



**EUROPEAN UNION RULE OF LAW MISSION IN KOSOVO**

**EULEX KOSOVO**

Ndertesë Farmed  
"Muharrem Fejza" p.n.  
Lagja e Spitalit  
10000 Pristina, Kosovo  
Tel: +(381) 38 222 010 2000  
[www.eulex-kosovo.eu](http://www.eulex-kosovo.eu)

**CLARIFICATIONS No. 1**

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EULEX Mission Head Quarters Pristina**

**1. Questions regarding the instructions to tenderers.**

Question No	Question	Answer
1.	According to the current Kosovo legislation a company that is operating in Kosovo for more than 6 months it has to be locally registered. For that reason we have decided to register a local company which is called "xxxx". This new company has the same owner structure as the previous company called "xxxx". Considering this we would like to know if there will be any problem if for this new tender "xxxx" becomes the leader and "xxxx" the partner. By doing that we will be in accordance with the local rules and still have the same references as "xxxx".	<p>In accordance with Article 3 (Participation and sub-contracting) of the Instruction to tenderers: <i>"Tendering is open to all legal persons participating either individually or in a grouping (consortium) of tenderers which are established in Member State of the European Union, in an official candidate country or a country that is a beneficiary of the Instrument for Pre-Accession Assistance, in a Member State of the European Economic Area, a country of the Western Balkans region or a contributing third State, as authorized by Council Joint Action 2008/124/CFSP of 04 February 2008 on EULEX KOSOVO as amended by JA 2009/445/CFSP and Council Decision 2010/322/CFSP, Council Decision 2012/291/CFSP of 5th June 2012 and Council Decision 2013/241/CFSP of 27 May 2013..."</i>.</p> <p>In addition, as stipulated in Article 4, Technical capacity of the Selection Criteria Notice <i>An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal</i></p>

		<p><i>nature of the links which it has with them. It must in that case prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility and notably that of nationality, as the economic operator.</i></p>
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