



**FREQUENTLY ASKED QUESTIONS  
INVITATION TO TENDER No. MOVE/B2/2012-31**

**STUDY ON:  
“HARMONISED RISK ACCEPTANCE CRITERIA FOR  
TRANSPORT OF DANGEROUS GOODS”**

**CONTRACT NOTICE: OJEU S 56-090535 OF 21.3.2012**

**20 April 2012**

**Q1: The tenderer must have positive cash and cash equivalent at the end of the last 3 financial years. Is it a mandatory requirement?**

**A1:** It is a mandatory requirement for the tenderer (in case of consortium, each member of the group individually) and for each subcontractor whose tasks represent 20 % of the contract or more. The aim is ensuring the economic and financial capacity to carry out reliably the activities under this contract.

To this purpose, the tenderer and each subcontractor should present balance sheets or extract from balance sheets for the last three years for which accounts have been closed, provided this document is required under the company law of the country in which the economic operator is established. The extract from balance sheets should clearly indicate “short term assets” and “short term liabilities” to calculate the difference.

**Q2: Specifications: Is transport of dangerous goods through pipelines excluded from the scope of the study?**

**A2:** Pipelines are mainly used for transport of some dangerous goods (fuels, gases...) although they are not in the scope of the TDG directive. Therefore, from risk point of view, harmonized RAC should also cover transport through pipelines.

**Q3: Specifications, Task 2 ‘analysis of the feasibility to define harmonised RAC’: what is meant for ‘globally’?**

**A3:** In Task 2 ‘global’ means the whole transport modes and industries using or producing dangerous goods. The objective for using a global approach for RAC is to avoid uncontrolled risk shifting.

**Q4: Specifications, Task 2 ‘benefits and drawbacks of harmonized approach’: are financial costs and benefits and social benefits part of the study?**

**A4:** The first focus of this task is on the benefit and drawback for decision makers to use harmonized RAC in decision making processes. Some financial aspects should be considered as well, as far as there is an implication for the decision to be taken.

**Q5: Specifications, Task 3 ‘Legislative implications of using harmonized approach to risk’: what is meant by “overarching principles guiding the harmonized approach to risk”?**

**A5:** As an example, Seveso directive use the principle to categorize the industries on the basis of the storage quantity (hazards) to define the applicable requirements, while other sector use a full risk base approach (e.g. railways).

Another range of overarching principles concern the current possibility for Member State to reduce the risk in specific location if justified, without consideration of a lowest risk limit. If harmonized RAC would be introduced in the legislation, Member States might not be, for example, allowed to reduce further the risk below the lowest acceptable limit if this results in shifting risks to another location.

Last example, today there is no control that a measure taken by a Member state for a specific sector will not result in shifting risks to another sector instead of really reduce the “global” risk. After adoption of harmonized RAC, a new principle having the objective to avoid risk shifting could be introduced in the regulation for all sectors.

**Q6: Contract, General conditions, art. II 2.5: (Professional) Insurance policies contain also information that is confidential and not primarily meant to be shown to our clients. Is it sufficient to prove that the Contractor is insured for professional liability by means of a certificate of insurance instead of providing the Commission with 'all the relevant insurance contracts' as stated in this clause?'**

**A6:** The Contractor shall provide evidence of the relevant insurance contracts as required by article II.2 only upon specific request from the Commission. Confidential information could then be masked provided it still permits the Commission to obtain the assurance that the requirements of article II.2. are met.