One potential tenderer requested following information:

**Clarification question:**

*We can participate to the auction if our tractor (Hattat A110 with Perkins engine) is manufactured in Europe, not in European Union?*

*DIRECTIVE 2003/EC ANNEX III*

*EC CERTIFICATE OF CONFORMITY*

**Answer:**

According to section 8***Eligibility and rules of origin*** of the Supply 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) N°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 (see also heading 22 below). Participation is also open to international organisations. All supplies under this contract must originate in one or more of these countries.”*

More than that, according to PRAG 2015, *”**Participation in the award of procurement contracts, grants and other award procedures for actions financed under the CIR* ***for IPA II*** *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:*

*(a)   EU Member States (appendix 1)*

*(b)   Beneficiaries listed in the Annex I of the IPA II (**appendix 2**)*

*(c)   European Economic Area (**appendix 3**)*

*(d)   Partner countries and territories covered by ENI Instrument (annex I of ENI Intrument) (**appendix 11**)*

*(e) countries for which Commission has adopted a decision approving the request for reciprocal access to external assistance.* *Currently there are no such countries.*

***APPENDIX 1 :* 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.

***APPENDIX 2 :* IPA II beneficiaries**

Albania, Bosnia and Herzegovina, Kosovo\*, Montenegro, Serbia, Turkey, the former Yugoslav Republic of Macedonia.

\* 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.

***APPENDIX 3 :* European Economic Area**

(only non-EU MS are mentioned) Iceland, Lichtenstein, Norway.

***APPENDIX 11 :* ENI PARTNER COUNTRIES AND TERRITORIES**

Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Republic of Moldova, Morocco, occupied Palestinian territory (oPt), Syria, Tunisia, Ukraine.