

Details of the legal effect of the RfP

1. Exclusion and selection criteria

In accordance with Article 17(2)(b) of Commission Decision 2023/1602 the exclusion criteria set out in Articles 135 and 142 of the Financial Regulation apply.

Solely members of the Primary Dealers Network of the European Union to whom the Request for Proposal is sent in accordance with Article 13(2) of Commission Decision 2023/ 1602 may be selected under this Request for Proposal.

2. Legal effects of the Request for Proposal

This Request for Proposal is in no way binding on the European Commission. The European Commission's contractual obligation commences only when the mandate letter with the successful primary dealers is accepted by both parties.

Up to the signature of the mandate letter and acceptance thereof the European Commission may cancel the RfP process without invited primary dealers being entitled to claim any compensation. Any such decision must be substantiated and invited primary dealers notified.

The proposal may not be modified after submission.

Submission of a proposal implies acceptance of all the terms and conditions set out in this Request for Proposal and, where appropriate, waiver of the invited primary dealer's own general or specific terms and conditions. The submitted proposal is binding on the invited primary dealer to whom the contract is awarded for the duration of the contract.

3. Contacts during the procedure

The European Commission may negotiate with invited primary dealers the proposals they have submitted, in order to adapt them to this Request for Proposal and in order to find the most economically advantageous proposal. The minimum requirements and the criteria defined in this Request for Proposal are not subject to negotiation. During negotiations equal treatment of all invited primary dealers will be ensured. The European Commission reserves the right not to negotiate and to award the contract on the basis of the proposals initially received.

Except in duly justified cases, invited primary dealers who have failed to submit evidence or to make statements as required in the procurement documents, shall be contacted by the European Commission to provide the missing information or clarify supporting documents.

The European Commission may correct obvious clerical errors in the proposal after confirmation of the correction by the invited primary dealer.

Such information, clarification or confirmation shall not substantially change the proposal.

4. Information about the award

Invited primary dealers will be notified of the outcome of this procedure by e-mail. The notification will be sent to the e-mail address provided by the invited primary dealer. It is the invited primary dealer's responsibility to provide a valid e-mail address and to check it regularly.

5. Data protection.

If processing a reply to the Request for Proposal involves the recording and processing of personal data (such as 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, any personal data will be processed solely for evaluation purposes under the Request for Proposal by the European Commission acting as data controller. Details concerning the processing of personal data are available in the privacy statement at:

https://ec.europa.eu/info/data-protection-public-procurement-procedures_en

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, you can contact the data controller at [functional mailbox] by explicitly specifying your request.

The invited primary dealer's personal data may be registered in the Early Detection and Exclusion System (EDES) if the invited primary dealer is in one of the situations mentioned in Article 136 of the Financial Regulation. For more information, see the privacy statement: http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm.

6. Means of redress.

Invited primary dealers may submit any observations concerning the selection process to the European Commission using the contact details referred to in point 4. If invited primary dealers believe that there is maladministration, they may lodge a complaint to the European Ombudsman within two years of the date from which they become aware of the facts which form the basis for the complaint (see <https://www.ombudsman.europa.eu>).

Within two months of notification of the outcome of the procedure (award decision), invited primary dealers may launch an action for its annulment. Any request invited primary dealers may make and any reply from the European Commission, or any complaint for maladministration, will have neither the purpose nor the effect of suspending the time-limit for launching an action for annulment nor open a new period for launching an action for annulment. The body responsible for hearing annulment procedures is the Court of Justice of the European Union.