

## CONTRACTING AUTHORITY'S CLARIFICATIONS No. 1

Contract title: **Works on Bezdán lock and Šebešfok sluice and lock within the Complex water management development of the area of the Baja-Bezdán Canal**  
Publication Ref: **VV-BABECA-HUSRB/1601/11/0001-7.2**

No.	Question	Answer
1.	<p>As specified in Terms of participation – 8 Eligibility and rules of origin: “Participation is open to all legal persons [participating either individually or in a grouping (consortium) of tenderers] which are established in a Member State of the European Union or in a country or territory of the regions covered and/or authorised by the specific instruments applicable to the programme under which the contract is financed (see also heading 22 below). All works, supplies and services under this contract must originate in one or more of these countries. Participation is also open to international organisations. The participation of natural persons is directly governed by the specific instruments applicable to the programme under which the contract is financed.” The question is: The countries outside EU are not specifically mentioned, so we would like ask you to clarify that weather Chinese company can participate in this tender as an individual or member of JV/consortium?</p>	<p>As it is stated in Contract notices article 22 – Legal basis, according to PRaG rules and programme rules, legal basis for the procurement is as follows:</p> <p><i>REGULATION (EU) No 231/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II)</i></p> <p><i>REGULATION (EU) No 236/2014 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;</i></p> <p><i>COMMISSION IMPLEMENTING REGULATION (EU) No 447/2014 of 2 May 2014 on the specific rules for implementing Regulation (EU) No 231/2014 of the European Parliament and of the Council establishing an Instrument for Pre-accession assistance (IPA II)</i></p> <p>According to document <b>a2a_ecprogrammes_eligibility2014_2020_en</b>, which is related to participation of the potential tenderers, you can find information about eligibility of natural and legal persons.</p> <p>Participation in the award of procurement contracts, grants and other award procedures for actions financed under the CIR for <u>IPA II</u> for the benefit of third parties 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:</p> <p>(a) <i>EU Member States</i> (<a href="#">appendix 1</a>)</p> <p>(b) <i>Beneficiaries listed in the Annex I of the IPA II</i> (<a href="#">appendix 2</a>)</p> <p>(c) <i>European Economic Area</i> (<a href="#">appendix 3</a>)</p> <p>(d) <i>Partner countries and territories covered by ENI Instrument</i> (annex I of ENI Instrument) (<a href="#">appendix 11</a>)</p> <p>(e) <i>countries for which Commission has adopted a decision approving the request for reciprocal access to external assistance.</i></p>