

Clarification Note #3

EUSPA internal reference: 321362

Procurement procedure: EUSPA/OP/16/25 (EUSPA/PRG/2026/OP/0003)

Title: 'Administrative support services to EUSPA'

Question #8: As the services in LOT 1 will be required to be rendered on-site (in-house) only in the premises of EUSPA in Prague (Czech Republic), with regard to the Czech legislation in force (Act No. 435/2004 Sb., on employment, as amended), are tenderers obliged to have a valid permission to mediate employment under the laws of the place of establishment and proof of written notification to Labour Office? We do not see such a legal requirement in the minimum requirements of the Tender specifications.

Answer #8: In Section 1.6 (Applicable Rules) of the Tender Specifications (Annex I to the Invitation to Tender), following the non-exhaustive list of rules provided thereafter for information purposes and as an overall framework, it is explicitly specified in the "Important Note" that *"it shall be the Contractor's duty and corresponding sole responsibility to comply and ensure full compliance with all applicable laws, regulations and legal acts of any part of performance under the Contract contemplated to be awarded as a result of the current procurement procedure."*

Further, section 3 (Transfer of Undertakings) of the Tender Specifications provides that *"Tenderers are required to assess and undertake the risks possibly deriving from the applicable national law and EU/national case law concerning transfer of undertakings in relation or in connection with the succession in the contracts for classified and unclassified administrative support..."*

It is up to the tenderer to perform the necessary analysis and to undertake the steps required to ensure its compliance to the applicable legislation when implementing the contract.

Question #9: In case of LOT1 - The services will be required to be rendered on-site (in-house) at the premises of EUSPA HQ in Prague. The resources to be involved in the provision of such services under either of the Lots shall only be EU nationals (EU working visas/permits are not sufficient). The estimated number of man-days of services required per year in Prague is 27.5 FTE. It will therefore be necessary to employ someone from the EU, i.e., to arrange employment for them. In the Czech Republic, it is not possible to legally arrange employment without the relevant authorization under the Employment Act. In our opinion, this condition cannot be circumvented by purchasing "administrative support." Or do you think it is possible?

Answer #9: Please, refer to the response to Question #8 the bidder / contractor is to perform the legal analysis, necessary to ensure their compliance of to the applicable provisions of the law.

Question #10: The tender documents does not address the legal framework for the services provided in detail, so we would like to ask whether we have understood it correctly: In the Czech republic, the employment mediation is regulated by Act No. 435/2004 Sb., on Employment. According to § 14 et seq. of this Act, employment may only be mediated by: 1) The Labor Office,



or 2) An employment agency based on a license granted by the Ministry of Labor and Social Affairs. Exceptions apply to intermediaries from the EU, but they must have a license to mediate employment in their own country. Therefore, if an agency has authorization in its home country and wants to operate in Czechia only temporarily and occasionally, it can use the cross-border service provision regime. However, this means that: - it must be legally established and authorized to carry out this activity in its home country, - it must comply with Czech reporting obligations, - the activity must be truly temporary, not de facto permanent.

Answer #10: Please, refer to the response to Question #9.