

**OPEN INVITATION TO TENDER****AO/DSL/ABARA/GRUSSO/learning cultures in organizations/002/15****Learning cultures in organizations****Request for Clarification (2) – Questions & Answers****Question No 1**

My query relates to the FWC model of October 2012 (Framework Services Contract) and Article 1.8.2 Pre-existing rights and transmission of rights therein. A number of options are given in the model each enclosed with '[']'.

Could you please clarify the text of this Article that pertains to this tender, so that is not in conflict with II.10.3.

Is it the following?

I.8.2 Pre-existing rights and transmission of rights

All pre-existing rights shall be licensed to the Union in accordance with Article II.10.3.

The contractor shall provide to the contracting authority a list of pre-existing rights and third parties' rights including its personnel, creators or other right holders as provided for in Article II.10.5.

Cedefop's answer to question No 1

Your understanding is correct. These two provisions taken up in the questions are the general rule, and are deemed to apply in all cases, and especially for the purpose of this study.

Art. I.8.2 shall read therefore in the final contract:

"I.8.2 Pre-existing rights and transmission of rights

All pre-existing rights shall be licensed to the Union in accordance with Article II.10.3.

The contractor shall provide to the contracting authority a list of pre-existing rights and third parties' rights including its personnel, creators or other right holders as provided for in Article II.10.5.

The contractor shall present relevant and exhaustive evidence about the acquisition of all the necessary pre-existing rights and third parties' rights together with delivery of the final report at the latest. This obligation should be fulfilled by presentation of the contractor's statement prepared in accordance with Annex A and third parties' statements prepared in accordance with Annex B and the relevant evidence listed in article II.10.5 as appropriate."