

Veronica Ardelean

Director of Human Resources, Finance and General Services
Secretariat-General

### **CEI 788 - NOTICE OF CALL FOR EXPRESSIONS OF INTEREST**

### **FOR EXTERNAL EXPERTS IN VARIOUS AUDIT FIELDS**

1. Contracting authority

European Court of Auditors,

12, rue Alcide De Gasperi,

1615 Luxembourg, LUXEMBOURG.

E-mail: eca-procurement.service@eca.europa.eu

Internet: [http://www.eca.europa.eu](http://www.eca.europa.eu/)

1. Context and objective, application procedure

The European Court of Auditors (hereinafter referred to as “ECA”) is the external auditor of the European Union (EU). Our auditors check that the EU keeps good accounts and correctly applies its financial rules, and that its policies and programmes achieve their intended objectives and deliver value for money. Through our work, we contribute to improving the EU’s financial management and promote accountability and transparency. We warn of risks, provide assurance, indicate shortcomings and offer guidance to EU policymakers and legislators.

We present our observations and recommendations to the European Parliament, the Council of the EU, and national governments and parliaments, as well as the general public. For general information about the ECA, please refer to our website at the following link: [http://www.eca.europa.eu](http://www.eca.europa.eu/Pages/Splash.aspx).

The ECA carries out compliance and performance audits. Based on its findings, the ECA will produce on the basis of Article 287(4) of the TFEU an Annual Report and Special Reports, which will be published. To prepare the reports, the audit team may need support from experts regarding opinions and consultancy (hereinafter referred to as “assignment(s)”).

The ECA is therefore organising a call for expressions of interest (hereinafter referred to as “CEI”) on the basis of Articles 237, 175(1) and 164(1),(h) of the Financial Regulation[[1]](#footnote-1) with a view to set up a roster of relevant experts to conclude short-term assignments, in the form of service contracts.

The objective of this CEI is to set up a list of external experts. The list will be sub-divided according to the different fields of expertise (see point 7).

Expressions of interest should be submitted in one of the official languages of the European Union by electronic mail at the following address: ECA-PROC-CEI-788@eca.europa.eu

Inclusion on the list entails no obligation on the part of the ECA concerning the conclusion of contracts.

1. Information and documents to be provided

Interested experts should provide their full contact details and list the specific fields indicated at point 7 that interest them in their expression of interest (see annex 3).

Experts shall provide a formal declaration on honour (Annex 2 of this CEI), stating that they are not in one of the situations described in Articles 136 and 141 of the Financial Regulation. In case of doubt, they may be requested to provide supporting evidence of non-exclusion (see point 10).

Supporting evidence related to the selection criteria shall be provided with the declaration on honour (see point 11 and 14).

1. General description of the procedure

Natural persons are invited to submit an expression of interest in accordance with the rules set out in this notice (see point 14).

The ECA will draw up a list of experts who meet the criteria set out at point 11. This list comprises sub‑lists, corresponding to each of the fields described at point 7.

Where a particular task relating to the field described at point 7 needs to be performed by an external expert, the ECA will assign experts to the task after selection on the basis of the necessary skills, experience and knowledge and in accordance with the principles of non-discrimination, equal treatment and absence of conflict of interests (see point 15).

1. Protection of personal data

Processing your expression of interest involves the recording and processing of personal data (such as your name, address and CV). Such data will be processed pursuant to Regulation (EU) 2018/1725 of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC. Unless indicated otherwise, your reply to this notice and any personal data requested are required for the purposes indicated above in point 4 and will be processed solely for those purposes by the ECA, which is also acting as data controller. Details concerning the processing of your personal data are available on the privacy statement at:

 [https://www.eca.europa.eu/en/Pages/PersonalDataProtection.aspx](http://www-2019-deploy.eca.europa.eu/en/Pages/PersonalDataProtection.aspx)

The responsible Authorizing Officer of the Commission may register your personal data in the Early Detection and Exclusion System (EDES), should you be in one of the situations listed in Article 136 and 141 of the Financial Regulation.

1. Use of the list resulting from this notice

The list resulting from this notice will be used exclusively for tasks to be carried out as follows:

Execution of the tasks within the fields described at point 7, below the threshold of €139 000 of total payments (including both remunerations and reimbursements per expert).

1. Full description of the fields covered by the call for expressions of interest

### **Field 1: Environmental issues and sustainable energy policies, from policy development to project management in these areas. Environmental economics and finance**

The assignments may *inter alia* cover the following issues:

* Assessment of the risks and opportunities of the EU Green deal, the green transition and environmentally sustainable investments
* EU/EIB funding programmes to support sustainable investments
* Assessment of the impact of the Green transition on competitiveness and growth
* Road and transport sector CO2 emissions (e.g. for the analysis of CO2 emissions’ of cars and vans)
* Waste management, and in particular hazardous waste, Waste Framework Directive (WFD) and the Waste Shipment Regulation (WSR)
* Biofuels and other alternative fuels and energy sources (such as hydrogen, wind water and solar), including sustainability aspects, Renewable Energy (RED-II) and Alternative Fuels (AFD)
* Hybrid and electric means of locomotion, batteries and charging infrastructure
* Marine renewable energy sector (off shore wind and ocean energy)
* Assessment of environmental protection and quality of environment around cities
* Assessment of upgrade infrastructure and retrofit industries, with increased resource-use efficiency and greater adoption of clean and environmentally sound technologies and industrial processes
* Energy and environmental economics, in general
* Environmental national and EU law, in general
* Experience in green finance
* EU-wide regulatory/supervisory framework of financial sector in respect of climate risks and taxonomy of green finance

### **Field 2: Agriculture and fisheries**

The assignments may *inter alia* cover the following issues:

* Animal transportation in the context of the Common Agriculture Policy (hereinafter CAP)
* Fisheries and aquaculture
* Digital analysis of the CAP, such as:
* Analysis of satellite images (e. g. climate change, water quality, soil, land use)
* Assessment of checks by monitoring
* Assessment of the Area Monitoring System (to be used for performance-based CAP)
* Assessment of eligibility of agricultural parcels and compliance with requirements

### **FIELD 3: Cohesion policy - general aspects**

The assignments may *inter alia* cover the following issues:

* assessment of the EU’s Cohesion funds’ effectiveness and efficiency
* assessment of the EU’s Cohesion policy’s contribution to a more social and inclusive Europe, and an increasing upward economic and social convergence
* assessment of the EU’s Cohesion policy contribution towards improved employment opportunities, raising the standard of living and labour mobility and increase economic, social and territorial cohesion
* assessment of managing EU funds, this including good governance, administrative capacity building, technical assistance (TA)
* legal aspects of Cohesion policy in general, and especially: state aid rules, EU competition policy, and public procurement

### **FIELD 4: Transport schemes and mobility flows in the EU**

The assignments may *inter alia* cover the following issues:

* assessment of all means of transport in the EU, in terms of their efficiency and effectiveness
* assessment of EU funding complementing national transport strategies
* assessment of EU funds, such as ERDF, TEN-T, Marco Polo, CEF-Transport, FP7-Transport, Horizon 2020-Transport
* assessment of the modal shift toward railways and inland waterways by increasing their capacity
* assessment of automated and connected multimodal mobility, leveraging on digitalisation, smart systems for traffic management and ‘mobility as a service’ solution
* assessment of price finding processes for transport reflecting its impact on the environment and on health
* assessment of the pollution from the transport sector
* transport economics, in general

### **FIELD 5: Urban and territorial development**

The assignments may *inter alia* cover the following issues:

* assessment of the sustainable development of the EU based on balanced economic growth and balanced territorial organization with its polycentric urban structure
* assessment of the importance of regional centres providing accessibility to services of general economic interest
* assessment of the EU’s settlement structure with limited urban sprawl

### **FIELD 6: Small and Medium Enterprises (hereinafter referred to as SMEs)**

The assignments may *inter alia* cover the following issues:

* assessment of productivity of SMEs through diversification, technological upgrading and innovation, including through a focus on high-value added and labour-intensive sectors
* assessment of development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage the formalisation and growth of micro-, small- and medium-sized enterprises, including through access to financial services
* assessment of inclusive and sustainable industrialisation
* assessment of SMEs to financial services, including affordable credit, and their integration into value chains and markets
* assessment of scientific research and the upgrade the technological capabilities of industrial sectors

### **FIELD 7: Research and Innovation (hereinafter referred to as R&I)**

The assignments may *inter alia* cover the following issues:

* assessment of R&I infrastructure and capacities to develop the EU’s R&I excellence, including creation of centres of competence, in particular those of European interest
* assessment of business investment in R&I, developing links and synergies between enterprises, research and development centres and the higher education sector, in particular technology transfer, social innovation, eco-innovation, public service applications, networking, clusters and open innovation through smart specialisation, and supporting technological and applied research
* assessment of key enabling technologies and diffusion of general purpose technologies
* R&I expertise, in general
* bio-based economy
* circular economy
* innovative Health
* hydrogen
* R&I rail and ATM
* clean aviation
* supercomputing (High Performance Computing)
* industry 5.0
* nanotechnologies
* sustainable process industry
* robotics
* smart networks and services (5G and future 6G system for Europe and digital + green transition)
* natural resources and raw materials
* security (including research and innovation in the area of defence)
* European research area
* investments in start-ups and scale ups
* smart specialization strategies
* transfer of knowledge

### **FIELD 8: Growth and Investments**

The assignments may *inter alia* cover the following issues:

* assessment of economic growth drivers in the EU
* assessment of financing investments supporting growth, and related EU schemes including EIB and EIF schemes
* assessment of European semester and CSRs
* assessment of structural reforms for economic growth, including Public finances and taxation, ageing and welfare state policies
* drafting reports on macroeconomic trends
* surveillance or forecasting on the economic effects of structural reforms and policies to improve competitiveness
* public finances
* European economic governance

### **FIELD 9: EU values, Rule of law and Protection of financial interest of the EU(hereinafter referred to as “PIF”)**

The assignments may *inter alia* cover the following issues:

* assessment of legal aspects of principle EU values (Treaties, the Charter of Fundamental Rights of the European Union)
* assessment of the Rule of law principle
* assessment of aspects relating to the PIF, including OLAF
* assessment of fraud patterns and fraud probabilities in the field of Cohesion policies, including the ESF
* assessment of fraud protection within national and EU systems and funds

### **FIELD 10: Providing for an evidence-based policy making**

The assignments may *inter alia* cover the following issues:

* evaluation of public policies
* better regulation
* quantitative analysis of public interventions
* data and quantitative analysis, including big data and econometrical approaches

### **FIELD 11: Employment, education and social inclusion. Economic and social reforms**

The assignments may *inter alia* cover the following issues:

* assessment of labour market policies in the EU
* assessment of national educational systems, including university level and research institutes and organisations
* assessment of EU funding, such as though ESF, FEAD, ESF +, ERASMUS+
* analysis of national employment policies, poverty and social exclusion strategies
* health policy/investments
* analysis of the public debt sustainability (i.e. pensions and health costs)
* labour market economics, in general

### **FIELD 12: Digitalisation**

The assignments may *inter alia* cover the following issues:

* the effectiveness of EU funding programmes focused on digital transformation (such as Digital Europe Programme)
* EU-wide regulatory/supervisory framework for digitised financial services and products (i.e. Fintech)
* experience in analysing the digital transition in its technical and economic dimensions, in particular the impact of digitalisation agendas on competitiveness and growth, as well as its consequences in a broader context of consumer protection, poverty and inequality
* Artificial intelligence
* Smart networks and cities
* Automation (e.g. mobility, industrial robotics, internet of things)
* Supercomputing
* Digital connectivity (e.g. 5G, 6G, internet by satellite)
* Open data and cloud computing
* Data protection and cybersecurity
* Regulation of online platforms
* Digital public services (e.g. e-ID, e-health, e-procurement)

### **FIELD 13: Assessment of the bank resolution planning and resolution actions**

The assignments may *inter alia* cover the examination of the resolution plans prepared or resolution actions taken, if any, by the Single Resolution Board (SRB) and may require the following knowledge:

* restructuring and recapitalisation of a bank, incl. assessment of its structure, business model, critical functions, core business lines, and monitoring of the restructuring plan
* assessment of a bank’s performance, short- and long-term viability, and solvency
* assessment of a bank’s capital and funding structures
* assessment of a bank’s risk management
* assessment whether a bank can be wound up under normal insolvency proceedings
* write-down and conversion of capital instruments
* financial and economic valuations of bank’s assets, liabilities, and off-balance sheet positions

### **FIELD 14: Assessment of prudential supervision of credit institutions**

The assignments may *inter alia* cover the examination of the supervisor’s assessment of bank risks or the supervisory measures taken and may require the following knowledge:

* assessment of a bank’s performance, short- and long-term viability, and solvency
* assessment of a bank’s capital and funding structures
* evaluation of bank’s risk management
* restructuring and recapitalisation of a bank
* implementation and monitoring of supervisory/early intervention measures
* evaluation of stress testing of credit institutions
* assessment of macro-prudential measures

### **Field 15: General profiles for audit of the Next Generation EU (hereinafter referredto as “NGEU”)**

The assignments may *inter alia* cover the following issues:

* implementation or evaluation of structural reform programmes in areas relevant for the NGEU (including public administration; financial sector; business environment; energy and climate sector; environment sector; health sector; social welfare systems; digitalisation; public finance and fiscal policies)
* analysis of macro-economic indicators and imbalances or in designing, implementing or assessing equilibrating measures e.g. by means of an economic adjustment programme (EU/IMF or similar) gained through work in a Member States’ administration, international organisation or research institution
* design, delivery or evaluation of technical assistance in areas relevant for the NGEU
* project management/implementation of large investment projects, in particular in the following areas: digitalisation, public infrastructure, environmental investments
* public finance law (EU and national), in particular concerning state aid, public procurement, fraud detection and prevention, conflicts of interest
* financial or performance audit in the public sector (in particular in the following areas: large infrastructural projects, digitalisation, environmental projects, technical assistance, financial operations, own resources)
* European economic governance
* public sector reform and change management strategies, public sector governance and HR management

### **Field 16: Tax policy**

The assignments may *inter alia* cover the following issues:

VAT:

* VAT anti-fraud (including MTIC fraud, CP 42, etc.), administrative cooperation
* VAT gap calculation and estimation
* VAT for financial services
* VAT on e-commerce supplies of services and goods
* VAT EU legislation and its implementation, including expertise in Case Law of the ECJ
* VAT special regimes (e.g. passenger transportation, second hand goods, etc.)

Taxation:

* harmful tax competition, administrative cooperation and exchange of tax information, fighting tax avoidance and evasion
* transfer pricing, international taxation, including allocation of profits for multinational companies
* EU corporate tax regimes
* common corporate consolidated tax base (CCCTB) and Common consolidated tax base (CCTB)
* base erosion and profit shifting (BEPS) actions and reporting
* environmental taxes
1. Place of delivery

The place of performance of each assignment shall be the contractor's premises or any other place indicated in this notice. To ensure information security and confidentiality where specific information provided by the auditee is to be assessed, the contractor shall be required to work in a secure data room and on computers provided at the ECA’ premises or at those of the auditee in order to ensure information security and confidentiality. With regard to other confidential documents and information, it remains at the ECA’ discretion to determine the level of security and confidentiality as regards their handling. The contractor shall be available for teleconferences, meetings and debriefings at the ECA’ premises in Luxembourg, and for meetings to discuss and clarify pending issues and examine documents at the auditee’s premises.

1. Expiry date of the list resulting from this call for expressions of interest

The list resulting from this notice is valid for five years from publication of this notice. Interested parties may submit an expression of interest at any time prior to the date indicated in point 18.

1. Exclusion criteria

Experts that are in one of the situations described in Articles 136 and 141 of the Financial Regulation shall be excluded from participation in this CEI.

In this connection, experts are required to provide a formal declaration on honour (Annex 2 of this notice), dated and duly signed by an authorised representative of the applicant, stating that they are not in one of the situations described in Articles 136 and 141 of the Financial Regulation. In case of doubt, the ECA reserves its right to request supporting evidence it considers necessary (in particular a recent extract from the expert’s judicial record, a recent certificate issued by the competent authorities of the State, confirming payment of taxes and of social security contributions).

1. Selection criteria
	1. Criteria relating to technical and professional capacity

Experts shall have good analytical skills, well-developed oral and written communication in English. The ability to conduct technical discussions and to write opinions/reports to a high standard and under tight deadlines is essential. Experts must handle sensitive issues with discretion tact and diplomacy and accept scrutiny from ECA’ representatives when submitting an opinion/report.

To be listed on the ECA’s expert roster, the applicant shall:

1. submit a CV showing relevant professional experience of at least 4 years (as from the date of obtaining the university degree);
2. hold a university degree, which corresponds to completed university studies of at least 4 years, relevant to the subject matter of the expertise; or alternatively show in the CV 4 additional years of relevant professional experience;
3. have at least a C1 level in English - see link to the Self-assessment grid from Common European Framework of Reference for Languages: <https://europass.cedefop.europa.eu/en/resources/european-language-levels-cefr>;

Experts can fill in optionally the attached project reference form (annex 4) regarding publications or projects provided to public or private audit bodies and related to their field(s) of expertise. The number of relevant publications or projects are taken into consideration for the individual assignment, point 15.

Regarding the supporting evidence, please see point 14, selection procedure.

* 1. Eligibility criteria for participation

Be a natural person coming from an EU Member State or from a third country, which has a special agreement with the Union in the field of public procurement or be a natural person who is a national of a country, which has ratified the Government Procurement Agreement (GPA).

1. Type and duration of assignment

ECA short-term expert assignments may involve support to the audit team at the ECA premises (Luxembourg), participation in audit missions of one to two weeks, remotely carrying out specific studies or drafting reports, and/or provide training to ECA staff.

The duration of assignments might take from one working day of 8 hours to 20 working days of eight hours. The duration might be extended by mutual agreement, to a maximum of 40 working days in total.

1. Conditions of remuneration and reimbursement of experts

The experts listed in the roster shall be remunerated at the daily rate corresponding to 8 working hours (VAT excluded). There are three bands of expert remuneration according to the relevant experience:

1. ***Junior expert*** with a minimum of **4 to 10 years** relevant experience: **EUR 1 110** daily rate,
2. ***Intermediate expert*** with a minimum of **11 to 15 years** relevant experience: **EUR 1 665** daily rate,
3. ***Senior expert*** with a minimum of **16 years** relevant experience: **EUR 2 220** daily rate.

This remuneration is all-inclusive, calculated to cover all the expenditure borne by the expert in the performance of the assignment. Travel and subsistence costs expenses are reimbursed in case it is necessary for the performance of the assignment and stipulated in the contract.

1. Selection procedure for inclusion in the expert roster

Experts with the relevant experience (see point 11) who are available for short-term assignments are invited to fill in ***the curriculum vitae*** in europass format (<https://europass.cedefop.europa.eu/editors/en/cv/compose>) with their full contact details and to send it to ECA-PROC-CEI-788@eca.europa.eu. In the subject line of the e-mail, the expert must refer to the number of the procedure (CEI 788) and the field(s) of expertise for which he/she is applying. Example: “CEI 788 - FIELD 2: Agriculture”.

With his/her application, the applicant shall fill in and return the attached ***declaration*** ***of*** ***confidentiality and absence of conflict of interests*** (*Annex 1)*, the ***declaration on honour*** *(Annex 2), the* ***full contact details and list of the area of expertise*** *(Annex 3) and optional* ***the project reference form*** *(Annex 4)*.

In applying for inclusion in this roster, the applicant accepts all the terms and conditions contained in the call for interest and in the general conditions for supply, service and works contracts of the ECA (<http://www.eca.europa.eu/en/Pages/General-conditions.aspx>) and irrevocably commits to perform the assignment contract under those conditions and the ones set out in the assignment if he/she signs the contract.

The CVs received will be evaluated with regard to the general qualifications and expertise criteria per field required for inclusion on the ECA expert roster. Where necessary pursuant to article 151 Financial Regulation, the applicant will be contacted for further information.

Within ***60 days***, the applicant shall be informed of the ECA’s decision as to whether his/her name has been included on the ECA expert roster and for which fields.

1. Selection for a particular assignment

In the event of an appropriate assignment, a list of experts corresponding best to the required skills will be established and the experts will be contacted in descending order by e-mail. The selected expert(s) will thus be invited – within a period specified in that e-mail – to inform of their interest, their availability and the absence of any conflict of interests for the assignment in question. The ECA reserves the right to request proof of the experience and qualifications mentioned in the CVs.

The selected expert(s) will then be invited to conclude a contract for the particular assignment(s). A contract received must be returned signed as scanned copy by e-mail as soon as possible and within 3 working days, two originals should be send by post (the day of the post stamp counts). The expert(s) must send with the contract, the signed originals of the declaration on honour on the exclusion criteria and the declaration of confidentiality and absence of conflict of interests as well as a completed form with bank details for payment (for this purpose, the expert will receive a bank details form when we offer him/her a contract). For experts which can provide the documents with a digitally certified signature (qualified electronic signature), the ECA does not need the hand signed documents.

1. Disclaimer

Inclusion of an expert on the roster does not imply any obligation for the ECA to contract with the expert. The experts on the roster are not specifically endorsed by the ECA and cannot be considered ECA staff. The opinions and thoughts expressed by the experts cannot be considered representative of the views of the ECA. The ECA is entitled to terminate the roster at any time without any type of compensation.

1. Ex-post transparency

A list of experts (name and subject of the tasks executed) who have submitted an expression of interest and have been selected for inclusion in the roaster following the procedure set out at point 11 and 14 shall be published on the website of the ECA.

If an expert has concluded a contract with a value of more than €15 000, the name, amount, type and subject of the contract shall be published on the website of the ECA in the annual lists of contracts no later than 30 June of the year following contract award. The information shall be removed two years after the year of contract award.

1. Date of dispatch of notice and validity of the roster

This CEI for experts is published inter alia on the ECA’s website as of 2 March 2022 available at <http://www.eca.europa.eu/en/Pages/PublicProcurement.aspx>.

Applications can be filed until 30 September 2026. Experts in the roster can be called up for assignment until 1 March 2027.

1. Contact

Any requests for additional information must only be made in writing, via email, to:

ECA-Procurement.service@eca.europa.eu

1. Environmental provisions

The Court received EMAS certification since March 2017, and operates an environmental management system in line with the EMAS requirements (hereinafter the ‘EMAS system’) provided for by Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC and Commission Regulation (EU) 2017/1505 of 28 August 2017 amending Annexes I, II and III to Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS).

The Court also complies with the quality requirements of the international standard ISO 14001: 2004 (Environmental management system), it is registered in the ISO 14001 certificate. These certifications can give rise to constraints which must be provided by the Contractor without financial compensation. In the area of the contract, the successful tenderer will work with the Court for the implementation of EMAS, in particular by providing information on market required for the drafting and updating of documents provided for by Regulation 1221/2009 as well as for regular evaluation of the system. It will adopt all measures necessary to ensure compliance with [the environmental policy of the Court](http://www-2019-deploy.eca.europa.eu/en/Documents/ECA_Environmental_Policy_EN.pdf).

Therefore, the Court pays particular attention to the environmental footprint of their buildings and activities and commits now to reduce the environmental impact of its daily work and to improving its environmental performance on an ongoing basis by (non exhaustive list):

* taking measures to prevent pollution and to achieve more efficient use of natural resources (energy, water, paper, etc.);
* taking the measures necessary to reduce all CO² emissions;
* encouraging waste prevention by maximising waste recycling and re-use, and optimising the disposal of waste;
* incorporating environmental criteria into public procurement procedures and into the rules regarding the organisation of events;
* complying with the relevant environmental legislation and regulations;
* promoting sustainable behaviour by all staff members.

The contractor will, in particular:

* ensure that the [environmental policy](http://www-2019-deploy.eca.europa.eu/en/Documents/ECA_Environmental_Policy_EN.pdf) and the environmental section of the Court which apply to the contract, are known by all his staff (including, where appropriate, the staff of its subcontractors) assigned to performing the contract. These documents will be drawn up in the framework of EMAS system;
* ensure that any member of his staff (including, where appropriate, the staff of its subcontractors) assigned to performing the contract is competent and has received the necessary and appropriate vocational training (in technical, safety and environmental) regarding compliance with the security rules, the correct handling of equipment and products to be used, including action to be taken in the event of incorrect handling or any other incidents;
* provide, at the request of the Court, certificates relating to the competence and training referred to above;
* inform, at the request of the Court, staff on the environmental measures to be taken with regard to the products used in connection with performance of the contract;
* replace a subcontractor to comply with the obligations mentioned above.

The contractor shall pay special attention to its environmental performance and impacts during the implementation of the services under this contract. This may be done through its environmental management system with the objective to limit any environmental impact linked to the services.

The Contractor shall respect all environmental specifications required by the tender specifications or specified in his tender.

The Contractor shall comply with the environmental legislation applicable to the subject of the contract and all technical specifications stated above, as well as taking all necessary measures to ensure that the execution of the contract does not become a cause for the withdrawal of the labels SuperDrecksKëscht fir Betriber® or EMAS® delivered to the Court

1. Specific environmental requirements during the execution of the expert’s assignment(s)
* Deliverables of the expert(s): all reports, annexes, presentations are delivered in e-format. Paper deliverables are not allowed.
* All meetings for the coordination of the assignment are organised by videoconferencing to limit (air) travel, unless otherwise specified by the ECA. The ECA will provide the technical infrastructure/support for the meeting (add description of the system used and its compatibility with other video conferencing systems).
* When a meeting needs to take place on the ECA premises, the Contractor shall follow the waste sorting measure in place at the ECA and try to avoid single used plastic usage.
* While travelling if the meeting cannot take place on line, the Contractor should give priority to train travel or air travel proposing offsetting.

**The Contractor shall respect all environmental specifications required by the tender specifications or specified in his tender.**

(S)Veronica Ardelean

1. Annexes

# [**Annex**](#_DECLARATION_OF_CONFIDENTIALITY) **1:** Confidentiality agreement and declaration of absence of conflict of interests

**[Annex 2](#_ANNEX_2):** Declaration of honour on exclusion and selection criteria

**Annex 3:** Full contact details and list of the area of expertise

**Annex 4:** Optional: Project reference form



**ANNEX 1**

**CONFIDENTIALITY AGREEMENT AND DECLARATION OF ABSENCE OF CONFLICT OF INTERESTS**

(to be returned duly completed and signed)

The expert undertakes to treat, in respect of itself and its staff, in the strictest confidence and not make use of or divulge to third parties any information or document linked to or obtained in the course of this work. These obligations shall continue to apply following performance of the contract, therefore the expert must return or commit to destroy any information or document provided by the ECA in the context of this contract, whatever the medium it is saved on, once the execution of the contractual tasks is terminated.

The expert further undertakes to process any personal data solely for the foreseen purpose and following the instructions given by the relevant officials of the Chamber and in accordance with Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data[[2]](#footnote-2). The expert shall continue to be bound by this undertaking after completion of the assignment.

Participating in this assignment involves the collection and processing of personal data (such as your name, address and bank account details, etc.), that will be processed pursuant to Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of individuals with regard to the processing of personal data by the European Union institutions and bodies and on the free movement of such data.

Information concerning the processing of your personal data is available in the privacy statement at:

[https://www.eca.europa.eu/Lists/ECADocuments/Specific\_Privacy\_Statement\_for\_Procurement\_and\_External\_Experts/Specific\_Privacy\_Statement\_for\_Procurement\_and\_External\_Experts\_EN.pdf](http://www-2019-deploy.eca.europa.eu/Lists/ECADocuments/Specific_Privacy_Statement_for_Procurement_and_External_Experts/Specific_Privacy_Statement_for_Procurement_and_External_Experts_EN.pdf)

Furthermore, the expert formally declares that:

a) he/she is not affected by any conflict of interests in the context of this assignment. A conflict of interests may arise in particular where the impartial and objective performance of the assignment

is compromised for reasons involving family, emotional life, political or national affinity, economic interest, or any other direct or indirect personal interest;

b) neither he/she, nor his/her employer, are engaged in any lobbyist activity vis à vis the EU institutions linked directly or indirectly to the subject matter of the assignment;

c) will immediately inform the requesting authority of any situation constituting a conflict of interests or capable of leading to a conflict of interests;

d) has not made and will not make any offer, of any type whatsoever, from which an advantage might be derived under the present assignment;

e) have not granted, sought, attempted to obtain or accepted, any advantage, financial or other, to or from any person whatsoever, constituting an unlawful practice or involving corruption, directly or indirectly, as an incentive or reward relating to the award of the said assignment.

The European Court of Auditors reserves the right to verify the information provided.

Signature:

Name:

Date:

**ANNEX 2**

**Declaration on honour on
exclusion criteria and selection criteria**

The undersigned [*insert name of the signatory of this form*]      , representing:

|  |  |
| --- | --- |
| (*only for natural persons*) himself or herself            | (*only for legal persons*) the following legal person:       |
| ID or passport number:      (‘the person’) | Full official name:      Official legal form:      Statutory registration number:      Full official address:      VAT registration number:      (‘the person’) |

The person is not required to submit the declaration on exclusion criteria if the same declaration has already been submitted for the purposes of another award procedure of the same contracting authority[[3]](#footnote-3), provided the situation has not changed, and that the time that has elapsed since the issuing date of the declaration does not exceed one year.

In this case, the signatory declares that the person has already provided the same declaration on exclusion criteria for a previous procedure and confirms that there has been no change in its situation:

|  |  |
| --- | --- |
| **Date of the declaration** | **Full reference to previous procedure** |
|       |       |

I – Situation of exclusion concerning the person

|  |  |  |
| --- | --- | --- |
| * declares that the above-mentioned person is in one of the following situations:
 | YES | NO |
| 1. it is bankrupt, subject to insolvency or winding-up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under EU or national laws or regulations;
 | [ ]  | [ ]  |
| 1. it has been established by a final judgement or a final administrative decision that the person is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;
 | [ ]  | [ ]  |
| 1. it has been established by a final judgement or a final administrative decision that the person is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibity where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:
 |  |
| (i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract or an agreement; | [ ]  | [ ]  |
| (ii) entering into agreement with other persons with the aim of distorting competition; | [ ]  | [ ]  |
| (iii) violating intellectual property rights; | [ ]  | [ ]  |
| (iv) attempting to influence the decision-making process of the contracting authority during the award procedure; | [ ]  | [ ]  |
| (v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure***;***  | [ ]  | [ ]  |
| 1. it has been established by a final judgement that the person is guilty of the following:
 |  |
| (i) fraud, within the meaning of Article 3 of Directive (EU) 2017/1371 and Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995; | [ ]  | [ ]  |
| (ii) corruption, as defined in Article 4(2) of Directive (EU) 2017/1371 and Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997, and conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in the applicable law; | [ ]  | [ ]  |
| (iii) conduct related to a criminal organisation, as referred to in Article 2 of Council Framework Decision 2008/841/JHA; | [ ]  | [ ]  |
| (iv) money laundering or terrorist financing, within the meaning of Article 1(3), (4) and (5) of Directive (EU) 2015/849 of the European Parliament and of the Council; | [ ]  | [ ]  |
| (v) terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision; | [ ]  | [ ]  |
| (vi) child labour or other offences concerning trafficking in human beings as referred to in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council; | [ ]  | [ ]  |
| 1. it has shown significant deficiencies in complying with the main obligations in the performance of a contract or an agreement financed by the Union’s budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by a contracting authority, the European Anti-Fraud Office (OLAF) or the Court of Auditors;
 | [ ]  | [ ]  |
| 1. it has been established by a final judgment or final administrative decision that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;
 | [ ]  | [ ]  |
| 1. it has been established by a final judgment or final administrative decision that the person has created an entity under a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations in the jurisdiction of its registered office, central administration or principal place of business.
 | [ ]  | [ ]  |
| 1. (*only for legal persons*) it has been established by a final judgment or final administrative decision that the person has been created with the intent provided for in point (g).
 | [ ]  | [ ]  |
| 1. for the situations referred to in points (c) to (h) above the person is subject to:
2. facts established in the context of audits or investigations carried out by the European Public Prosecutor's Office after its establishment, the Court of Auditors, the European Anti-Fraud Office (OLAF) or the internal auditor, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;
3. non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;
4. facts referred to in decisions of entities or persons being entrusted with EU budget implementation tasks;
5. information transmitted by Member States implementing Union funds;
6. decisions of the Commission relating to the infringement of Union competition law or of a national competent authority relating to the infringement of Union or national competition law; or
7. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.
 | [ ]  | [ ]  |

II – Situations of exclusion concerning natural or legal persons with power of representation, decision-making or control over the legal person and beneficial owners

***Not applicable to natural persons, Member States and local authorities***

|  |  |  |  |
| --- | --- | --- | --- |
| * The signatory declares that a natural or legal person who is a member of the administrative, management or supervisory body of the above-mentioned legal person, or who has powers of representation, decision or control with regard to the above-mentioned legal person (this covers e.g. company directors, members of management or supervisory bodies, and cases where one natural or legal person holds a majority of shares), or a beneficial owner of the person (as referred to in point 6 of article 3 of Directive (EU) No 2015/849) is in one of the following situations:
 | YES | NO | N/A |
| Situation (c) above (grave professional misconduct) | [ ]  | [ ]  | [ ]  |
| Situation (d) above (fraud, corruption or other criminal offence) | [ ]  | [ ]  | [ ]  |
| Situation (e) above (significant deficiencies in performance of a contract ) | [ ]  | [ ]  | [ ]  |
| Situation (f) above (irregularity) | [ ]  | [ ]  | [ ]  |
| Situation (g) above (creation of an entity with the intent to circumvent legal obligations) | [ ]  | [ ]  | [ ]  |
| Situation (h) above (person created with the intent to circumvent legal obligations) | [ ]  | [ ]  | [ ]  |

III – Situations of exclusion concerning natural or legal persons assuming unlimited liability for the debts of the legal person

|  |  |  |  |
| --- | --- | --- | --- |
| * declares that a natural or legal person that assumes unlimited liability for the debts of the above-mentioned legal person is in one of the following situations:
 | YES | NO | N/A |
| Situation (a) above (bankruptcy) | [ ]  | [ ]  | [ ]  |
| Situation (b) above (breach in payment of taxes or social security contributions) | [ ]  | [ ]  | [ ]  |

IV – Grounds for rejection from this procedure

|  |  |  |
| --- | --- | --- |
| (4) declares that the above-mentioned person: | YES | NO |
| Was previously involved in the preparation of the procurement documents used in this award procedure, where this entailed a breach of the principle of equality of treatment including distortion of competition that cannot be remedied otherwise.  | [ ]  | [ ]  |

V – Remedial measures

If the person declares one of the situations of exclusion listed above, it must indicate measures it has taken to remedy the exclusion situation, thus demonstrating its reliability. This may include e.g. technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines or of any taxes or social security contributions. The relevant documentary evidence which illustrates the remedial measures taken must be provided in annex to this declaration. This does not apply for situations referred in point (d) of this declaration.

VI – Evidence upon request

Upon request and within the time limit set by the contracting authority the person must provide information on natural or legal persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control, including legal and natural persons within the ownership and control structure and beneficial owners.

It must also provide the following evidence concerning the person itself and the natural or legal persons on whose capacity the person intends to rely, or a subcontractor and concerning the natural or legal persons which assume unlimited liability for the debts of the person:

For situations described in (a), (c), (d), (f), (g) and (h), production of a recent extract from the judicial record is required or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the person showing that those requirements are satisfied.

For the situation described in point (b), production of recent certificates issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the person is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions. Where any document described above is not issued in the country concerned, it may be replaced by a sworn statement made before a judicial authority or notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

The person is not required to submit the evidence if it has already been submitted for another award procedure of the same contracting authority[[4]](#footnote-4). The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date.

The signatory declares that the person has already provided the documentary evidence for a previous procedure and confirms that there has been no change in its situation:

|  |  |
| --- | --- |
| **Document** | **Full reference to previous procedure** |
| *Insert as many lines as necessary.* |       |

VII – Selection criteria

|  |  |  |  |
| --- | --- | --- | --- |
| 1. declares that the above-mentioned person complies with the selection criteria applicable to it individually as provided in the tender specifications:
 | YES | NO | N/A |
| 1. The expert fulfills the applicable technical and professional criteria indicated in point 11 of the tender specifications.
 | [ ]  | [ ]  | [ ]  |

VIII – Evidence for selection

The signatory declares that the above-mentioned person is able to provide the necessary supporting documents listed in the relevant sections of the tender specifications and which are not available electronically upon request and without delay.

The person is not required to submit the evidence if it has already been submitted for another procurement procedure of the same contracting authority[[5]](#footnote-5). The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date.

The signatory declares that the person has already provided the documentary evidence for a previous procedure and confirms that there has been no change in its situation:

|  |  |
| --- | --- |
| **Document** | **Full reference to previous procedure** |
| *Insert as many lines as necessary.* |       |

***The above-mentioned person may be subject to rejection from this procedure and to administrative sanctions (exclusion or financial penalty) if any of the declarations or information provided as a condition for participating in this procedure prove to be false.***

Full name Date Signature

**ANNEX 3**

**Full contact details**

|  |  |
| --- | --- |
| **Identity** | **Answer** |
| Name in full and title |       |
| Function |       |
| Company or institution name, if applicable |       |
| Address in full |       |
| Telephone number |       |
| E-mail address |       |

**Expert fields**

| **List of the specific areas of expertise (expert fields indicated in point 7). Please indicate as well your specific fields of expertise, which are listed under the respective expert field referring to the subject assignments may inter alia cover** |
| --- |
|       |
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|       |

Signature: ………………………………………………………

## **ANNEX 4 - Optional: Projects and/or publications reference form**

Name and surname of expert:

|  |  |  |
| --- | --- | --- |
| **NAME OF CLIENT (PUBLIC OR PRIVATE)** | **RELATED TO FIELD OF EXPERTISE** | **DESCRIPTION OF PROJECT OR PUBLICATION** |
|       |       |       |
|       |       |       |
|       |       |       |
|       |       |       |
|       |       |       |

Signature: …………………………………………………….

1. [Regulation (EU, Euratom) No 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2018:193:TOC). [↑](#footnote-ref-1)
2. and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/ECText with EEA relevance, available at  [**https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1547484765039&uri=CELEX:32018R1725**](https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1547484765039&uri=CELEX:32018R1725). [↑](#footnote-ref-2)
3. The same EU institution, agency, body or office. [↑](#footnote-ref-3)
4. The same institution or agency. [↑](#footnote-ref-4)
5. The same institution of agency. [↑](#footnote-ref-5)