

TENDER FILE / TERMS OF REFERENCE
(Competitive bidding procedure / Framework Contract)

Purchase of the consultancy services for drawing up a feasibility study on the use of artificial intelligence (AI) in policing, the administration of justice and border control/migration
DGI/CDCJ/02/2026



The Council of Europe, and its Committee on Legal Co-operation (CDCJ), is considering whether to develop a new international legal instrument(s), focusing on administrative law aspects of the use of AI systems by public authorities, in policing, the administration of justice and border control/migration. In that context, it is looking for Provider(s) for the provision of the consultancy services for drawing up a feasibility study to be requested by the Council on an as needed basis.

A. TENDER RULES

This tender procedure is a competitive bidding procedure. In accordance with Rule 1395 of the Secretary General of the Council of Europe on the procurement procedures of the Council of Europe¹, the Organisation shall invite to tender at least three potential providers for any purchase between €2,000 (or €6,000 for intellectual services) and €184,000 tax exclusive.

This specific tender procedure aims at concluding a framework contract for the provision of deliverables described in the Act of Engagement (See attached). A tender is considered valid for 180 calendar days as from the closing date for submission. The selection of tenderers will be made in the light of the criteria indicated below. All tenderers will be informed in writing of the outcome of the procedure.

The tenderer must be either a natural person, a legal person or consortia of legal and/or natural persons, with the expertise and profile below:

- Lawyer, legal scholar/academic, or policy expert with a focus on technology, human rights, or administrative law.
- Experience in drafting legal instruments or advising on regulatory frameworks.
- Ability to combine and present legal, technical, and policy perspectives.
- Experience working in diverse legal and cultural contexts, and ability to navigate political and diplomatic sensitivities in multilateral settings is desirable.

Tenders shall be submitted by email only (with attachments) to the email address indicated in the table below, with the following reference in subject: Tender - Purchase of the consultancy services for drawing up a feasibility study on the use of artificial intelligence (AI) in policing, the administration of justice and border control/migration. Tenders addressed to another email address will be rejected.

The general information and contact details for this procedure are indicated on this page. You are invited to use the CoE Contact details indicated below for any question you may have. All questions shall be submitted, in English or French, at least five working days before the deadline for submission of the tenders and shall be exclusively addressed to the email address indicated below with the following reference in subject: Questions - Tender consultancy services feasibility study AI.

	Framework Contract
27 May 2026 23h00 (Strasbourg/CET time)	

¹ The activities of the Council of Europe are governed by its [Statute](#) and its internal Regulations. Procurement is governed by the Financial Regulations of the Organisation and by [Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe](#).

	27 June 2026

B. EXPECTED DELIVERABLES

Background of the Project

The Council of Europe, and its Committee on Legal Co-operation (CDCJ), is considering whether to develop a new international legal instrument(s), focusing on administrative law aspects of the use of AI systems by public authorities, in three key domains:

- Policing and law enforcement (including but not limited to preventive policing; risk assessment, surveillance, decision support in investigations; automated decision making (ADM); and excluding criminal law-related functions);
- Administration of justice (including but limited to the functioning of courts and prosecution services and related bodies; case allocation and case management; decision making and decision support tools; predictive analytics; e-court systems; allocation of legal aid; ADM);
- Border control and migration management (including but not limited to risk profiling; automated border checks; visa/asylum processing; return decisions; ADM).

To inform this decision, and in order to ensure complementarity and added value to other existing instruments and initiatives, the CDCJ seeks to commission a feasibility study. The purpose of the consultancy is to prepare a feasibility study which:

- Assesses the need for, and added value of a new international legal instrument(s) addressing administrative law aspects of the use of AI in the fields of policing, the administration of justice and border control/migration;
- Identifies possible forms, scope and structure of such an instrument(s); and
- Advises the CDCJ on relative priorities between and within the three domains and, particularly, on whether a single cross-cutting instrument, separate domain-specific instruments or targeted instruments within these three domains would be most appropriate.

The feasibility study will aim to:

- Map existing standards and initiatives: identify and critically review existing international, regional and relevant national standards, guidelines and initiatives concerning the use of AI in the three fields, with particular attention to administrative law safeguards and with a view to avoiding duplication;
- Identify gaps and analyse needs of the three domains to explore from an administrative law perspective: determine to what extent existing standards address or fail to address key administrative law issues raised by the use of AI systems (e.g. legality, transparency/explainability, proportionality, non-discrimination, human oversight, procedural guarantees, access to information, individual and collective remedies);
- Assess options for a new instrument(s): Analyse different options for a new international legal instrument(s), in particular whether the instrument(s) should be binding or non-binding; which domain(s) present the most urgent and/or feasible opportunity for standard-setting action in the short to medium term; the potential scope, in particular whether all three domains should be addressed together in a single cross-cutting instrument, in a domain-specific instrument(s) or a targeted instrument(s) within a domain(s);
- Propose elements for the possible instrument(s) identified: outline possible core principles, obligations or standards (at a conceptual level) that could underpin future instruments, focusing on aspects of administrative law;
- Submit conclusions on the proposed way forward in terms of standard setting.

The Council of Europe is looking for one Provider (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on administrative law, public sector processes and institutional reforms, and technology regulation.

This Contract is currently estimated to cover up to 5 activities, to be held by end of 2027. This estimate is for information only and shall not constitute any sort of contractual commitment on the part of the Council of Europe. The Contract may potentially represent a higher or lower number of activities, depending on the evolving needs of the Organisation.

For information purposes only, the total budget of the project amounts to 8001 Euros and the total amount of the object of present tender shall not exceed 8001 Euros tax exclusive for the whole duration of the Framework Contract. This information does not constitute any sort of contractual commitment or obligation on the part of the Council of Europe.

Scope of the Framework Contract

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to provide the deliverables listed in the Act of Engagement (See Section A – Terms of reference). This list is considered exhaustive.

The above list is not considered exhaustive. The Council reserves the right to request deliverables not explicitly mentioned in the above list of expected services, but related to the field of expertise object of the present Framework Contract.

In terms of quality requirements, the pre-selected Service Providers must ensure, *inter alia*, that:

- The services are provided to the highest professional/academic standard;
- Any specific instructions given by the Council – whenever this is the case – are followed.

In addition to the orders requested on an as needed basis, the Provider shall keep regular communication with the Council to ensure continuing exchange of information relevant to the project implementation. This involves, among others, to inform the Council as soon as it becomes aware, during the execution of the Contract, of any initiatives and/or adopted laws and regulations, policies, strategies or action plans or any other development related to the object of the Contract (see more on general obligations of the Provider in Article 3.1.2 of the Legal Conditions in the Act of Engagement).

Unless otherwise agreed with the Council, written documents produced by the Provider shall be in English (see more on requirements for written documents in Articles 3.2.2 and 3.2.3 of the Legal Conditions in the Act of Engagement).

C. FEES

Tenderers are invited to indicate their fees, by completing and sending the table of fees, as attached in Section A to the Act of Engagement. These fees are final and not subject to review. Tenders proposing fees above the exclusion level indicated in the Table of fees will be entirely and automatically excluded from the tender procedure.

The Council will indicate on each Order Form (see Section D below) the global fee corresponding to each deliverable, calculated on the basis of the deliverable fees, as agreed by this Contract.

D. HOW WILL THIS FRAMEWORK CONTRACT WORK? (ORDERING PROCEDURE)

Once the selection procedure is completed, you will be informed accordingly. Deliverables will then be delivered on the basis of Order Forms submitted by the Council to the selected Provider, by post or electronically, on an as needed basis (there is therefore no obligation to order on the part of the Council).

Providers subject to VAT

The Provider, if subject to VAT, shall also send, together with each signed Form, a quote² (Pro Forma invoice) in line with the indications specified on each Order Form, and including:

- the Service Provider's name and address;
- its VAT number;

² It must strictly respect the fees indicated in the Act of Engagement. In case of non-compliance with these fees, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

- the full list of services;
- the fee per type of deliverables (in the currency indicated on the Act of Engagement, tax exclusive);
- the total amount per type of deliverables (in the currency indicated on the Act of Engagement, tax exclusive);
- the total amount (in the currency indicated on the Act of Engagement), tax exclusive, the applicable VAT rate, the amount of VAT and the amount VAT inclusive .

Signature of orders

An Order Form is considered to be legally binding when the Order, signed by the Provider, is approved by the Council, by displaying a Council's Purchase Order number on the Order, as well as by signing and stamping the Order concerned. Copy of each approved Order Form shall be sent to the Provider, to the extent possible on the day of its signature.

Delivery

Each deliverable has to be accompanied by the filled-out AI tool questionnaire which is appended to this document or otherwise provided at the ordering stage.

E. ASSESSMENT

Exclusion criteria and absence of conflict of interests

(by submitting a tender, you declare on your honour not being in any of the below situations)³

Tenderers shall be excluded from participating in the tender procedure if they:

- have been sentenced by final judgment on one or more of the following charges: participation in a criminal organisation, corruption, fraud, money laundering, terrorist financing, terrorist offences or offences linked to terrorist activities, child labour or trafficking in human beings;
- are in a situation of bankruptcy, liquidation, termination of activity, insolvency or arrangement with creditors or any like situation arising from a procedure of the same kind, or are subject to a procedure of the same kind;
- have received a judgment with res judicata force, finding an offence that affects their professional integrity or serious professional misconduct;
- do not comply with their obligations as regards payment of social security contributions, taxes and dues, according to the statutory provisions of their country of incorporation, establishment or residence;
- are an entity created to circumvent tax, social or other legal obligations (empty shell company), have ever created or are in the process of creation of such an entity;
- have been involved in mismanagement of the Council of Europe funds or public funds;
- are or appear to be in a situation of an actual, potential or perceived conflict of interest; a conflict of interests arises where any person has a personal interest which is such as to influence, or appear to influence, the impartial and objective exercise of their responsibilities under this procedure. A personal interest includes any advantage to themselves, their relatives or personal relationships (including based on political or national affinity), business or financial interests or any other interest shared with another party. If tenderers have any personal interests that are relevant to this tender procedure, they must fully disclose these in a separate document submitted with the tender;
- are retired Council of Europe staff members or are staff members having benefitted from an early departure scheme;
- are currently employed by the Council of Europe or were employed by the Council of Europe on the date of the launch of the procurement procedure;
- have not fulfilled, in the previous three years, their contractual obligations in the performance of a contract concluded with the Council of Europe leading to a total or partial refusal of payment and/or termination of the contract by the Council of Europe;
- are subject to restrictive measures applied by the United Nations Security Council or the European Union. In the case of legal persons, the restrictive measures imposed on the tenderer's owner(s) or executives will also exclude the tenderer from participating in this tender procedure.

³ The Council of Europe reserves the right to ask tenderers, at a later stage, to supply the following supporting documents:

- An extract from the record of convictions or failing that an equivalent document issued by the competent judicial or administrative authority of the country of incorporation, indicating that the first three and sixth above listed exclusion criteria are met;
- A certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met;
- For legal persons, an extract from the companies register or other official document proving ownership and control of the Tenderer;
- For natural persons (including owners and executive officers of legal persons), a scanned copy of a valid photographic proof of identity (e.g. passport).

Eligibility criteria

The eligibility criteria determine the conditions for participating in a procurement procedure and define the essential requirements that each bidder must comply with. Bidders shall demonstrate that they fulfil the following criteria:

Eligibility criteria	Document/s to be submitted
<u>Education</u> : University degree 2nd cycle or higher in one of the following fields: law, public law, public policy, public administration, human rights, political science, or related fields.	CV
<u>Work experience</u> : At least 5 years of experience in research, policy, or public sector reform, or related regulatory/policy work, experience of advising national governments or international organisations evidenced by the information included in the supporting documents in particular in connection with technological developments and artificial intelligence.	CV
<u>Specific thematic expertise</u> : Confirmed expertise in technological developments and artificial intelligence as evidenced by the information included in the supporting documents	CV Samples of previous work
<u>Language and Drafting skills</u> : Fluency in English or French is required as well as clear and concise drafting.	CV Samples of previous work

The above eligibility criteria will be assessed on the basis of the documents listed in the table and, where relevant, on the basis of other supporting documents listed in Section G.

For legal persons only: legal persons are requested to include in their bids the profiles of a maximum of three natural persons proposed to be assigned to the contract. The status of each natural person included in the bid must be specified, and in particular whether they are employees or subcontractors. Each natural person included in the bid will be assessed against the above eligibility criteria. The Council reserves the right not to accept the inclusion in the contract of persons who do not meet the eligibility criteria or to reject a bid entirely if no profiles met the eligibility criteria.⁴

For consortia only: each consortium member will be assessed against the eligibility criteria above. Consortium members who are legal persons are requested to provide the profiles of a maximum of three natural persons proposed to be assigned to the contract. The status of each natural person included in the bid must be specified, and in particular whether they are employees or subcontractors.

Each natural person included in the bid submitted by a consortium – whether as an individual consortium member or as a natural person attached to a legal person – will be assessed against the above eligibility criteria. The Council reserves the right not to accept the inclusion in the contract of persons who do not meet the eligibility criteria or to reject a bid entirely if no profiles meet the eligibility criteria.⁵ For a consortium to be validly constituted, at least two consortium members must satisfy the eligibility criteria.

Award criteria

The award criteria aim at assessing the quality of a bid in order to identify the bid/s offering the best value for money. Eligible bids will be assessed against the following award criteria:

Award criteria	Document/s to be submitted
Quality of the offer (90 points), which consists of: - o Legal expertise (35 points); - o Technical expertise (35 points); - o Language and drafting skills (20 points).	CV and samples of previous work

⁴ If awarded a contract, legal persons undertake to entrust the execution of order forms only to the persons approved by the Council for inclusion in the contract. If, during the period of validity of the contract, it becomes necessary to replace one or more of the persons included in the contract, the legal persons undertake to assign to the contract only persons who satisfy the eligibility criteria above and to inform the Council without delay.

⁵ If awarded a contract, consortium members who are legal persons undertake to entrust the execution of order forms only to the persons approved by the Council for inclusion in the contract. If, during the period of validity of the contract, it becomes necessary to replace one or more of the persons included in the contract, consortium members who are legal persons undertake to assign to the contract only persons who satisfy the eligibility criteria above and to inform the Council without delay.

Financial offer (10 points)	Completed and signed Act of Engagement
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Legal Expertise criterion includes the following aspects/elements:

- Strong background in administrative law, public sector processes and institutional reforms, and technology regulation.
- Good understanding/knowledge of procedural fairness, transparency, accountability, and judicial review in AI/ADM contexts.
- Familiarity with administrative law principles across Council of Europe jurisdictions.

Technical Expertise criterion includes the following aspects/elements:

- Understanding/knowledge of how AI systems operate in policing, justice, and border control (e.g. predictive algorithms, biometric surveillance, automated decision-making).
- Awareness of technical limitations, biases, and risks associated with the use of AI.
- Knowledge of existing AI regulations (e.g. Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, EU AI Act, OECD AI Principles, UNESCO Recommendation on AI Ethics, European Ethical Charter on the use of artificial intelligence (AI) in judicial systems and their environment of CEPEJ, etc.).

Language and Drafting skills:

- Fluency in English or French is required as well as clear and concise drafting, ability to communicate complex technical topics to non-technical policymakers.

The above award criteria will be assessed based on the bidder's capacity, as outlined in the supporting document, or on the basis of a consolidated assessment of the combined capacity of all eligible profiles or consortium members if the bid is submitted by a legal person or a consortium.

Additional rules applicable to the submission and assessment of the bids

The bidders' attention is drawn to the following additional rules governing the assessment of the bids:

- The Council reserves the right to hold interviews with prima facie eligible tenderers;
- Unless expressly provided otherwise in the tender documents, a bidder may not submit more than one bid for the same procurement procedure. Bidding for more than one lot – where a contract is divided into lots – is allowed;
- In the same procurement procedure, natural person may not submit a bid on his/her own behalf and, at the same time, be included in a bid submitted by a legal person or a consortium. In such cases, the Council of Europe reserves the right to exclude the bid submitted by the natural person from the procurement procedure;
- In the same procurement procedure, a legal person may not submit a bid and, at the same time, be a member of a consortium also bidding under the same procurement procedure. In such cases, the Council of Europe reserves the right to exclude the bid submitted by the legal person from the procurement procedure;
- The Council reserves the right to reject any bid if, in its sole judgment, the financial offer is abnormally low or high. The Council may request clarification from the bidder before making its determination.

F. NEGOTIATIONS

The Council reserves the right to hold negotiations with the bidders in accordance with Article 20 of Rule 1395.

G. DOCUMENTS TO BE PROVIDED

- One completed and signed copy of the Act of Engagement;⁶
- A list of all owners and executive officers, for legal persons only;
- When relevant, a document disclosing the provider's personal interests that are relevant for this procedure, in compliance with the instructions laid down above under the 'Exclusion Criteria' above (Section 'Assessment');
- All the documents listed above, either in Word or PDF format, under Section E, necessary for the assessment of the bid under the eligibility and award criteria.

All documents shall be submitted in English or French, failure to do so will result in the exclusion of the tender. If any of the documents listed above are missing, the Council reserves the right to reject the tender.

⁶ The Act of Engagement must be completed, signed and scanned in its entirety (i.e. including all the pages). The scanned Act of Engagement may be sent page by page (attached to a single email) or as a compiled document, although a compiled document would be preferred. For all scanned documents, pdf files are preferred.

Documents may be submitted via file sharing services such as WeTransfer, Dropbox, OneDrive, etc.). In this case, the link must mandatorily remain active for at least 30 days after the deadline for the submission of the bids. Failure to ensure this may lead to the bid being excluded from the procurement procedure.

The Council reserves the right to reject a tender if the scanned documents are of such a quality that the documents cannot be read.

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