



(only the Italian version is authentic)

**MARKET CONDUCT SUPERVISION DIRECTORATE
DISTRIBUTION AND FOREIGN OPERATORS SUPERVISION DIVISION II
RESEARCH AND DATA MANAGEMENT DIRECTORATE**

To the insurance and reinsurance undertakings with head office in Italy authorised to pursue business in Italy in non-life class 15 - Suretyship
TO THEIR PREMISES

To the insurance undertakings with head office in a State belonging to the European Economic Area licensed to pursue business in Italy under the freedom of establishment and the freedom to provide services in non-life class 15 - Suretyship
TO THEIR PREMISES

To the Italian Branches of insurance undertakings whose head offices are in a non-EEA country authorised to pursue business in Italy in non-life class 15 - Suretyship
TO THEIR PREMISES

Subject: Request to communicate the electronic verification methods for suretyship policies under the Public Procurement Code

Legislative Decree No. 36 of 31 March 2023 ("Public Procurement Code") introduces new specific requirements for guarantees issued in support of a bid when a contractor participates in a public procedure to ensure the authenticity of the policy.

In particular, according to Article 106 (3), the suretyship cover, which can be issued by, among others, insurance companies, must be digitally issued, signed and verifiable by electronic means at the issuer or managed through the use of platforms operating with technologies based on distributed ledgers pursuant to Article 8-ter (1), of Decree-Law No. 135 of 14 December 2018, converted, with amendments, by Law No. 12 of 11 February 2019, which comply with the characteristics established by AGID (Agency for Digital Italy) with the measure referred to in Article 26 (1).

Based on this provision, ANAC (the Italian Anti-Corruption Authority) adopted the standard contract notice No. 1/2023¹.

Pending the adoption of platforms that comply with the criteria mentioned above, ANAC Resolution No. 606/2023 introduced a transitional solution until 30 June 2024, aimed at avoiding gaps in the activity of business operators, which allows contracting entities to verify the authenticity of the policy through alternative electronic means. To this end, the recipient insurance companies may alternatively:

- provide a special section on their website dedicated to the verification of the authenticity of the policy in real-time, which ensures compliance with current regulations, including those on privacy, and allows access exclusively to the relevant contracting entity, in relation to the guarantee submitted for the specific tender through appropriate identification using SPID (Public System of Digital Identity) and qualifying information (such as the CIG - Tender Identification Code - referring to the tender procedure, amount of the guarantee, name of the bidder).
- have a Certified Electronic Mail address through which the contracting entity, as the policy beneficiary, can ask the issuing company to confirm its authenticity. For the smooth operation of the system, it is essential that the Certified Electronic Mail address be registered and updated in the RIGA (Register of Insurance Undertakings and Groups) kept by IVASS and that responses be timely (5 working days).

The resolution mentioned above also stipulates that the competent Supervisory Authorities may make available to the contracting entities and awarding bodies, for their respective verifications, a list of website addresses or Certified Electronic Mail addresses of insurance companies and financial intermediaries authorized to issue suretyship guarantees.

To this end, the recipient insurance companies are requested to inform IVASS of the verification method they have chosen and of any subsequent changes to it by notifying it to vigilanzacondottamercato@pec.ivass.it with the indication:

- in the subject line, of the IVASS code assigned to the company and its name, as well as the wording " verifiche telematiche polizze fideiussorie"

¹ <https://www.anticorruzione.it/-/delibera-n.-309-del-27-giugno-2023-bando-tipo-n.1-2023>

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- in the body of the mail, of the chosen verification method along with the Certified Electronic Mail address or the website link.

Best regards.

By delegation of the Joint Directorate