



6 September 2010

Clarification No 1 for open call for tenders:

Framework contract(s) for the provision of IT consultancy services related to the Eye on Earth platform.

Reference number: EEA/SES/10/002

Question 1:

A question was received as to the possibility to alter the provisions of the draft framework service contract attached as annex 4 to the tender specifications and in particular Article II.8 relating to the ownership of the results, intellectual and industrial property.

Answer 1:

Please refer to section 8 of the invitation to tender which provides that submission of a tender implies acceptance of all the terms and conditions set out in the invitation to tender, in the specifications and in the draft contract and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. It is binding on the tenderer to whom the contract is awarded for the duration of the contract.

Without prejudice to the above, it has to be noted that while ownership of any results or rights thereon obtained in the performance of the contract shall indeed be vested solely in the European Union, Article II.8 of the draft framework service contract (annex 4 to the tender specifications) allows nevertheless the assignment or transfer of these results or rights without geographical or other limitation, except where industrial or intellectual property rights exist prior to the contract being entered into, and the European Environment Agency would be willing to look positively at the possibility of transferring the rights to the successful tenderer.