article 60 of Law 4413/2016 and the provisions of Book IV of Law 4412/2016, any person concerned, who has or has had an interest in obtaining the award of this contract and who is or has been or may be subject to damage by an enforceable act or omission by the Contracting Entity, in breach of European Union legislation or internal legislation, may lodge a preliminary appeal before the Authority for the Examination of Preliminary Appeals (AEPA) against the act or omission of the Contracting Entity, specifying in particular the legal and actual objections in respect of which the latter's request is justified.

In case of an appeal against an act of the Contracting Entity, the time limit to exercise the said preliminary appeal is as follows:

- (a) ten (10) days from the notification of the contested act to the financial entity concerned if the act was notified by electronic means or fax, or
- (b) fifteen (15) days from the notification of the contested act to it if other means of communication were used, otherwise
- (c) ten (10) days from the full, actual or presumed knowledge of the act adversely affecting the interests of the financial entity concerned. Specifically for appeals against the Notice, full knowledge of this Notice shall be presumed after a period of fifteen (15) days has passed as of its publication in KIMDIS.

In case of omission, the time limit for the preliminary appeal is fifteen (15) days as of the day following the date on which the contested omission occurred.

The preliminary appeal, according to the provisions of P.D. 39/2017, is lodged electronically with AEPA via an e-mail to e-mail address of the AEPA. Date of filing the appeal is considered to be the date on which it is received by the AEPA via an e-mail. No later than the business day following the date of receipt of the appeal, the AEPA will notify electronically the appellant of having received the appeal and of its protocol number.

For the admissibility of the preliminary proceedings, an administrative fee shall be paid by the appellant in favour of the State, as specifically provided for by article 363 of Law 4412/2016, which will be returned to the appellant in case of total or partial admission of the appeal or in case that, prior to the issuance of the AEPA's

decision on the appeal, the Contracting Entity withdraws the contested act or takes the action due.

The time limit to file a preliminary appeal and the filing of the appeal constitute an obstacle for the conclusion of a contract, on penalty of invalidity, to be determined by the AEPA's decision after the filing of the appeal in accordance with article 368 of Law 4412/2016.

As to the remaining issues, filing a preliminary appeal will not be an obstacle to the progress of the Tender unless interim protective measures are requested in accordance with article 366 of Law 4412/2016.

The Contracting Entity, in accordance with the provision of par. 2 article 9 of P.D. 39/2017, is invited to: (a) notify the appeal, at the latest within five (5) days, to any third party concerned, which may be affected by the acceptance of the appeal, in order to exercise its right to intervene in the procedure for the examination of the appeal in accordance with article 7 of P.D. 39/2017 and (b) to transmit to the AEPA, at the latest within ten (10) days as of the day of notification, the full case file, its views on the appeal and the supporting evidence of their notification to the parties concerned. The Contracting Entity may, in its views, provide initial or additional justification of the contested, by means of preliminary proceedings, act (article 365 paragraph 1 subparagraph b' of Law 4412/2016).

The AEPA will provide a reasoned decision on the merits of the alleged factual and legal arguments of the appeal and on the arguments of the Contracting Entity and, in the case of intervention, on the intervener's arguments and will accept (in whole or in part) or dismiss the appeal by its decision, issued within a time limit of twenty (20) days as of the date of examination of the appeal.

Filing a preliminary appeal is a prerequisite in order for the remedies of a request for suspension and for annulment of article 372 of Law 4412/2016 against enforcement acts or omissions of the Contracting Entity to be exercised.

Any person who has a legitimate interest may request the suspension of the enforcement of the AEPA's decision and its annulment before the competent court. The Contracting Entity is also entitled to exercise the same remedies if the AEPA admits the preliminary appeal. By the remedies of a request for suspension and for annulment are considered as co-contested with the decision of AEPA all the acts or omissions of the Contracting Entity relevant to the aforementioned decisions provided that they have been issued or occurred respectively until the discussion of the request for suspension or until the first discussion of the request for annulment.



Filing a request for suspension does not depend on the previous filing of a request for annulment. The request for suspension is filed with the competent court within a time limit of ten (10) days as of the issuance of the decision on the preliminary appeal and is discussed within thirty (30) days at the latest as of the date it is filed. In order for a request for suspension to be filed, a corresponding administrative fee, as provided for and specified in the provisions of article 372 paragraph 4 of Law 4412/2016, must be paid.

Filing a request for suspension constitutes an obstacle for the conclusion of a contract unless otherwise decided by the competent judge by an interim order.

8.3. Jurisdiction

Any dispute arising from or relating to this Invitation or/and to the Expression of Interest or/and to the Tender Process will be subject exclusively to the Courts of Athens having *rationae materiae* jurisdiction thereupon without prejudice to the special provisions of article 372 of Law 4412/2016.

ANNEX A - SUPPORTING DOCUMENTS OF THE EXPRESSION OF INTEREST

1. PERSONAL SITUATION CRITERIA

1.1. LEGAL PERSONS

- 1) A recent certificate(s) of the public corporate registry or other equivalent document, issued within the last 30 days prior to the Submission Date of the Expression of Interest, evidencing the incorporation, registration of the legal entity with the competent authorities in the country of its incorporation and its current establishment (if different) and its existence as of the date of issuance of the certificate.
- 2) A document evidencing the current representation authority of the legal entity by one or more individuals (e.g. Managing Directors, Executive Directors, Administrators, Co-administrators etc.). If, in accordance with the laws of the country of current establishment of the legal entity, it is mandatory to publish the identity of the persons representing the legal entity, then a copy of the publication must also be submitted. (e.g. the relevant Government Gazette Bulletin, certificate of the competent authority, companies' register).

In addition, the relevant document evidencing the authorization of the persons who sign the Expression of Interest should be submitted.

- 3) A solemn declaration of Law 1599/1986 (for Greek nationals) or a sworn declaration or solemn declaration before a competent judicial or administrative authority or notary public according to the law of the country of origin/establishment of the Interested Party or member of an Interested Party (for non-Greek nationals) officially translated into Greek. The abovementioned declaration must be signed by the legal representative of the legal entity, stating also that until the date of signing of the solemn declaration, the Interested Party and the Affected Persons meet the requirements set out in items (i) to (iii) below (as per Template 1 of Annex B), namely:
 - (i) Any of the Interested Parties (in case of a natural entity) or/and any of the Affected Persons has not been the subject of a conviction by final judgment for any of the following reasons:
 - A. Participation in a criminal organization, as defined in Article 2 of Council Framework Decision 2008/ 841/JHA of 24 October 2008, on the fight against organized crime (EU L 300).

- B. Bribery, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the Union (EU C 195) and Article 2 paragraph 1 of the Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (EU L 192) and as also defined in the national legislation of the contracting entity or of the financial entity.
 - C. Fraud, within the meaning of Article 1 of the Convention relating to the protection of the financial interests of the European Communities (EU C 316), as ratified by L. 2803/2000 (A` 48).
 - D. Terrorist offences or offences linked to terrorist activities, as defined, respectively, in articles 1 and 3 of the Council Framework Decision 2002/475/JHA of 13 June 2002, on combating terrorism (EU L 164 of 22.6.2002, page 3) or inciting, aiding or abetting or attempting to commit an offence, as referred to in Article 4 of that Framework Decision.
 - E. Money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (EU L 309), which has been incorporated by Law 3691/2008 (A' 166), which also replaces the relevant provisions of L. 2331/1995 (A`173).
 - F. Child labour and other forms of trafficking in human beings, as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (EU L 101, 15.4.2011), which has been incorporated by Law 4198/2013 (A` 215).
- (ii) The Interested Party has not failed to comply with nor has it breached its obligations as regards the payment of taxes or social security contributions.
 - (iii) There is no breach of the obligations provided for by article 29 par. 3 of Law 4413/2016 (article 30 (3) of the Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts).

- (iv) The Interested Party is not in a state of bankruptcy, a state of rehabilitation or special liquidation or a state of compulsory administration by a liquidator or by the Court, has not entered into arrangement with creditors nor has it suspended its business activities or is in any similar situation arising from a similar procedure provided for in the national legislative or regulatory provisions.
- (v) There is no case of conflict of interest, within the meaning of paragraph 3 article 35 of Law 4413/2016.
- (vi) The Interested Party has not shown significant or persistent deficiencies in the performance of a substantive requirement under a prior concession contract or a prior public contract which led to early termination of the said contract, to damages or other similar sanctions.
- (vii) The Interested Party has not been found guilty of any gross misrepresentation in providing the information necessary for the verification of absence of grounds for disqualification or the fulfillment of the selection criteria, has not withheld such information and is able to submit the documents required in order to support such information.
- (viii) The Interested Party has not attempted to unduly influence the decision making process of the Fund, nor to obtain confidential information that may confer upon it undue advantages in the Tender Process, nor to provide misleading information that may have a material influence on the decisions of the Fund as regards exclusion, qualification or award of the contract.
- (ix) There are no constraints of legal nature for the operation of the legal entity on the date of signing of the above solemn declaration.
- (x) The legal entity has not been excluded by final judgment from participating in procurement or concession award procedures in Greece or in its country of incorporation and/or current establishment or in any other country, by virtue of a final decision of any Greek or foreign public or judicial authority, and has not been disqualified from any procurement or concession award procedures in Greece or in its country of incorporation and/or establishment or in any other country due to submission of forged certificates and/or documentation and/or declarations.
- (xi) In the performance of any prior concession contract or other public contract, the legal entity did not fail to comply with applicable

obligations in the fields of environmental, social and labour law established by Union law, national law, collective agreements or by the applicable international environmental, social and labour law provisions.

- (xii) There do not concur the requirements for the implementation of par. 4 article 8 of Law 3310/2005 on transparency, as in force and that, therefore, there is no relevant reason for exclusion of the Tenderer.

It should be noted that the Preferred Investor shall be invited by the Fund before the date of signing of the Contract, to submit the supporting documents evidencing compliance with the provisions on transparency, referred to in Annex E of this Invitation.

- 4) A solemn declaration of Law 1599/1986 (for Greek nationals) or a sworn declaration or solemn declaration before a competent judicial or administrative authority or notary public according to the law of the country of origin/establishment of the Interested Party or member of an Interested Party (for non-Greek nationals) signed by the legal representative of the legal entity (as per Template 2 of Annex B), officially translated in Greek if drafted in a foreign language, stating that until the date of signing of the solemn declaration all the information, statements, declarations and Supporting Documents and other accompanying documents submitted together with their Expression of Interest are true and accurate and they have not concealed any information relevant to the Tender Process and the Concession.
- 5) A solemn declaration of Law 1599/1986 (for Greek nationals) or a sworn declaration or solemn declaration before a competent judicial or administrative authority or notary public according to the law of the country of origin/establishment of the Interested Party or member of an Interested Party (for non-Greek nationals) signed by the legal representative of the legal entity (as per Template 3 of Annex B), officially translated in Greek if drafted in a foreign language, stating full details of the shareholding structure of the legal entity, including identification of the natural persons, who are the ultimate owners of legal entities being either shareholders of the Interested Party or shareholders of shareholders of the Interested Party and so on. If the Interested Party is a legal entity, securities of which are listed in a regulated market in European Union (EU) or European Economic Area (EEA) or Organization for Economic Cooperation & Development (OECD), or licensed by the competent public authority of financial services in EU or EEA or OECD, and relevant certification by the competent stock market or public authority is furnished, such solemn declaration is not required.

1.2. CONSORTIA

Each Consortium Member which is a legal entity must submit the declarations and the Supporting Documents set out in paragraph 1.1 of Annex A.

Each Consortium Member which is a natural entity must submit the declarations and the Supporting Documents set out in paragraph 1.3 of Annex A.

1.3. NATURAL PERSONS

- 1) A valid passport or a national identity card.
- 2) Any document issued by a public authority (including a public utility or local authority or tax bill) evidencing the domicile of the Natural Entity, issued within the last one (1) month from the submission of the Expression of Interest.
- 3) A certificate or other equivalent document issued by the competent tax authority within the last one (1) month prior to the submission of the Expression of Interest evidencing the tax registration number and the tax residency of the Natural Entity.
- 4) The solemn declarations of Law 1599/1986 (for Greek nationals) or sworn declarations or solemn declarations before a competent judicial or administrative authority or notary public according to the law of the country of origin/establishment of the Natural Entity or member of an Interested Party (for non-Greek nationals) set out in paragraph 1.1 of Annex A (as appropriate and applicable - *mutatis mutandis*).

2. ECONOMIC STANDING CRITERIA

The Interested Parties and in case of Consortia, each Consortium Member, must submit the following:

- 1) Copies of the financial statements of the last three (3) financial years audited as required by applicable laws and regulations. If the Interested Party is a parent company, consolidated financial statements should also be submitted (to the extent such statements are required by applicable law). If the Interested Party (either individually or as a Consortium Member) relies on the resources of a Third Entity to meet the Economic Standing Criteria, the Interested Party must submit the financial statements of such Third Entity. If the Interested Party is a subsidiary that does not rely on the resources of an Affiliate as a Third Entity to meet the Economic Standing Criteria, consolidated financial statements should also be submitted for information



purposes only. For Interested Parties listed on a Stock Exchange of an EU or EEA or OECD member state, annual stock exchange bulletins of the last three (3) financial years should also be submitted.

If the law in the country of current establishment of an Interested Party does not require the publication of financial statements, a solemn declaration must be submitted by such Interested Party in addition to the unpublished financial statements, confirming that no publication is required, together with all the data required according to this Invitation (Template 4 of Annex B).

Each Interested Party which is a private equity firm or fund and, in case of a consortium, the members thereof which are private equity firms or funds, in order to prove the requirements of paragraph 5.3, may submit an auditor's certificate or report.

In the case of a natural person, the latter must submit the following documents:

- (a) For cash deposits in a bank or any other credit institution, operating duly in at least one country-member of the EU, of the EEA or of the OECD, a recent certificate (maximum 3 months old) of a bank or other credit institution should be produced.
- (b) For liquid and transferable securities, a recent certificate (maximum 3 months old) of a bank, securities company trustee or other legal entity which may duly issue such certificates and which duly operates in at least one country-member of the EU, of the EEA or of the OECD should be produced.

All above documentation which will be submitted from the natural person should be subject to the acceptance or rejection of the Fund. The Fund may accept or reject the proof of funds, should these funds be considered as difficult for liquidation or undervalued.

- 2) A solemn declaration regarding the compliance with the Economic Standing Criteria (Section 5.3) together with a table reflecting financial data in accordance with Templates 5 (if applicable) and 7 in Annex B.

3. TECHNICAL ABILITY CRITERIA

Compliance with the Technical Ability Criteria (Section 5.4) will be evidenced and evaluated during Phase B.

4. NON AVAILABILITY OF CERTAIN DOCUMENTS

In case any document required in this Annex A cannot be issued in respective party's country of incorporation and/or in country of current establishment, a solemn declaration must be submitted instead, in accordance with Template 6 in Annex B.

ANNEX B - FORMS AND TEMPLATES

TEMPLATE LETTER OF EXPRESSION OF INTEREST

To the Hellenic Republic Asset Development Fund S.A. 1 Kolokotroni and Stadiou streets 105 62, Athens

Greece

Dear Sirs/Madams

1. I, the undersigned [●] (*full name*) acting as legal representative of the legal entity under the corporate name [●] (*full corporate name*), (or as duly authorized by the legal entity under the corporate name [●] to this effect), having its registered seat in [●] (*address, country*) declare that the above legal entity is interested in participating in the Tender Process for the award of a contract for the concession of port operation services (berthing and other services) and of the right to use, operate, manage and exploit the Marina of Kalamaria, and hereby submits an Expression of Interest, pursuant to the terms of the relevant Invitation issued by the Hellenic Republic Asset Development Fund S.A. on 22.01.2021.

In case of a Consortium, the following should be stated in the Letter of Expression of Interest:

1. We, the undersigned [●] (*full names*) acting as legal representatives of the legal entities under the corporate names [●] (*full corporate names*), (or as duly authorized by the legal entities under the corporate names [●] to this effect), with registered seat in [●] (*address, country*) declare that the aforementioned legal entities are interested in participating jointly in the tender procedure for the award of a contract for the concession of port operation services (berthing and other services) and of the right to use, operate, manage and exploit the Marina of Kalamaria, and, having established a Consortium for this purpose, hereby submit an Expression of Interest pursuant to the terms of the relevant Invitation issued by the Hellenic Republic Asset Development Fund S.A. on 22.01.2021.

OR

1. I, the undersigned [●] (*full name*) acting as common representative, duly authorized to this effect, of the legal entities mentioned below declare that the aforementioned legal entities are interested in participating jointly in the tender procedure for the award of contract for the concession of port operation services (berthing and other services) and of the right to use, operate, manage and exploit the Marina of Kalamaria, and, having established a Consortium for this purpose,



hereby submit an Expression of Interest pursuant to the terms of the relevant Invitation issued by the Hellenic Republic Asset Development Fund S.A. on 22.01.2021.

The below mentioned legal entities have established a Consortium as follows:

i) Members of the Consortium:

a) [●] (*corporate name*), established under the laws of [●] with registered offices at [●] (*country, town, street, postal code*), holding [●]% (*participation share in the Consortium*)

b) [●] (*corporate name*), established under the laws of [●] with registered offices at [●] (*country, town, street, postal code*), holding [●]% (*participation share in the Consortium*)

c) [●]

Total : 100%

ii) The Lead Member of the Consortium is [●] (*corporate name*), holding [●]% (no less than 34%) as per the provisions of section 4.2 of the Invitation issued by the Hellenic Republic Asset Development Fund S.A. on 22.01.2021 and has the power to represent the Consortium.

iii) All the above legal entities (members of the Consortium) agree to be jointly and severally liable vis-a-vis the Fund for their compliance with the terms of the Invitation and Tender Process.

2. The necessary authorizations for the signing of the present Letter and the submission of the Expression of Interest are attached hereto, as per subparagraph 2 of paragraph 1.1. of Annex A of the Invitation issued by the Hellenic Republic Asset Development Fund S.A. on 22.01.2021.

3. 3. Our Expression of Interest is accompanied by all necessary Supporting Documents for the participation in the tender procedure, as stipulated in Annex A of the Invitation issued by the Hellenic Republic Asset Development Fund S.A. on 22.01.2021.

I/We appoint Mr/Ms [●] (*full name*), resident of [●] (*full address*), with telephone number [●] (*land-based contact telephone number*), facsimile number [●] and e-mail address [●], as a contact person (Antiklitos), with whom the Fund and its Advisors may communicate within the context of the respective tender procedure.

DECLARATION TEMPLATE 1

To: **HELLENIC REPUBLIC ASSET DEVELOPMENT FUND S.A.**

I (we), the undersigned [·], son (daughter) of [·] (father's full name) and of [·] (mother's full name), holder of the [·] (country) passport no. [·] issued by [·] (the authority that issued the passport) on [·] (date of the issuance of the passport), [·] (country) citizen, born in [·] (place of birth, town and country) on [·] (date of birth), resident of [·] (country - town - street - postal code) {in case the legal representatives of the company are more than one, the details of all representatives that will sign should be inserted}, acting in my/our capacity as legal representative(s) of the legal entity under the corporate name [·], established under the laws of [·], with company registration number [·] and registered offices at [·] (country - town - street - postal code), with [·] (country) tax registration number [·], hereby declare in connection with the submission of an Expression of Interest by the company [·] (name of the Interested Party) in the tender proclaimed by the Fund for the award of a contract for the concession of port operation services (berthing and other services) and of the right to use, operate, manage and exploit the Marina of Kalamaria, pursuant to the relevant Invitation issued by the Fund on 22.01.2021, that:

As of today our company and the Affected Persons satisfy the requirements set out in subparagraph 3 of paragraph 1.1 of Annex A.

_____ (Place), _____ (Date)

In the capacity of _____ [position]

Authorized to sign this Declaration for _____

[name]



DECLARATION TEMPLATE 2

To: **HELLENIC REPUBLIC ASSET DEVELOPMENT FUND S.A.**

I (we), the undersigned [·], son (daughter) of [·] (father's full name) and of [·] (mother's full name), holder of the [·] (country) passport no. [·] issued by [·] (the authority that issued the passport) on [·] (date of the issuance of the passport), [·] (country) citizen, born in [·] (place of birth, town and country) on [·] (date of birth), resident of [·] (country- town - street - postal code) {in case the legal representatives of the company are more than one, the details of all representatives that will sign should be inserted}, acting in my/our capacity as legal representative(s) of the legal entity under the corporate name [·], established under the laws of [·], with company registration number [·] and registered offices at [·] (country - town - street - postal code), with [·] (country) tax registration number [·], hereby declare in connection with the submission of an Expression of Interest by the company [·] (name of the Interested Party) in the tender proclaimed by the Fund for the award of contract for the concession of port operation services (berthing and other services) and of the right to use, operate, manage and exploit the Marina of Kalamaria, pursuant to the relevant Invitation issued by the Fund on 22.01.2021, that:

As of today all the information, statements, declarations and Supporting Documents and other accompanying documents we have submitted together with our Expression of Interest are true and accurate and we have not concealed any information relevant to the Tender Process and the Concession (as defined in the relevant Invitation).

(if applicable)

A sworn declaration is not provided in [·], country of incorporation, and/or in [·], country of current establishment of our company.

_____ (place), _____ (date)

In the capacity of _____ [position]

Authorized to sign this Declaration for _____

[name]

DECLARATION TEMPLATE 3

To: **HELLENIC REPUBLIC ASSET DEVELOPMENT FUND S.A.**

I (we), the undersigned [·], son (daughter) of [·] (father's full name) and of [·] (mother's full name), holder of the [·] (country) passport no. [·] issued by [·] (the authority that issued the passport) on [·] (date of the issuance of the passport), [·] (country) citizen, born in [·] (place of birth, town and country) on [·] (date of birth), resident of [·] (country- town - street - postal code) {in case the legal representatives of the company are more than one, the details of all representatives that will sign should be inserted}, acting in my/our capacity as legal representative(s) of the legal entity under the corporate name [·], established under the laws of [·], with company registration number [·] and registered offices at [·] (country - town - street - postal code), with [·] (country) tax registration number [·], hereby declare in connection with the submission of an Expression of Interest by the company [·] (name of the Interested Party) in the tender proclaimed by the Fund for the award of contract for the concession of port operation services (berthing and other services) and of the right to use, operate, manage and exploit the Marina of Kalamaria, pursuant to the relevant Invitation issued by the Fund on 22.01.2021, that:

The full details of the shareholding structure of our company are as follows:

(The company should also include identification of the natural persons, who are the ultimate owners of legal entities being either shareholders of the Interested Party or shareholders of shareholders of the Interested Party and so on)

_____ (place), _____ (date)

In the capacity of _____ [position]

Authorized to sign this Declaration for _____

[name]

DECLARATION TEMPLATE 4

To: **HELLENIC REPUBLIC ASSET DEVELOPMENT FUND S.A.**

I (we), the undersigned [·], son (daughter) of [·] (father's full name) and of [·] (mother's full name), holder of the [·] (country) passport no. [·] issued by [·] (the authority that issued the passport) on [·] (date of the issuance of the passport), [·] (country) citizen, born in [·] (place of birth, town and country) on [·] (date of birth), resident of [·] (country - town - street - postal code) {in case the legal representatives of the company are more than one, the details of all representatives that will sign should be inserted}, acting in my/our capacity as legal representative(s) of the legal entity under the corporate name [·], established under the laws of [·], with company registration number [·] and registered offices at [·] (country - town - street - postal code), with [·] (country) tax registration number [·], hereby declare in connection with the submission of an Expression of Interest by the company [·] (name of the Interested Party) in the tender proclaimed by the Fund for the award of contract for the concession of port operation services (berthing and other services) and of the right to use, operate, manage and exploit the Marina of Kalamaria, pursuant to the relevant Invitation issued by the Fund on 22.01.2021, that:

Publication of financial statements is not required by the law in [·], country of current establishment of the company [·].

_____ (place), _____ (date)

In the capacity of _____ [position]

Authorized to sign this Declaration for _____

[name]

DECLARATION TEMPLATE 5

RELIANCE ON THE FINANCIAL ELIGIBILITY OF THIRD PARTIES

(To be signed a standard form of Solemn Declaration of L. 1599/1986)

SOLEMN DECLARATION OF L. 1599/1986

TO: HELLENIC REPUBLIC ASSET DEVELOPMENT FUND S.A.

I (we), the undersigned son (daughter) of (father's full name) and (mother's full name), holder of the passport No. issued by the (issuing authority), on (date of issuance), (country) citizen, born in (Place of birth – Country and City) on (Date of birth), resident of (Country-City-Street-Postal code), {and in case the undersigned is a legal representative of the company}, acting as the legal representative(s) of the company [in case the legal representatives of the company are more than one, the details of all the representatives who will sign should be inserted], being aware of the sanctions provided for by the provisions of par. 6 article 22 of L. 1599/1986, hereby declare in connection with the submission of an Expression of Interest by the company [.....] (name of the Interested Party) in the tender proclaimed by the Fund for the award of a contract for the concession of port operation services (berthing and other services) and of the right to use, operate, manage and exploit the Marina of Kalamaria, pursuant to the relevant Invitation issued by the Fund on 22.01.2021, that:

(i) The company (name of the company that will provide economic standing to the Interested Party / to a Member of the Partnership), which I (we) hereby represent, undertakes to make all the necessary resources (economic and financial) available to (name of the Interested Party/ member of the Partnership), throughout the duration of the Tender and, in case of a Preferred Investor, to the concessionaire for the overall duration of the Concession Contract (as will specifically be provided therein).

(ii) The company (name of the company that will provide economy standing to the Interested Party / to a Member of the Partnership), which I (we) hereby represent, shall be jointly and severally liable with the abovementioned Party towards the Fund in case that the terms described in par. 5.5 of the above Invitation are not met.



(iii) The company (name of the company that will provide economic standing to the Interested Party / to a Member of the Partnership), which I (we) hereby represent, will not provide during the same time period the same resources and eligibilities to any other financial entity nor may it use these resources itself for its participation in the Tender Process.

(iv) The company (name of the company that will provide economic standing to the Interested Party / to a Member of the Partnership), which I (we) hereby represent, in case of loss or significant reduction of the said resources and capacities during the time period of their disposal, undertakes to immediately notify the Fund.

Any terms used herein, where the first letter is capitalized, will have the meaning attributed to them in the relevant Invitation of Expression of Interest of the Fund dated

Place, Date

SIGNATURE(S)

DECLARATION TEMPLATE 6

To: **HELLENIC REPUBLIC ASSET DEVELOPMENT FUND S.A.**

I (we), the undersigned [·], son (daughter) of [·] (father's full name) and of [·] (mother's full name), holder of the [·] (country) passport no. [·] issued by [·] (the authority that issued the passport) on [·] (date of the issuance of the passport), [·] (country) citizen, born in [·] (place of birth, town and country) on [·] (date of birth), resident of [·] (country - town - street - postal code) {in case the legal representatives of the company are more than one, the details of all representatives that will sign should be inserted}, acting in my/our capacity as legal representative(s) of the legal entity under the corporate name [·], established under the laws of [·], with company registration number [·] and registered offices at [·] (country - town - street - postal code), with [·] (country) tax registration number [·], I (we), hereby declare in connection with the submission by the company [·] (name of the Interested Party) of an Expression of Interest in the tender proclaimed by the Fund for the award of contract for the concession of port operation services (berthing and other services) and of the right to use, operate, manage and exploit the Marina of Kalamaria, pursuant to the relevant Invitation issued by the Fund on 22.01.2021, that:

the [·] (*description of the document required in paragraph ... of Annex A of the Invitation*) cannot be issued in [·], country of incorporation, and/or in [·], country of current establishment of our company.

(The company should also confirm in this declaration the facts that would have been certified if the certificate existed, as required by the Invitation)

_____ (Place), _____ (Date)

In the capacity of _____ [position]

Authorized to sign this Declaration for _____

[name]

DECLARATION TEMPLATE 7

To: HELLENIC REPUBLIC ASSET DEVELOPMENT FUND S.A.

I (we), the undersigned [·], son (daughter) of [·] (father's full name) and of [·] (mother's full name), holder of the [·] (country) passport no. [·] issued by [·] (the authority that issued the passport) on [·] (date of the issuance of the passport), [·] (country) citizen, born in [·] (place of birth, town and country) on [·] (date of birth), resident of [·] (country - town - street - postal code) {in case the legal representatives of the company are more than one, the details of all representatives that will sign should be inserted}, acting in my/our capacity as legal representative(s) of the legal entity under the corporate name [·], established under the laws of [·], with company registration number [·] and registered offices at [·] (country - town - street - postal code), with [·] (country) tax registration number [·], I (we) hereby declare in connection with the submission of an Expression of Interest by the company [·] (name of the Interested Party) in the tender proclaimed by the Fund for the award of contract for the concession of port operation services (berthing and other services) and of the right to use, operate, manage and exploit the Marina of Kalamaria, pursuant to the relevant Invitation issued by the Fund on 22.01.2021, that:

[·] (name of Interested Party) satisfies the Economic Standing Criteria in paragraph 5.3 of the Invitation as follows:

INTERESTED PARTY'S FINANCIAL DATA

REGISTERED NAME OF THE LEGAL ENTITY	EQUITY POSITION OF THE LATEST 3 FINANCIAL YEARS (avg) ¹ (€)	TOTAL FUNDS OF THE LAST FINANCIAL YEAR ² (€)

¹ For natural persons the most recent personal net worth

² For private equity firms or funds

CONSORTIUM FINANCIAL DATA

NAME OF THE CONSORTIUM MEMBER	AVERAGE EQUITY POSITION OF THE LAST 3 AUDITED FINANCIAL YEARS ³ (avg)(€) (Companies which participate as Members of a Consortium) (1)	TOTAL FUNDS OF THE LAST FINANCIAL YEAR ⁴ (€) (private equity firms or funds which participate as Consortium Members) (2)	CONSORTIUM MEMBER STAKE IN THE CONSORTIUM EXPRESSED AS A PERCENTAGE (Non-Fund Consortium Members) (3)	CONSORTIUM MEMBER STAKE IN THE CONSORTIUM EXPRESSED AS A PERCENTAGE (Fund Consortium Members) (4)
Consortium Member A				
Consortium Member B				
Consortium Member C				
TOTAL				

³ For natural persons, the most recent personal net worth

⁴ For private equity firms or funds

The following table presents the formula calculations for the assessment of the Economic Standing Criteria in case of Consortia with fund and non-fund Consortium Members:

Non-Fund Consortium Members minimum weighted Equity Position requirement (5)	= 10.000.000,00 x Column (3) Total
Private equity firm or fund Consortium members minimum weighted Total Funds size requirement (6)	= 10.000.000,00 x Column (4) Total
Non-Fund Consortium Members weighted Equity Position (7)	Sum of weighted average equity positions = $\Sigma[(1) \times (3)]$
Private equity firms or fund Consortium members weighted Total Funds size (8)	Sum of weighted average Total Funds size = $\Sigma[(2) \times (4)]$

Consortia satisfy the Economic Standing Criteria if:

- (a) (5) <= (7) and
- (b) (6) <= (8).

_____ (Place), _____ (Date)

In the capacity of _____ [position]

Authorized to sign this Declaration for _____

[name]

Notes:

The information must come from the published audited financial statements. The amounts are in Euro. If the Interested Party keeps financial statements in a currency other than euro, the Interested Party must convert the required amounts to Euro and present the currency exchange rate used for the conversion to euro, which must be the currency exchange rate on the last day of the last financial year. In case of discrepancies, the financial statements will prevail over the above table.

The Economic Standing Criteria for Consortia shall be satisfied on a weighted average basis, as specified in paragraph 5.3 of the Invitation and in accordance with the table above.

A numerical example of completion of the tables for a Legal Entity (which is not a private equity firm or fund / Natural person:

A case of a consortium of companies AAA and BBB with a participation share of 60% and 40% respectively.

The equity position of the legal entity under the name AAA in the latest years is as follows:

2016: 14,000,000.00

2017: 14,500,000.00

2018: 15,000,000.00

The table should be filled in as follows:

REGISTERED NAME OF THE LEGAL ENTITY	EQUITY POSITION OF THE LAST (3) FINANCIAL YEARS (avg) ⁵ (€)
AAA	€ 14,500,000.00

⁵ For natural persons, the most recent personal net worth

The average Equity Position of legal entity BBB is 15,000,000.00. Indicatively, the following table is filled in:

NAME OF THE CONSORTIUM MEMBER	AVERAGE EQUITY POSITION OF THE LAST 3 AUDITED FINANCIAL YEARS ⁶ (avg)(€) (Non-fund Consortium Members)	TOTAL FUNDS OF THE LAST FINANCIAL YEAR ⁷ (€) (private equity firms or funds which participate as Consortium Members)	CONSORTIUM MEMBER STAKE IN THE CONSORTIUM EXPRESSED AS A PERCENTAGE (Non-fund Consortium Members)	CONSORTIUM MEMBER STAKE IN THE CONSORTIUM EXPRESSED AS A PERCENTAGE (Fund Consortium Members)
	(1)	(2)	(3)	(4)
AAA	€ 14,500,000.00		60%	
BBB	€ 15,000,000.00		40%	
Weighted average	€ 14,700,000.00		100%	

The weighted average Equity Position of the Consortium is calculated as follows:

$$14,500,000.00 \times 0.6 + 15,000,000.00 \times 0.4 = € 14,700,000.00$$

Non-Fund Consortium Members minimum weighted Equity Position requirement (5)	= 10,000,000.00
Private equity firms or fund Consortium members minimum weighted Total Funds size requirement (6)	= 10,000,000.00 x Column (4) Total
Non-Fund Consortium Members weighted Equity Position (7)	Sum of weighted average Equity Position = € 14,700,000.00
Private equity firms or fund Consortium members weighted Total Funds size (8)	Sum of weighted average Total Funds size = $\Sigma[(2) \times (4)]$

The Consortium meets the Economic Standing Criteria if (5) <= (7) (10,000,000.00 < 14,700,000.00)

A numerical example of completion of the tables for private equity firms or funds:

⁶ For natural persons, the most recent personal net worth

⁷ For private equity firms or funds

A case of a fund consortium CCC and DDD with a participation share of 60% and 40% respectively.
The Total Funds of the Fund under the name CCC are 12,000,000.00.

The table should be filled in as follows:

REGISTERED NAME OF THE LEGAL ENTITY	TOTAL FUNDS OF THE LAST FINANCIAL YEAR ⁸ (€)
CCC	€ 12,000,000.00

The Total Funds of Fund DDD are 13,000,000.00. Indicatively, the following table is filled in:

NAME OF THE CONSORTIUM MEMBER	AVERAGE EQUITY POSITION OF THE LAST 3 AUDITED FINANCIAL YEARS ⁹ (avg)(€) (Non-fund Consortium Members) (1)	TOTAL FUNDS OF THE LAST FINANCIAL YEAR ¹⁰ (€) (private equity firms or funds which participate as Consortium Members) (2)	CONSORTIUM MEMBER STAKE IN THE CONSORTIUM EXPRESSED AS A PERCENTAGE (Non-fund Consortium Members) (3)	CONSORTIUM MEMBER STAKE IN THE CONSORTIUM EXPRESSED AS A PERCENTAGE (Fund Consortium Members) (4)
CCC		12,000,000.00		60%
DDD		13,000,000.00		40%
Weighted average		€ 12,400,000.00		100%

The weighted average Total Funds of the Consortium is calculated as follows:

$$12,000,000.00 \times 0.6 + 13,000,000.00 \times 0.4 = € 12,400,000.00$$

Non-Fund Consortium Members minimum weighted Equity Position requirement (5)	= 10,000,000.00 x Column (3) Total
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⁸ For Funds

⁹ For natural persons, the most recent personal net worth

¹⁰ For private equity firms or funds

Private equity firms or fund Consortium members minimum weighted Total Funds size requirement (6)	= 10,000,000.00
Non-Fund Consortium Members weighted Equity Position (7)	Sum of weighted average equity positions = $\Sigma[(1) \times (3)]$
Private equity firms or fund Consortium members weighted Total Funds size (8)	€ 12,400,00000

The Consortium meets the Economic Standing Criteria if (6) <= (8)

(10,000,000.00 < € 12,400,000.00)

A numerical example of completion of the tables for a Consortium of private equity firms or Funds and legal entities:

A case of a legal entity (**Non-private equity firms and Non-funds**) AAA and a Fund CCC with a participation percentage of 60% and 40% respectively.

The Equity Position of the legal entity under the name AAA in the latest years is as follows:

2016: 14,000,000.00

2017: 14,500,000.00

2018: 15,000,000.00

The table should be filled in as follows:

REGISTERED NAME OF THE LEGAL ENTITY	EQUITY POSITION OF THE LAST THREE (3) FINANCIAL YEARS (avg) ¹¹ (€)
AAA	€ 14,500,000.00

The Total Funds of Fund CCC are 15,000,000.00. Indicatively, the following table is filled in:

¹¹ For natural persons, the most recent personal net worth

NAME OF THE CONSORTIUM MEMBER	AVERAGE EQUITY POSITION OF THE LAST 3 AUDITED FINANCIAL YEARS ¹² (avg)(€) (Non-fund Consortium Members)	TOTAL FUNDS OF THE LAST FINANCIAL YEAR ¹³ (€) (private equity firms or funds which participate as Consortium Members)	CONSORTIUM MEMBER STAKE IN THE CONSORTIUM EXPRESSED AS A PERCENTAGE (Non-fund Consortium Members)	CONSORTIUM MEMBER STAKE IN THE CONSORTIUM EXPRESSED AS A PERCENTAGE (Fund Consortium Members)
	(1)	(2)	(3)	(4)
AAA	€ 14,500,000.00		60%	
CCC		€ 15,000,000.00		40%
Weighted average		€ 14,700,000.00		100%

The weighted average Total Funds of the Consortium are calculated as follows:

$$14,500,000.00 \times 0.6 + 15,000,000.00 \times 0.4 = € 14,700,000.00$$

Non-Fund Consortium Members minimum weighted Equity Position requirement (5)	= 10,000,000.00 x 60% = 6,000,000.00
Private equity firms or fund Consortium members minimum weighted Total Funds size requirement (6)	= 10,000,000.00 x 40% = 4,000,000.00
Non-Fund Consortium Members weighted Equity Position (7)	Sum of weighted average equity positions = 14,500,000.00 x 60% = 8,700,000.00
Private equity firms or fund Consortium members weighted Total Funds size (8)	= 15,000,000.00 x 40% = 6,000,000.00

The Consortium meets the Economic Standing Criteria if:

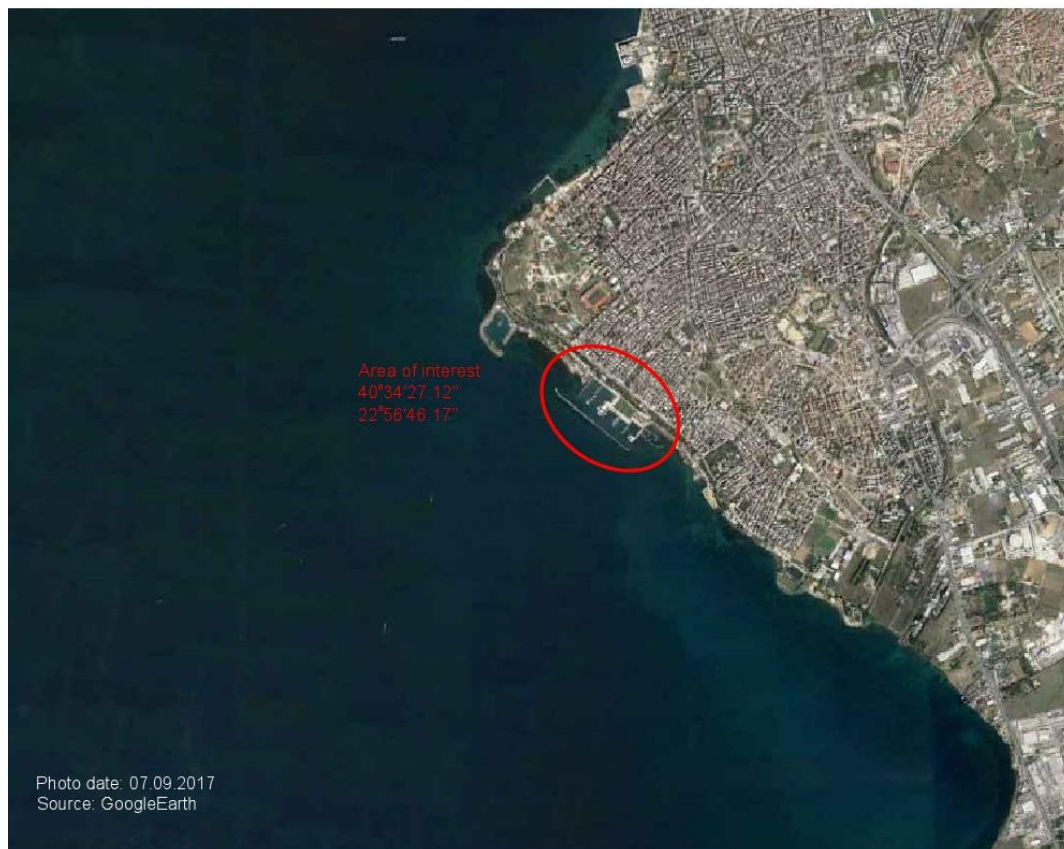
(a) (5) <= (7) (6,000,000.00 < 8,700,000.00) and

(b) (6) <= (8) (4,000,000.00 < 6,000,000.00).

¹² For natural persons, the most recent personal net worth

¹³ For private equity firms or funds

ANNEX C - ADDITIONAL INFORMATION ON THE MARINA OF KALAMARIA



ANNEX D – PROCESSING OF PERSONAL DATA

The Fund acts as the data controller, within the meaning of the Greek and the European legislation on the protection of personal data and, in particular, of the General Data Protection Regulation (EU) 2016/679 and of Law 4624/2019 on the data of natural persons which are collected in the context of the Tender Process; the processing of the said data shall be carried out in accordance with the existing legislation on the protection of personal data, as in force.

Such personal data may include any personal information included in the Expression of Interest submitted to the Fund in the framework of the Tender Process, as described in paragraph 5 of this Invitation.

The purpose of processing is the assessment of the Expression of Interest, the implementation of the Tender Process and the control thereof, the assurance of the Fund's rights in accordance with the law, the safety and the protection of transactions in general, the fulfillment of the legal obligations of the Fund as well as the prevention of fraud against the Fund. In this context, the processing of personal data is necessary for the implementation of the public interest project assigned to HRADF and the fulfillment of the contractual obligations of HRADF. Finally, the identification and contact details will also be used by the Fund in order to inform the Interested Party on the assessment of the Expression of Interest submitted.

The personal data which are collected and processed within the framework of the Tender Process may be transferred to third parties to which the Fund assigns the execution of the specific order (acting in their capacity as the processors), namely to its advisors and to all advisors to be appointed by the Fund for the implementation of the Tender Process and the Transaction, as well as, eventually, to the provider of the Virtual Data Room (VDR), which, in all cases within the framework of their activities according to the legislation, are subject to inspection as regards their compliance with the confidentiality requirements as well as to the HCAP and to public entities and court authorities within the framework of their authority and jurisdiction.

The personal data which are collected and processed within the framework of the Tender Process may be retained for a period of twenty (20) years, beginning from the termination, in any way whatsoever, of the Tender Process. After the expiry of the abovementioned time period, the data should be destroyed in a safe manner, unless they should be retained for a longer period of time as required or allowed by any applicable law, regulatory provision or regulation or by any competent court, governmental, supervisory or regulatory entity.

Pursuant to the General Data Protection Regulation (EU) 679/2016, the natural persons have the following rights as regards the processing of their personal data: (a) access and right of information, (b) rectification, (c) erasure, (d) restrictions of processing, (e) right to object to the processing of their personal data, including the right to object to automated decision making and the creation of a profile and (f) data portability. In order to exercise the said rights, or for any other relevant request, the interested parties may address the Fund in writing (email: dpo@hraf.gr). The Fund takes all possible measures in order to respond to the requests of the data subjects within a reasonable time period and no later than one (1) month at maximum, which may be extended for another two (2) months at

maximum if the request is complex or there is a large number of requests, by informing the data subject for the said delay within one (1) month as of receipt of the said request. The Fund may refuse to satisfy, in whole or in part, the request of the data subject only if such option is provided for by the Greek and/or European legislation. More specifically, the Fund has the right to refuse the request for erasure of any data of a natural person if the said data should necessarily be retained for compliance with a legal obligation, for the completion of the public interest project, for archiving purposes of public interest or for the establishment, exercising or defending of legal claims or third party claims. The exercise of the said rights does not release the Interested parties from their obligations arising from their participation in the Tender Process.

The data subjects are entitled to file a complaint with the Hellenic Data Protection Authority (HDPa) for issues concerning the processing of their personal data. As regards the competence of the Authority and the way to file a complaint, detailed information is provided on the HDPa website (www.dpa.gr).

The Fund is obliged to take all reasonable measures to ensure compliance with the confidentiality requirements, safe processing of personal data and protection of the said data from accidental or unlawful destruction, accidental loss, alteration, unauthorized disclosure or access to any person as well as from any other type of unlawful processing.

All Interested Parties should comply with the applicable national and European legal and regulatory framework on the protection of personal data and should take all the necessary technical and organizational measures to ensure that the requirements of the General Data Protection Regulation (EU 679/2016) are met. More specifically, by submitting the Expression of Interest, the Interested Parties declare that the legal grounds for the transfer and provision of all personal data provided by the Fund within the framework of the Tender Process have been established and that all natural persons, of whom the personal data are provided by the Fund, have been duly informed in accordance with the national legislation and the legislation of the EU, on the protection of personal data.

ANNEX E – SUPPORTING DOCUMENTS ENSURING COMPLIANCE WITH THE TRANSPARENCY REQUIREMENTS

1. Greek societies anonymes

1.1. The societies anonymes having their registered office in Greece that participate in the Tender Process should submit to the Fund, along with the EoI, the supporting documents mentioned hereinbelow concerning the registration of shares, as provided for by article 8 of Law 3310/2005, as in force:

- (a) A certificate issued by the competent authority which supervises, according to the provisions of C.L. 2190/1920, the company (GEMI), wherefrom it arises that the company's shares, issued according to its articles of association in effect, are registered. In case of a company of which the shares, according to its articles of association, were unregistered in the past, an amendment of its articles of association, so as its total number of shares to be converted into registered ones, must have been completed and approved by the supervisory authority at the time of the EoI submission.
- (b) A detailed list of the company's shareholders and the number of shares each shareholder has in his possession as per the official entries in the Shareholders' Book of the company no more than thirty (30) business days prior to the EoI submission.
- (c) If, from the list of shareholders of above paragraph (b), it arises that the company's shareholders are other societies anonymes, and so on, a special shareholders' list of those shareholders who are societies anonymes should be submitted. In this special shareholders' list, the company shall have recorded all the particulars concerning the shareholders of each societe anonyme which is a member of the bidding company, and so on, until down to the level of an individual.
- (d) A Solemn Declaration of the Interested Party or of its Legal Representative by which it will be stated that none of the cases of Law 3021/2002 on "ineligibility to conclude a public contract", occurs.

1.2. If an Interested Party, or a Consortium Member which acts as an Interested Party, is a company listed in the Athens Stock Exchange or in another Stock Exchange of a member state of the European Union or of the Organization for Economic Cooperation & Development (OECD), it will be exempted from the obligation to submit the special shareholders' list of above paragraph (c).

2. Foreign companies where the Law in the country of their registered office provides for the obligation that shares be registered until down to the level of a natural person.

- 2.1. Foreign companies which participate in the Tender Process and under the condition that the law in the country of their registered office provides that, for their overall activities or for a specific activity, shares must be registered until down to the level of a natural person, must submit to the Fund, along with the EoI, the following supporting documents:
- (a) a certificate issued by the competent authority pursuant to the law of the country of the registered office of the company, wherefrom it arises that all of its shares, issued according to the company's articles of association in effect, are registered. In case of a company of which the shares, according to its articles of association, were unregistered in the past, an amendment of its articles of association, so as its total number of shares to have been converted into registered ones, must have been completed and approved by the supervisory authority at the time of the EoI submission.
 - (b) a detailed list of the bidding company's shareholders and the number of shares each shareholder has in his possession as per the official entries in the Shareholders' Book pursuant to the law of the country of its registered office bearing a date of thirty (30) business days at the latest prior to the EoI submission.
 - (c) any other document wherefrom the registration of the bidding company's shares until down to the level of a natural person can derive, prepared no more than thirty (30) business days prior to the EoI submission.
- 2.2. If an Interested Party, or a Consortium Member which acts as an Interested Party, is a company listed in the Stock Exchange of a member state of the European Union or of the Organization for Economic Cooperation & Development (OECD), it is exempted from the obligation to submit the document of above paragraph (c).
- 2.3. All the documents must be duly certified by the competent authority pursuant to the law of the country of establishment of the Interested Party or of the Consortium Member which acts as an Interested Party, and be accompanied by an official translation in Greek.
- 3. Foreign companies where the Law in the country of their registered office does not provide for the obligation that shares be registered until down to the level of a natural person.**
- 3.1. Foreign companies which participate in the Tender Process and under the condition that the law in the country of their registered office does not provide that, for their overall activities or for a specific activity, shares must be registered until down to the level of a natural person, must submit to the Fund, along with the EoI, the following supporting documents:
- (a) A valid and updated list of their shareholders holding at least one percent (1%) of the company's shares or voting rights.

- (b) In case that the company does not keep an updated list of shareholders, it is obliged to submit a relevant list of shareholders holding at least one per cent (1%) of the shares or the voting rights, according to the most recent General Assembly provided that these shareholders are known to the company.
 - (c) In the contrary case, the company should provide justification for the reasons that the aforementioned shareholders are not known to it; the Contracting Entity has no discretion in deciding on the said justification. It lies with the Contracting Entity to prove the capacity of the company to submit the aforementioned list of its shareholders, otherwise the non submission of the relevant list does not imply legal consequences against the company.
- 3.2. All the documents must be duly certified by the competent authority pursuant to the law of the country of establishment of the Interested Party, or of the Consortium Member which acts as an Interested party, and be accompanied by an official translation in Greek.

4. Solemn declaration

Prior to the signing of the contract, the solemn declaration of the Joint Decision 20977/23.08.2007 (B' 1673) of the Ministers of Development and of the State on "Supporting document for keeping the registries provided for by Law 3310/2005, as amended by Law 3414/2005", will also be submitted.