

## Corrigendum No. 2

### Procurement procedure: GSA/OP/05/19 – “Development of an advanced interference detection and robustness capabilities system”

(WFID: 255033)

#### I. Section 2.11.8 „Participation conditions“ of the Tender Specifications is modified as follows:

**2.11.8.1** In accordance with Article 18 of the GNSS Regulation, for reasons related to the protection of the essential interest of the security of the European Union or to public security, including the security of the EU Member States, the participation to this tender (including through subcontracting where such subcontracting presents a security aspects) is limited to economic operators established in European Union Members States. This applies at the moment of submission of the tender and for the whole duration of the contract.

Economic operators are considered established in the EU when all of the following conditions are met:

- a) they are formed in accordance with the law of an EU Member State, and have their central administration, registered office and principal place of business in an EU Member State (if legal persons) or they are nationals of one of the EU Member States (if natural persons); and
- b) their decision making centres (defined by reference to the criteria set out in Article 22(1) of Directive 2013/34/EU, also including the ultimate controlling person) comply with the conditions under 2.11.8.1(a) above; and
- c) the facilities (for goods manufacturing and/or supplying of services) which the candidate would use for the execution of the Contract are located in the EU.

**2.11.8.2.** In exceptional circumstances related to the nature, cost or availability of specific goods and/or services, the GSA may, on the basis of motivated and justified waiver requests submitted in writing by economic operators, authorise participation of:

- a. A prime contractor/s which do not meet the conditions under 2.11.8.1 (b) and/or 2.11.8.1 (c) above;
- b. A subcontractor/s (presenting security aspects) which fails to fulfil one or more of the conditions under 2.11.8.1 above;

provided that they demonstrate the implementation of sufficient measures in order to guarantee the protection of the essential interest of the security of the European Union or public security, including the security of the EU Member States.

End of document