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**CALL FOR TENDERS**

N° *PC-6196*

**STUDY ON THE POTENTIAL IMPACTS OF THE CARBON BORDER ADJUSTMENT MECHANISM**

**TENDER SPECIFICATIONS**

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# Information on tendering

## Participation

This call for tenders is governed by the provisions of [Regulation (EU, Euratom) 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](https://eur-lex.europa.eu/legal-content/EN/AUTO/?uri=uriserv:OJ.L_.2018.193.01.0001.01.ENG&toc=OJ:L:2018:193:TOC) (the Financial Regulation)[[1]](#footnote-2).

The *Contracting authority* has chosen to award the contract resulting from this call for tenders through a negotiated procedure for low value contracts.

An ex-ante publicity to express interest to participate in the tender procedure was published on the Internet webpage of the DG NEAR and on the following link: [Grants and Tenders | European Neighbourhood Policy And Enlargement Negotiations (europa.eu)](https://ec.europa.eu/neighbourhood-enlargement/tenders/grants-and-tenders_en).

In such a procedure, any economic operator may submit a request to participate by providing the information that is requested by the contracting authority. The contracting authority shall invite all candidates that satisfy the selection criteria, and may invite additional candidates with proven experience in the topics of this tender.

Participation in this procurement procedure is open on equal terms to all natural and legal persons coming within the scope of the Treaties, as well as to international organisations.

It is also open to all natural and legal persons established in a third country which has a special agreement with the Union in the field of public procurement on the conditions laid down in that agreement. Where the plurilateral Agreement on Government Procurement[[2]](#footnote-3) concluded within the World Trade Organisation applies, the participation to this procedure is also open to all natural and legal persons established in the countries that have ratified this Agreement, on the conditions it lays down.

## Contractual conditions

The tenderer should bear in mind the provisions of the draft contract which specifies the rights and obligations of the contractor, particularly those on payments, performance of the contract, confidentiality, and checks and audits.

## Compliance with applicable law

The tender must comply with applicable environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU[[3]](#footnote-4).

## Joint tenders

A joint tender is a situation where a tender is submitted by a group of economic operators (natural or legal persons). Joint tenders may include subcontractors in addition to the members of the group.

In case of joint tender, all members of the group assume joint and several liabilitytowards the Contracting Authority for the performance of the contract as a whole, i.e. both financial and operational liability. Nevertheless, tenderers must designate one of the economic operators as a single point of contact (the leader) for the Contracting Authority for administrative and financial aspects as well as operational management of the contract.

After the award, the Contracting Authority will sign the contract either with all members of the group, or with the leader on behalf of all members of the group, authorised by the other members via powers of attorney.

## Subcontracting

Subcontracting is permitted but the contractor will retain full liability towards the Contracting Authority for performance of the contract as a whole.

Tenderers are required to identify subcontractors whose share of the contract is above 50% whose capacity is necessary to fulfil the selection criteria.

During contract performance, the change of any subcontractor identified in the tender or additional subcontracting will be subject to prior written approval of the Contracting Authority.

## Structure and content of the tender

The tenders must be presented as follows:

Part A: Identification of the tenderer (see section 1.7)

Part B: Non-exclusion (see section 4.1)

Part C: Selection (see section 4.2)

Part D: Technical offer

The technical offer must cover all aspects and tasks required in the technical specifications and provide all the information needed to apply the award criteria. Offers deviating from the requirements or not covering all requirements may be rejected on the basis of non-compliance with the tender specifications and will not be evaluated.

Part E: Financial offer

The price for the tender must be quoted in euro. Tenderers from countries outside the euro zone have to quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to bear the risks or the benefits deriving from any variation.

Prices must be quoted free of all duties, taxes and other charges, including VAT, as the European Union is exempt from such charges under Articles 3 and 4 of the Protocol on the privileges and immunities of the European Union. The amount of VAT may be shown separately.

The quoted price must be a fixed amount, which includes all charges (including travel and subsistence). Travel and subsistence expenses are not refundable separately.

## Identification of the tenderer

The tender must include a cover letter signed by an authorised representative presenting the name of the tenderer (including all entities in case of joint tender) and identified subcontractors if applicable, and the name of the single contact point (leader) in relation to this procedure.

In case of joint tender, the cover letter must be signed either by an authorised representative for each member, or by the leader authorised by the other members with powers of attorney. The signed powers of attorney must be included in the tender as well. Subcontractors that are identified in the tender must provide a letter of intent signed by an authorised representative stating their willingness to provide the services presented in the tender and in line with the present tender specifications.

All tenderers (including all members of the group in case of joint tender) must provide a signed Legal Entity Form with its supporting evidence. The form is available on:
<http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm>

Tenderers that are already registered in the Contracting Authority’s accounting system (i.e. they have already been direct contractors) must provide the form but are not obliged to provide the supporting evidence.

The tenderer (or the leader in case of joint tender) must provide a Financial Identification Form with its supporting documents. Only one form per tender should be submitted. No form is needed for subcontractors and other members of the group in case of joint tender. The form is available on: <http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm>

The tenderer (and each member of the group in case of joint tender) must declare whether it is a Small or Medium Size Enterprise in accordance with [Commission Recommendation 2003/361/EC](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:124:0036:0041:en:PDF). This information is used for statistical purposes only.

# Technical specifications

## Subject: what is this call for tenders about?

The subject of this negotiated procedure is the Study on the potential impacts of the Carbon Border Adjustment Mechanism.

## Description: subject of the contract

The European Green Deal emphasised that “should differences in levels of ambition worldwide persist, as the EU increases its climate ambition, the Commission will propose a carbon border adjustment mechanism, for selected sectors, to reduce the risk of carbon leakage”. Risk of carbon leakage means either that production is transferred from the EU to other countries with lower ambition for emission reduction, or that EU products are replaced by more carbon-intensive imports. If this risk materialises, there will be no reduction in global emissions, and this will frustrate the efforts of the EU and its industries to meet the global climate objectives of the Paris Agreement. A Carbon Border Adjustment Mechanism (CBAM) would ensure that the price of imports reflects more accurately their carbon content.

The details of the proposed CBAM and its practical applications are contained in the below-mentioned proposal, and summarised in the accompanying factsheet[[4]](#footnote-5).

### Background and objectives

On 14th July 2021, the European Commission put forward a proposal for a Regulation of the European Parliament and of the Council establishing a carbon border adjustment mechanism (CBAM)[[5]](#footnote-6), in line with the European Green Deal (the CBAM proposal). The CBAM proposal aims at addressing the risk of carbon leakage, increased by the higher emission reduction ambition of the EU. Risk of carbon leakage means either that production is transferred from the EU to third countries with lower ambition for emission reduction, or that EU products are replaced by more carbon-intensive imports. If this risk materialises, there will be no reduction in global emissions, and this will frustrate the efforts of the EU and its industries to meet the global climate objectives of the Paris Agreement. The CBAM is designed to be a system that puts a fair price on the carbon emitted during production, and that encourages cleaner industry in non-EU countries or territories. In the first phase, the CBAM would focus on sectors at higher risk of carbon leakage, namely: cement; iron and steel; aluminium; fertilisers; and electricity.

The global objective of the assignment is to support the Commission in **identifying and assessing the main concerns and potential impacts of the CBAM on the Western Balkans[[6]](#footnote-7), Turkey and the European Neighbourhood[[7]](#footnote-8) – the “NEAR countries”**.

The specific objective of the assignment is **to undertake a quantitative and qualitative evaluation of the impacts of the proposed Carbon Border Adjustment Mechanism on the economic, social and environmental prospects of “NEAR countries”**, to complement the Impact assessment conducted by the Commission[[8]](#footnote-9). Such an evaluation will inform the Commission’s possible responses, such as how to recognise the approximation with EU energy and climate *acquis* in the CBAM design or what supporting measures could be put in place to accelerate the decarbonisation of key sectors.

### Requested services

1. To provide a quantitative analysis **how individual “NEAR countries” exports to the EU are likely to be impacted**. This would be primarily in the form of an analysis of which countries currently (i.e. in recent e.g. 5 years) export to the EU, as well as to what extent they do export products under the sectors being considered. An indication of how the trade patterns may evolve over time, where possible, should also be provided. To the extent possible, an overview of how the overall trade balance with the EU could be affected should also be provided.
2. To provide an overarching **analysis of** **carbon intensity of exports** of individual DG NEAR countries, with a focus on carbon intensive industries.This includes looking at the sectors most likely affected by the CBAM and how the greenhouse gas emission intensity in production differs from that in other countries, in particular in the EU and main competitor countries in the key CBAM sectors including the Russian Federation. It also includes information on methodology for determination of carbon intensity used and references to data, sources used.
3. To provide an **analysis of what the wider economic impacts of the CBAM on individual “NEAR countries” could be, including on investments**. For all “NEAR countries”, this would entail illustrating how sectors contribute to countries’ Gross Domestic Product (GDP), how much tax revenue they contribute to the state budget, and how much production output they account for. This is to give a sense of the magnitude especially to see that some sectors are economically significant to that country, value addition, and productivity. The analysis of trade should not only be limited to trade flows with the EU, but also identify how important is their share in NEAR country’s total worldwide exports of chosen sectors. An indication of potentially positive impacts should also be provided,
4. Based on the analysis in 3. above, and after discussion and agreement with the Commission services, further in-depth analysis will be undertaken for a sub-set of “NEAR countries” which are likely to be significantly affected by CBAM, to provide an analysis of:
	1. How changes in the sectors potentially induced by CBAM could affect job loss/creation;
	2. How CBAM could affect trade and investment patterns, leading to (more) polluting production processes diverted to countries/regions other than EU.
	3. How administrative requirements under the CBAM are likely to impact partner countries and the private sector. For instance, administrative requirements and trading procedures are often found to be easier to comply with for larger than smaller exporters. Similarly, the data availability and type of data collection, certification, inspection and documentation procedures required under the CBAM is likely to have differentiated impacts on different types of countries.
	4. How CBAM could open new opportunities for “NEAR countries” and their private sector, such as greater energy efficiency, higher competitiveness in a world where demand for sustainable products increases, less pollution and related health issues, opportunities for nearshoring, positive impacts on investments required irrespectively of CBAM (e.g. beyond life-time infrastructure, processes). For instance, if the CBAM policy option includes default values on greenhouse gas emissions, there might be an option for traders to prove a “better than default”-value of emissions embedded in their production. Would exporters in “NEAR countries” have more challenges than those exporters from other countries in proving such deviation?
5. To provide a qualitative analysis of the relevance for CBAM application of the relevant legal energy, climate and environment *acquis* for candidate countries and potential candidates, as well as Contracting Parties of the Energy Community Treaty. This would entail providing an indication of how such *acquis* approximation process may affect the implementation of CBAM. It does not entail an assessment of where individual economies are with respect to the acquis approximation process.
6. To provide prioritised **recommendations for a possible phased CBAM design and for accompanying measures that DG NEAR could support to accelerate the low carbon transition/ reduce the magnitude of negative impacts** in DG NEAR countries, with a specific focus on the potentially most affected ones. Such measures could include technical assistance, technology transfer, support to policy formulation, introduction of carbon pricing, new financing instruments under EFSD+ supporting the decarbonisation path of key industrial sectors/value chains of partner countries’ economy ,…

Variants (alternatives to the model solution described in the tender specifications) are not allowed. The *Contracting authority* will disregard any variants described in a tender.

In delivering the above mentioned services, the following must be considered:

1. In undertaking the assessment, the experts should consider the relevant replies provided by government and non-governmental organisation as well as the private sector in the consultations on CBAM[[9]](#footnote-10).
2. **For requested service 1**, a preliminary analysis has been produced by DG NEAR (see Annex at the end of this document), which should be complemented by a more thorough analysis, looking at averages from the latest 5-year period. Two relevant databases will be, firstly, the International Trade Centre [Market Analysis Tool](https://marketanalysis.intracen.org/en). Secondly, DG TRADE’s [Access 2 Markets](https://trade.ec.europa.eu/access-to-markets/en/home) portal.
3. **For requested service 3,** [World Development Indicators](https://databank.worldbank.org/source/world-development-indicators) and the [World Integrated Trade Solution](https://wits.worldbank.org/) are two databases that can be used to assess these sectors’ economic contribution.
4. In addition, for **requested service 2, 3 and 4**, a literature survey should be conducted to highlight findings with regard to how NEAR countries may be impacted as well.
5. For **requested service 6**, the experts may review similar past trade, customs or climate initiatives on the gradual inclusion of “NEAR countries”. This analysis is not intended to be a complete literature survey, but to give, if possible, indications for the policy design based on previous practice.

While the analysis for objective 1 and 2 is primarily intended to be **quantitative**, for objectives 3 and 4, the quantitative analysis should be complemented by **qualitative information**. This is based on the fact that quantitative data might not be available, for example as concerns future investment flows. Complementary methodologies can include a combination of literature surveys, case studies, etc.

The consultants will also **consult colleagues in the EU delegations, in particular in those countries more likely to be impacted.** Studies conducted on the potential implications of CBAM or similar measures proposed by other countries will be of particular relevance.

Considerations

1. The process of purchasing Notional ETS would be undertaken by the importer. However, there may be indirect effects. If the administrative process is cumbersome, imports might be disincentivised. In addition, if documentation required e.g. on carbon intensity are modelled on the EU, countries with similar monitoring and/or reporting norms might be favoured over those from other bureaucracies.
2. The CBAM proposal includes an option for the trader to show a “better than default” value of greenhouse gas emissions. If so, that would need to be duly proven. One question is whether the default values under CBAM will be differentiated or cross-country averages. If the latter, will this methodology benefit or disadvantage “NEAR countries” – which depends on their emission intensity in comparison to others.[[10]](#footnote-11)
3. Only **direct emissions** will be considered in this analysis. These are emissions taking place as part of a production process on which the producer has direct control. These include emissions from heating and cooling.
4. For products and materials relevant for the analysis, these should be:
	* Cement
	* Iron and Steel
	* Aluminium
	* Fertilizers
	* Electricity generation

Further specification is provided in Annex I of the CBAM proposal[[11]](#footnote-12).

# Content, Structure and graphic requirements of the deliverables

The contractor must deliver the study and other deliverables as indicated below.

### Deliverables

The output of the assignment must include a detailed report in English (word and pdf) covering all points above, and be accompanied by an executive summary of maximum 15 pages outlining the key results. The use of graphs and tables is strongly encouraged in both the full report and its executive summary. The data used, its source, and the results of the analysis should also be provided (in excel or compatible formats).

In accordance with Article 13.1 whereby the Union acquires full ownership of the results as defined in this contract, including the tender specifications, these results may be used for any of the following modes of exploitation:

(a) use for its own purposes:

* making available to the staff of the contracting authority;
* making available to the persons and entities working for the contracting authority or cooperating with it, including contractors, subcontractors whether legal or natural persons, Union institutions, agencies and bodies, Member States’ institutions;
* installing, uploading, processing;
* arranging, compiling, combining, retrieving;
* copying, reproducing in whole or in part and in unlimited number of copies.

(b) distribution to the public in hard copies, in electronic or digital format, on the internet including social networks as a downloadable or non-downloadable file;

(c) communication through press information services;

(d) inclusion in widely accessible databases or indexes, such as via ‘open access’ or ‘open data’ portals, or similar repositories, whether freely accessible or accessible only upon subscription;

(e) modifications by the contracting authority or by a third party in the name of the contracting authority, including:

* shortening;
* summarising;
* modifying the content;
* making technical changes to the content (necessary correction of technical errors), adding new parts, providing third parties with additional information concerning the result with a view to making modifications;
* addition of new elements, paragraphs, titles, leads, bolds, legend, table of content, summary, graphics;
* addition of metadata, for text and data-mining purposes; addition of right-management information; addition of technological protection measures;
* preparation in audio form, preparation as a presentation, animation, pictograms story, slide-show, public presentation;
* extracting a part or dividing into parts;
* translating in:
	+ English, French, German;
	+ all official languages of EU;
	+ languages of candidate countries;

(f) rights to authorise, license, or sub-license in case of licensed pre-existing rights, the modes of exploitation set out in any of the points (a) to (e) to third parties.

I.10.2 Licence or transfer of pre-existing rights.

All pre-existing rights incorporated in the results, if any, are licensed to the Union as set out in Article 13.2.

I.10.3 Provision of list of pre-existing rights and documentary evidence.

The contractor must provide the contracting authority with a list of pre-existing rights as set out in Article 13.4 together with the invoice for payment of the balance at the latest. In addition, the contractor must provide the contracting authority with relevant and exhaustive evidence of the acquisition of all the necessary pre-existing rights together with a presentation of relevant result. To this effect, the contractor must provide the relevant evidence listed in Article 13.5 as appropriate or, failing that, third parties’ statements in accordance with Annex.

The contractor cannot disclose the results or any information acquired in the course of the performance of the tasks associated with this tender, other than those that are already of public domain.

## Content

### Final study report

The final study report must include:

* an abstract of no more than 200 words and an executive summary of maximum 6 pages, both in English and French;

specific identifiers which must be incorporated on the cover page provided by the Contracting Authority;

* the following disclaimer:

*“The information and views set out in this [report/study/article/publication…] are those of the author(s) and do not necessarily reflect the official opinion of the Commission. The Commission does not guarantee the accuracy of the data included in this study. Neither the Commission nor any person acting on the Commission’s behalf may be held responsible for the use which may be made of the information contained therein.”*

### Publishable executive summary

The publishable executive summary must be provided in both in English and French and must include:

* specific identifiers which must be incorporated on the cover page provided by the Contracting Authority;
* the following disclaimer:

*“The information and views set out in this [report/study/article/publication…] are those of the author(s) and do not necessarily reflect the official opinion of the Commission. The Commission does not guarantee the accuracy of the data included in this study. Neither the Commission nor any person acting on the Commission’s behalf may be held responsible for the use which may be made of the information contained therein.”*

### Requirements for publication on Internet

The Commission is committed to making online information as accessible as possible to the largest possible number of users including those with visual, auditory, cognitive or physical disabilities, and those not having the latest technologies. The Commission supports the [Web Content Accessibility Guidelines 2.0](http://www.w3.org/TR/WCAG20/) of the W3C.

For full details on the Commission policy on accessibility for information providers, see: <http://ec.europa.eu/ipg/standards/accessibility/index_en.htm>

For the publishable versions of the study, abstract and executive summary, the contractor must respect the W3C guidelines for accessible pdf documents as provided at: <http://www.w3.org/WAI/>.

## Structure

The structure should well reflect the requested services described under section 2.

## Graphic requirements

The contractor must deliver the study and all publishable deliverables in full compliance with the corporate visual identity of the European Commission, by applying the graphic rules set out in the European Commission's Visual Identity Manual, including its logo. The graphic rules, the Manual and further information are available at:

<http://ec.europa.eu/dgs/communication/services/visual_identity/index_en.htm>

<https://ec.europa.eu/info/resources-partners/european-commission-visual-identity_en>

A simple Word template will be provided to the contractor after contract signature.The contractor must fill in the cover page in accordance with the instructions provided in the template. The use of templates for studies is exclusive to European Commission's contractors. No template will be provided to tenderers while preparing their tenders.

# Evaluation and award

The evaluation is based solely on the information provided in the submitted tender. It involves the following:

* Verification of non-exclusion of tenderers on the basis of the exclusion criteria
* Selection of tenderers on the basis of selection criteria
* Verification of compliance with the minimum requirements set out in these tender specifications
* Evaluation of tenders on the basis of the award criteria

The contracting authority may reject abnormally low tenders, in particular if it established that the tenderer or a subcontractor does not comply with applicable obligations in the fields of environmental, social and labour law.

The Contracting Authority will assess these criteria in no particular order. The successful tenderer must pass all criteria to be awarded the contract.

## Verification of non-exclusion

All tenderers must provide a declaration on honour (see Annex documentation available online and below), signed and dated by an authorised representative, stating that they are not in one of the situations of exclusion listed in that declaration on honour.

In case of joint tender, each member of the group must provide a declaration on honour signed by an authorised representative.

In case of subcontracting, subcontractors whose share of the contract is above 50 % whose capacity is necessary to fulfil the selection criteria must provide a declaration on honour signed by an authorised representative.

The Contracting Authority reserves the right to verify whether the successful tenderer is in one of the situations of exclusion by requiring the supporting documents listed in the declaration of honour.

The obligation to submit supporting evidence does not apply to international organisations.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that that there has been no change in its situation.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit a specific document if the contracting authority can access the document in question on a national database free of charge.

## Selection criteria

Tenderers must prove their legal, regulatory, economic, financial, technical and professional capacity to carry out the work subject to this procurement procedure.

The tenderer may rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal.

The tender must include the proportion of the contract that the tenderer intends to subcontract.

### Declaration and evidence

The tenderers (and each member of the group in case of joint tender) and subcontractors whose capacity is necessary to fulfil the selection criteria must provide the declaration on honour (see Annex documentation available online and below), signed and dated by an authorised representative, stating that they fulfil the selection criteria applicable to them individually. For the criteria applicable to the tenderer as a whole the tenderer (sole tenderer or leader in case of joint tender) must provide the declaration on honour stating that the tenderer, including all members of the group in case of joint tender and including subcontractors if applicable, fulfils the selection criteria for which a consolidated assessment will be carried out.

This declaration is part of the declaration used for exclusion criteria (see section 4.1) so only one declaration covering both aspects should be provided by each concerned entity.

The Contracting Authority will evaluate selection criteria on the basis of the declarations on honour. Nevertheless, it reserves the right to require evidence of the legal and regulatory, financial and economic and technical and professional capacity of the tenderers at any time during the procurement procedure and contract performance. In such case the tenderer must provide the requested evidence without delay. The Contracting Authority may reject the tender if the requested evidence is not provided in due time.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that that there has been no change in its situation.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit a specific document if the contracting authority can access the document in question on a national database free of charge.

### Legal and regulatory capacity

Tenderers must prove that they are allowed to pursue the professional activity necessary to carry out the work subject to this call for tenders. The tenderer (including each member of the group in case of joint tender) must provide the following information in its tender if it has not been provided with the Legal Entity Form:

- For legal persons, a legible copy of the notice of appointment of the persons authorised to represent the tenderer in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation applicable to the legal person requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.

- For natural persons, if required under applicable law, a proof of registration on a professional or trade register or any other official document showing the registration number.

### Economic and financial capacity criteria

The tenderer must have the necessary economic and financial capacity to perform this contract until its end. In order to prove their capacity, the tenderer must comply with the following selection criteria.

- Criterion F1: Turnover of the last two financial years above EUR 100,000; this criterion applies to the tenderer as a whole, i.e. the combined capacity of all members of a group in case of a joint tender.

**Evidence (to be provided on request):**

- Copy of the profit and loss accounts and balance sheet for the last two years for which accounts have been closed from each concerned legal entity;

- Failing that, appropriate statements from banks;

If, for some exceptional reason which the Contracting Authority considers justified, a tenderer is unable to provide one or other of the above documents, it may prove its economic and financial capacity by any other document which the Contracting Authority considers appropriate. In any case, the Contracting Authority must at least be notified of the exceptional reason and its justification. The Commission reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

### Technical and professional capacity criteria and evidence

* 1. **Criteria relating to tenderers**

Tenderers (in case of a joint tender the combined capacity of all members of the group and identified subcontractors) must comply with the criteria listed below. The evidence must be provided only on request.

The project references indicated below consist in a list of relevant services provided in the past three years, with the sums, dates and clients, public or private, accompanied by statements issued by the clients.

- **Criterion A1**: The tenderer must prove experience in the field of international trade, taxation, industrial value chains, as well as in survey techniques, data collection, statistical analyses, drafting reports and recommendations.

**Evidence A1:** the tenderer must provide references for 2 projects delivered in these fields in the last three years with a minimum value for each project of € EUR 40,000.

* 1. **Criteria relating to the team delivering the service:**

The team delivering the service should include, as a minimum, the following profiles.

Evidence will consist in CVs of the team responsible to deliver the service. Each CV should indicate the intended function in the delivery of the service.

Expert 1, Project leader, Minimum number of working days: 12 days

* Qualifications and skills required: University education to at least a master’s degree level in Economics, Business International Relations or equivalent; Excellent analytical and writing skills.
* General professional experience: 12 years of professional experience in the field of economic analysis, specifically in the field of investment due diligence or trade policies; Sound theoretical and practical background in the field of business and investment climate.
* Specific professional experience: Profound knowledge of international trade and trade rules.

Expert 2, Energy and climate policy in NEAR countries, Minimum number of working days: 6 days

* Qualifications and skills required: University education to at least a master’s degree level in law, or relevant degree coupled with specific experience in energy/climate acquis alignment; Excellent analytical and writing skills.
* General professional experience: 6 years of professional experience in the field of energy and climate law.
* Specific professional experience: Experience in the Western Balkans, Turkey, or Energy Community Treaty.

Expert 3, Economic analysis support, Minimum number of working days: 3 days

* Qualifications and skills required: University education to at least a master’s degree level in Economics, Business International Relations or equivalent; Excellent analytical and writing skills.
* General professional experience: 3-5 years of professional experience in the field of economic analysis.
* Specific professional experience: Knowledge of decarbonisation policies and emission/ emission reduction cost assessment methodologies; Sound theoretical and practical background in the field of business and investment climate.

Evidence: CV

B2 - Language quality check: at least 1 member of the team should have at least C1 level in the Common European Framework for Reference for Languages[[12]](#footnote-13) in English.

Evidence: a language certificate or past relevant experience.

## Award criteria

The contract will be awarded based on the most economically advantageous tender, according to the 'best price-quality ratio' award method. The quality of the tender will be evaluated based on the following criteria. The maximum total quality score is 100 points.

* Quality of the proposed methodology (*50* points - – minimum score 50%)
* Organisation of the work and resources (*30* points – minimum score 50%)

This criterion will assess how the roles and responsibilities of the proposed team and of the different economic operators (in case of joint tenders, including subcontractors if applicable) are distributed for each task. It also assesses the global allocation of time and resources to the project and to each task or deliverable, and whether this allocation is adequate for the work. The tender should provide details on the allocation of time and human resources and the rationale behind the choice of this allocation. Details should be provided as part of the technical offer. It is not a budget requested as part of the financial offer.

* Quality control measures (*20* points – minimum score 50%)

This criterion will assess the quality control system applied to the service foreseen in this tender specification concerning the quality of the deliverables, the language quality check, and continuity of the service in case of absence of the member of the team. The quality system should be detailed in the tender and specific to the tasks at hand; a generic quality system will result in a low score.

Tenders must score minimum 50% for each criterion and sub-criterion, and minimum *50* % in total. Tenders that do not reach the minimum quality levels will be rejected and will not be ranked.

## Ranking of tenders

The contract will be awarded to the most economically advantageous tender, i.e. the tender offering the best price-quality ratio determined in accordance with the formula below. No weighting is given to quality and price.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Score for tender X | = | cheapest priceprice of tender X | \* | total quality score (out of 100) for all criteria of tender X |

**The tender ranked first after applying the formula will be awarded the contract.**

## Annex Preliminary Analysis: Implications of Carbon Border Adjustment Mechanism (CBAM) for DG NEAR countries of operation

In practical terms, the CBAM would mostly impact those economies that currently export meaningful quantities of carbon-intensive goods, notably **steel, aluminium, cement, fertilisers and polymers**. **Electricity** exporters could also be impacted. In a second step, additional products could be considered, such as basic organic chemicals and refinery products.

The EU imports a high percentage of its **steel** needs, with Turkey (21%), Russia (20%) and Ukraine (13%) being amongst the top 10 exporters in 2019. Serbia (3%) and Belarus also exported steel to the EU (2%), though their exports are declining over time.

In addition to the value of exports to the EU, the degree to which countries may be affected by the CBAM depends on the relative importance of the affected sector in the total exports of the country or territory, as well as the socio-economic importance of the sector in the local economy. Amongst the **Eastern Partnership countries**, **Armenia** (steel and aluminium) and **Ukraine** (steel) could be particularly affected by the CBAM, with 35.7% and 21.5% of their respective total trade with the EU coming from sectors that would be covered by CBAM.

For the **Southern Neighbourhood**, export shares to the EU vary significantly across countries and territories. **Jordan** could potentially be negatively affected, with almost 11% of its total exports to the EU in the fertilisers sector. 20% of EU fertiliser imports originate from Algeria and 21% from Egypt. For cement, EU imports from Algeria stand at 6%, Morocco 5% and Tunisia 3% of the EU total.

When it comes to the **Western Balkans**, exports to the EU constitute almost 70% for all of the Western Balkans total trade. In 2019, the EU's main imports from the Western Balkans were machinery and appliances (23.1%), base metals (12.6%), and chemicals (10.1%). Trade in steel and iron declined by 7.6% in 2019 compared to 2018, and constitutes 4.8% of the total value of exports to the EU from the Western Balkans economies6. **Serbia** could be affected, in particular in its steel sector, while **Montenegro** would be the most exposed economy in the region, with almost 60% of its exports (notably aluminium, electricity and steel) to the EU potentially affected.

**Turkey** is not likely to be severely impacted by the application of the CBAM: even if the EU relies on Turkey for a significant part of its steel imports, the steel sector plays a small role in the overall exports of the country (4.7%). Overall, the **countries which would suffer the biggest cumulative impact** if the above-mentioned sectors are included are:



1. Regulation (EU, Euratom) 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 (OJ L 193 of 30.07.2018, p.1). [↑](#footnote-ref-2)
2. See <http://www.wto.org/english/tratop_E/gproc_e/gp_gpa_e.htm> [↑](#footnote-ref-3)
3. Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65). [↑](#footnote-ref-4)
4. Carbon Border Adjustment Mechanism Factsheet: <https://ec.europa.eu/commission/presscorner/detail/en/fs_21_3666> [↑](#footnote-ref-5)
5. COM(2021) 564 final, <https://ec.europa.eu/info/sites/default/files/carbon_border_adjustment_mechanism_0.pdf> [↑](#footnote-ref-6)
6. Albania, Montenegro, North Macedonia, Serbia, Bosnia and Herzegovina, Kosovo\* [↑](#footnote-ref-7)
7. Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Palestine\*\*, Syria, Tunisia, Ukraine

\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo Declaration of Independence.

\*\* This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individuals positions of the Member States on this issue. [↑](#footnote-ref-8)
8. https://ec.europa.eu/info/sites/default/files/carbon\_border\_adjustment\_mechanism\_0.pdf [↑](#footnote-ref-9)
9. [EU Green Deal (carbon border adjustment mechanism) (europa.eu)](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12228-EU-Green-Deal-carbon-border-adjustment-mechanism-/feedback_en?p_id=7587254) <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12228-EU-Green-Deal-carbon-border-adjustment-mechanism-/feedback_en?p_id=7587254> [↑](#footnote-ref-10)
10. Most likely it is the trader hires expertise to produce a technical fiche about the production technology used. This would then need to be appropriately accredited. Important parallels could be the EU taxonomy for sustainable activities, <https://ec.europa.eu/info/business-economy-euro/banking-and-finance/sustainable-finance/eu-taxonomy-sustainable-activities_en> or Clean Development Mechanism (CDM) <https://ec.europa.eu/clima/policies/ets/credits_en>. Only direct emissions will be considered. [↑](#footnote-ref-11)
11. COM(2021) 564 final, <https://ec.europa.eu/info/sites/default/files/carbon_border_adjustment_mechanism_0.pdf> [↑](#footnote-ref-12)
12. See <http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp> [↑](#footnote-ref-13)