



EUROPEAN UNION

Delegation of the European Union to Bosnia and Herzegovina

Clarification No.1 to the Contract Notice

Tender title: Education for Employment, Bosnia and Herzegovina

Tender no.: EC/BiH/TEN/17/023

Publication ref.: EuropeAid/140102/DH/SER/BA

Question 1: If our interpretation is correct, the call is funded through the European Instrument for Democracy and Human Rights (EIDHR) – shown in the reference of the call: EuropeAid/140102/**DH**/SER/BA. DH should be the French abbreviation of EIDHR: Droits de l'Homme. According to the Common Implementing Rules of the EU, we are eligible as the rules say the following:

2) for ISP and EIDHR : (CIR - Article 11)

All countries are eligible for participation in contracts financed under these Instruments that are fully untied without prejudice to the limitations inherent to the nature and the objectives of the action.

Answer 1:

The call for tender in subject is funded under Instrument for Pre-Accession Assistance (IPA II). In accordance with Point 11 of the Contract Notice “Participation is open to all natural persons who are nationals of and legal persons (participating either individually or in a grouping – consortium – of tenderers) which are effectively established in a Member State of the European Union or in a eligible country or territory as defined under the Regulation (EU) No 236/2014 establishing common rules and procedures for the implementation of the Union's instruments for external action (CIR) for the applicable instrument under which the contract is financed.

The legal basis for this procedure is given in Point 29 of the Contract Notice, namely:

“Regulation (EC) No236/2014 of the European parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action and Regulation (EU) No 231/2014 of the European Parliament and the of the Council of 11 March 2014 establishing an **Instrument for Pre-Accession Assistance (IPA II).**”

On this basis (**CIR- Article 10**) the participation shall be open to all natural persons who are nationals of, and legal persons who are effectively established in, one of the following eligible countries/ territories/beneficiaries:

- (a) EU Member States: Austria, Belgium, Bulgaria, Czech Republic, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom.
- (b) Beneficiaries listed in the Annex I of the IPA II: Albania, Bosnia and Herzegovina, Kosovo¹, Montenegro, Serbia, Turkey, and Northern Macedonia.
- (c) European Economic Area: (only non-EU MS are mentioned) Iceland, Lichtenstein, Norway.
- (d) Partner countries and territories covered by ENI Instrument (annex I of ENI Instrument): Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Republic of Moldova, Morocco, occupied Palestinian territory (oPt), Syria, Tunisia, Ukraine.
- (e) Countries for which Commission has adopted a decision approving the request for reciprocal access to external assistance (Currently there are no such countries)

Question 2: We understand that any reference (considering also the 3 years reference period) with overall value of over €2m in the fields defined under 2.a, whereas the candidate has a numerical share of equal to/over 1 000 000€ (not necessarily though a share of over 50%) is considered eligible. Can you please confirm that our interpretation is correct?

Answer 2:

The reference will be considered eligible (in case a candidate has implemented the contract in a consortium) only if proportion of the candidate is at least 50%. Minimum of EUR 1 000 000, indicated between the brackets, refers to 50% of the minimum value of the referenced project requested. Therefore, the proportion of 50% must be maintained even if the value of referenced project is such that the numerical share of the candidate is equal to/over EUR 1 000 000.

¹ This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence