



RCG's Secretariat
SECWEB

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MS feedback on Secretariat's short-term funding

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on Economic Issues

MS feedback on Secretariat funding

I Questions overview

Despite the efforts to find a common administrative procedure for all MS for the long-term funding of the Secretariat some questions still remain. In order to proceed gather MS's feedback on the following:

1. How much is the **financial limit** for a **direct service contract** in your country?
2. Is it feasible for your organisation to **formalise a direct service contract** for more than one year for the Secretariat Support service?
 - 2.1. What is the **time-frame limit** for this in case it exists?
 - 2.2. How much is the **financial limit** for a direct service contract without open procedure in your country?
3. Is there in your national administration **any special requirement for foreign service providers (within the EU)**? If yes, could you:
 - 3.1. Please explain what they are (and legal references to it)
 - 3.2. What are possible solutions for having services from another EU member state to your national administration?
4. Normally for **public institutions** there is need to gather **three offers from different potential providers** for a minor service contract. Are there exceptions to this rule foreseen by law in your country (e.g a limit to the budget)?

If so, could you please explain if you consider this could apply for the Secretariat given the service description provided, the background and the need for all the network to go for a common service provider?
5. Can your country have the **service contract** for the Secretariat services **in forced from 1st January 2023**?

If not, when do you think it will be feasible to have the contract in force?

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2 MS's feedback question by question

Question 1: How much is the financial limit for a direct service contract in your country?

BEL	
BGR	BGN 30 000 (aprox. EUR 15 400) excl. VAT. /according to Art. 20, para. 3, item 3 of the Public procurement act/.
CZE	The question remains, is it about providing services in the form of direct purchase? Will there be an object with a legal personality from which it will be possible to purchase the mentioned service? If we look at it as a direct purchase according to the Act on Public Procurement and the Rules for Applicants and Beneficiaries, then it is up to CZK 500 000 (EUR 20 000) for a subsidized contractor and CZK 2 million (EUR 80 000) for non-subsidized ones (up to 50% support included).
DNK	If the service contract is below EUR 6 500 annually we directly sign it. If it is above we need to have two offers.
DEU	EUR 1 000
EST	NO LIMIT when using a derogation in public procurement act that may allow to bypass public procurement procedure.
IRL	We are planning to use a derogation in our public procurement act that will allow us to bypass public procurement procedure. When using the derogation there is no financial limits to the contract sum. Our national public procurement act is available also in English (https://www.riigiteataja.ee/en/eli/525082022001/consolide) and we plan to use derogation described in §11 (1) p6: "The contracting authority or entity is not required to apply this Act where: 6) a public contract or a design contest is co-financed for the most part by an international organisation or international financing institution and the parties have agreed on applicable procurement procedures;"
GRC	EUR 30 000 , for a closed procedure
ESP	EUR 14 999 (excl. VAT), according to Spanish law
FRA	Given the amount requested (EUR 8 000 to EUR 12 000) for France, we can set a contract directly with the selected service that will ensure the secretariat, without going through 3 offers.
HRV	Ministry of Agriculture of Republic of Croatia is the body designated to implement DCF. Pursuant to Art. 7 of the currently valid Ordinance of simple procurement procedure, procurement of goods, works and services of the Ministry of Agriculture, simple procurement whose estimated value is less than HRK 100.000,00 (EUR 13 272,28) excluding VAT, can be carried out by sending a call for an offer to one subject.
ITA	EUR 139 000 up to the 30 of June 2023, after that it could come back to EUR 40 000
CYP	EUR 5 000
LVA	There is no financial limit for a direct service contract.
LTU	In Lithuania procurement procedures is applicable in public sector. Until apr. EUR 10 000 we can apply for simple procedure According to the table, contribution from Lithuania is 5653,04 (correct me, if I am mistaken). So, it is possible to apply for the simple procurement procedure in that case.

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HUN	In case of entering into a „normal market” contract public procurement rules apply, no other limits exist.
MLT	Direct Contracts valued more than EUR 10 000 and just below EUR 140 000 may in exceptional cases be procured through a direct contract by Contracting Authority upon obtaining the prior written approval of the Minister (for Finance) who may delegate his authority in writing to the Permanent Secretary or any other Senior Official in his Ministry.
NLD	EUR 215 000 as the limit for the total amount (based on EU regulation). For a multi-year contract, the yearly limit is 1/4 of 215k=> EUR 53 750 = p/year for four years . The anticipated Dutch contribution is well under this limit. Should the total budget be considered, a minimum of three offers are required. The best option would be to have a dedicated contract for the support of the Netherlands. The following answers are based on the assumption of the Dutch contribution only.
AUT	No reply to the questions, find provided explanation in last section of this doc
POL	Formally there is No limit , However, in practice the financial limit is determined by the EMFAF funds available to POL to cover all DCF activities (data collection, coordination, secretariat service etc...)
PRT	The limit is EUR 5.000 (artigo 128.º do CCP)
ROU	According to the latest amendments adopted in matters of public procurement, the Contracting Authority has the right to directly purchase products or services if the estimated value of the purchase, without VAT, is less than LEI 270 120 lei (EUR 54 000 euro), respectively works, if the estimated value of the purchase, without VAT, is less than LEI 900 400 lei (EUR 180 000).
SVN	For ordering goods, services and works, the value of which is lower than EUR 2,000.00 without VAT
SVK	No limit - § 81 direct negotiation procedure and § 1 par. 2 - 12 ZVO, § 1 par. 13 to 140,000 or 215,000 euros, § 1 par. 14 up to 300,000 euros, § 1 par. 15 to 10,000 euros direct entry/year.
FIN	Financial limit is EUR 60 000 .
SWE	700 000 SEK (→ 30/09/22 SEK 700 000 = EUR 74 037)

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Question 2: Is it feasible for your organisation to formalise a direct service contract for more than one year for the Secretariat Support service?

2.1 What is the time-frame limit for this in case it exists?

2.2 How much is the financial limit for a direct service contract without open procedure in your country?

	Q - 2.1 – time limit	Q -2.2 - € limit
BEL		We need three offers
BGR	According to Art. 113, para. 1 of the Public procurement act "The public procurement contracts for periodic or long term fulfillment shall be signed for a term, which shall not exceed 5 years ."	The financial limit for a direct service contract in Bulgaria is up to BGN 30,000 (EUR 15 398) excluding VAT. /according to Art. 20, para. 3, item 3 of the Public procurement act.
CZE	Neither the Public Procurement Act nor our Rules impose a maximum duration of the contract . However, this must be further consulted with public procurement experts (specialist department at the Ministry of Agriculture) or lawyers. We need more time, please.	The limit is up to 2 million CZK (EUR 80 000). (Rules for Applicants and Beneficiaries).

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	Q - 2.1 – time limit	Q -2.2 - € limit
DNK	The EMFAF funding for data collection in Denmark is based on a contract for 2021-2023. We expect the next contract will be for 2024-2027. This means that we can sign a contract for 2023 and another for 2024-2027 when the contract with the Danish managing authority for that period is signed.	See our answer to 1. Otherwise if the amount is larger it is around EUR 65 000
DEU	We can conclude contracts up to 4 years . We have to make a forecast. If, for example, it is clear that an order is to be awarded on a permanent basis, the costs must also be considered beyond the four years.	We have to note that we have to hand over all transactions above EUR 25 000 net to central federal procurement. We cannot carry out any open procedures internally at Thünen, as these relate to the upper threshold area. The central federal procurement is responsible for this area.
EST	Yes, the contract can last longer than one year. The contract must follow the financing period of the money used . As the EMFAF money will be involved, there will not be problem with the 3-year contract period (at least not for the first period).	With the use of public procurement derogation, we do not face any monetary limits with this service.
IRL	Time frame limit is usually dependent on the cost of the overall contract	Technically there is no financial limit for this type of contract in Ireland. A direct service contract without open procedure would require internal approval from Marine Institute management.
	A direct service contract without open procedure would require internal approval from Marine Institute management	
GRC	In general, it is 3 Years	EUR 30 000 euro for a closed process
ESP	The time-frame limit for a direct service contract in Spain is 1 year, with no extensions . Limitation on the execution of a new contract with the same content the following year, since it is understood that if there is a multiannual need, a multiannual contract must be formalized	EUR 14 999 excluding VAT
FRA		Given the amount requested (EUR 8 000 to EUR 12 000) for France, we can set a contract directly with the selected service that will ensure the secretariat, without going through 3 offers.
HRV	We can enter into a contract for a longer period if it is defined as such in the annual procurement plan of the Ministry	On an annual basis, the financial limit is less than HRK 100.000,00 (EUR 13 272,28) excluding VAT.
ITA	No time frame limit but the duration must be specified in the contract but no longer than 9 years .	Up EUR 139 000 there can be a restricted invitation to at least five operators

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	Q - 2.1 – time limit	Q -2.2 - € limit
CYP	There is not a time limit , as long as you do not exceed the financial limit (EUR 5 000)	It is only possible if the financial limit of EUR 5 000 is not exceeded, otherwise it will be considered a partition and it is not allowed according to the relevant legislation on public procurements.
LVA	Normally it is no longer than 5 years	Starting from EUR 10 000 open tender should be organized. However, starting from EUR 1001 we should choose the offer with the lowest price – what is obtained from information from least two potential providers
LTU		Until apr. 10 000 Euro we can apply for simple procedure (in that case we need three offers from the potential providers, simple form of agreement can be signed between The Ministry of Agriculture and provider) According to the table, contribution from Lithuania is EUR 5 653,04 (correct me, if I am mistaken). So, it is possible to apply for the simple procurement procedure in that case.
HUN		Between HUF 1 000 000.0 (approx. EUR 2 500.) and HUF 15 000 000 (approx. EUR 37 000 EUR) three offers are needed . Over 15 000 000.0 HUF public procurement is needed.
MLT	There isn't any time frame limit , just a date for the deadline of services has to be indicated in the procurement document and contract agreement.	< EUR 134 999.99 (exceptional cases)
NLD	Yes, though dedicated to the support of the Netherlands	
NLD	2 weeks after receiving the offer	EUR 70 000 , though one formal offer for the work is required for contracts less than 70,000.
AUT	No reply to the questions, find provided explanation in last section of this doc	
POL	I believe the time-frame limit is directly connected to the duration of EMFAF (until 2027).	Formally there is no limit , However, in practice the financial limit is determined by the EMFAF funds available to POL to cover all DCF activities (data collection, coordination, secretariat service etc...)
PRT	3 years	Without open a public procedure by direct adjustment it is possible to pay till EUR 20 000 (art.º 20.º, n.º I, alínea d) do CCP)

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ROU

The time limit for a regular service contract is established by art 165 of HG 395/2016 which stipulates the following:

(1) The contracting authority has the right to extend the duration of regular supply or service contracts concluded in the previous year and whose normal performance period expires on December 31, if the following conditions are met cumulatively :

a) in the award documentation, drawn up on the occasion of awarding the initial contract, the possibility of supplementing the quantities of products and services already purchased, as well as the maximum level up to which such supplement will be possible, were foreseen;

b) in the award documentation, as well as in the contract, a clause is explicitly provided by which the right of the contracting authority to opt for supplementing the quantities of products or services is conditioned by the existence of the financial resources allocated for this purpose;

c) the estimated value of the initial contract was determined by taking into account the option in which the contracting authority opts for supplementing the maximum amount of products or services;

d) the extension of the initial contract cannot exceed a duration of 4 months from the date of expiry of the initial period of its fulfillment.

For service contracts that have a duration of more than one year, there is the possibility of concluding a framework agreement and awarding several subsequent contracts based on it.

The duration of a framework agreement cannot exceed 4 years, except for exceptional cases that the contracting authority thoroughly justifies, especially by the subject of the respective framework agreement.

However, a framework agreement cannot be concluded following a direct procurement procedure, it being allowed only after the following procedures have been carried out:

- a) the open tender;
- b) restricted tender;
- c) competitive negotiation;
- d) competitive dialogue;
- e) partnership for innovation;
- f) negotiation without prior publication;
- g) the solution competition;
- h) the award procedure applicable in the case of social services and other specific services;

According to the latest amendments adopted in matters of public procurement, the Contracting Authority has the right to directly purchase **products or services** if the estimated value of the purchase, without VAT, is less than LEI 270 120 (**EUR 54 000**), respectively **works**, if the estimated value of the purchase, without VAT, is less than LEI 900 400 (**EUR 180 000**).

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	Q - 2.1 – time limit	Q -2.2 - € limit
	i) simplified procedure.	
SVN	2- Is it feasible for your organisation to formalise a direct service contract for more than one year for the Secretariat Support service? No	
SVK	No time limit, but it must be for services falling under the above exceptions. A framework agreement that can be concluded for a maximum of four years, except in exceptional cases.	No limit - § 81 direct negotiation procedure and § 1 par. 2 - 12 ZVO, § 1 par. 13 to 140,000 or 215,000 euros, § 1 par. 14 up to 300,000 euros, § 1 par. 15 to 10,000 euros direct entry/year.
FIN	Practice is that a contract is made for four years , in principal it can be longer	See reply to question 1., EUR 60 000
SWE	In fact, no actual time-frame limit exists, but it is not possible to split the contract in several smaller, so that each amount falls below the financial limit	SEK 1 456 476 (→ 30/09/22 SEK 1 456 476 = EUR 130 063)

Question 3: Is there in your national administration any special requirement for foreign service providers (within the EU)? If yes, could you:

3.1 Please explain what they are (and legal references to it)

3.2 What are possible solutions for having services from another EU member state to your national administration?

BEL	
BGR	The requirements that exist are in case the amount is more than BGN 30,000 (EUR 15 398) and there will be a public procurement . If a public procurement is expected, we will provide a detailed list of requirements that the potential candidate must meet. All requirements which the potential candidate should meet are listed in the Public procurement act, but they are relevant only in case there is public procurement. According to Art. 58, para. 3 of the Public procurement act, when the participant selected as an executor of a public procurement is a foreign person, he submits documents, issued by a competent authority, according to the legislation of the country in which the participant is established. If there is a need to provide this list, we will send it later on.
CZE	We need more time, please. This should be consulted with public procurement experts or lawyers.
DNK	No
DEU	We can write to three potential bidders for up to EUR 25 000 , regardless of where the bidder is located.
EST	We will need a legal base for making the transactions when the bill arrives. So, if we will have 1) the decision made by all the MS in RCG Decision Meeting (including agreement text with all the details of how all MS are contributing and what services are involved), and 2) agreement/contract between Estonian Ministry of the Environment and Secretariat, that will describe the details (yearly fixed amount, what for, to whom ect) of the service, signed, then there should not be any additional requirements from our side.
IRL	No
GRC	Only what is provided by the EU Legislation. There are no restrictions as far as the EU Member States is concerned
ESP	No

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FRA	No reply to the questions but explanation of cost-sharing agreement (see last section of this doc)
HRV	There are no special requirements for foreign service providers in terms of contracting. They must meet all the conditions prescribed by the procurement documentation.
ITA	No there isn't
CYP	No
LVA	No
LTU	
HUN	No. The contract shall be concluded with the beneficiary of the next DCF call in the frame of the new Hungarian fisheries operational program. The call shall enable the conclusion of a contract or may even require it from the beneficiary to conclude it.
MLT	No, if the service providers send the necessary documents listed in the procurement document
NLD	No
AUT	No reply to the questions, find provided explanation in last section of this doc
POL	NO In case the secretariat services are included in POL WP accepted by COM Decision (and it will be) this is a formal basis for POL to cover our fee for these services.
PRT	No There are no special rules for contracting services provided by foreigners It is always possible to hire foreign services, there is free competition in public procurement
ROU	Not. But it is preferable for foreign service providers to have an account opened in the Electronic System for Public Procurement.
SVN	No
SVK	It does not exist
FIN	Service provider cannot be under the sanctions of the UN implemented in EU (e.g. Council decision 2022/1313)
SWE	No

Question 4: Normally for public institutions there is need to gather three offers from different potential providers for a minor service contract. Are there exceptions to this rule foreseen by law in your country (e.g a limit to the budget)?

If so, could you please explain if you consider this could apply for the Secretariat given the service description provided, the background and the need for all the network to go for a common service provider.

BEL	
BGR	In case the total value for the performance of all services subject to the contract does not exceed BGN 30 000 (approx. EUR 15 400) excl. VAT, it is possible to conclude a contract with a specific supplier . There is no requirement in the PPA to collect a certain number of offers in case of a direct award.
CZE	Here we see an obstacle. In a closed call, the contracting authority invites at least 3 suppliers to submit a bid. The contracting authority will invite only such suppliers that it has information that they are capable of providing the required performance. The contracting authority may not

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	invite the same group of suppliers repeatedly unless it is justified by the subject of the contract or other special circumstances, or by the cancellation of the previous tender.
DNK	See our answer to 1
	According to national procurement law, there is the possibility to award contracts by way of negotiation with or without participation competition. In our opinion, the question also alludes to the point of uniqueness. A unique selling proposition exists if a product can only be manufactured by one company due to its nature or if only one company sells the corresponding product on the market. The unique selling proposition therefore relates primarily to companies in the case of delivery services. If they are the only ones on the market who manufacture or sell the corresponding product, there is a unique selling point. Prerequisites for affirming a unique selling proposition based on the nature of the product are that the product is generally necessary, that it has a technical feature and that this technical feature is also necessary.
DEU	<p>In the case of a SERVICE, a technical argument is required to justify a unique position of a market participant.</p> <p>An INDISPENSABLE PREREQUISITE for the application of the exception is that the client has up-to-date knowledge of the market, which must be documented by a comprehensive and careful analysis. Based on the market analysis, the objective conclusion must be justified that there is de facto only one company for the requested service. Mere considerations of expediency or purely economic reasons cannot justify the negotiation award with only one bidder. It is therefore not sufficient if the client only subjectively concludes that only a specific company can be expected to provide an economic service. The proximity of a company to the place of performance is also irrelevant. So if a facility carries out an award and aims for a unique position for a service, the market research results and documents should form the basis of the decision and be presented transparently.</p>
EST	As we plan to use the derogation foreseen in public procurement act, then there is no need for the three offers from different potential providers.
IRL	We can specify that the service is only available from the secretariat and will complete a sole supplier approval document for our financial department
GRC	For the direct service contract, it is not necessary to comply with the procedure of three (3) tenders . It can be directly with a provider, as long as the threshold of EUR 30 000 is respected.
	Yes, it's necessary to gather at least 3 offers from different providers.
ESP	<p>The only exception is to demonstrate the impossibility of obtaining a bid from three different suppliers.</p> <p>We believe that this exception could be applied since we consider that currently, due to the difficulty of the dynamics and the specificity of the project, there would be no other supplier with the capacity to perform the tasks that CETMAR has performed.</p>
FRA	Given the amount requested (EUR 8 000 to EUR 12 000) for France, we can set a contract directly with the selected service that will ensure the secretariat, without going through 3 offers.
HRV	Pursuant to Art. 8 paragraph 2 of the aforementioned Ordinance, for goods, works and services with an estimated value of equal or more than HRK 100.000,00 (EUR 13.272,28) excluding VAT and less than HRK 200.000,00 (EUR 26 544,56) excluding VAT on a yearly basis, the invitation to submit offers can be sent to a smaller number of business entities than those prescribed in Art. 8 paragraph 1 (at least three) of the same Ordinance, however this needs to be justified and approved by the Minister.

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ITA CYP	Up EUR 139 000 there can be a restricted invitation to at least five operators
LVA	Yes, we need at least two offers from different potential providers, if the amount is higher than EUR 1001. Exceptions to this rule are contracts below EUR 1001. To get the possibility to pay for Secretariat (in our case around 3000-4000 eur) we will need two offers from different potential providers.
LTU	We need three offers from the potential providers.
HUN	Under HUF 1 000 000 (approx. EUR 2 500), 3 offers are not needed, and if there is a good reason, i.e., no one else has the required quality for the task/service, it is possible to dispense with the offers. A declaration from the direct service provider or from the COM to support this statement, i.e., that there is no one else providing this specific service shall be needed. If the COM could make some kind of instructions/recommendations for member states on joining the secretariat would be also helpful.
MLT	Three hand quotations are applied to a financial limit of EUR 5 000. When exceeding that. the procurement document should be uploaded on the Electronic Public Procurement System (e-PPS) These justifications are being conveniently reproduced to highlight the circumstances when direct service contract may be used: <ul style="list-style-type: none"> a) When no tenders or no suitable tenders or no applications have been submitted in response to an open procedure; b) When for technical or artistic reasons, or for reasons connected with the protection of exclusive rights, the services may be provided only by a particular economic operator; c) Where the contract concerned is awarded subsequent to a design contest and must be awarded to the successful candidate or to one of the successful candidates; d) In so far as is strictly necessary, when the time-limits for open, restricted or negotiated procedures referred to in the Public Procurement Regulations cannot be respected for reasons of extreme urgency occasioned by unforeseeable events. The circumstances invoked to justify urgency must not be attributable to the contracting authority; e) In so far as is strictly necessary, for additional supplies, services and/or works not included in the project initially considered or in the contract first concluded but which have, through unforeseen circumstances, become necessary for the performance of the service or works or supplies described therein, on condition that the award is made to the economic operator executing the contract.
NLD	Only one offer is required as long as the total amount doesn't exceed EUR 70 000.
AUT	No reply to the questions, find provided explanation in last section of this doc
POL	I do not foresee a need for a formal procedure in POL to have a service contract signed. Including the secretariat services in POL WP accepted by COM Decision shall be sufficient basis for contract and fees paid. Ideally, it would be desired to have an agreement signed by all MS involved on setting the secretariat. In such an agreement we could for example have a provision that Spain is elected as a leader in the procedure for setting the RCGs Secretariat on behalf of all MS involved and then the provider for RCGs Secretariat shall be selected in accordance to the procedures in force in Spain.

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PRT	If we are dealing with the figure of the preliminary consultation provided for in article 35.º-A of the CCP, it is in fact necessary to consult 3 entities before launching the direct award tender procedure (up to EUR 20 000)
ROU	In the case of direct acquisition , the contracting authority: <ul style="list-style-type: none"> a. has the obligation to use the electronic catalogue made available by SEAP or to publish an announcement in a dedicated section of its own website or that of SEAP, accompanied by the description of the products, services or works to be purchased, for purchases whose estimated value is greater than LEI 200 000 (approx. EUR 40 450), excl. VAT, for products and services, respectively LEI 560 000 (approx. EUR 113 265), excluding VAT, for works; b. has the obligation to consult at least three economic operators for purchases whose estimated value is greater than LEI 140 000 (approx. EUR 28 300), excl. VAT, for products and services, respectively LEI 300 000 (approx. EUR 60 678), excl. VAT, for works, but less than or equal to the mentioned value to lit. a); if, following the consultation, the contracting authority receives only a valid offer from the point of view of the requested requirements, the purchase can be made; c. has the right to purchase based on a single offer if the estimated value of the purchase is less than or equal to LEI 140 000 (approx. EUR 28 300), excl. VAT, for products and services, respectively LEI 300 000 (approx. EUR 60 678), excl. VAT, for works; d. has the right to pay directly, based on the legal commitment, without prior acceptance of an offer, if the estimated value of the purchase is less than LEI 9 000 (approx. EUR 1 820), excl. VAT.
SVN	For ordering goods, services and works, the value of which is lower than EUR 2,000.00 without VAT
SVK	It can be used e.g. expert opinion, determination of maximum limits, but this does not apply to the limitation of the procedure, but only to the verification of economy. Central public procurement can be used for several entities for the same subject of the contract.
FIN	Minor service contract limit is EUR 30 000 . Some conditions may be applied leading to a lower limit than 30 000, likely not to be relevant here
SWE	It is not statutory but is stated in the internal routines of the agency responsible for DCF (SwAM; Swedish Agency for Marine and Water Management)

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Question 5: Can your country have the service contract for the Secretariat services in force from 1st January 2023?

If not, when do you think it will be feasible to have the contract in force?

BEL	A contract from 1st January 2023 is feasible, but to have this in place, we would need to sign by mid-december.
BGR	Yes, it is possible
CZE	We need more time, please. We would have to know what kind of contract it is and consult with the lawyers.
DNK	Yes

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DEU	<p>Since the construct has not yet been finally clarified, it does not seem possible or realistic to conclude a service contract here by 1 Jan 2023.</p> <p>Please note that the total sum over a period of four years must be taken into account when awarding the grant. From EUR25 000, the award must be processed via our central federal procurement, whereby the processing time for national procedures in the below-threshold area takes between 4 and 6 months, in the upper-threshold area between 6 and 9 months.</p>
EST	<p>I principle yes, if the decision is made in RCG DM, but we are unable to sign the agreement/service contract before the 1st of January. There is an option to sign the contract later on the year, but the financial support period could still start at 1st of January 2023.</p>
IRL	<p>Yes</p>
GRC	<p>It might be possible, but we still need time to address this matter with all the contracting parties, in order to finalize the source of the funding (DCF, National Contribution etc)</p>
ESP	<p>Yes. But it will last on a mandatory basis on December 31st 2022 and it may not be extended.</p>
FRA	<p>A contract from 1st January 2023 seems feasible. but will need to be signed by mid-december.</p>
HRV	<p>If it is a simple procurement procedure and the same is defined in the annual procurement plan of the Ministry, it should be possible to carry out a simple procurement procedure and have a contract until January 1, 2023. This also depends on specificities of the actual procurement procedure and documentation, following the approval of the National Work Plan by the Commission.</p>
ITA	<p>No</p> <p>This administration is reviewing suitable legal options for funding the secretariat service.</p>
CYP	<p>If the service contract is for one year and its value is below EUR 5 000, Cyprus can have the Secretariat services in forced from 1st January 2023.</p>
LVA	<p>If we would manage to receive two offers, there is no problem to start from 1st January.</p>
LTU	
HUN	<p>If the new DCF call in Hungary will be announced before 1st January 2023, it is possible.</p>
MLT	<p>It should be possible; however, this depends on the availability of the source funding (EMFAF).</p>
NLD	<p>Yes</p>
AUT	<p>No reply to the questions, find provided explanation in last section of this doc</p>
POL	<p>YES</p>
PRT	<p>If we are dealing with a simplified direct adjustment, it is easy, but if we are thinking of making a direct adjustment up to EUR 20 000 with a public tender procedure, the internal procedure (PT DSAG/DSJ-1) will have to be carried out, and depending on priorities and financial availability, it is possible to proceed with the contracting until the indicated date.</p>

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ROU	Yes, if the steps to carry out the public procurement are undertaken in a timely manner, subject to the existence of the financial resources allocated for this purpose
SVN	Yes
SVK	We don't know the answer.
FIN	In principal, the contract could be in force from 1 January 2023.
SWE	I do hope so

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Other comments and feedback received

BEL	
BGR	
CZE	
DNK	
DEU	
EST	
IRL	
GRC	
ESP	<p>We strongly believe that this form of financing is not the most appropriate one. This way of financing the secretariat of this body is not adequate and may lead to difficulties of coordination and financing in the near future. We urge the commission to enable a way to channel the funds through the EU budget. In this way, each state could earmark funds for this purpose through a voluntary/mandatory contribution.</p> <p>Spain can contractually cover its share of the secretariat's expenses in 2023, but not in 2024 and 2025, because it's public contract regulation.</p>
FRA	<p>Answer from Louise Veron to Kolyo 09/09/2022</p> <p>Following discussions this morning, here is how we do for cost-sharing for international surveys in North Sea. I guess this procedure could be applicable to cost-sharing for SecWeb similarly.</p> <p>For the context, Ireland and The Netherlands conduct the blue whiting survey on behalf of different member states (~8 countries). The remaining countries contribute to the financing of the costs supported respectively by Marine Institute (Ireland) and Wageningen Institute (NLD). To do so, an agreement is signed annually between all MS involved, fixing a % of contribution by MS and thus the estimated cost for the following year by country.</p> <p>For France, we also set up in place a complementary bilateral agreement btw our Ministry and each institute, which sets up the yearly price for each and allows us to register the upcoming cost. Each year, after the campaign, the institutes send us a report and an invoice, and we pay according on this basis.</p> <p>I guess the same process could be done by a voluntary institute/administration</p> <ul style="list-style-type: none"> • we agree on cost-sharing through a RCG recommendation and specifications for the secretariat • an institute/an administration from a voluntary country go through a procurement contract procedure, following specifications given by SecWeb and agreed • a formal agreement is set bilaterally btw each country and the administration/institute • the secretariat is followed by the administration or the institute, which at the end of each year provide each country with an invoice <p>Hope this can help, please fill free to share if needed,</p> <p>Answer from Louise Veron 04/11/2022</p> <p>I had contact with our financial services, and given the amount requested (8k€ to 12k€) for France, we can set a contract directly ith the selected service that will ensure the secretariat, without</p>

MS feedback on Secretariat funding

	going through 3 offers. A contract from 1st January 2023 seems feasible. but will need to be signed by mid-december.
HRV	
ITA	
CYP	
LVA	
LTU	<p>I would like to suggest another way of managing the activity of Secretariat.</p> <p>Maybe it is possible to organize the Secretariat activity by the base of multi-lateral agreement with Member States (like we have multi-lateral agreement between responsible MS for data collection in SPRFMO and CECAF regions) and no requirements for public procurement procedures in that case appear. According to our legislation, the agreement shall be approved by Ministry of Foreign Affairs, Competition Council of the Republic of Lithuania and Ministry of Justice.</p> <p>But once it is approved, it is legal for many years and such costs will be eligible all the time until the multilateral agreement will exist.</p>
HUN	
MLT	
NLD	
AUT	<p>According to our understanding of the tables provided, Austria's annual contribution would amount to 470 Euros annually. If this is the correct assumption, we can agree with the proposal.</p> <p>On the practicalities: We would prefer to pay this amount from the Technical assistance component of EMFAF, as the procedures are simpler and due to our limited staff resources we welcome every avoidance of administrative burden.</p>
POL	
PRT	
ROU	
SVN	
SVK	
FIN	
SWE	