

## Call for tenders' details

Title: Fundamental rights review of EU data collection instruments and programmes.

Start date: 08/09/2016

Time limit for receipt of tenders: 21/10/2016

Contracting authority: European Commission, DG Justice and Consumers (JUST)

Status: Closed

## Call for tenders question list

## Call for tenders questions summary

#	Submission date	Publication date	Question subject	Question	Answer
1	20/09/2016 10:06	21/09/2016 16:26	Task 5	<p>Under Task 4 the contractor is required to create a catalogue of existing EU legislation (and any relevant related national transposition laws), law-enforcement instruments and cooperation and third-party agreements of personal data (p. 10 of the ToR). Moreover, under Task 5 the expert group is requested to compare the legislation catalogued under task 4 against the fundamental rights requirements of the CFR, ECHR and relevant case law (p. 10 of the ToR).</p> <p>Could you please clarify if Task 5 should concern only EU legislation or whether it should cover also law-enforcement instruments and cooperation as well as third-party agreements (covered by task 4)?</p> <p>May thanks in advance.</p>	<p><b>21/09/2016</b></p> <p>Task 5 does not concern only EU legislation stricto sensu, but also EU law-enforcement instruments and cooperation as well as EU third-party agreements (which should be covered by task 4).</p>

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#	Submission date	Publication date	Question subject	Question	Answer
2	28/09/2016 16:58	29/09/2016 14:14	TASK 4	Under Task 4 the contractor has to ensure that the expert group creates a repository of the existing EU data collection instruments (Deliverable 1). What is the exact scope of this repository. Does it include all EU instruments in every possible field, including, inter alia, agriculture, fisheries, transport, social security, etc. or it is restricted to "law enforcement and connected areas such as border control, immigration, judicial cooperation, etc."?	<b>29/09/2016</b> The scope of the repository should cover Title V of the Treaty of the Functioning of the European Union ("Area of Freedom, Security and Justice").

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#	Submission date	Publication date	Question subject	Question	Answer
3	29/09/2016 17:42	30/09/2016 11:26	Selection Criteria - technical and professional capacity and evidence	<p>Dear Sir or Madam,</p> <p>The Tender Specifications (p.15) while specifying the technical and professional capacity required by the tenderer refers to the following linguistic requirement 'Linguistic capacity to analyse national transposition of laws of EU legal acts that involve the collection, retention, storage and transfer of personal data in at least English, French and German.' This linguistic capacity would need to be proven by 'three projects delivered in the last three years showing the necessary language coverage'.</p> <p>1) We understand that even final deliverables written in English, but entailing research in the required national languages (i.e. English, French and German) would meet the aforementioned requirements, provided that these concerned the analysis of national transposing laws of EU legal acts that involve the collection, retention, storage and transfer of data.</p> <p>2) Regarding the proof of evidence, we understand that each project may cover one or more of these languages; and the three projects in combination should prove the</p>	<p><b>30/09/2016</b></p> <p>We confirm your understanding. The three projects in combination should prove the necessary language coverage.</p>

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				<p>combination should prove the necessary language coverage.</p> <p>Could you please confirm if our understanding is line with the requirements of the Tender Specification?</p>	
4	06/10/2016 14:42	06/10/2016 15:45	Cvs	<p>Is it necessary to produce a letter of intent for each expert involved or this is not required.</p> <p>Thank you.</p>	<p><b>06/10/2016</b></p> <p>Each expert should provide a letter of intent. According to the Tender Specifications part 1.7 all subcontractors must provide a letter of intent stating their willingness to provide the services presented in the tender.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
5	11/10/2016 17:47	12/10/2016 10:44	Expert group members: subcontractors or not?	<p>To a previous question about the requirement to submit a letter of intent, the answer was formulated as follows: Each expert should provide a letter of intent. According to the Tender Specifications part 1.7 all subcontractors must provide a letter of intent stating their willingness to provide the services presented in the tender.</p> <p>Does this mean that the proposed members of the Expert Group have to be considered as "subcontractors" and that the tenderer will consequently be bound by the subcontract concluded with the proposed members? Or does the Commission prefer to keep its hands free to establish the definitive composition of the Expert Group after the adjudication (which is only possible if the proposed members only sign a "unilateral" letter of intent and not a subcontract ?</p>	<p><b>12/10/2016</b></p> <p>Yes, the proposed members of the Expert Group have to be considered as "subcontractors". The Commission will not establish the definitive composition of the Expert Group, it is up to the tenderer to propose the composition.</p>

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#	Submission date	Publication date	Question subject	Question	Answer
6	10/10/2016 20:39	12/10/2016 12:20	Last paragraph of 2.1 of the Tender Specifications: effect on the scope of the project	The last paragraph of section 2.1 of the Tender Specifications state: "The fundamental rights review of EU data collection instruments and programmes requested by the European Parliament and the Commission's review foreseen by Article 62(6) of the Police Directive are similar and complementary tasks..." This sentence suggests a broader scope than Title V of the TFEU. Does the project - and in particular the repository of Task 4 - indeed include an overview of all instruments that are potentially affected by the GDPR (as seems to be requested by the EP) (and the Police Directive as requested by the Commission)?	<b>12/10/2016</b> The review foreseen in Article 62(6) of the Police Directive is narrower in scope than the review requested by the European Parliament. The review in the Police Directive should cover legislation adopted under the former third pillar, while the review requested by the European Parliament also covers legislation belonging to the former first pillar (e.g. border, asylum and immigration) within Title V of TFEU.

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