



EUROPEAN COMMISSION

DIRECTORATE-GENERAL
TAXATION AND CUSTOMS UNION
Customs Policy, Legislation, Tariff

Combined Nomenclature, tariff classification and integration of trade measures

Open invitation to tender n° TAXUD/2015/AO-04

For the provision of scientific, technical and secretarial assistance in the field of scientific customs – coordination of European Customs Laboratories

Tendering Specifications

PART 1 – TENDER DESCRIPTION

1. BACKGROUND AND OBJECTIVES OF THIS CALL FOR TENDERS

Customs is the interface between the European Union (EU) and the rest of the world. It has a central place in the implementation of EU and national laws concerning the movement of goods, in the protection of the EU economy, environment, health and society, as well as in the collection of the appropriate taxes and duties.

Nevertheless, these tasks are rendered difficult by a number of factors:

- abundance and complexity of laws,
- limited available resources of administrations and economic operators,
- high complexity of customs classification,
- especially for chemicals, taken in a broad sense, huge number and complexity of these products, many possibilities to name them, translation into all EU languages, scattered information, often dangerous products,
- especially for food products, taken in a broad sense, complexity of their composition, higher rates of customs duties and other taxes.

These difficulties have led to the creation of scientific customs facilities over the years, and in particular to:

- numerous customs laboratories in the Member States, co-ordinated by the Customs Laboratories European Network (CLEN), and
- the European Customs Inventory of Chemical Substances (ECICS), a database which is currently maintained by the European Commission Directorate-General for Taxation and Customs Union (DG TAXUD).

As customs laboratories are usually “customs and excise” or “finance” laboratories, this call for tender covers also some activities partially or totally related to excise and other taxes and duties.

2. INTRODUCTION

This call for tenders covers scientific, technical and secretarial assistance for a maximum period of 4 years, in the field of scientific customs, as well as related work in the framework of the Customs Code Committee – tariff and statistical nomenclature section, relative to the **Coordination of European Customs Laboratories**

The cornerstone of the customs declaration, and consequently of the correct implementation of EU customs legislations, trade agreements and other legislation on e.g. health, environment and security which must be applied by customs, is the Harmonised Commodity Description and Coding System (HS) nomenclature and its explanatory notes. The HS is managed by the World Customs Organization (WCO). Almost all trade in the world is based on this nomenclature. Other EU legislations on e.g. excise, energy taxation and antidumping are also based on the same nomenclature.

The EU uses the HS in a more detailed nomenclature, the Combined Nomenclature (CN), which is updated every year. It has last been amended by the [Commission Regulation \(EU\) No 1101/2014 of 16 October 2014 amending Annex I to Council Regulation \(EEC\) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff, published in the Official Journal of the European Union, L 312 of 31 October 2014](#). The CN has also its own explanatory notes.

[Council Regulation \(EEC\) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff \(Official Journal, L 256 of 7 September 1987\)](#) states in Article 12(3): “In order to ensure the uniform application of the Common Customs Tariff and the [TARIC](#), the Commission shall promote coordination and harmonisation of practices in Member States' customs laboratories, using, wherever possible, computerised means.”

Since 1998, under the auspices of the Customs 2002, 2007, 2013 and currently 2020 Programmes, a collaborative programme has involved the Commission and the Member States customs administrations in various actions and projects aimed at a better coordination of the tasks and the work of the European customs laboratories. Currently 87 laboratories are operating, representing some 2 100 people.

The “[Customs Laboratories European Network \(CLEN\)](#)” was created in 1999 to coordinate the activities. Its main achievements are a more widespread knowledge of the customs laboratories and their mutual recognition, a continuous evaluation of their performances, the exchange of scientific expertise among them, databases on analytical methods and tariff classification of chemicals, common and uniform work methods for the sampling and the analysis. The CLEN contributes to the overall functioning of the European Customs Laboratories as a network.

[The activities carried out cover six main action areas:](#)

- Action 1: ILIADe database (Inter Laboratory Inventory of Analytical Determination),
- Action 2: Inter-comparisons and method validations,
- Action 3: Networking on quality,
- Action 4: Communication and strategy,
- Action 5: Scientific expertise,
- Action 6: European Customs Inventory of Chemical Substances (ECICS).

The CLEN pursues the effort towards a network of customs laboratories, common work methods and harmonised procedures for a uniform application of customs and other duties and taxes; promotes a better use of the human and technical resources with exchange of expertise; and accompanies the evolution of customs laboratories in domains such as safeguard of citizens, health and environmental protection, fight against counterfeiting and fraud and fight against terrorism.

3. SPECIFICATIONS

The objective of the work is to assist the Commission in fulfilling the requirements of Community policy in the context of the European Customs Laboratories through the provision of technical, logistical and clerical assistance.

The knowledge and experience of the customs laboratories have to be managed and shared, especially by the planning and organising of various meetings, workshops, seminars and surveys.

Study and development of analytical methods and laboratories inter-comparisons have to be organised and analysed, mainly in the food and chemical sectors, to improve the analytical determinations or assess the quality of customs laboratories.

Related reports and supporting documents have to be produced on these activities.

The European Customs Laboratories and the CLEN have to be promoted in general.

Several secretarial tasks have to be performed.

The services will cover the following tasks:

Task 1: Coordination of the Customs Laboratories European Network (CLEN):

The aim of this task is to assist the Commission with the overall coordination of the CLEN by:

- Drafting of working documents, annual activity reports and work plan and minutes of meetings.
- Liaising with other Commission services or Organisations that deal with analytical methods and scientific expertise.
- General organisational and secretarial support to the Commission.
- Secretarial support for the organisation of the annual plenary meeting, coordination meetings with the Commission and/or Action Leaders (the Commission is supported in its coordination by volunteer experts from the Member States customs laboratories) and other meetings, including arranging the logistic, circulating working documents and minutes of the meetings.

Task 2: Assistance for the coordination of the CLEN Action 1: ILIADe (Inter Laboratory Inventory of Analytical Determination) database

The assistance will aim at improving the effectiveness of the customs laboratories by providing them with an easily accessible and up-to-date compilation of the analytical methods they are required to use for the application of the Community policies.

The task involves:

- Drafting of working documents and minutes of meetings.
- Assistance in the compilation of methods, buying of standards.
- General organisational and secretarial support to the Commission and the Action Leader.
- Secretarial support for the organisation of the annual meeting and other meetings, including arranging the logistic, circulating working documents and minutes of the meetings.

Task 3: Assistance for the coordination of the CLEN Action 2: Inter-comparisons and method validations

The task will be to assist the coordinator of the working groups in the scientific and technical work required to achieve its objectives including the complete logistical organisation of collaborative studies and ring tests. The number of collaborative studies and ring tests can be estimated at about five per year (for example, two big tests with 4 samples and 15 parameters, two medium tests with 6 samples and 6 parameters, and one small test with 2 samples and 2 parameters). The samples analysed are various and can cover almost all traded goods, e.g. biscuits, food supplements, fruit juices, sugars, nuts, tobacco, alcoholic beverages, de-icing fluids, narcotics, fuels, tar, plastics, textiles, shoes, ceramics, metals.

An authorisation to handle and send samples of dangerous substances like fuels is required. Accreditation according to standard ISO/IEC 17043 is required.

The task includes:

- Complete organisation of laboratories inter-comparisons and ring tests including study planning, study protocol, buying or production of samples, verification of homogeneity, preparation and expedition of the samples to the participants and statistical analysis of the analytical results sent back by the participants.
- Discussion of the results with the Action Leader and the participants and drafting of the reports.
- Drafting of working documents and minutes of meetings.

- General organisational and secretarial support to the Commission and the Action Leader.
- Secretarial support for the organisation of the preparatory and discussion meetings and other meetings, including arranging the logistic, circulating working documents and minutes of the meetings.

Task 4: Assistance for the coordination of the CLEN Action 3: Networking on quality

The objectives of Action 3 are to develop a common policy as regards quality systems and accreditation in order to encourage cooperation and mutual recognition between customs laboratories, to provide a framework for the joint use of specialised equipment and to promote best practices in the whole chain of analysis, from the sampling to the expression of results.

The task includes:

- Drafting of working documents and minutes of meetings.
- Update of the survey on European Customs Laboratories.
- General organisational and secretarial support to the Commission and the Action Leader.
- Secretarial support for the organisation of working groups and other meetings, including arranging the logistics, circulating working documents and minutes of the meetings.

Task 5: Assistance for the coordination of the CLEN Action 4: Communication and strategy

Action 4 is a multiple action of the CLEN devoted to scientific exchanges between the customs laboratories and other institutional partners and third country laboratories, as well as with other customs departments, international organisations, economic operators and the public.

The task includes:

- Drafting of working documents and minutes of meetings, preparation of proceedings.
- Assistance in the administration and update of the CLEN electronic community.
- Promotion of the CLEN to all interested stakeholders, proposals for actions aimed at stimulating information dissemination related to customs laboratories.
- Update of the [CLEN brochure](#).
- Enrichment of the CLEN photo library containing the pictures used in CLEN publications and reports.
- Preparation of PowerPoint presentations for meetings or events.

- General organisational and secretarial support to the Commission and the Action Leader.
- Secretarial support for the organisation of seminars, workshops and other meetings, including arranging the logistic, circulating working documents and minutes of the meetings.

Task 6: Assistance for the coordination of the CLEN Action 5: Scientific expertise

Action 5 investigates new scientific possibilities, searches solutions to current analytical difficulties and analyses emerging frauds and threats, with the aim to have the customs laboratories scientific expertise contributing to the objectives of European customs.

The task includes:

- Drafting of working documents and minutes of meetings, preparation of proceedings.
- Preparation of training sessions.
- Scientific monitoring of subjects of interest for the customs laboratories, study of scientific literature, visit of congresses and exhibitions.
- General organisational and secretarial support to the Commission and the Action Leader.
- Secretarial support for the organisation of working groups, workshops and other meetings, including arranging the logistics, circulating working documents and minutes of the meetings.

Task 7: Assistance for the coordination of the CLEN Action 6: European Customs Inventory of Chemical Substances

Action 6 manages the update, the enrichment and the development of the European Customs Inventory of Chemical Substances.

The task includes:

- Drafting of working documents and minutes of meetings.
- General organisational and secretarial support to the Commission and the Action Leader.
- Secretarial support for the organisation of working groups, workshops and other meetings, including arranging the logistics, circulating working documents and minutes of the meetings.

3.1. Scope and duration of the tasks

The duration of the framework contract shall be of a maximum period of 4 years from its date of signature. The framework contract shall have an initial duration of 2 years. It may be renewed only with the express written agreement of the parties before the framework contract ends. Only two renewals for a period of 1 year each shall be possible. Each specific contract made under each framework contract shall have its own specific duration.

3.2. Reports and meetings

A number of reports will be prepared, under the different specific contracts, to enable the Commission to monitor progress. These include the following:

- An initial report to be presented within one week from the beginning of each contract period, including a proposed work plan for all activities and an indicative implementation time table for approval and adoption by the Commission.
- A detailed record of each coordination meeting to be submitted to the Commission within one week of the meeting itself.
- A detailed record of each meeting/workshop/seminar to be submitted to the Commission within two weeks of their occurrence for meeting/workshop/seminar with a duration of one day and within three weeks for meetings/workshops/seminars with the duration of two or more days.
- A short monthly activity report presented within one week of the reference period, commenting on the following aspects:
 - the state of play in relation to the work plan,
 - the tasks carried out during the reference period,
 - the activities planned in the short and medium term.
- An annual activity report to be drawn up at the end of each specific contract, presented within one month of the end of the reference period, with the following:
 - the state of play in relation to the work plan,
 - the tasks carried out during the reference period,
 - the future activities planned in the short and medium term,
 - recommendations for improving working methods,
 - technical files and reports from the various actions to be annexed to the report.
- A final report presented as follows:
 - in draft form within two months of the date on which the contract provides for completion of the work,
 - in definitive format taking into account the Commission comments within one month of receipt of those comments.

All documents and summaries will be drafted in English and produced according to the rules laid down by the Commission concerning both the presentation and deadlines for submission.

Strict confidentiality will be observed in the treatment of all documents, reports and information relating to the contract. A confidentiality undertaking will be requested by the Commission.

The Commission will be granted access to all the data which was used.

The working language used in the meetings will be English.

Regular monitoring and coordination meetings will be organised in Commission premises, in the customs laboratories of the Member States or in other places indicated by the Commission.

Estimation of all meetings:

Task	Estimated Number of participants	Frequency	Duration of each meeting
Coordination of European Customs Laboratories			
Plenary meeting (Task 1)	45	1/year	1 day
Action 1 (Task 2)	15	1/year	1-3 days
Action 2 (Task 3)	15 to 35	8/year	1 day
Action 3 (Task 4)	10 to 40	2/year	2 days
Action 4 (Task 5)	30 to 100	2/year	1-3 days
Action 4 Seminars (Task 5)	200 to 300	in 2016 and 2019	3 days
Action 5 (Task 6)	30 to 100	4/year	1-3 days
Action 6 (Task 7)	30 to 100	1/year	1-3 days
Coordination meetings with the Commission (Task 1)	4	10/year	1 day

3.3. Validation of work

The Commission monitors the actions. The Customs Laboratories European Network and the Customs Code Committee, tariff and statistical nomenclature section, are involved in the definition of the work, are kept informed about the progress of the actions and are invited to give comments until the finalisation.

The Commission validates the work carried out by the contractor.

3.4 Publication of the scientific reports

The scientific report shall include:

- an abstract of no more than 200 words and an executive summary of maximum 6 pages, in English and French;
- the following standard 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.”

- specific identifiers which shall be incorporated on the cover page provided by the Contracting Authority.

3.4.1 Publishable executive summary

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

- the following standard 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.”

- specific identifiers which shall be incorporated on the cover page provided by the Contracting Authority.

3.4.2 Graphic requirements

A simple Word template will be provided to the winner of the contract. The cover page must be filled in by the contractor in accordance with the instructions provided in the template.

The use of templates for studies is exclusive to European Commission's contractors. No template for studies is provided to tenderers while preparing their tenders.

4. ASSESSMENT OF THE OFFERS

4.1 ADMINISTRATIVE INFORMATION

For details on conditions and information on documents and administrative information that need to be submitted for each of the companies participating in the offer, please see Annex 1: Questionnaire.

4.2 EXCLUSION CRITERIA

The Commission reserves its right to exclude offers which do not meet the exclusion criteria as described in section 9.1 of Annex 4: Guidebook for Tenderers and established in section 2 of Annex 1: Questionnaire. This Annex 1 also details the information to provide with respect to the exclusion criteria.

4.3 SELECTION CRITERIA

Tenderers will be selected for the quality assessment only if they can prove that they have (1) sufficient economic and financial capacity, and (2) sufficient technical and professional capacity.

The selection process is described further in section 9.2 of Annex 4: Guidebook for Tenderers. Sections 3 and 4 of Annex 1 – Questionnaire establish the criteria to be met and outline what type of information tenderers have to provide.

4.4 AWARD CRITERIA

4.4.1 Technical evaluation

Please refer to Annex 4 – Guidebook for Tenderers, section 9.3.1 and Annex 1 – Questionnaire, section 5.

The technical evaluation will be carried out by establishing an overall technical score for the technical proposal that takes into account the individual scores for the award criteria listed in section 5 of the Questionnaire.

The quality of the offers will be evaluated by the degree to which they fulfil the requirements as specified under sections 3 of these Tendering Specifications. The importance given to each award criterion is stated in weight (percentage) and points.

The maximum overall score, as laid down in the Questionnaire, is 100 points.

Selected companies will have to score at least 50% for each award criterion.

Offers for which the technical quality assessment score is less than 60 points or offers for which less than half the points are scored on an individual criterion will not be considered for the price assessment and for the award of the contract.

The offer found to be of the best quality will receive a normalised quality indicator of 100 points. The remaining offers will receive lower normalised quality indicators in proportion to their quality.

The technical offer must cover all aspects and tasks required by the Tendering Specifications and provide all the information needed to comply with the award criteria.

Offers deviating from the requirements or not covering all requirements may be excluded on the basis of non-conformity with the tendering specifications and will therefore not be evaluated.

4.4.2 Financial evaluation

Please refer to Annex 4 – Guidebook for Tenderers, sections 9.3.2 and 6.3.6.

The financial evaluation will be performed on the basis of the prices stated in the Annex 3 which constitutes the financial offer.

Your attention is drawn to the fact that these figures do not constitute any formal obligation for the Commission to procure any amount of services.

Prices must be inclusive of all additional costs. The price per man-day is unique per category of experts and includes all types of overheads, including travel and subsistence costs. Please be aware of Article 151 of the Rules of Application of the Financial Regulation on abnormally low price offers.

Any assumption, hypothesis or condition in the formulation of the financial offer shall cause rejection of the whole offer.

The offer found to be the cheapest will receive a normalised price indicator of 100 points. The remaining offers will receive lower normalised price indicators in proportion to their prices.

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 cannot be revised in line with exchange rate movements. It is for the tenderer to assume the risks or the benefits deriving from any variation.

4.4.3 Award

Please refer to Annex 4 – Guidebook for Tenderers, section 9.4.

The offer presenting the best value for money will be identified in the following way: a weighting factor of 70% will be applied to the normalised quality indicator and a weighting factor of 30% will be applied to the normalised price indicator.

The highest result will indicate the offer presenting the best value for money:

$(\text{Normalised quality} \times 70\%) + (\text{Normalised Price} \times 30\%) = \text{Normalised result}$

4. ANNEXES

Annex 1	Questionnaire
Annex 2	<i>not applicable</i>
Annex 3	Price table
Annex 4	Guidebook for tenderers
Annex 5	Declaration of honour on exclusion criteria and absence of conflict of interest
Annex 6	Legal entity form
Annex 7	Financial identification form
Annex 8	Power of attorney
Annex 9	Model framework contract