

ENABLEMENT SYSTEM TO BECOME A SUPPLIER OF PERSONALIZATION OF CONTACTLESS USER CARDS (SUS, by its Catalan acronym) MADE OF PVC AND/OR CARDBOARD AS ENABLED IN THE T-MOBILITAT SYSTEM

I.- Introduction

The T-mobilitat project originates from the necessity of the Autoritat del Transport Metropolità of Barcelona (hereinafter the ATM) to face the limitation and obsolescence of the magnetic ticket, as well as its high replacement and maintenance costs, through the migration of the magnetic system to a contactless technology system of the Integrated Ticketing System called T-mobilitat.

Taking advantage of this technological change, the T-mobilitat project aimed at establishing a new technological model to be used in a new fare model for a better and more efficient management of the integrated fares system, thus ensuring the global objectives for a better and more efficient use of public transport.

This new technological model, which required a “Comprehensive Information System”, end to end, for the Interoperable Fares Management, has been designed to allow the joint work of all the companies involved, with special attention to the privacy of users’ data and their right to travel anonymously, and to the development of new procedures to ensure the security and integrity of all data that will be assimilated to transport tickets or cards.

The responsibility of the ATM as the manager of the integrated fares system and the entire global system of the group of actors involved in collective public transport in the territory over which it is competent (all transport companies, companies sellers of transport cards, system of distribution of income) rests on a robust technological system that ensures the transparency, efficiency and reliability of the system in any of the areas of management.

Under this development of the technology model, the ATM has established a unified, shared, collaborative and mandatory framework that ensures the interoperability of the system with the aim that the transport user perceives the use of the service as only one system.

Within this framework, the ATM deemed as highly relevant that the eventual personalization suppliers of the Contactless User Cards (hereinafter SUS) in PVC format and in cardboard format as enabled in the T-mobilitat system complied with certain technical and administrative enablement requirements in order to give due coverage to the system and the most appropriate guarantee for the protection of the public interest in the transport service that is competence of the ATM.

That is why the ATM is interested in enabling, in a non-exclusive basis, all those personalization suppliers that are responsible for providing this service in the SUS cards in PVC format and in cardboard format as enabled in the T-mobilitat system, in order to conform a network of stable and reliable suppliers, able to adapt to the technical modifications that may occur in the T-mobilitat system due to issues of accordance with the future development of the mobility market. It is considered that the development of functions by a number of companies in a non-exclusive basis and simultaneously will contribute to conform a more powerful and efficient personalization network.

In light of the foregoing considerations, this document includes the enablement process that the personalization suppliers of the SUS in PVC format and/or cardboard format as enabled in the T-mobilitat system must comply with, by means of the certification of compliance with the established requirements in the present document and the subsequent signature of the corresponding enablement agreement that is attached to this document as **ANNEX I**.

In this regard, this administration reserves to itself the definition of the conditions of commercialization with the owner and/or distributor of these user cards.

II.- Enablement procedure

a) Financial-administrative requirements

Personalization suppliers interested in the ATM enabling them for carrying out the tasks as foreseen in this document will have to comply with the financial-administrative requirements needed for the enablement, by submitting the following documents:

- Enablement application according to the form attached herewith as **ANNEX II**.
- Documents certifying legal entity:

In the case of natural person, a photocopy of the ID card or equivalent authenticated by a notary or duly certified.

In the case of legal person, original, authenticated copy or duly certified copy of the articles of association or modification of the company or equivalent deed, as registered in the Commercial Register or equivalent, whenever this requirement is enforceable. If it is not, the deed or document of constitution, modification, statutes or foundational act, or equivalent document, in which the rules for its activity are regulated, having been registered, if applicable, in the corresponding official register. In addition, a photocopy of the VAT number or equivalent document authenticated by a notary.

In the case of a company that acts by representation, it must submit the original or authenticated copy of the power of attorney or equivalent document duly registered in the Commercial Register or equivalent, accompanied by the affidavit of its validity issued by the person or the competent body for issuance, as well as a photocopy of the ID or equivalent document certified by a notary.

In the case of a number of companies constituting a temporary business association, in accordance with Law 18/1982 of 26 May, modified by Law 12/1991 of 29 April, each one of the suppliers of personalization of SUS that are part of the association has to prove its personality and representation through the aforementioned documents. Additionally, they must indicate the names and circumstances of the SUS personalization suppliers signing it. It will also be necessary to state that they are bound, jointly and severally, before the ATM, in the exercise of their rights and in the fulfillment of all obligations deriving from the model agreement that they sign. They must indicate the participation of each one of the companies and designate a representative or proxy of the temporary

business association, which must be a natural person, and also the address of the association for notifications purposes.

If the temporary business association is enabled by the ATM, the companies that constitute it must grant the corresponding public deed of its constitution, in accordance with the provisions of article 8 of Law 18/1982 of 26 May. They must confer on a representative or proxy of the association sufficient powers to exercise all rights and fulfill all the obligations that may derive from the agreement to be signed with the ATM.

- Documents proving that the activity or corporate purposes have a direct relation to the object of this enablement.
- Documents proving the existence of an organization with human and material elements that are enough to execute correctly the model agreement.
- Certification that the SUS personalization supplier is able to achieve with soundness all tasks indicated in this document and in the model agreement. This certification will be carried out through those means that the SUS personalization supplier may deem most adequate, for the purpose of being duly taken into account by the ATM.
- Documents proving to have no outstanding tax or Social Security payments.

In the event that the natural or legal person is not obliged to be registered in a tax, to pay taxes or to comply with obligations with the Social Security, in accordance with applicable law, this circumstance will be stated by means of a responsible statement, specifying the applicable legal exemption.

- Responsible statement agreeing to be subject to the jurisdiction of the courts of Spain for any event that may arise direct or indirectly from the model agreement.
- Statement on the global business volume and, if applicable, on the business volume of the activities related to the purpose of the enablement, referring to the last three exercises maximum available depending on the creation or the beginning date of the activities of the distributor.
- Responsible statement confirming the availability of facilities that have the minimum security level required in order to avoid any manipulation of the cards.
- E-mail address for notification purposes.

Documents shall be submitted at the ATM's legal address, in person or by post, through the entry register, without prejudice to the submission carried out also by other means legally accepted.

Requests can be submitted at any time since the issue date of this document in the Official Journal of the Generalitat de Catalunya.

b) Requirements of technical enablement

The SUS personalization suppliers interested in being enabled by the ATM in order to carry out the tasks as foreseen in this document shall comply with the requirements for

technical enablement needed for the enablement in accordance with what is stated in this section as in the documents of technical references.

In this regard, in order to verify the compliance with the technical requirements of the possible suppliers of personalization of SUS in PVC format and/or cardboard format enabled in the T-mobilitat system, the contents of the following documents shall be taken into account:

1. Document number 1: *“PCA D06.2-e11.a Enablement protocol for SUS personalization suppliers”*.
2. Document number 2: *“PCA D06.2-e11.b Planning of tests of enablement of SUS personalization suppliers”*.
3. Document number 3: *“PCA D06.2-e07 Processing of requests of SUS personalization”*.
4. Document number 4: *“PCA D06.2-e05 Processing of logical personalization of SUS”*.

In order to obtain the technical documents as indicated, the SUS personalization supplier shall follow the procedure *“07A-24-20.180.122 Control and Distribution of Documents of the MTC”*, previously signing the confidentiality agreement *“07A-07-20.180.122 NDA MTC Documents”*, as it is stated in the **ANNEX III**.

In order to initiate the technical enablement procedure, the applicant must comply with the previous technical enablement requirements with the submission at the ATM legal address of the documents certifying compliance with those requirements and with explicit indication of the designation of a technical spokesperson as representative of the aforementioned SUS personalization supplier.

All the costs derived from the enablement as SUS personalization supplier, such as proofs certifying solvency, obtaining certificates from external laboratories, journeys outside the Barcelona area for the control of the manufacturing system, etc., are the responsibility of the SUS personalization supplier.

According to the technical documents submitted, the ATM will evaluate each application and resolve the technical enablement procedure, issuing, in a positive case, the corresponding Enablement Certificate and the mandatory enablement settlement of the General Director of the ATM prior to the formalisation of the model agreement that is attached herewith as **ANNEX I**.

III.- Formalisation of the enablement agreement

Enablement will be carried out by means of an agreement with the ATM in the maximum period of 30 working days since the request enters the ATM register together with all documents indicated in this document. This enablement will be notified to the company at the address indicated for notification purposes in the enablement request and will be followed immediately by the formalisation of the model agreement that is attached herewith as **ANNEX I**.

In the event that the certification documents submitted by the SUS personalization supplier would be incomplete, there will be another period of 10 days for amending the lack of certification documents that are mandatory for the enablement.

The formalisation of the agreement will be made in an administrative document that exactly conforms to the model agreement and to the contents of this document, constituting this administrative document a title sufficient to access any public register. However, the SUS personalization supplier may request that the agreement be taken to public deed, with the corresponding costs being charged to the supplier.

The SUS personalization supplier shall use Catalan in its relations with the ATM derived from the agreement and in the rest of general communications derived from the execution of the provisions that are object of the agreement.

Likewise, the SUS personalization supplier accepts the obligation of allocating, in the execution of the agreement, the means and personnel that are adequate to ensure that the provisions can be carried out in Catalan. To this end, the personnel that is in contact with the public, if applicable, must have sufficient knowledge to carry out the tasks of attention, information and communication fluently and adequately in Catalan.

In any case, the company is subject to the obligations derived from Law 1/1998 of 7 January, on language policy, and the provisions that develop it. In the territorial area of Vall d'Aran, companies will have to use Aranese in accordance with Law 16/1990 of 13 July, on the special regime of Vall d'Aran and with the regulations of the Conselh Generau d'Aran that develop it.

In case the agreement entails the delivery of documents and reports to the ATM, these must also be delivered in Catalan.