

BEREC Office ref MC (16) 42

Questions and Answers

regarding the Open tender procedure 2016 - BEREC – OT - 01

TRAINING ON THE REGULATORY FRAMEWORK FOR ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES AND OTHER TOPICS RELATED TO BEREC ACTIVITIES

Contract notice 2016/S 063-107757

Question 1:

Since a participation in the above mentioned public procurement procedure is not open to tenderers from countries which have ratified the Multilateral Agreement on Government Procurement (GPA), an interested economic operator has raised a question if it is eligible to participate.

This economic operator is a Brussels based office of a US partnership (the USA has signed the GPA), officially known in Belgium as a foreign private association which possesses a VAT number and business identification number.

Answer 1:

If the entity registered in Belgium (VAT number and business identification number) is a branch of the US entity, it does not have independent legal personality. Therefore, the contract should be signed in the name of the US entity but the US entity does not have access to the market. Consequently, the Belgian branch of the US entity does not have access to BEREC Office procurement procedure.

signed

Panos KARAMINAS

Authorising Officer by
sub-delegation

Riga, 14 April 2016