



Instruction for the Beneficiaries of the Interreg IPA CBC Romania -Serbia

Ref: clarification regarding the advertising rules for local open tender procedures performed by the beneficiaries of the actions implemented in the framework of the INTERREG IPA CBC Romania-Serbia Programme

Having in mind the provisions of art. 7, letter B para. 17) of the subsidy contract, respectively art. 7, letter B para. 11) of the Annex 1 Co-financing contract, and considering the latest recommendations of the Audit Authority, and further clarifications received from the European Commission regarding the advertising requirements for local open tender procedures, the hereby Instruction is issued to clarify the advertising rules for local open tender procedures performed by the beneficiaries of the actions implemented in the framework of the INTERREG IPA CBC Romania-Serbia Programme, mentioned in Annex 6 of the subsidy contract: Public procurement procedure.

INSTRUCTION

According to the *Public Procurement Procedure for beneficiaries*, in force, section 2.2. **Applicability of the procedure:** *"Public procurement covers purchase of supplies, services and works financed from the project budget with the aim of implementation of the project activities.*

Public procurement is primarily regulated by Regulation (EU, Euratom) 2018/1046 [...]", namely Articles 178 and 179 on Provisions applicable for procurement in the field of external actions. Further information regarding Procurement in the field of external actions, including the Advertising rules are set out in Chapter 3 Procurement in the field of external actions of Annex I to the Financial Regulation (points 36 to 41).

The rules for advertising of the public procurement procedures are detailed in Chapter 3 of Annex I to the Financial Regulation, at point 37: 1. *If applicable, the prior information notice for calls for tender following the restricted procedure or the open procedure [...], shall be sent to the Publications Office of the European Union by electronic means as early as possible.*

However, in the case of local open tender procedure, point 38.4 of Chapter 3 of Annex I to the Financial Regulation, mentions that ***the contract notice shall be published at least in the official gazette of the recipient State or in any equivalent publication for local invitations to tender.***

Therefore, the contract notice for a local open tender procedure must be published in the Official Gazette of the beneficiary State or in any other equivalent media in case of all actions implemented in the framework of Interreg IPA CBC Romania-Serbia Programme.

Moreover, the publication of the contract notice for a local open tender procedure in the Supplement to the Official Journal of the EU (TED) and/or on the Funding & tender opportunities (F&T Portal), former Europeaid, **is not deemed compulsory.**

The Publication rules on the official website of the Programme www.romania-serbia.net (section 3.4. Publication of tender procedures of the Annex 6 Public Procurement Procedure) must be dully followed, and apply for ALL procurement procedures done by the beneficiaries irrespective of their value.

The present **INSTRUCTION** is published on the official website of the Programme www.romania-serbia.net.

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