Annex B – Technical Proposal Form

This Annex B - Technical Proposal Form is composed of the following parts:

1. How to prepare your Technical Proposal Form
2. Check-list minimum requirements
3. Quality award criteria
4. Annexes – sample texts
5. How to prepare your Technical Proposal Form

In order to facilitate evaluation of the tenders the front page of the original Technical Proposal Form should be signed and carry the following information.

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| **Technical Proposal Form**  **Tender Title: Translation services for Eurojust**  **Tender reference No.2016/EJ/05/PO**  **Name of the Tenderer**:  ---------------------------------------------------------  **Signature**: --------------------------------------------------------- |

1. Check-list minimum requirements

The tenderers must fulfil all minimum requirements in order to continue to the next stage of the evaluation. If you don’t answer or answer “No” to any of the questions, your tender will not be further evaluated.

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| **Do you comply with the following requirements?** | **Tenderer’s answer YES/NO and short explanation** |
| Provision of translation services in all 24 official languages of the European Union |  |
| Compliance with the confidentiality and security requirements as stipulated in the Technical Specifications (Annex 1) and Draft contract |  |
| Compliance with the mandatory requirements as stipulated in the Technical Specifications (Annex 1) |  |

1. **Quality award criteria**

Your reply should elaborate on all points described in the *Quality award criteria*.

The mere repetition of mandatory requirements set out in the Technical Specifications, without going into detail or without giving any added value, will only result in a low score.

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| **No.** | **Quality award criteria** |
| **1** | **Management and quality of translation/proofreading services (maximum 40 points)**  Tenderers are requested to describe in detail the following (max 5 pages):   * Measures and procedures applied by the tenderer to ensure the quality of translation/proofreading products and services (e.g., quality assurance measures) (*maximum 20 points*); * Procedures for handling cases in which Eurojust is not satisfied with the quality of the translation/proofreading and the proposed follow-up service by indicating time frames for retranslations, rebates and amendment of invoices, etc. (*maximum 15 points*); * Intended administrative workflow, including estimated time frames from the receipt of a request for services to the delivery of a completed translated/proofread text and the invoicing process *(maximum 5 points)*. |
| ***Tenderer’s answer or reference to another document submitted in the tender*** |
| **2** | **Sample translations (maximum 30 points)**  Quality of the translation of a sample text from **English into Romanian** (*maximum 15 points*) and a sample text from **English into French** (*maximum 15 points*) (please see annexes below)*.* |
| ***Please insert your translations here or refer to another document submitted in the tender*** |
| **3** | **Security requirements (maximum 30 points)**  Tenderers are requested to describe the following:   * Security screening/vetting mechanism you use when employing (as staff, subcontractors or freelancers) translators. Please indicate if your translators have security clearance and to what level (maximum 250 words) (*maximum 10 points*); * Security measures in place for the secure transfer, processing, storage and deletion of information sent to you by Eurojust for translation (maximum 500 words) (*maximum 10 points*); * How you will ensure the protection of Eurojust information if you will make use of freelance translators or subcontractors (maximum 500 words) (*maximum 10 points*). |
| ***Tenderer’s answer or reference to another document submitted in the tender*** |

1. **Annexes – sample texts**

**Sample 1**

*The tenderer is requested to translate the below mentioned text into* ***Romanian language****:*

The matters to consider are (a) whether the European arrest warrant (EAW) issued for the purpose of criminal prosecution includes the execution in the issuing Member State of the sentence imposed and (b) whether the speciality rule may be invoked in the present case considering the execution of the EAW issued for the purpose of prosecution and on the basis of which the execution of the sentence is sought.

* 1. **Whether the EAW issued for the purpose of criminal prosecution includes the execution in the issuing Member State of the sentence imposed**
* Under **Article 1(1) Framework Decision (FD) EAW**, an EAW may be issued *for the purposes of conducting a criminal prosecution or executing a custodial sentence or detention order*.
* In general terms, criminal prosecution is understood as conduct of criminal proceedings against a violator of law (or against a person) in criminal cases. Neither criminal prosecution nor the term criminal proceedings is defined at EU level. However, in the area of the standing of victims in criminal proceedings Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings defines the term criminal proceedings. It stipulates that it should be understood in accordance with the national law applicable*.*
* The matter of the purpose of the EAW, which is one of the basic elements of the EAW, has never been referred to the Court of Justice of the European Union for a preliminary ruling.
* The “*purpose of conducting a criminal prosecution*” should be interpreted in the context the FD EAW. In general, in the spirit of the FD EAW, the execution of a possible sentence imposed in the proceedings at stake is a natural part of the concept of criminal prosecution. And as a result, a natural consequence of the execution of an EAW for prosecution. It is understood that if a person surrendered for the purpose of being prosecuted is eventually convicted, that person is not to be set free, but should serve the custodial sentence possibly imposed. A different understanding of the spirit of the FD EAW would lead to the release of a convicted criminal.
* **Article 5(3) FD EAW** provides that surrender of a person […] who is subject of an EAW for the purposes of prosecution may be subject to the condition that the person, after being sentenced, is returned to the executing Member State in order to serve there the sentence imposed on him in the issuing Member State. This possibility is only afforded to a national or resident of the executing Member State. This type of guarantee is precisely foreseen to allow that the sentence imposed on the issuing Member State as a result of the execution of an EAW for the purposes of criminal prosecution is served in the executing Member State.
* *A contrario sensu*, it can be inferred from the existence of this provision that the legislator intended that in general the sentence is to be served in the issuing Member State unless the guarantee of Article 5(3) FD EAW is used.
* In light of the above, it can be fairly argued that in general the surrender of the requested person on foot of an EAW for prosecution includes the execution in the issuing Member State of the custodial sentence that is eventually imposed on him in the proceedings conducted on foot of the EAW.
  1. **Whether the speciality rule may be invoked in the present case considering the execution of the EAW issued for the purpose of prosecution and on the basis of which the execution of the sentence is sought**
* **Article 27 FD EAW** (Possible prosecution for other offences) deals with the speciality rule. Paragraph 2 states that “*Except in cases referred to in paragraphs 1 and 3, a person may not be prosecuted, sentenced or otherwise deprived of his liberty for an offence committed prior to his or her surrender other than that for which he or she was surrendered.”*
* The background to that rule was the fear that the requesting State would limit its request to acts for which extradition would be granted, and to conceal its intent to try the requested person for other facts, for instance political crimes which in classical extradition law could form a barrier to extradition or for acts where the double criminality did not prevail.
* The legal basis of this rule was formed in the European Convention on Extradition, and further developed in the Convention on a simplified extradition procedure between the Member States of the EUand the Convention relating to extradition between the Member States of the EU.
* The envisaged protection of the requested person under Article 27 FD EAW is therefore in relation to *other offences*; nothing appears to suggest that this provision is intended to protect the requested person against, for example, the execution of a sentence imposed further to the execution of an EAW for the purpose of prosecution (as in the present case).

**Sample 2**

*The tenderer is requested to translate the below mentioned text into* ***French language****:*

**Joint action against radical Islamist terrorist group coordinated at Eurojust (Operation JWEB)**

Suspected leaders and several members of Rawti Shax, a terrorist organisation of Kurdish-Sunni origin, were arrested during an action that took place simultaneously in Italy, the UK, Norway, Finland, Germany and Switzerland, with the cooperation of the police and judicial authorities of the countries involved, and coordinated by Eurojust. The arrested persons are charged with international terrorism.

Today’s operation was launched by the Italian ROS Carabinieri, under the direction of the Public Prosecution Office in Rome. The investigations and continuous cooperation have been ongoing for years in Italy as well as in other European countries, particularly Switzerland and Germany, progressively revealing the structure and operations of this terrorist organisation.

Rawti Shax or Didi Nwe (the ‘new course’ or ‘towards the mountain’) is headed by Najmuddin Faraj Ahmad, alias Mullah Krekar, and represents an evolution of Ansar Al Islam, which is listed by the UN as a terrorist organisation affiliated with Al-Qaeda. Its primary objective is to violently overthrow the current Iraqi Kurdish government and replace it with a caliphate governed by Sharia law. According to the Italian investigation, unlike Ansar Al Islam, Rawti Shax arose and is rooted in Europe, with cells communicating and operating via the Internet, with a structure active especially in Germany, Switzerland, the UK, Finland, Italy, Greece, Sweden, Norway, Iraq, Iran and Syria. As the group evolved, it became active in providing logistical and financial support to recruiting foreign terrorist fighters (FTFs) to be sent to Syria and Iraq, also with the intent of training them for the future conflict in Kurdistan.

During the common action day, a coordination centre was held at Eurojust, under the leadership of the Italian Desk, to manage international cooperation among the authorities involved in this joint operation. A total of 13 persons were arrested in Italy, Norway and the UK. In addition, the Italian, German, Finnish, Norwegian, Swiss and UK authorities conducted searches of 26 premises and seized several items, including electronic devices and documents. Some suspects could not be located, as they are believed to have travelled to the Middle East (Syria and Iraq) to join jihadist organisations (namely ISIS and al-Nusra) as FTFs.