

Article 6 – Documents for Participation to the Market Test

- 6.1. The participation to the Market Test is open to entities active in, or intending to enter the natural gas market, including owners and/or operators of natural gas infrastructure, registered in a European Union (EU) or in a European Economic Area (EEA) or an OECD country or in a Contracting Party of the Energy Community, or having established a Branch office in Greece (Interested Entities).
- 6.2. Market Test Participants are requested to submit as part of their Binding Offer pursuant to Article 3.9 the following mandatory supporting documentation, duly signed:
 - a) Legalization Documents:
 - i. Duly certified copy of the Market Test Participant's current version of Articles of Association, certified by the Business Registry or the competent supervising authority or, if the registered office of the Market Test Participant is located abroad, a certificate of Good Standing, or an equivalent document issued by the competent supervising authority in the area of the Market Test Participant's registered office.
 - ii. Duly certified copies of the Market Test Participant's legalization documents, i.e. in the case of a Société Anonyme (S.A.) minutes of the current Board of Directors on its constitution into corpus; in the case of an Ltd., Minutes of the General Meeting on the appointment of the Administrator(s), both duly certified by the Business Registry or the competent supervising authority of the location where the Market Test Participant is established, as well as minutes (S.A. or Ltd as the case may be) or a Power of Attorney on the appointment of the legal representative of the Market Test Participant for the submission of the Binding Offer and the execution and the performance of the ARCA and any other action needed according to present Guidelines, without

restrictions as to the amount of the financial obligations assumed.

- iii. If the Market Test Participant has a legal form other than that of an S.A. or a Ltd. company, the Articles of Association and any amendments thereto are required, as well as official legalization documents, depending on the Market Test Participant's legal form, in order to identify the natural person having legal authority/ power of representation. If the Market Test Participant's registered office is established abroad, the Market Test Participant shall submit documents and certificates equivalent to the above, issued by a competent foreign authority, which identify the natural person having legal authority/ power of representation.
- iv. In the case of a foreign legal entity and if any of the above legalization documents is not possible to be issued, a recent certificate issued by the Business registry (the competent authority for the EU member in accordance with the Directive 2017/1132/EU) or for the non-EU countries the competent supervising authority, as the case may be, which will certify:
 - the current status of the company (legal establishment/operation of the company, not under administration, not insolvent or bankrupt, not subject to any settlement procedure or any similar situation),
 - that the submitted version of the company's articles of association is not subject to any further amendment,
 - the current board of directors (in case of a S.A.), the current managers (in case of a limited liability company) or the company's legal representatives (in case of other type of company).
- b) Audited financial statements of the three most recent completed financial years of the Market Test Participant except if it is duly justified that said financial statements are not available due to reasons related to the Market Test Participant's date of establishment. For the avoidance of doubt, the lack of legal obligation for any entity to issue audited financial statements will not relieve a Market Test Participant from the obligation to submit such audited financial statements.
- c) Extract from the judicial record or, failing that an equivalent document issued by a competent judicial or administrative authority in the country of establishment of the Market Test Participant, showing that the Market Test Participant's member(s) of the administrative, management or supervisory body of that Market Test Participant or any person(s) having powers of representation and decision in respect of the company have not been the subject of a conviction by final judgment rendered at the most five (5) years ago or in which an exclusion period is set out and continues to be applicable for one or more of the reasons listed below:
 - i. 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 (OJ L 300, 11.11.2008, p. 42);

- ii. Corruption, 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 European Union (OJ C 195, 25.6.1997, p. 1) and article 2(1) of Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (OJ L 192, 31.7.2003, p. 54) as well as corruption as defined in the national law of the contracting authority or the economic operator;
 - iii. Fraud within the meaning of article 1 of the Convention on the protection of the European Communities' financial interests (OJ C 316, 27.11.1995, p. 48), which was ratified by Law 2803/2000 (A' 48);
 - iv. Terrorist offences or offences linked to terrorist activities, as defined in articles 1 and 3 of Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p. 3) respectively, or inciting or aiding or abetting or attempting to commit an offence, as referred to in article 4 of that Framework Decision;
 - v. 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 (OJ L 309, 25.11.2005, p. 15) which was incorporated in the national legislation by Law 3691 / 2008 (A' 166);
 - vi. Child labor 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 (OJ L 101, 15.4.2011, p. 1), which was incorporated in the national legislation by Law 4198/2013 (A' 215);
 - vii. Market Test Participant has not been convicted for anything related to its professional integrity and behavior.
- d) Extracts from Judicial records, or failing this, equivalent documents issued by competent judicial or administrative authorities in the country of origin and/or the country where the Market Test Participant is registered, proving that:
- i. Market Test Participant is not bankrupt, under liquidation, bankruptcy, obligatory administration or winding up, compromise, or any other similar situation resulting from a similar procedure, as provided by national legislation.
 - ii. Market Test Participant is not the subject of proceedings for a declaration of bankruptcy, obligatory administration or winding up, compromise or any other similar situation or resulting from any other similar procedure as provided by national legislation.
 - iii. Market Test Participant has not committed any serious professional

misconduct.

6.3 All certificates and required documents should be issued after the date of publication of the Guidelines and the Notice with its Attachments, on DESFA's website, as per Article 3.8.

6.4 Private documents, including the Binding Product Form, are required to bear a certificate of authenticity of the signature of the signatory from a competent authority.

Private documents coming from a foreign country should be notarized (official or notarial authentication of signatures) and certified by an Apostille in line with The Hague Convention of 1961, unless they are signed by an advanced electronic signature. In the latter case, documents bearing an advanced electronic signature should be submitted as hard copies following the provisions of the law 4727/2020. Specifically, printed private documents, issued by natural or legal persons or legal entities, using an authorized electronic signature or an approved electronic stamp are accepted if they are certified as true copies of the electronic documents in accordance with the article 15 of law 4727/2020.

Public documents are required to be original or copies of the original, certified by competent authorities. Printed original electronic public document or electronic exact copy or digitized electronic copy are accepted in accordance with the provisions of the article 14 of law 4727/2020.

Public documents coming from a foreign country (i.e. court documents, administrative documents, notarial acts), are required to be certified by an Apostille in line with The Hague Convention of 1961.

All documents submitted or originally issued in a language other than Greek or English shall be accompanied by an official translation in Greek or English language issued by an official translator or a competent authority. The English language shall be used in all Market Test related communication.

6.5 If one or more of the documents submitted under Article 6.2 has been, from the date of its submission to DESFA to the date of signing of the ARCAs, amended, revoked or is no longer valid, the Market Test Participant or Allocated Participants must immediately submit such new or amended document to DESFA together with a solemn declaration, by its legal representative, confirming that the remaining documents are still valid. The updated documents produce legal effects for the purposes of this Market Test only when they have been duly received and acknowledged by DESFA, in accordance with Article 12.