



EUROPEAN COMMISSION

Directorate-General for Development and Cooperation — EuropeAid

Resources in Headquarters and in Delegations

Legal Affairs

Head of Unit DEVCO.R.3

Brussels,
DEVCO.R.3/LS/ – Ares(2014)

Object: Changes in the Eligibility (nationality and origin) rules referred to in Annex IV following publication of Regulation (EU) N°236/2014 on 11th March 2014

Dear Sir / Madam,

As a grant beneficiary financed by DG DEVCO, we hereby inform you that the eligibility rules set out in annex IV "Procurement by grant Beneficiaries in the context of European Union external actions" of your grant contract have been amended.

Regulation (EU) N°236/2014 of the European Parliament of the Council of 11th March 2014, laying down common rules and procedures for the implementation of the Union's instruments for financing external action (CIR) and the revision of Annexe IV of Cotonou adopted on 20 June 2014 have introduced new nationality and origin rules to follow during grant implementation. The new rules will apply to any new contract signed.

Furthermore, due to the formulation of annex IV of grant contracts, the new rules also directly apply to ongoing contracts that were signed under the previous set of rules. We therefore require that you ensure the new eligibility requirements are enforced and applied to all calls for tenders launched under these contracts also. In order to ensure legal certainty for all contracts and equal treatment of all grant beneficiaries, these new rules have to be applied from 1st August 2014 (at the latest).

For ease of reference for the new rules, please see the following documents, depending under which your grant contract is financed under:

- **DCI** i.e. financing instrument for development cooperation, the eligibility rules are mentioned under article 8 and 9 of the CIR for DCI,
- **EIDHR** i.e. financing instrument for the promotion of democracy and human rights worldwide, the eligibility rules are mentioned under article 8 and 11 of the CIR for EIDHR.
- **INSC** i.e. instrument for nuclear safety cooperation, the eligibility rules are mentioned under article 8 and 9 of the CIR.
- **ICI** i.e. financing instrument for cooperation with industrialized and other high-income countries and territories (Regulation (EC) N° 1934/2006 - OJ L 405/41 of 30.12.2006), the eligibility rules are mentioned under article 8 and 9 of the CIR for PI,

- **ENPI** i.e. European Neighbourhood and Partnership instrument (ENPI) (Regulation (EC) N° 1638/2006 - OJ L 310/1 of 9.11.2006), the eligibility rules are mentioned under article 8 and 9 of the CIR for ENI.
- **IFS** i.e. Stability instrument (Regulation (EC) N° 1717/2006 of the EP and of the Council – OJ L 327/1 of 24.11.2006), the eligibility rules are mentioned under article 8 and 11 of the CIR for ISP.
- **EDF**: European Development funds, the eligibility rules are mentioned under article 20 of the revised Annexe IV.

If your grant contract is financed under any other Instrument, the eligibility rules of the legal base governing the Instrument remain applicable.

The annex of the Practical Guide containing the detailed list of eligible countries for each programme under the CIR eligibility rules is available on the Europeaid website:

<http://ec.europa.eu/europeaid/prag/annexes.do?group=A>

Along with the annex above mentioned, we invite you to read with great care the content of section 2.3.1 and 2.3.2 of the Practical Guide that explains in detail the new rules:

<http://ec.europa.eu/europeaid/prag/document.do>

In case you have any doubts we remain at your disposal to answer your questions.

Yours faithfully,

Laurent Sarazin