

EXTERNAL ACTION FINANCIAL INSTRUMENTS

RULES ON PARTICIPATION IN PROCUREMENT PROCEDURES AND GRANTS

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¹ Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009; OJ L 209, 14.6.2021, p. 1–78.

² Council Regulation (Euratom) 2021/948 of 27 May 2021 establishing a European Instrument for International Nuclear Safety Cooperation complementing the Neighbourhood, Development and International Cooperation Instrument – Global Europe on the basis of the Treaty establishing the European Atomic Energy Community, and repealing Regulation (Euratom) No 237/2014; OJ L 209, 14.6.2021, p. 79–90.

³ Regulation (EU) 2021/1529 of the European Parliament and of the Council of 15 September 2021 establishing the Instrument for Pre-Accession assistance (IPA III); OJ L 330, 20.9.2021, p. 1–26.

⁴ Council Decision (EU) 2021/1764 of 5 October 2021 on the association of the Overseas Countries and Territories with the European Union including relations between the European Union on the one hand, and the Greenland and the Kingdom of Denmark on the other (Decision on the Overseas Association, including Greenland); OJ L 355, 7.10.2021, p. 6–134.

Part I: MFF 2021-2027 Instruments for External Action

1) Eligible countries for NDICI- Global Europe (NDICI- Global Europe Article 28 paragraphs 1 & 2)

Participation under geographic programmes and under the Civil Society Organisations thematic programme and Global Challenges thematic programme:

Participation in procurement and grant procedures for actions financed under geographic programmes and under the Civil Society Organisations thematic programme and Global Challenges thematic programme shall be open to international organisations and to all other legal entities who are nationals of and, in the case of legal persons, who are also effectively established in the following countries or territories:

- (a) *EU Member States* ([appendix 1](#))
- (b) *IPA III beneficiaries* (listed in the Annex I of IPA III Instrument ([appendix 2](#)))
- (c) *European Economic Area* ([appendix 3](#))
- (d) Developing countries and territories, (included in the OECD-DAC list of ODA recipients⁵), which are not members of the G20 group⁶:
 - (i) *Least Developed Countries (LDCs)* ([appendix 4](#))
 - (ii) *Other Low Income Countries* ([appendix 5](#))
 - (iii) *Lower Middle Income Countries and Territories* ([appendix 6](#))
 - (iv) *Upper Middle Income Countries and Territories* ([appendix 7](#))
- (e) *Overseas Countries and Territories (OCTs)* ([appendix 8](#))
- (f) *Member States of the OECD* ([appendix 9](#)) are also eligible when contracts are exclusively implemented in a Least Developed Country⁷ or in a Highly Indebted Poor Country (HIPC)⁸.
- (g) (i) *Developing countries, as included in the list of ODA recipients, which are members of the G20 group* ([appendix 10](#)) and (ii) *any other countries and territories*

⁵ Please check the DAC List of ODA Recipients, effective for reporting on 2022 flows.

⁶ Non-eligible G20 Members developing countries are: India, Indonesia, Argentina, Brazil, China, Mexico, South Africa. They are eligible under g) Turkey is also a developing country (upper middle income) G20 Member, but is eligible as a beneficiary listed in the Annex I of the IPA III.

⁷ See [appendix 4](#) for the full list of LDCs.

⁸ HIPCs are: Afghanistan, Benin, Bolivia, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Comoros, Côte d'Ivoire, Democratic Republic of Congo, Eritrea, Ethiopia, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Liberia, Madagascar, Malawi, Mali, Mauritania, Mozambique, Nicaragua, Niger, Republic of Congo, Rwanda, São Tomé & Príncipe, Senegal, Somalia, Sierra Leone, Sudan, Tanzania, The Gambia, Togo, Uganda, Zambia.

(ie. all countries of the world) when the relevant procedure takes place in the context of an action financed by the Union under this Regulation in which they participate;

The entities of countries under point g) (i) and (ii) can participate in procedures both where the country participates in the action as a donor co-financing and where the country itself is participating as a beneficiary of the action.

(h) any countries for which *reciprocal access* to external assistance is established by the Commission.

Currently there are no such countries.

(i) *Neighbourhood partner countries* ([appendix 11](#))

(j) *the Russian Federation* when the relevant procedure takes place in the context of the programmes referred to in Annex I of NDICI- Global Europe in which it participates;

(k) where an agreement on widening the market for procurement of goods or services to which the Union is party applies, the procurement procedures for contracts financed by the budget shall also be open to natural and legal persons established in a third country other than those specified in the basic instruments governing the cooperation sector concerned, under the conditions laid down in that agreement.

Participation under the Human Rights and Democracy thematic programme, the Peace, Stability and Conflict Prevention thematic programme and rapid response actions:

Without prejudice to the limitations inherent to the nature and objectives of the action, *all countries* are eligible for participation in contracts financed under these programmes and actions that are fully untied (i.e open without limitations).

2) Eligible countries for Regulation establishing a European Instrument for International Nuclear Safety (INSC - Article 11)

Participation in procurement and grant procedures for actions financed under the European Instrument for International Nuclear Safety Cooperation shall be open to international organisations and to all legal entities who are nationals of and, in the case of legal persons, who are also effectively established in, the following countries or territories:

(a) *EU Member States* ([appendix 1](#))

(b) *IPA III beneficiaries* (listed in the Annex I of IPA III Instrument ([appendix 2](#)))

(c) *European Economic Area* ([appendix 3](#))

(d) Developing countries and territories, (included in the OECD-DAC list of ODA recipients⁹), which are not members of the G20 group¹⁰:

⁹ Please check the DAC List of ODA Recipients, effective for reporting on 2022 flows.

- (i) *Least Developed Countries (LDCs)* ([appendix 4](#))
 - (ii) *Other Low Income Countries* ([appendix 5](#))
 - (iii) *Lower Middle Income Countries and Territories* ([appendix 6](#))
 - (iv) *Upper Middle Income Countries and Territories* ([appendix 7](#))
- (e) *Overseas Countries and Territories (OCTs)* ([appendix 8](#))
- (f) *Member States of the OECD* ([appendix 9](#)) are also eligible when contracts are exclusively implemented in a Least Developed Country¹¹ or in a Highly Indebted Poor Country (HIPC)¹².
- (g) (i) *Developing countries, as included in the list of ODA recipients, which are members of the G20 group* ([appendix 10](#));
- (ii) *any other countries and territories* (ie. all countries of the world).

when the relevant procedure takes place in the context of an action financed by the Union under this Regulation in which they participate.

The entities of the countries under g) (i) and (ii) can participate in procedures, both where the country participates in the action as a donor co-financing and where the country itself is participating as a beneficiary of the action.

- (h) *Neighbourhood partner countries as referred to in NDICI-Global Europe*;
- (i) any countries for which *reciprocal access* to external assistance is established by the Commission.

Currently there are no such countries.

- (j) other third countries where the activities take place as provided for in the specific multiannual indicative programmes, action plans or measures.
- (k) Where an agreement on widening the market for procurement of goods or services to which the Union is party applies, the procurement procedures for contracts financed by the budget shall also be open to natural and legal persons established in

¹⁰ Non eligible G20 Members developing countries are: India, Indonesia, Argentina, Brazil, China, Mexico, South Africa. *Turkey* is also a developing country (upper middle income) G20 Member but is eligible as a beneficiary listed in the Annex I of the IPA III.

¹¹ See [appendix 4](#) for the full list of LDCs.

¹² HIPCs are: Afghanistan, Benin, Bolivia, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Comoros, Côte d'Ivoire, Democratic Republic of Congo, Eritrea, Ethiopia, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Liberia, Madagascar, Malawi, Mali, Mauritania, Mozambique, Nicaragua, Niger, Republic of Congo, Rwanda, São Tomé & Príncipe, Senegal, Somalia, Sierra Leone, Sudan, Tanzania, The Gambia, Togo, Uganda, Zambia.

a third country other than those specified in the basic instruments governing the cooperation sector concerned, under the conditions laid down in that agreement

All supplies and materials financed under this Instrument may originate from the countries and under the respective conditions specified in Article 11 paragraph 1.

3) Eligible countries for Regulation establishing the Instrument for Pre-Accession Assistance (IPA III – Article 11)

Participation in the award of procurement contracts, grants and other award procedures for actions financed under the Instrument for Pre-accession Assistance (IPA III) shall be open to international and regional organisations and to all other legal entities who are nationals of and, in the case of legal persons, who are also effectively established in, the following countries or territories:

- (a) *EU Member States* ([appendix 1](#))
- (b) *Beneficiaries listed in the Annex I of the IPA III* ([appendix 2](#))
- (c) *European Economic Area* ([appendix 3](#))
- (d) *Neighbourhood partner countries and territories covered by NDICI* (annex I of NDICI) ([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.
- (f) Where an agreement on widening the market for procurement of goods or services to which the Union is party applies, the procurement procedures for contracts financed by the budget shall also be open to natural and legal persons established in a third country other than those specified in the basic instruments governing the cooperation sector concerned, under the conditions laid down in that agreement.

4. Eligible countries for Council Decision 2021/1764 on the Overseas Association, including Greenland (OAD-Greenland Article 81, cross-reference to Article 28 NDICI-Global Europe)

Participation in the award of procurement contracts, grants and other award procedures for actions financed under the OAD-Greenland Decision shall be open to international organisations and to all other legal entities who are nationals of and, in the case of legal persons, who are also effectively established in, the following countries or territories:

- (a) *EU Member States* ([appendix 1](#))
- (b) *IPA III beneficiaries (listed in the Annex I of IPA III Instrument)* ([appendix 2](#))
- (c) *European Economic Area* ([appendix 3](#))

- (d) *Developing countries and territories, (included in the OECD-DAC list of ODA recipients¹³), which are not members of the G20 group¹⁴:*
- (i) *Least Developed Countries (LDCs) ([appendix 4](#))*
 - (ii) *Other Low Income Countries ([appendix 5](#))*
 - (iii) *Lower Middle Income Countries and Territories ([appendix 6](#))*
 - (iv) *Upper Middle Income Countries and Territories ([appendix 7](#))*
- (e) *Overseas Countries and Territories (OCTs) ([appendix 8](#))*
- (f) *Member States of the OECD ([appendix 9](#))* are also eligible when contracts are exclusively implemented in a Least Developed Country¹⁵ or in a Highly Indebted Poor Country (HIPC)¹⁶.
- (g) *Developing countries, as included in the list of ODA recipients, which are members of the G20 group ([appendix 10](#)) and any other countries and territories (ie. all countries of the world) when the relevant procedure takes place in the context of an action financed by the Union under this Regulation in which they participate;*

The entities of countries under point (g) can participate in procedures both where the country participates in the action as a donor co-financing and where the country itself is participating as a beneficiary of the action.

- (h) any countries for which *reciprocal access* to external assistance is established by the Commission.

Currently there are no such countries.

- (i) *Neighbourhood partner countries ([appendix 11](#));*
- (j) Where an agreement on widening the market for procurement of goods or services to which the Union is party applies, the procurement procedures for contracts financed by the budget shall also be open to natural and legal persons established in a third country other than those specified in the basic instruments governing the cooperation sector concerned, under the conditions laid down in that agreement.

¹³ Please check the DAC List of ODA Recipients, effective for reporting on 2022 flows.

¹⁴ Non eligible G20 Members developing countries are: India, Indonesia, Argentina, Brazil, China, Mexico, South Africa. They are eligible under g) *Turkey* is also a developing country (upper middle income) G20 Member, but is eligible as a beneficiary listed in the Annex I of the IPA III.

¹⁵ See [appendix 4](#) for the full list of LDCs.

¹⁶ HIPCs are: Afghanistan, Benin, Bolivia, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Comoros, Côte d'Ivoire, Democratic Republic of Congo, Eritrea, Ethiopia, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Liberia, Madagascar, Malawi, Mali, Mauritania, Mozambique, Nicaragua, Niger, Republic of Congo, Rwanda, São Tomé & Príncipe, Senegal, Sierra Leone, Somalia, Sudan, Tanzania, The Gambia, Togo, Uganda, Zambia.

APPENDICES**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.

APPENDIX 2 : IPA III BENEFICIARIES

Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, Republic of North Macedonia, Serbia, Turkey.

* 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 4 : LEAST DEVELOPED COUNTRIES

Afghanistan, Angola, Bangladesh, Benin, Bhutan, Burkina Faso, Burundi, Cambodia, Central African Republic, Chad, Comoros, Democratic Republic of the Congo, Djibouti, Eritrea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Haiti, Kiribati, Lao People's Democratic Republic, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mozambique, Myanmar, Nepal, Niger, Rwanda, Sao Tome & Principe, Senegal, Sierra Leone, Solomon Islands, Somalia, Sudan, South Sudan, Tanzania, Timor-Leste, Togo, Tuvalu, Uganda, Yemen, Zambia.

APPENDIX 5: OTHER LOW INCOME COUNTRIES

Democratic People's Republic of Korea, Syrian Arab Republic.

APPENDIX 6 : LOWER MIDDLE INCOME COUNTRIES AND TERRITORIES

Algeria, Bolivia, Belize, Cabo Verde, Cameroon, Congo, Côte d'Ivoire, Egypt, El Salvador, Eswatini, Ghana, Honduras, India, Indonesia, Iran, Kenya, Kyrgyzstan, Micronesia, Mongolia, Morocco, Nicaragua, Nigeria, Pakistan, Papua New Guinea, Philippines, Samoa, Sri Lanka, Tajikistan, Tokelau, Tunisia, Ukraine, Uzbekistan, Vanuatu, Vietnam, West Bank and Gaza Strip, Zimbabwe.

APPENDIX 7 : UPPER MIDDLE INCOME COUNTRIES AND TERRITORIES

Albania, Argentina, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Botswana, Brazil, China (People's Republic of), Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, Equatorial Guinea, Fiji, Republic of North Macedonia, Gabon, Georgia, Grenada, Guatemala, Guyana, , Iraq, Jamaica, Jordan, Kazakhstan, Kosovo, Lebanon, Libya, Malaysia, Maldives, Marshall Islands, Mauritius, Mexico, Moldova, Montenegro, Montserrat, Namibia, Nauru, Niue, Panama, Paraguay, Peru, Saint Helena, Saint Lucia, Saint Vincent & the Grenadines, Serbia, South-Africa, Suriname, Thailand, Tonga, Turkey, Turkmenistan, Venezuela, Wallis and Futuna.

APPENDIX 8 : OVERSEAS COUNTRIES AND TERRITORIES¹⁷

Aruba (NL), Bonaire (NL), Curaçao (NL), French Polynesia (FR), French Southern and Antarctic Territories (FR), Greenland (DK), New Caledonia and Dependencies (FR), Saba (NL), Saint Barthelemy (FR), Sint Eustatius (NL), Sint Maarten (NL), St. Pierre and Miquelon (FR), Wallis and Futuna Islands (FR).

APPENDIX 9 : OECD MEMBER STATES

Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden.

Australia, Canada, Chile, Colombia, Costa Rica, Iceland, Israel, Japan, Korea, Mexico, New Zealand, Norway, Switzerland, Turkey, United Kingdom, United States of America.

APPENDIX 10 : G20 MEMBER DEVELOPING COUNTRIES

Argentina, Brazil, China, India, Indonesia, Mexico, South-Africa, Turkey.

¹⁷ OCTs listed in Annex II to the TFEU having special relations with the United Kingdom are covered by the scope of the EU-UK Withdrawal Agreement.

***APPENDIX 11 : LIST OF COUNTRIES AND TERRITORIES IN THE
NEIGHBOURHOOD AREA***

Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, The Republic of Moldova, Morocco, occupied Palestinian territory (oPt), Syria, Tunisia, Ukraine.¹⁸

¹⁸ Union support under this area may also be used for the purpose of enabling the Russian Federation to participate in cross-border cooperation programmes and in other relevant multi-country programmes.