## Assessment EBA - Offer by Poland - Warsaw

Criterion/specific issue	Information provided in the offer	Commission assessment
1) The assurance that the agency can be set up on site and take up its functions at the date of the United Kingdom's withdrawal from the Union This criterion concerns in particular the availability of appropriate office premises in time for the Agency to be able to take up its functions at the new location at the withdrawal date. This should include the necessary logistics and sufficient space for offices, meeting rooms and off-site archiving, high-performing telecommunication and data storage networks as well as appropriate physical and IT security standards.		
1.1 Necessary logistics and sufficient space (a total of 4,150 m <sup>2</sup> ) for	"If based in Warsaw, the Agency will be located in The Kaskada office building situated in one of the most prestigious areas of the Polish capital Warsaw's most central area (12 Jana Pawła II St., Warsaw). [] Rentable area: 4,150 m <sup>2</sup> ." (p. 2)	The offer indicates the <i>Kaskada</i> building, covering 4,150 m <sup>2</sup> .
m <sup>2</sup> of offices space	"Office interiors can be managed and arranged with a high degree of freedom, making it easy to adapt the rental space to the requirements of the Agency in order to provide an adequate number of staff office rooms (or open space, if preferable), meeting rooms, space for storage and other service premises as well as reception and lobby ." (p. 2)	The offer indicates the availability of sufficient space for offices, without providing specific information on the available capacity or number of m <sup>2</sup> .
	See 1.1.1	The offer indicates the availability of open space.
1.1.2 a total of 24 meeting rooms (841 m <sup>2</sup> overall), including	See 1.1.1 "An additional asset is the spacious conference room (104 sqm) located on the top floor of Kaskada ." (p. 2)	The offer indicates the availability of sufficient meeting rooms, without providing specific information on the available capacity or number of m <sup>2</sup> , except for a conference room of 104 m <sup>2</sup> .
1.1.2.1 3 large meeting rooms (up to 68 persons)		The offer does not provide information on the number of available large meeting rooms.
1.1.2.2 17 medium meeting rooms (up to 28 persons)		The offer does not provide information on the number of available medium meeting rooms.
1.1.2.3 4 small meeting rooms (for 2 persons)		The offer does not provide information on the number of available small meeting rooms.

<ul> <li>1.1.3 storage, print room and other service premises (774 m<sup>2</sup>)</li> <li>1.1.4 reception and lobby (190 m<sup>2</sup>)</li> </ul>	See 1.1.1	The offer indicates the availability of sufficient storage and other utility rooms, without providing specific information on the available number of m <sup>2</sup> . The offer indicates the availability of a reception and a lobby, without providing specific information on the available number of m <sup>2</sup> .
1.2 high-performing telecommunication networks	"High-performing telecommunications and data storage networks as well as appropriate physical and IT security standards would also be provided in the building ." (p. 2)	The offer indicates the availability of high- performing telecommunications.
1.3 high-performing data storage networks	See 1.1.5	The offer indicates the availability of high- performing data storage networks.
1.3.1including two externally hosted data centres, with all infrastructure components (servers, network, storage, etc.) and equipment owned and managed by the external provider		The offer indicates the availability of data centres by external providers, without providing specific information on equipment (ownership and management).
1.4 Appropriate physical security standards	See 1.1.5	The offer indicates the availability of appropriate physical security standards .
1.5 Appropriate IT security standards	See 1.1.5	The offer indicates the availability of appropriate IT security standards .
1.6 Availability at the date of the United Kingdom's withdrawal from the Union		The offer indicates that the proposed building would be available from December 2018.
1.7 Other	"Warsaw's real estate market is so vibrant and developed that it offers an array of similar properties that satisfy the relocation criteria. If needed, Poland is equipped to provide alternative locations that conform to the same standards ." (p. 2)	

GENERAL ASSESSMENT OF CRITERION 1		The offer indicates the <i>Kaskada</i> building, with a total office area of 4,150 m <sup>2</sup> . The offer indicates that the building fulfils EBA requirements covering space for offices, meeting rooms, storage and other utility rooms, reception and lobby as well as the availability of high- performing telecommunications and data storage networks and appropriate physical and IT security standards (without providing specific information on the available surface for the different parts). According to the offer, the building would be available from December 2018.
<b>2) The accessibility of the location</b> This criterion concerns the availability, frequency and duration of flight connections from the capitals of all EU Member States to the airports close to the location, the availability, frequency and duration of public transportation connections from these airports to the location, as well as the quality and quantity of accommodation facilities. In particular, the criterion implies the capacity to allow for the continuation of the volume and intensity of current meeting activities of the Agency.	"Warsaw offers 2 international airports with over 180 flight destinations to 65 countries around the world. The city's two airports handle around 16 m passengers a year ". Airport 1): Warsaw Chopin Airport Airport 2): Warsaw Modlin Airport (p. 3)	
2.1 Flight connections from the capitals of all EU Member States to the airports close to the location 2.1.1 Availability	The offer indicates that "Warsaw is well-connected with all EU capitals and major cities, to name a few: [] " (p. 3) and then provides the flight times to 11 EU capitals. (p. 3-4)	The offer indicates the availability of flight connections to all EU capital and provides specific information on flights to 11 EU
2.1.2 Frequency		capitals. The offer does not indicate the frequency of flight connections to EU capitals.

2.1.3 Duration	"Flight time: - London 2h 25m - Berlin 1h 15m - Paris 2h 25m - Rome 2h 20m - Vienna 1h 15 m - Dublin 2h 55m - Frankfurt 1h 40m - Prague 1h 10m - Budapest 1h 10m - Bucharest 1h 40m - Athens 2h 30m - Brussels 2h 05m - Luxembourg 2h 00m " (p. 3-4)	The offer indicates the duration of flight connections to 11 EU capitals, ranging from 1h10min (Prague or Budapest) to 2h55min (Dublin).
2.2 Public transportation connections from these airports to the location	"Chopin Airport, the main airport, is located about 10 kilometers from the city centre. Chopin Airport is served by five public bus routes, all of them with stops at Warsaw's key transport roads and biggest hotels. There are two routes connecting the airport with the city centre, and they run daily between c. 4.30 am – 11.00 pm. There is also one night route running daily between 11.15 pm – 04.49 am. Transfer to the location takes approx. 45 minutes. Buses travel on that line almost 120/60 times a day. Chopin Airport is also linked to the city centre by a railway service operating from 6.00 am to 11.00 pm 3 times per hour. The transfer to the location takes approx. 40 minutes. Trains operate on that line almost 54 times a day." (p. 3) "Warsaw Modlin Airport is located around 35 kilometers north-west of the city centre. There is a carrier (ModlinBus) that offers direct bus connections from Warsaw Modlin Airport (WMI) to Warsaw city centre (Plac Defilad, opposite the entrance to the Palace of Culture and Science) - the transfer takes 40 minutes. Buses travel on that line almost 50 times a day both ways, and the timetable is adapted to departure and arrival schedule. There is also a train running every hour from the city centre (the journey takes approx. 1 h)." (p. 3)	
2.2.1 Availability	The Kaskada building is located in Warsaw city centre. (p. 2)	The offer provides detailed information on the availability of public transportation (busses and trains) connecting both airports with Warsaw city centre, where the proposed premises are located.

2.2.2 Frequency	See. 2.2	The offer indicates the frequency of public transportation connecting Chopin Airport and the city centre at between 3 times/hour by train to 120/60 times a day by bus. The frequency of public transportation connecting Warsaw Modlin Airport and the city centre is every 1 hour by train and 50 times a day by bus.
2.2.3 Duration	See. 2.2	The offer indicates a duration of public transportation connecting Chopin Airport and the city centre of 40 minutes by train and 45 minutes by bus and a duration of public transportation connecting Warsaw Modlin Airport and the city centre of 40 minutes by bus and 1 hour by train.
2.3 Accommodation facilities	<ul> <li>"Infrastructure for visitors</li> <li>80 hotels</li> <li>24 000 hotel beds</li> <li>13 000 hotel rooms</li> <li>11 five-star hotels, 17 four-star hotels</li> <li>Warsaw has the advantage of having a high number of four- and five-star hotels. The majority represents international hotel chains such as Accor, Best Western, Carlson Rezidor, Hilton, InterContinental, Marriott and Starwood, as well as others from Polish hotel groups. Most of the hotels are located in the city centre and many of them are within walking distance of the proposed EBA site. " (p. 4)</li> </ul>	
2.3.1 Quality	See 2.3	The offer indicates the availability of hotels of different quality.
2.3.2 Quantity (almost 9,000 hotel nights/year)	See 2.3	The offer indicates the availability of 13,000 hotel rooms.
2.4 Other		

GENERAL ASSESSMENT OF CRITERION 2	The offer indicates the availability of flight connections between Warsaw and all EU capitals, providing specific information on the duration of flights to 11 EU capitals, with a maximum duration of 2h55min. per connection. The offer indicates the availability of public transportation between two Warsaw airports and Warsaw city centre, where the proposed premises are located, with a duration ranging from 40 min. to 1 hour and a frequency ranging from every 1 hour to 120/60 times a day, depending on the airport and the type of public transportation. The offer indicates the availability of 13,000 hotel rooms of different quality.
<b>3) The existence of adequate education facilities for the children of agency staff</b> This criterion concerns the availability of multi- lingual, European-oriented schooling that can meet the needs for education facilities for the children of the current staff as well as the capacity to meet also the future education needs.	
3.1 Availability of multi-lingual, European-oriented schooling that can meet the needs for education facilities for the children of the current staff as well as the future education needs. As of 2016, EBA's 189 members have 130 children, of which	
3.1.139 attend nursery schools	The offer does not provide information as regards the existence of nursery schools.

	"Warsaw offers a wide range of multilingual, European-oriented schooling facilities ranging from pre-school through primary and secondary education. There is a wide selection of schools offering teaching in foreign languages (e.g. English, French, German and others). A European school or an accredited European school will soon be established in order to provide education for the children of the staff of EU institutions based in Warsaw (in accordance with the provisions of the Frontex Headquarters agreement). The launch of the accreditation procedure is preliminarily scheduled for September 2017. Moreover, Warsaw-based universities offer a vast variety of study programs in English ." (p. 5) "The City of Warsaw offers a wide range of primary and secondary bilingual schools and can help incoming employees find appropriate educational facilities for their children. There are currently 2048 places in 44 public primary schools offering English, French, German or Spanish classes ." (p. 5)	The offer indicates the availability of 2048 places in 44 public primary schools with teaching in English, French, German and Spanish, without providing specific information on the availability of places in the different European languages. The offer provides general information on the existence of secondary schools with teaching in English, French, German and other languages, without providing specific information on the availability of places. The offer also indicates the intention of Poland to launch the procedure to establish an accredited European school to provide education for the children of the staff of EU institutions based in Warsaw.
	"Moreover, Warsaw-based universities offer a vast variety of study programs in English ." (p. 5) "Warsaw is a leading Polish academic center with the best and largest Polish universities. There are 61 private and 15 public universities in Warsaw, with approximately 240 000 students and 57 000 graduates. [] Warsaw public universities also occupy top places in recognized national rankings. [] Warsaw has a long list of recognized non- public graduate schools, which specialize in economics and IT []. The potential of Warsaw universities also lies in its modern R&D infrastructure and innovation centers. [] Within the framework of the consortium of leading universities and research institutes in Warsaw, the most cutting-edge institute – the Centre for Advanced Materials and Technology in Central and Eastern Europe - was constructed. This state-of-the-art research centre for materials and technologies of the future is open to cooperation with research teams from Poland and abroad ." (p. 6)	The offer indicates the availability of study programmes in English at university level, without providing specific information on the number of available places.
3.2 Other		

GENERAL ASSESSMENT OF CRITERION 3	The offer indicates the availability of 2,048 places in 44 public primary schools with teaching in English, French, German and Spanish, without providing specific information on the availability of places in the different European languages. The offer provides general information on the existence of secondary schools with teaching in English, French, German and other languages, without providing specific information on the availability of places. The offer also indicates the intention of Poland to launch the procedure to establish an accredited European school to provide education for
	the children of the staff of EU institutions based in Warsaw. The offer provides general information about the existence of Warsaw-based universities offering a vast variety of study programs in English. The offer does not provide information as regards the existence of nursery schools.
4) Appropriate access to the labour market, social security and medical care for both children and spouses This criterion concerns the capacity to meet the needs of the children and spouses of the current as well as of future staff for social security and medical care as well as the availability to offer job opportunities for these.	
4.1 Capacity to meet the needs of the children and spouses (ca. 50% of EBA's 189 members of staff are married) of the current as well as of future staff for:	

4.1.1social security	"The staff of the Agency would be exempt from any compulsory contribution to the national social security system. As a result, they wouldn't be covered by the national social security regulations unless they voluntarily join the national security system. The same provisions would apply to family members unless they are employed in Poland by an employer other than the Agency or receive social security benefits from Poland. Poland recognises the Joint Sickness Insurance Scheme of the European Union ." (p. 7-8)	The offer indicates access to social security for children and spouses of EBA staff.
4.1.2 medical care	"There are more than 1200 medical facilities in Warsaw, including 67 hospitals. Warsaw also offers walk-in centres as well as overnight and holiday healthcare facilities. Access to those facilities is not limited and the medical staff speaks English. Many of them have graduated from English Divisions of Polish medical universities, which has equipped them with fluent communication skills in English." (p. 8) The offer also lists 4 English speaking private medical centers in Warsaw. (p. 8)	The offer indicates medical facilities in Warsaw and the availability of English speaking medical staff.
4.2 Job opportunities for children and spouses of current and future staff	"An expanding powerhouse of social mobility and innovation, Poland offers an open and stable job market that could easily meet the needs of the children and spouses of the Agency's staff. Foreign nationals are mostly employed in the Business Services Sector (BSS), the headquarters of multinational corporations, consulting companies or international law firms. BSS employs over 200 000 employees in Poland (40 000 in Warsaw), 15% of whom are foreigners ." (p. 6) "Over 2700 international companies operated from Warsaw in 2016. The city is home to the largest number of Business Services Centers in Poland (155, incl. 126 foreign centers) with over 35 000 employees. The centers operate worldwide, which makes the knowledge of foreign languages EBA's staff and families are likely to bring to the job market a highly desirable asset." (p. 6) "37 languages are used at business services centers in Poland. 86% of them employ foreigners ." (p. 7)	The offer indicates information on job opportunities in Warsaw for foreign nationals, including number of posts in existing companies.
4.3 Other	<ul> <li>"The City of Warsaw Labour Office's support in finding employees:</li> <li>refund of equipment for the new workplace costs</li> <li>trainings for new employees recruited via Labour Office</li> <li>use of platforms for employers with job advertisements</li> <li>use of bulletin boards located in city council offices to advertise investor's offers</li> <li>grant for the employment of people over 50 years old</li> <li>month internship/stage " (p. 7)</li> </ul>	The offer indicates the existence of a Labour Office, providing services in finding employment.
GENERAL ASSESSMENT OF CRITERION 4		The offer indicates access to social security for children and spouses of EBA staff, medical facilities in Warsaw and the availability of English-speaking medical staff. The offer indicates information on job opportunities in Warsaw for foreign nationals, including number of posts in existing companies, as well as the existence of a Labour Office, providing services in finding employment.

5) Business continuity		
<b>5)</b> Business continuity This criterion is relevant given the critical nature of the services provided by the Agencies and the need therefore to ensure continued functionality at the existing high level. The criterion relates to the timeframe required to fulfil the four criteria above. It concerns amongst other things the ability to allow the Agencies to maintain and attract highly qualified staff from the relevant sectors, notably in case not all current staff should choose to relocate. Furthermore, it concerns the capacity to ensure a smooth transition to the new locations and hence to guarantee the business continuity of the Agencies which should remain operational during		
the transition.		
5.1 Timeframe required to fulfil the four criteria above	"In light of the fact that criteria 1-4 are already met, a smooth transition to the new location will be ensured and business continuity guaranteed. In particular, the office premises will be available in time for the Agency to be able to take up its functions at the new location at the withdrawal date. This shall be confirmed in a headquarters agreement with the Agency ." (p. 8) "The attractive premises of the proposed office will be available from December 2018, in time for the Agency to take up its functions at the withdrawal date ." (p. 2) "The relocation timetable will be confirmed in a headquarters agreement concluded with the Agency ." (p. 2)	The offer indicates that criteria 1-4 are already met and that the office premises would be available from December 2018. The offer indicates that a relocation timetable will be confirmed in a headquarters agreement concluded with the Agency.
5.2 Ability to allow EBA to maintain and attract highly qualified staff from the relevant sectors		The offer does not provide information on the ability of EBA to maintain and attract highly qualified staff from the relevant
		sectors.
5.3 Smooth transition to the new locations - EBA can remain operational during the transition	"Poland will establish a relocation support team responsible for all practical issues pertaining to EBA relocation activities and responsible for helping EBA employees settle in a new place." (p. 11)	The offer provides indicates Poland's intention to establish a support team responsible for relocation activities, without providing specific information on how the Agency would remain operational during the transition.
5.4 Other		

GENERAL ASSESSMENT OF CRITERION 5		The offer indicates that criteria 1-4 are already met and that the proposed premises would be available from December 2018. The offer indicates Poland's intention to establish a support team responsible for relocation activities and indicates that a relocation timetable will be confirmed in a headquarters agreement concluded with the Agency. The offer does not provide information on how the Agency would be able to maintain and attract highly qualified staff from the relevant sectors and how it would remain operational during the transition.
<b>6) Geographical spread</b> This criterion relates to the agreed desirability of geographical spread of the agencies' seats, and to the objective set in December 2003 by the representatives of the Member States, meeting at Head of State or Government level and confirmed in 2008	"Relocating EBA to Warsaw, a city at the heart of Central and Eastern Europe, will have the advantage of meeting the geographical spread criterion in accordance with the objective set in December 2003 by the representatives of the EU Member States meeting at the Head of State or Government level in 2008. Moreover, the relocation of EBA to Poland would preserve the political balance between euro and non-euro Member States. We believe that the principle of hosting the Agency outside of the Eurozone should be maintained. This is particularly vital in order to ensure effective and consistent prudential regulation and supervision across the whole European banking sector. It would also send a clear message that in the area of financial services, the EU is aiming at integration not only within the euro area but within European Union as a whole ." (p. 10) "It is also worth noting that other European supervisory agencies such as ESMA and EIOPA are headquartered in countries which are primarily home countries in the EU banking sector. Thus, locating EBA in Warsaw would help counterbalance this effect in order to confirm that ensuring a fair balance between home and host countries in the EU is an essential component of the EU financial sector policy ." (p. 1) "Warsaw, a city that has been the main seat of the European Border and Coast Guard Agency (Frontex) since 2007. " (p. 1)	Poland hosts one decentralised agency, the European Border and Coast Guard Agency (Frontex) in Warsaw.
Specific issues		
a) The Member State's plan for		

when would the relocation take place	"The attractive premises of the proposed office will be available from December 2018, in time for the Agency to take up its functions at the withdrawal date. If Warsaw is chosen, the office premises will include sufficient space for offices, meeting rooms and off-site archiving. The relocation timetable will be confirmed in a headquarters agreement concluded with the Agency ." (p. 2) "Poland is ready to ensure that relocation will take place in due time, before withdrawal date. All details concerning the relocation process will be agreed upon with parties concerned and at a later stage of the procedure to ensure a smooth transition to the new location. Poland will establish a relocation support team responsible for all practical issues pertaining to EBA relocation activities and responsible for helping EBA employees settle in a new place ." (p. 11)	The offer indicates Poland's intention to ensure that relocation will take place in time, before the UK withdrawal's date.
how would the relocation take place		The offer does not provide information on how the relocation would take place.
How would this plan ensure that the Agency remains operational?	"Poland will establish a relocation support team responsible for all practical issues pertaining to EBA relocation activities and responsible for helping EBA employees settle in a new place ." (p. 11)	The offer provides general information on the establishment of a support team responsible for relocation activities, without providing specific information on how the Agency would remain operational during the transition.
GENERAL ASSESSMENT OF SPECIFIC ISSUE a)		The offer indicates Poland's intention to ensure that EBA relocation will take place in time, before the UK withdrawal's date, without providing information on how the relocation would take place. The offer provides general information on the establishment of a support team responsible for relocation activities, without providing specific information on how the Agency would remain operational during the transition.
b) The premises that would be offered to be rented or put at the disposal of the Agency, including temporary premises	See 1.1	The offer indicates the availability of a building, the Kaskada building, covering 4,150 m <sup>2</sup> .
How would these premises meet the specific needs of the Agency?	See 1.1.1 & 1.1.5	The offer indicates that the proposed premises can be adapted to the requirements of the Agency.

<ul> <li>"The financial terms for the use of the premises will be as follows:</li> <li>Asking rent per sq m per month: 15 EUR</li> <li>Rent for parking per month: 190 EUR</li> <li>Service charge per sq m per month: 21 PLN</li> <li>Minimum lease term: 60 months " (p. 3)</li> </ul>	The offer indicates the financial terms for EBA's use of the proposed buildings with a minimum lease duration of 60 months, monthly rent for offices of 15 EUR per m <sup>2</sup> , with a service charge per m <sup>2</sup> of 21 PLN per month.
"Poland pledges to pay 50% of the rent and service charges for 10 years, in accordance with the given technical specifications" (p. 3) The given technical specifications are as stated in Annex SN 47/17 ." (footnote 1, p. 3)	The offer indicates Poland's intention to pay 50% of the rent and service charges for 10 years.
	The offer indicates the financial terms for EBA's use of the proposed buildings, with a minimum lease duration of 60 months, monthly rent for offices of 15 EUR per m <sup>2</sup> , with a service charge per m <sup>2</sup> of 21 PLN per month. The offer indicates Poland's intention to pay 50% of the rent and service charges for 10 years.
	The offer does not provide any
	information concerning the maintenance of the buildings.
"It is worth noting that the Kaskada building has a bigger capacity than is currently needed by the Agency as the building offers a total of more than 16,000 square meters of office space across 9 floors. Therefore, it would be possible to meet potential future needs of the Agency in case of enlargement ." (p. 2)	The offer indicates that the proposed building can meet potential future needs in case of enlargement, without providing specific information concerning the financial terms.
	The offer does not provide information on the terms for the maintenance, upgrading or extensions of the premises.
	<ul> <li>Rent for parking per month: 190 EUR</li> <li>Service charge per sq m per month: 21 PLN</li> <li>Minimum lease term: 60 months " (p. 3)</li> <li>"Poland pledges to pay 50% of the rent and service charges for 10 years, in accordance with the given technical specifications" (p. 3) The given technical specifications are as stated in Annex SN 47/17 ." (footnote 1, p. 3)</li> </ul>

e) Any special conditions offered with regard to all costs and dedicated infrastructures		The offer does not indicate special conditions offered with regard to costs and dedicated infrastructures.
f) Any benefits that would be granted to the Agency and/or its staff in addition to those following from Protocol No 7 on the privileges and immunities of the European Union	Guard Agency (Frontex), beyond the Protocol's provisions, would be granted, namely: - Extending to the director and the top management of the Agency the same privileges and immunities as accorded to diplomatic agents accredited in Poland.	The offer indicatesPoland's intention to grant additional benefits EBA staff, including: - extended immunity for EBA director and top management; and - certain VAT exemptions for EBA and its staff.
Member State's commitment to confirm the conditions offered in a headquarters agreement with EBA	"A headquarters agreement would specify the detailed provisions with regard to the application of the Protocol ." (p. 11)	The offer indicates Poland's intention to conclude a headquarters agreement.
OTHER POSSIBLY RELEVANT ISSUES MENTIONED IN T	THE OFFER	
Help for expats	<ul> <li>"There are numerous expat agencies and communities in Warsaw which can help new employees with every needed procedure and provide practical information about living in Warsaw and enjoying it. Moreover, the City of Warsaw can organize free of charge programs for new employees, which will introduce them to the city and facilitate their integration with Warsaw's residents.</li> <li>The Multicultural Center offers:</li> <li>Valuable information – addressed to foreigners seeking information about the city, the local government and non-governmental programs addressed to them or cultural offer;</li> <li>Integration of foreigners to help them enjoy active life in Warsaw and support for expat communities in integration activities;</li> <li>Education – support for educational activities related to multiculturalism, integration, multicultural education and Polish language courses;</li> <li>Culture - support for cultural activities carried out by representatives from diverse foreign background, support for international cultural projects and an interactive exhibition on the multicultural heritage of Warsaw." (p. 11)</li> </ul>	