



COMMISSION EUROPÉENNE

DG Emploi, affaires sociales et égalité des chances

Direction générale

Coordination générale, Relations interinstitutionnelles

Bruxelles, le 19.12.2007

01/FB D(2007) 29246

**REPLY TO A REQUEST FOR CLARIFICATION
INTRODUCED IN THE CONTEXT OF THE CALL FOR TENDERS VT/2007/081
SERVICE RELATED TO AN EFFECTIVE APPLICATION OF COMMUNITY
LAW DEVELOPED IN THE SOCIAL FIELD**

1.- HAVING IN MIND THAT IN THE TS IT IS MENTIONED THAT THE REPORT ON THE IDENTIFICATION, ANALYSIS AND REPORTING ON PROBLEMS THAT WOULD IMPAIR THE EFFECTIVE APPLICATION OF COMMUNITY LEGISLATION SHOULD BUILD ALSO ON NATIONAL LEGAL REPORTS PROVIDED AMONG OTHERS BY EU LEGAL NATIONAL EXPERTS' NETWORKS, AS FOR EXAMPLE, THE COMMISSION'S NETWORK ON APPLICATION OF EC LABOUR LAW (COORDINATED BY LEIDEN UNIVERSITY) OR COMMISSION'S NETWORK ON GENDER EQUALITY IN LABOUR LAW (COORDINATED BY UTRECHT UNIVERSITY).

IS POSSIBLE THAT ANY OF THESE MEMBERS OF THESE EU NETWORKS OF LEGAL EXPERTS ARE AT THE SAME TIME PART OF OUR TEAM (BEING NATIONAL EXPERTS FROM THEIR MS), IS THAT POSSIBLE OR NOT? TO COLLABORATE IN MORE THAN ONE NETWORK, OR THAT WOULD BE INCOMPATIBLE?

Nothing in the terms of reference prevents a bidding organisation to foresee, in its proposed team, experts who already take part in other activities, such as EU networks of legal national experts. As required in the section 12 dealing with Selection criteria, "firm commitments of involvement in the project signed and dated from external persons to the firm" will have to be enclosed with the offer.

2.- WITH REGARD THE ORGANISATION OF THE ANNUAL EU LEGAL CONFERENCE ON MATTERS RELATED TO APPLICATION OF COMMUNITY LEGISLATION, THE TS STATES THAT "TRAVEL AND ACCOMMODATION COSTS FOR UP TO 250 PARTICIPANTS SHOULD BE BUDGETED FOR IN THE RESPONSE TO THIS CALL FOR TENDER."

THAT THIS MEAN THAT **ALL 250** CONFERENCE ATTENDANTS SHALL BE INCLUDED IN THE BUDGET ASSUMING THEY ALL WILL TRAVEL AND STAY OVERNIGHT IN THE PLACE WHERE THE CONFERENCE WILL BE HELD? OR WE CAN ASSUME, THAT, THE 250 IS AN INDICATIVE NUMBER OF PARTICIPANTS *REGARDLESS OF THEIR EXPENSES* AS REGARD TRAVEL AND ACCOMMODATION?

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Bidding organisations have to make sure that resources are set aside in their offer so as to cover the costs related to the organisation of an annual conference in which around 250 participants are expected.

3.- REGARDING THE POINT 12 OF THE TS, "EXCLUSION CRITERIA AND SUPPORTING DOCUMENTS". POINT 3) IS ENOUGH THAT WE ISSUE A CERTIFICATE THAT SAYS THAT THE EVIDENCE HAS ALREADY BEEN PROVIDED IN A PREVIOUS PROCEDURE AND CONFIRM THAT NO CHANGES HAVE OCCURRED, INDICATING OF COURSE THE NUMBER OF THE PREVIOUS PROCEDURE, ETC.

SO, CAN YOU CONFIRM US? IS ENOUGH TO ENCLOSE A DECLARATION LETTER AND DULY CERTIFIED BY A LOCAL NOTARY?

Section 11 related to "Exclusion criteria" sets out "that " Bidders must provide a declaration on their honour, duly signed and dated, that they are not in one of the situation referred to in Articles 93 and 94 a) of the Financial Regulation. The model for such declaration is consultable at the following address: http://ec.europa.eu/employment_social/calls/2007/vt_2007_081/dechonor_en.pdf

Section 11.3 foresees the possibility for "the contracting authority to waive the obligation of a candidate or tenderer to submit the documentary evidence referred to in Article 134 of the Implementing Rules, if such evidence has already been submitted to it for the purposes of another procurement procedure launched by DG EMPL and provided that the issuing date of the documents does not exceed one year and that they are still valid. In such a case, the candidate or tenderer shall declare on his honour that the documentary evidence has already been provided in a previous procurement procedure and confirm that no changes in his situation have occurred".

Please note that the terms of reference does not require that such declaration be certified by a local notary.

Nicolas GIBERT-MORIN



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Bruxelles, le 06 DEC. 2007
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**REPLY TO A REQUEST FOR CLARIFICATION
INTRODUCED IN THE CONTEXT OF THE CALL FOR TENDERS VT/2007/081
SERVICE RELATED TO AN EFFECTIVE APPLICATION OF COMMUNITY
LAW DEVELOPED IN THE SOCIAL FIELD**

1. GOOD PRACTICES DEVELOPED AT EU LEVEL OR IN THE MEMBER STATES. CAN THIS BE ANALYZED IN LATVIA AND ON THE EUROPEAN LEVEL OR MUST IT BE ANALYZED IN EVERY MEMBER STATE?

Good practices are to be reported on the EU level or on ANY relevant Member State where the desk research or analysis will point to a practice that would be worth disseminating.

2. EVIDENCE OF ABILITY TO CALL ON AT LEAST FIVE YEARS EXPERTISE ON LEGAL AREAS RELATED TO GENDER EQUALITY, NON-DISCRIMINATION, PROTECTION OF HEALTH AND SAFETY OF WORKERS, LABOUR LAW AND WORKING CONDITIONS. MUST WE REPORT ON ALL OF THESE AREAS OR ARE WE ABLE TO CHOOSE WHICH AREA WE REPORT ON?

Experience has to be reported on ALL legal areas as set out in the section related to the selection criteria of the terms of reference.

Nicolas GIBERT-MORIN