

Template for Open Market Consultations

OMC template headings/outline ¹	Information
General information about the project	<p>Funding, name, date, acronyms, publication date, etc.</p> <p>Clarification and support contact: <i>[insert email]</i> and <i>[insert website]</i></p>
Legal framework	<p>This Open Market Consultation (OMC) is conducted under the applicable law of <i>[insert country]</i> with <i>[insert procurer(s) or lead procurer]</i> acting as the main public buyer.</p> <p>The relevant procurement legal framework is <i>[insert national law or details on specific legislation/articles]</i></p>
Context and purpose of OMC	<p>The OMC is a preparatory activity aimed at engaging with market players and suppliers, collecting feedback about feasibility and adjusting the project requirements, thus attracting the most suitable solutions in relation to the planned Pre-commercial procurement (PCP)/Public procurement of innovative solutions (PPI) in the healthcare sector.</p> <p><i>[insert details about the specific context and objectives].</i></p>
Disclaimer on non-binding nature	<p>Participation in this OMC does not constitute part of any procurement process. No rights, obligations or expectations regarding future participation can be derived. The OMC does not imply the follow-up of a procurement procedure. In case a procedure occurs, the <i>[insert procurer/s]</i> reserves full discretion to modify any requirements/specifications.</p> <p>The <i>[insert procurer/s]</i> may adjust, postpone or terminate the OMC at any time without notice.</p>
Equal treatment and transparency	<p>All interested parties <i>[specify categories if needed, e.g., researchers, end-users, consultants, etc.]</i> are invited to participate. No participant will be granted preferential treatment in any subsequent phase.</p>

¹ Template inspired by online references from EAFIP and other national platforms.

	<p>Information shared by participants should be non-confidential unless expressly stated and marked otherwise. Anonymized and aggregated responses will be used for reporting and analysis by the <i>[insert procurer/s]</i>. Confidential information will not be used to shape requirements in a way that advantages the contributor, unless made public.</p> <p>In case of questionnaires, personal data will be collected, processed, stored and used by the <i>[insert procurer/s]</i> with the sole purpose of gathering information from the market. Personal data will be treated as strictly confidential according to the General Data Protection Regulation (Regulation 2016/679 of the European Parliament and of the Council - GDPR). Participants may exercise their right to access their personal data and the right to rectify such data by contacting: <i>[insert email]</i>.</p>
<p>Participation of providers from third countries</p> <p><i>[only include this if you want to allow third country providers to participate]</i></p>	<p>The OMC is open to all interested parties including those established in a non-EU or third country. Participants are informed of the following aspects regarding their participation in future procedures:</p> <ul style="list-style-type: none"> - In a PCP, the EU procurement legislation does not apply, and participation may be open to suppliers from third countries, provided their conformity with EU and national rules (IP, confidentiality and place of contract performance, etc). - In a PCP, accept recommendations linked to the place of performance of R&D activities, which typically require that a minimum of 50% is performed in the EU or associated countries in line with the Horizon Europe and <i>[insert other specific funding or policy]</i>. - In a PPI, participation may be restricted to providers from WTO GPA countries or other international agreements with reciprocal access. <p>The legal approach is justified by Article 25 of Directive 2014/25/EU, Regulation (EU) 2022/1031 (International</p>

	<p>Procurement Instrument) and Horizon Europe (for EU-funded projects).</p> <p>Third-country providers/consortia involving third-country providers should clearly indicate their country of establishment and the location where the activities would take place. They should also guarantee and explain how they comply with EU rules.</p>
Dissemination and communication	<p>Background material, presentations, and documentation from the OMC will be made available in [<i>insert languages</i>] via [<i>insert project website</i>].</p> <p>Non-confidential market feedback may be shared with the EU institutions or other public bodies for transparency and policy alignment.</p>
Format and activities	<p>The OMC will consist of: [<i>insert activities such as online informative sessions, requests for information on EU survey platforms, market dialogues, Q&A, presentations, etc.</i>] [<i>insert details, language, deadlines, websites, etc.</i>].</p> <p>The [<i>insert procurer/s</i>] reserves the right to modify and supplement the listed activities based on the project needs, with a timely notification via [<i>insert website</i>].</p>
Confidentiality and media	<p>Events and webinars may be recorded for internal and project use. Participation via video/microphone indicates consent to the recording. To avoid recording, chat may be used.</p> <p>Photos may be taken during the events for project-related dissemination purposes.</p>
Confidential inputs	<p>Participants should not submit business-sensitive and or confidential information unless necessary and clearly marked. Confidential inputs may be shared separately via mail [<i>insert mail</i>], indicating explicitly the confidentiality. Confidential input will not be reported or published.</p>
Sign a declaration of understanding	<p>Participants declare that they understand the conditions of the OMC; acknowledge future conditions for participation, and agree in good faith to the principles of transparency and non-discrimination.</p>