



Voluntary ex-ante transparency notice

Subject: Provisioning of ATA Carnets

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1. Introduction

KVK has published this voluntary ex-ante transparency for the provision of ATA carnets. This document addresses the background and scope of the assignment, the form and value of the agreement and the justification to directly award the assignment to UDITIS SA.

This procedure is conducted in accordance and in compliance with Directive 2014/24/EU.

Market parties have the possibility to object to this intention to award twenty (20) days after publication of this voluntary ex-ante transparency notice.

2. Background and scope of the assignment

The ATA carnet is an international customs document used under the internationally implemented ATA and Istanbul Conventions. It is used for the duty- and tax-free temporary importation of goods and is commonly known as the passport for goods. Nearly 80 countries worldwide have implemented the system, and its scope can be determined by each country. A country is a member of the respective convention, but the production of the documents is delegated to Chambers of Commerce.

In the Netherlands, the application procedure and production of the ATA carnet are carried out via a special platform, allowing users of the document to no longer visit a Chamber of Commerce location. The Netherlands issues approximately 6000 ATA carnets per year.

Additionally, the platform is used as a basis for claims management. Claims arise when the customs of a country of temporary importation have no proof that the goods have left on time. This requires correspondence between the national guaranteeing organizations (Chambers of Commerce) of the country of temporary importation and the country of issuance, as well as, in the case of the Dutch situation, between Dutch Customs and KVK, using data from the issuance/production environment of the platform. This correspondence is a manual, non-automated exercise – no personal data is processed by the system in this context.

KVK wants to secure the essential services already provided under the current agreement and wishes to additionally incorporate the following future elements:

- The system should be able to connect to the new digital ATA developments of the International Chamber of Commerce in Paris in the future;
- The system should have options to integrate with KVK's financial system, for example with an API. This is not yet planned to be realized given the current numbers. However, the system should have this option to anticipate possible future changes.

3. Form and value of the agreement

KVK intends to enter into an agreement with UDITIS SA for this assignment.

The duration of the agreement is ten (10) years, with the intended start date being April 7, 2025. After the initial period of four (4) years, the agreement can be unilaterally extended by KVK six (6) times under the same conditions for 1 year each, up to a maximum of April 7, 2035. With this setup of annual extension after the initial contract period, KVK wishes to adhere to the principle of proportionality by take into account unknown future (market) developments, while safeguarding the continuation of this essential service for KVK.

The scope of the assignment is expected to be EUR 60,000 per year, excluding VAT. The total estimate for the contract period of up to 10 years is EUR 600,000, excluding VAT.

4. Justification

Directive 2014/24/EU contains provisions to directly award an Assignment by contracting authorities, by publishing a voluntary ex-ante transparency. The law requires, among other things, a justification for when this procedure is chosen.

The justification to directly award the Assignment to UDITIS SA is based on the following:

- EU procurement law: Directive 2014/24/EU contains provisions to directly award an assignment by contracting authorities, by publishing a voluntary ex-ante transparency. Given the unique nature of this project and the lack of competition, KVK and its legal advisors, deemed this procedure appropriate.
- Market analysis: As KVK's current contract for the provision of ATA carnets is ending in 2025, KVK started its formal process to assure the continuation of these essential service in the beginning of 2024.

Based on years of hands-on knowledge working with the requested service, KVK's subject matter experts describe them as very specialized and unique. They concluded that very few market parties available to provide the requested services. To verify this statement, KVK reached out to market parties which were, to the knowledge of subject matter experts at KVK, able to offer the requested services. Next to UDITIS SA, these talks led to only one other market party able to perform the scope of the assignment. This market party however did not express interest to perform the assignment for KVK, as it is not their core business and the lack of resources of the market party during the provided timelines.

- Market consultation: In July 2024, KVK's procurement department published a market consultation, to verify the results of the market analysis and to further explore the European market. This market consultation was published on publication platforms TenderNed and TED (Tender European Daily) with reference number T138622, to inform the complete European Market about the upcoming assignment. In this market consultation, KVK shared the intended schedule for a Tender, the minimum requirements, the relevant numbers, and asked questions to the market.

This market consultation yielded one response from current supplier UDITIS SA. The results are documented in the market consultation report which has been made available on October 2024 to the European market. This report will also be shared (again and unchanged) with this notice.