Commission Delegated Regulation (EU) 2020/1083 of 14 May 2020 Supplementing Regulation (EU) 2019/517 of the European Parliament and of the Council by establishing the eligibility and selection criteria and the procedure for the designation of the Registry of the.eu top-level domain name (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2020/1083

of 14 May 2020

Supplementing Regulation (EU) 2019/517 of the European Parliament and of the Council by establishing the eligibility and selection criteria and the procedure for the designation of the Registry of the.eu top-level domain name

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/517 of the European Parliament and of the Council of 19 March 2019 on the implementation and functioning of the.eu top-level domain name and amending and repealing Regulation (EC) No 733/2002 and repealing Commission Regulation (EC) No 874/2004[(1)], and in particular Article 8(1) thereof,

Whereas:

(1) The purpose of this Regulation is to establish the eligibility and selection criteria as well as the procedure for designating the Registry entrusted with organisation, administration and management of the.eu top-level domain.

(2) The Registry should be selected on the basis of an open, transparent and non-discriminatory selection procedure allowing a fair and competitive selection process. To this end, and in order to reach the highest possible number of suitable candidates, the call for selection should be published in the *Official Journal of the European Union.*

(3) The selection procedure should be organised by the Commission in two phases, in order to ensure the transparency of the process and an efficient use of the resources.

(4) During the first phase of the procedure, the Commission should verify the eligibility of the applicants, in order to ensure that they comply with the minimum characteristics of the Registry as set in Regulation (EU) 2019/517.

(5) During the second phase of the procedure, the Commission should establish the ranking of the eligible applicants based on criteria that ensure that the organisation, administration and management of the.eu top-level domain complies with the objectives of supporting the digital single market, building an online European identity and encouraging cross-border on line activities. In order to ensure that these objectives are met, the Commission should give appropriate weighting in the selection procedure to the quality of service, human and technical resources allocated and financial standing of the applicants.

(6) In order to ensure appropriate and timely supervision of the core registry functions, the infrastructure needed to perform such functions should be located in the Union. This infrastructure should include, among others, the necessary software, hardware and other facilities that are necessary for the administration, functioning and management of the.eu top-level domain, such as the database for.eu TLD registration data, the database for.eu TLD accredited registrars, the primary authoritative server for the.eu TLD, the third party data escrow for the.eu TLD zone file and domain name registration information, the public query services system, and the website with up-to-date policy and registration information for the.eu TLD.

(7) In order to ensure an adequate level of the management of the.eu top-level domain, the call for selection published by the Commission should establish a minimum threshold to be met by the applicants on the basis of the selection criteria, in order to be able to be designated as Registry.

(8) In order to ensure the transparency of the procedure, the Commission should provide reasons for its decisions which should be communicated to the applicants.

(9) The applicant with the highest ranking based on the evaluation score should be designated as the Registry. In case the contract with the designated Registry is not concluded, the Commission should be able to designate as Registry the next ranking applicant.

(10) In order to allow a fair and competitive selection procedure for the Registry, which has to be concluded at the latest by 12 October 2021 with the signature of the contract, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes the eligibility and selection criteria as well as the procedure for the designation of the Registry of the.eu top-level domain, in accordance with the principles of openness, transparency and non-discrimination.

Article 2

Eligibility criteria

1 The Registry shall be a not-for-profit organisation, formed in accordance with the law of a Member State. It shall have its registered office, central administration and principal place of business within the territory of the Union.

2 The infrastructure needed to perform the core registry functions as provided in Article 5(2) shall be located within the territory of the Union.

3 Where a consortium of firms or a group of contractors sets up the not-for-profit organisation, each entity forming part of such consortium or group shall have its registered office, central administration and principal place of business within the Union.

4 The Registry shall undertake to carry out its tasks as a prime contractor. Subcontracting may be allowed exclusively where necessary for the performance of the work and with a prior written agreement from the Commission.

Article 3

Applications

1 The application shall clearly identify the Member States in which the not-for-profit organisation is registered and provide complete information about the location of its registered office, central administration and principal place of business.

2 If the not-for-profit organisation is set up by a consortium of firms or a group of contractors, the application shall provide information about the different roles and the status of each member of the consortium or group, including all the information required under paragraph 1 of this Article.

3 Where one or more of the entities forming part of the consortium or group is a for-profit entity, the application shall provide information about the measures the consortium or group commits to taking to guarantee the financial and legal separation of any for-profit activities from the activities of the Registry function.

4 The application shall provide a description of the internal organisation of the not-for-profit organisation and be accompanied by all supporting documents as requested in the call for selection of the Registry.

Article 4

Quality of service

1 The Registry shall pursue operational excellence and ensure a high quality of service at competitive prices. The Commission shall evaluate the ability of eligible applicants to provide the required quality of service. This criterion shall be weighted as 40 % of total evaluation score.

2 Applicants shall provide information about their experience in areas related to the organisation, administration and management of domain names.

3 Applicants shall describe how they plan to manage the.eu top-level domain in a way that ensures a high level of quality of services provided, taking into account the minimum functional and performance specifications for country code top-level domains registry services laid down by internet Corporation for Assigned Names and Numbers.

4 Applicants shall describe which measures they plan to put in place to ensure a high level of security and trust in the.eu top-level domain.

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2020/1083. (See end of Document for details)*

Article 5

Human and technical resources

1 The Commission shall evaluate the applicant's human and technical resources. This criterion shall be weighted as 30 % of the total evaluation score.

2 Applicants shall provide information about their human and technical resources and describe how these resources are sufficient to perform the following functions:

a to organise, administer and manage the.eu top-level domain, including the maintenance of the corresponding databases and the associated public query services, registering domain names, running the registry of domain names, running the Registry top-level domain name servers and creating and managing the top-level domain zone files;

b to ensure high quality, transparency, security, stability, predictability, reliability, accessibility, efficiency, non-discrimination, fair conditions of competition and consumer protection in the provision of their services.

3 The applicants shall describe in their application the type of organisation, administration and management that they intend to put in place to fulfil the functions referred to in paragraph 2, including the following:

a human resources and the necessary systems;

b software and hardware;

c facilities necessary for the operation and management of the.eu top-level domain.

4 The applicants shall describe how their resources, including human and technical capacity, are sufficient to perform the registrar function, should the Commission request to activate such a function to fulfil specific policy objectives. The applicant shall also provide information about how the allocation of such resources to perform the registrar function complies with the requirements set in Article 7(2) of Regulation (EU) 2019/517.

5 Applicants shall provide information about how they plan to have in place the complete organisational and operational structure so that they are able to start functioning as Registry from 13 October 2022.

Article 6

Financial standing and compliance

1 The Commission shall evaluate the financial standing of eligible applicants. This criterion shall be weighted as 30 % of the total evaluation score.

2 The applicants shall:

a demonstrate a level of financial security and stability that is adequate in order to fulfil the tasks of the Registry;

b provide complete information about the anticipated costs and capital requirements to organise, administer and manage the.eu top-level domain, the availability of capital and insurance; a revenue model, including a pricing model, a relevant market analysis, a marketing plan, and registry failure provisions;

c describe how they will apply sound financial management principles;

d provide information on the fees that they intend to apply, and describe how the levels of the fees is determined on the basis of the costs incurred.