



Valletta Harbour, 1 December 2023

## Ex-ante publicity

EUAA/2023/149 – Framework Service Contract

# The provision of legal services for the EUAA concerning data protection, information technology and intellectual property rights law, as well as EUAA core business

## I. Description of the services

The European Union Agency for Asylum (the EUAA) is planning to purchase legal advice and litigation services for the EUAA, from of a specialised service provider (law firm), concerning the following:

- **Lot 1: Data Protection, Information Technology and Intellectual Property Rights Law**

The services required under this lot include the provision of legal advice and support on matters related to: 1) EU data protection law (e.g. [Regulation \(EU\) 2018/1725](#)); 2) intellectual property rights protection and IP management, as well as transfer of technology matters (including licensing policy); 3) information and communication technology (including artificial intelligence). The EUAA has in-house specialists in these matters and wishes to have the possibility to call on the services of a law firm using a Framework Contract, which might result from this negotiated procurement procedure. The envisaged tasks would entail the provision of legal advice and support, and possibly the provision of litigation services in the context of (potential) Court proceedings.

- **Lot 2: EUAA Core Business**

The scope of this lot is related to the provision of legal advice and support on matters concerning the EUAA's core business (i.e. operational activities) in accordance with the [EUAA Regulation](#) and common European Asylum System (CEAS), as well as public international law and fundamental rights. The EUAA has in-house specialists in these matters and wishes to have the possibility to call on the services of a law firm using a Framework Contract, which might result from this negotiated procurement procedure. The envisaged tasks would entail the provision of legal advice and support, and possibly the provision of (litigation) services in the context of (potential) Court proceedings.





**In relation to the legal advice services:** The provision of (external) legal services should allow the EUAA the possibility to get rapid, pinpointed legal advice to minimise legal risk and/or maximise opportunities for the Agency. Any legal advice should be targeted, tailor-made (i.e. duly taking into consideration the peculiarities of the EUAA as an EU Agency) practical, non-academic and implementable by the Agency.

**In relation to the litigation services:** Representing the EUAA in instances of litigation before the General Court and/or the Court of Justice of the European Union in Luxembourg, including:

1. Assessing litigation cases involving the EUAA;
2. Drafting of defences and/or rebuttals based on the EUAA's instructions, in English or French language (or less regularly another language such as Greek, Italian or Spanish, if possible);
3. Provision of critical input on defences, and assist potentially at subsequent written stage(s);
4. Provision of procedural and/or tactical litigation advice;
5. If applicable, review of any (automated) translation of written submissions to the Court. This applies in particular to translations into French;
6. Submission of the written pleas via e-Curia, by the deadline set by the Court;
7. Preparations in advance of any oral hearing, including preparing designated staff from the EUAA's Legal Services Unit (and other departments, if required) to assist in the hearing, where possible, including rehearsal, tactical advice, procedural aspects etcetera;
8. Representation in the context of an oral hearing, in accordance with the language regime of the Court's Rules of Procedure, together with the EUAA's Legal Services Unit; and
9. Assessing judgments and advising the EUAA on their consequences and implementation.

In all phases, the EUAA expects timely and accurate reporting concerning the advancement/development of the case and appropriate availability of the contractor to discuss and handle the file at short notice. All information relating to a case must be kept confidential with conflicts of interest checks conducted prior to acceptance of instructions. The EUAA's Legal Services Unit must be involved and consulted throughout each step of the proceedings.

**The deliverables to be supplied during the execution of the Framework Contracts** may include, *inter alia*:

- A legal report or memo on a specific legal question or matter raised by the EUAA;
- A detailed legal review of a variety of (draft) documentation such as tender documents, contracts, (draft) Decisions of the Executive Director and/or Management Board of the EUAA;
- Delivering a presentation on a specific legal question or matter raised by the EUAA;
- Providing litigation services before the EU Courts in Luxembourg (including, *inter alia*, drafting written submissions and pleading in the context of an oral hearing).

Target Groups and Situation:

- The EUAA's Legal Services Unit (LSU);
- Other business units in the EUAA.



## II. Description of the contract

The EUAA envisages awarding a Single Framework Service Contract for each lot. The maximum estimated duration of the contract – including renewals – will be up until 4 July 2027 (included). The estimated total value for the whole duration of the framework contracts is € 65.000 for lot 1 and € 70.000 for lot 2 respectively.

## III. Description of the procurement procedure

This ex-ante publicity is the first stage of the negotiated procurement procedure with at least 5 economic operators through which the EUAA may award the above-mentioned contracts.<sup>1</sup>

This ex-ante publicity has an indicative value and is in no way binding on the EUAA. The EUAA may decide not to launch the procurement procedure without candidates being entitled to claim any compensation.

Only candidates invited by the contracting authority to take part in the procedure concerned can submit a tender.

Economic operators interested in being invited to participate in this procedure may express their interest by writing to [CONTRACTS@euaa.europa.eu](mailto:CONTRACTS@euaa.europa.eu) **not later than 20 December 2023**.<sup>2</sup>

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<sup>1</sup> This publication is made pursuant to point 3 of Annex 1 to [EU Financial Regulation](#) that provides for ex ante publication on the Institutions' websites of middle value contracts.

<sup>2</sup> The personal data collected in relation to this prior information notice shall be made available on request to the various services of the EUAA and will be processed in accordance with (EU) 2018/1725 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. Any entity having expressed its interest shall have the right of access to his/her personal data and the right to rectify any such data that is inaccurate or incomplete. Should you have any queries concerning the processing of your personal data, they should be addressed to [contracts@euaa.europa.eu](mailto:contracts@euaa.europa.eu).