

Joint Research Centre (JRC)



EC Contractual and Legal Framework

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HoS Support to Decommissioning Programme (MSU)

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<http://www.jrc.ec.europa.eu/>

Public procurement in the EU is regulated by **Directive 2004/18/EC** of the European Parliament and of the Council of 31 March 2004.

The **legal basis** for procurement in the Commission is laid down in the Financial Regulation (FR)¹ and its Implementing Rules (IR)².

¹ Regulation 1605/2002, amended with Regulation 1995/2006.

² Regulation 2342/2002, with amendments 1261/2005, 1248/2006, 478/2007.

EU procurement plays an important part in the single market.

It is regulated by provisions intended to remove barriers and open up markets in a competitive and non-discriminatory way.

Objectives:

- Increase the choice of potential suppliers to public bodies
- Better value for money
- Develop markets and opportunities for companies

Publication of contracts - Calls for Tender - in the Official Journal of the European Union, official site “TED” **Tenders Electronic Daily**

<http://www.ted.europa.eu/>

Key principles:

- Transparency
- Proportionality
- Non-discrimination
- Equal treatment

Objective:

Choose the best award procedure according to projects characteristics, estimated budget thresholds, market type, etc.

Procedures:

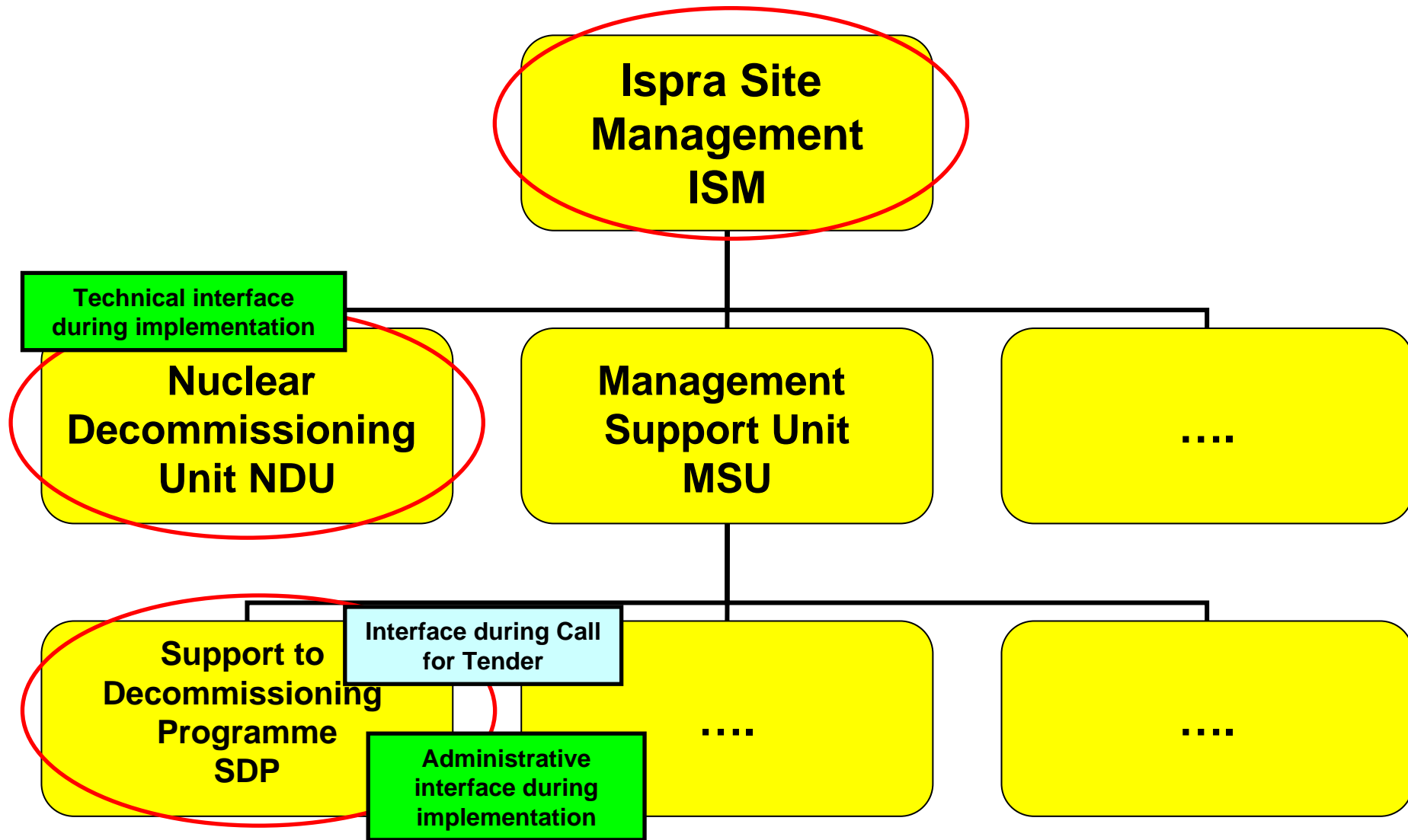
- Open procedure
- Restricted procedure
- Negotiated procedure
- Call for Expression of Interest (CEI/AMI)
- Negotiated Procedure for low value contracts < € 60 000
- Competitive Dialogue

Type of contract / / subject	Direct	Framework	Purchase
Services	Direct service contract (Procurement of services where volume, and timing can be defined at the outset)	Framework service contract (Volume and timing cannot be defined at the outset, volume and other specific conditions will be laid down through Work packages and in Specific contracts)	Purchase order (procurement of low amounts)
Supplies	Direct supply contract (Procurement of supply where volume, and timing can be defined at the outset)	Framework supply contract (Procurement of series of supplies but precise volume and timing cannot be defined, volume and other specific conditions will be laid down through Work packages and in Specific contracts)	
Works	Work contract (work for executing all or a part of a building)	Framework work contract (for series of works to construct all or part of buildings)	

Our contracts:

- Standard European Commission contracts
- Adapted when possible to the “nuclear world”

We have no margin for negotiation of Contractual clauses once the contract has been published in a Call for Tender.



SDP supports NDU for implementing the Decommissioning Programme of Ispra in areas such as:

- Calls for Tender
- Procurements
- Specific contracts for Framework contracts
- Contract management, amendments, management of guarantees, complaint management (management of non-compliances), ...
- Legal support
- Recovery orders (cashing for services provided through JRC)
- Payments





Ispra Decommissioning and Waste Management (D&WM) Programme:

<http://dwm.jrc.ec.europa.eu>

Ispra Decommissioning Programme is an international programme.

There is no local network of nuclear companies.

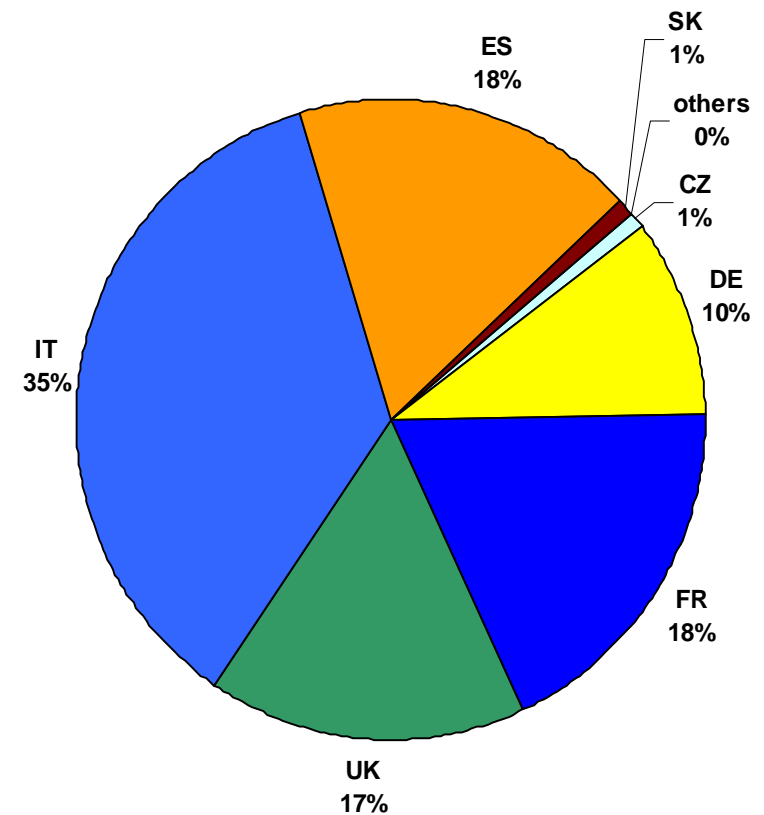
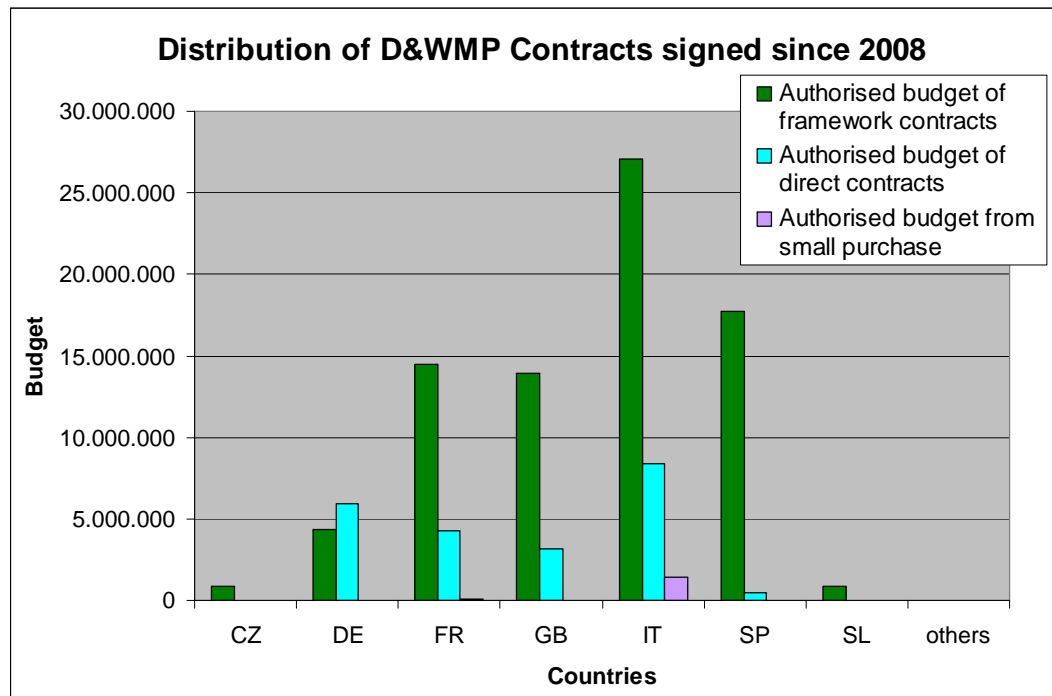
Better known in the market as “D&WMP”



Indicators:

- More than 60% of the European decommissioning supply chain showed interest in the so-called “6-Lot Tender”
- Feb. 2010 “Industry Information Day” attracted 87 participants representing 53 organisations from 20 Countries (EU and not EU)
- Since 2008, contracts of a volume of more than € 100 million have been signed (18 FC, 19 DC, over 400 small purchase)

Suppliers landscape



Annual budget for investments for all JRC decommissioning sites (in €million)

2011	2012	2013	2014*	2015*	2016*
26,3	29,4	30,9	44,6	50,3	46,3

* preliminary

Currently, the Ispra site spends about 75% of the annual JRC decommissioning budget.

About **50%** of Ispra's annual budget is spent through
Framework contracts

Aim:

Good balance between Framework and Direct
Contracts

Examples of possible tenders of 2011 (extract)	Estimated budget (€million)
Bitumised Drum Retrieval Facility	0,5
Bitumised Drum Treatment off-site	30 to 40
Nuclear Decommissioning Consumables	0,45
Portable Filter Counter Monitor (PFC)	0,1
Supply of Fixed Radiometric Equipment	1,5
Super Compaction Service	1,5
Characterisation of Non irradiated Nuclear Material (NNM)	1,5
Grouting Facility Realisation	3 to 5
Melting Metal recycling	To be decided

**Thank you very much
for your interest in our work**