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Call for expressions of interest – Experts in cross-border legal and administrative obstacles in the framework of the *b-solutions 2.0: Solving Cross-Border Obstacles* initiative

(Grant Agreement 2021CE160AT096)

Published on b-solutions' website on 31 March 2022, and afterwards on the European Commission's online platform Border Focal Point Network

1. Contracting authority

The contracting authority for this call for expressions of interest is the Association of European Border Regions (AEBR) - Enscheder Strasse, 362, 48599 Gronau (Germany).

AEBR represents border and cross-border regions, acting as a fundamental platform to promote and advise local, regional, national and European policymakers on cross-border cooperation related issues.

AEBR's objectives include:

- To highlight border and cross-border regions' role in the political landscape;
- To represent their common interests;
- To enhance cooperation between border regions throughout Europe;
- To promote exchanges of experience, information and solutions to common obstacles.

Dedicated email address for the purpose of this call for expressions of interest: b-solutions@aebr.eu.

2. Background information

b-solutions 2.0: Solving Cross-Border Obstacles extends the [b-solutions](#) action, an initiative to tackle legal and administrative obstacles hindering cross-border cooperation along EU internal borders. It is promoted by the European Commission's Directorate-General for Regional and Urban Policy (DG REGIO) and managed by the Association of

European Border Regions (AEBR). The project stems from the Communication [Boosting growth and cohesion in EU border regions](#) (COM(2017) 534 final), adopted by the European Commission on 20 September 2017, and builds on the report [EU Border Regions: Living labs of European integration](#) (COM(2021) 393 final) published on 14 July 2021.

Within the framework of the first phase of the *b-solutions* initiative between 2017 and 2021, 90 cases were selected: 10 pilot actions for testing tailor-made solutions to obstacles hindering cross-border cooperation were implemented, and 80 advice cases, examples of border obstacles, were identified and received advice from legal experts¹.

b-solutions 2.0: Solving Cross-Border Obstacles addresses two main objectives:

- 1) to identify and promote sustainable methods of resolving cross-border obstacles of a legal and/or administrative nature along EU internal land and maritime borders and along EU borders with EFTA and IPA countries;
- 2) to trigger the implementation of already identified solutions to cross-border obstacles.

In April 2022, AEBR will launch a first call for proposals to select further cases of cross-border obstacles of a legal and/or administrative nature. In November 2022, a second call is expected to be opened. AEBR expects to collect a maximum of 120 cases from the calls for proposals as well as from previous inventories.

Additionally, it will select 30 cases among the 90 advice cases selected previously for the development of proposals to implement innovative solutions.

Selected cases will receive legal advice on the obstacle subject of the application from experts with sound knowledge of legal and cross-border cooperation matters.

Thematic fields covered by the *b-solutions 2.0* initiative and by the present call for expressions of interest include:

- 1) Institutional cooperation
- 2) Public services
- 3) Labour markets and education
- 4) European Green Deal

These areas should be considered in a perspective of cross-border cooperation, namely taking into consideration the dynamics of interaction across national borders.

More information on the exact meaning of the thematic areas can be read [here](#).

3. Objectives of the call for expressions of interest

The objective of this call for expressions of interest is to set up a list of experts with sound knowledge of cross-border cooperation practices, competences in analysing a legal text and consultancy skills – preferably with a legal background. Selected experts may then be contracted to provide support to one or various aspects of AEBR’s delivery of the *b-solutions* initiative, which may include the following:

- 1) provide help in defining the identified obstacles in a clear and systematic way, and propose possible solutions to them by outlining the legal framework from which to proceed, fulfilling objective 1 and/or;

¹ Detailed information on each pilot action and advice case can be found in the publications released in conclusion of the first phase of the *b-solutions* initiative implementation [here](#).

2) provide support to implement previously identified solutions for selected 30 cases by e.g. proposing legal modifications, drafting proposals of bilateral agreements or legislative and administrative amendments, and showcasing the proposals in workshops, fulfilling objective 2.

For each task assigned, the selected expert will receive a specific contract.

More on the application procedure and the required documents to apply as a legal expert can be found in sections 10 and 11 of the present call for expressions of interest.

4. Tasks of the experts

Experts might be contracted for objective 1 and/or for objective 2, with specific tasks related to each objective.

To achieve objective 1, experts contracted under the present call for expressions of interest are expected to perform following tasks:

- Provide legal advice in order to identify the obstacle(s), making clear reference to the legal provisions that are causing it (them) and propose possible solutions;
- Coordinate with the contact person for the assigned case(s);
- Communicate directly with the representatives of the institution submitting the assigned case and stakeholders, including a field visit if possible;
- Prepare a final report which underpins conclusions of their work relating to options for resolving the identified obstacle. This will include a description of the obstacle with indication of the legal/administrative provisions causing the obstacle; a description of possible solutions; a full list of all legal provisions relevant to the case with the correct citation both in original language and in English; and an executive summary.

The template for the report will be assigned by AEBR to contracted experts.

The final report must be written in English, unless agreed differently with AEBR, and must be sent by the end of the implementation period to AEBR as well as the representative of the advised case.

To achieve objective 2, experts contracted under the present call for expressions of interest are expected to perform the following tasks:

- Provide inputs proposing legal modifications, proposals of bilateral agreements, etc. on particular cases;
- If deemed necessary, participate actively in workshops.

5. Time and place of delivery of the tasks

Under objective 1, a maximum of 9 working days within a period of three months is foreseen to perform the tasks. The tasks are expected to be carried out, at least partially, at the premises of the institution submitting the assigned case.

Experts should coordinate with the contact person at the assigned case(s) to schedule their field visits according to the reciprocal obligations.

The field visit should take place within the implementation period of the initiative. In particular:

- a) approximately between June and October 2022 for the first call for proposals;
- b) approximately between December 2022 and June 2023 for the second call for proposals.

The exact site and dates of delivery will be mentioned on the contract's specifications. These may differ from the date above depending on the date the expert is assigned to a case.

The final report must be compiled by the expert within the implementation period of a maximum of three months after the assignment of the case to the expert.

Under objective 2, experts will coordinate with AEBR to arrange the details of their engagement, for a maximum of 10 days per case, as required and as determined by AEBR and on a case by case basis.

The implementation period for this specific task is May 2022 to May 2023 (approximately). The exact site and dates of delivery will be mentioned on the contract's specifications.

6. Conditions of remuneration and reimbursement

Experts contracted for objective 1 shall be remunerated with a maximum amount of € 7,500.00, which will be transferred after approval of the report.

The amount of € 7,500.00 includes:

- a) a fee of € 600.00 (VAT included) per working day, for a maximum of 9 days, applied in reason of the profile of the expert and in accordance to AEBR's practice for the expert's specific competence in evaluating the case assigned and drafting individual evaluation report;
- b) a total of € 690.00 calculated for travel costs;
- c) € 130.00 per night (for a maximum of 6 nights); and
- d) € 90.00 per day (for a maximum of 7 days) to cover accommodation and daily allowances (meals, local transports and other possible expenditures included).

A single final payment after delivery and approval of the report by AEBR will be made.

The total amount is calculated on the basis of the actual number of days spent at the premises of the institution that submitted the advice case assigned and agreed upon with the AEBR.

Should restrictions to travel apply because of the current Covid-19-pandemic, and the expert therefore carries out the tasks remotely, the remuneration will amount to € 6,000.00 (for a maximum of 10 working days à € 600.00 each).

Experts contracted for objective 2 shall be remunerated with a fee of € 600.00 (VAT included) per working day, for a maximum of 10 days. The number of days of engagement will be discussed by AEBR and the expert in advance and regulated in the contract.

For specific activities or events (including workshops) related to the implementation of objective 2, if deemed necessary, travel costs will be determined and covered by AEBR.

7. Eligibility criteria relating to technical and professional capacity

Criterion 1: Relevant professional experience in the field of legal and administrative matters, with specific and proven knowledge of cross-border instances in one or more of the thematic fields listed in section 2;

- Threshold²: 3 years or more;
- Supporting evidence³: CV of the expert in accordance with the prerequisites laid down in section 11;

Criterion 2: Ability to draft and communicate in English or one of the other working languages of the European Commission (French or German)⁴;

- Threshold: B2 - C1 level of English or one of the other working languages of the European Commission (French or German);
- Supporting evidence: CV of the expert, in accordance with the prerequisites laid down in section 11, or a copy of language certificates, if available.

8. Awarding criteria relating to technical and professional capacity

Criterion 1: relevant experience in the field of legal consultation;

Criterion 2: relevant experience in the field of cross-border cooperation;

Criterion 3: advisory experience in the field of cross-border cooperation and/or regional development with specific regards to analysing obstacles, including multilevel governance processes;

Criterion 4: knowledge of a specific territory and of the languages spoken therein;

Criterion 5: relevant experience in the field of one or more of the thematic areas listed at point 2.

Criteria will be evaluated on the basis of the online application form and the CV provided by the experts.

For every criterion, a score on a scale from 0 to 5 will be assigned, where 0 indicates a completely insufficient relevance of the expert's previous experiences and 5 an excellent one.

To be included in the list of experts, the assessment of the 5 criteria listed above should lead to an overall score of at least 12,5 points, namely 50% of the total 25 cumulative points.

9. Exclusion criteria

Experts shall be excluded from participation if:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;

² Work experience in both the private and public sector will be taken into consideration, as well as a relevant Ph.D. A master's degree cannot be considered as professional experience. The length of professional experience is determined relative to the month when the application is received.

³ Documents submitted as supporting evidence are subject to checks, audits and evaluations by the European Commission or by authorised auditors as part of the documentation of the project.

⁴ Please notice that the report is expected to be written in English, unless agreed differently with the contracting authority.

- b) they or persons having powers of representation, decision making or control over them have been convicted of an offence concerning their professional conduct by a judgment of a competent authority of a Member State which has the force of res judicata;
- c) they have been guilty of grave professional misconduct proven by any means;
- d) they are not in compliance with their obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- e) they or persons having powers of representation, decision making or control over them have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity, where such an illegal activity is detrimental to the Union's financial interests;
- f) they are subject to an administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in a procurement procedure or failing to supply information, or being declared to be in serious breach of their obligation under a contract covered by the budget;
- g) they have a conflict of interest in connection with the contract; a conflict of interest could arise in particular as a result of economic interests, political or national affinities, family or emotional ties or any other relevant connection or shared interest.

Experts shall provide a declaration of honour stating that they are not in any of the situations of exclusion listed above. In case of doubt, applicants may be requested to provide supporting evidence of non-exclusion.

10. Application procedure

Expressions of interest should be submitted via an online form, accessible here: <https://www.b-solutionsproject.com/experts-apply>

Deadline: 31 March 2023.

It should be noted that the selection and allocation of the experts to provide advice starts in Spring 2022, with cases being assigned in May, July, November 2022 and early 2023. Applicants are therefore encouraged to submit expressions of interest in the earliest phase of the application period.

As a general rule, this call is open to natural and legal persons specialised in the matters covered by the subject of the present document.

Legal persons can indicate a maximum of seven experts each and provide the information and documents required for each appointed natural person.

AEBR will draw up a list of experts who meet the criteria set out under sections 7 and 8. The list will be updated constantly until the closing of the present call for expressions of interest.

Please note that by being included in the list, AEBR does not commit itself to conclude a contract with the respective expert.

Based on the information collected with the present call and included in the list, AEBR will assign tasks to the experts depending on the skills, experience, knowledge and languages necessary and in accordance with the principles of non-discrimination, equal treatment and absence of conflict of interests.

The list resulting from this notice will be used exclusively for the execution of the tasks described under section 4 of the present call and for the thematic fields listed therein.

11. Supporting documents

Interested parties should provide their full contact details and indicate the specific thematic fields they have expert knowledge on. Thematic fields are listed in section 2.

The following files or documents must be submitted:

- a) Standard application form to be submitted in English via the online form accessible [here](#);
- b) Complete and up to date curriculum vitae in English to be submitted in PDF format. The CV must include a clear reference to the applicant's language skills, according to the Common European Framework of Reference for Languages⁵;
- c) Declaration of honour on exclusion criteria and awarding criteria as indicated in sections 9, signed and dated, to be submitted in PDF format⁶.

If you wish, document(s) providing evidence of the professional experience in the field of legal matter and/or cross-border cooperation as indicated at point 8 may be uploaded, in PDF format, to the application form.

The application form and instructions on submitting applications are available at: <https://www.b-solutionsproject.com/experts-apply>

Please note that, in case of selection, a legal entity form⁷ and a financial identification form⁸, completed and signed, must also be submitted before signing the contract.

AEBR reserves the right to request additional or updated documents and to review its assessment of the application file on the basis of submitted documents.

12. Protection of personal data

Any personal data (name, address, CV) received by AEBR in the context of this call for expressions of interest will be processed pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

Personal data will be retained and guarded for a period of 10 years following the closure of the call for expressions of interest.

Unless indicated otherwise, replies to this call for expressions of interest and any personal data requested are required for evaluation purposes, following the procedure indicated above under section 10, and will be processed solely for these purposes by AEBR and by the European Commission's Directorate General for Regional and Urban Policy (DG REGIO) as promoter of the *b-solutions* initiative.

⁵ <https://europass.cedefop.europa.eu/resources/european-language-levels-cefr>

⁶ Template available at <https://www.b-solutionsproject.com/experts-apply>

⁷ Available here: https://ec.europa.eu/info/publications/legal-entities_en

⁸ Available here: https://ec.europa.eu/info/publications/financial-identification_en

Details concerning the processing of personal data are available in the privacy statement available at: <https://www.b-solutionsproject.com/experts-apply>

13. Ex-post transparency

AEBR will keep an audit trail of the applications received and will retain the CV and further documentation attached to the application of applicants, unless specifically requested to delete the information.

A list of experts' names, who have concluded a contract following the present call for expressions of interest, maybe published on the website of the initiative, on the online platform "Boosting EU Border Regions" which is used to disseminate information on the *b-solutions* and *b-solutions 2.0* initiatives, and on the outputs of the project (compendium and other publications).

14. Date of dispatch of notice

31 March 2022