

Question 1:

Is the Commission in a position to explicitly state (on the relevant website) that all commercial information and all Chemical Safety Reports will be kept strictly confidential, and the contents will not be revealed to any other party except with the written consent of the submitting party?

Answer:

The European Commission undertakes to protect the commercial interests of applicants by treating all the information contained in the offer as confidential.

In particular, it will not disclose any information where such disclosure would hinder application of the law, be contrary to public interest, harm the legitimate business interests or distort fair competition.

In cases the follow-up of the response to the call for expression of interest would require the recording and further processing of personal data (for example, name, address of natural persons) these data will be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹.

Question 2:

Where a Chemical Safety Report is known to be available within the European Chemicals Agency (ECHA), is it possible for the Commission to obtain a copy directly from ECHA and confirm to the submitting party that this has been done? In our view this would assure the required confidentiality, and ensure that there is no possibility of breach of commercial terms governing the Chemical Safety Reports.

Answer:

The applicant should enter in contact with his supplier in order to have access to the CSR and to ensure that this CSR is adapted to the use of the substance as a fiscal marker by including the exposure assessment for this use and the corresponding risk characterisation.

Question 3:

Could the Commission provide the full legal text of the confidentiality agreements applicable to this invitation?

Answer:

The Commission will include a confidentiality statement in the annex to the call for expression of interest. The corrigendum in this respect will be published as soon as possible.

Question 4:

The call of interest launched on 11th September 2015 requires the submission of analytical methodologies validated to ISO/IEC 17025:2005, a 90 day stability test and documentary

¹ Official Journal L 8, 12.1.2001, p. 1.

evidence for the requirement outlined in point A on page 7 of the Call for Expression of Interest. However, the submission date of 31st December 2015, does not allow sufficient time for confirmation of ISO compliance, completion of the required 90 day stability test and of test to confirm requirement in point A on page 7, where these are still in progress. This may have the effect of excluding relevant advanced technology solutions with a proven operational track record and clear public policy interest. In these circumstances we would like to enquire:

- if it would be acceptable for the initial submission to indicate dates in January/February 2016 when the relevant confirmations will be made available?
or alternatively
- would the Commission consider extension of the submission deadline to 15th February 2016 for this purpose?
or alternatively
- would the Commission accept as valid a tender document wherein the bidder declares the anticipated completion dates and report posting dates of the unfinished sections in these respects?

To meet the requirements as laid out in the EOI document, we require additional testing time in order to provide complete results. The major drivers of the need for extra time are the toxicology and stability testing. We are acquiring the specified fuels and will start the 3 month room temperature stability right away, but the testing will not be completed until mid March. The required toxicological and data will also take us into the new year to complete as part of our REACH registration process. Therefore we respectfully request you to consider granting us an extended submission deadline of 31st March 2016.

Answer:

After careful assessment the Commission services decided to extend the deadline for the submission of applications to 31 March 2016. The corrigendum in this respect will be published as soon as possible.

Question 5

Could the Commission confirm that a submission will be acceptable if made by a legal entity based in Switzerland i.e. within the European Economic Area, or does it have to be made by legal entity of one of the Member States of the EU? This question is asked because the relevant table in Annex 2 of the invitation shows a table referring to the registration number by EU member states only.

Answer:

The submissions from outside the EU will be acceptable.

Question 6

It is written that this B7 gasoil must fulfill EN 14214 and EN 590 standards. But EN 14214 is not a standard for gas oils, it is a standard for the FAME used in gas oils. I cannot test a B7 gas oil for EN 14214 standard.

So I will prove that my B7 gas oil fulfills EN 590, but should I prove that the FAME used in my B7 gas oil fulfills EN 14214 ? Or maybe a statement from my provider is enough?

Answer:

The biodiesel part in B7 (i.e. 7 %) must fulfil EN14214 *before* it is mixed with the regular diesel (gas oil). This is what has to be demonstrated by the supplier of the fuel. Afterwards the B7 mixture has to be in line with EN590.
