

**Interreg**



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**IPA** Romania – Serbia

# IPA Finance Lab: Practical Exchange for Programme Practitioners

**Public procurement rules**  
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## Legal basis

- Regulation (EU, Euratom) 2018/1046 – **repealed**
- **New FR 2024/ 2509;**
- Interreg Regulation, art. 58
- Annex 2 of the Financing Agreement  
(annexed to the Programme procedure)

### **\*Programme procedure**

*(all Serbian beneficiaries and Romanian NGOs)*

- Standard templates;
- Procedural steps



# Types of procedures

**Art. 58 (Interreg Reg.):** Where the implementation of an operation requires procurement of service, supply or works contracts by a beneficiary, the following rules shall apply:

(a) where the **beneficiary is located in a Member State** and is a **contracting authority or a contracting entity** within the meaning of the Union law applicable to public procurement procedures, it shall apply national laws, regulations and administrative provisions;

b) where the **beneficiary** is a public authority of a partner country under **IPA III or NDICI whose co-financing is transferred to the managing authority**, it may apply national laws, regulations and administrative provisions, provided that the financing agreement allows it and that the contract is awarded to the tender offering best value for money, or as appropriate, to the tender offering the lowest price, while avoiding any conflict of interests.

# Types of procedures

## Art. 58 (Interreg Reg.)

2. For the award of goods, works or services **in all cases other than those referred to in paragraph 1** of this Article, the procurement procedures provided for in Articles 178 and 179 of the Financial Regulation and points 36 to 41 of Chapter 3 of Annex I to that Regulation shall apply.

# Types of procedures

## ANNEX 2 – Financing Agreement

Procurement procedures (mirroring art. 164 – **current 167** -) of the Financial Regulation)

Procurement procedures for awarding concession contracts or public contracts, including framework contracts shall take one of the following forms:

- a) open procedure;
- b) restricted procedure;
- c) negotiated procedure, including without prior publication;
- d) competitive procedure with negotiation;
- e) **procedures involving a call for expression of interest.**

# Programme procedure

➤ The basis: (2007-2013 programming period) **Public procurement in Interreg -IPA cross-border cooperation programmes– Interact Manual**

➤ Provides detailed instructions on procedural steps for procurements below 20.000 €

➤ Templates for:

- Single tender
- Contracting Plan
- Declaration for confidentiality and impartiality
- Notification letter
- Contract award notice – published on programme website
- Provisional/ Final Acceptance certificates



# Programme procedure

Does not refer to all types of procurement procedures mentioned in Annex II, but **only to those used under the previous programming periods**, for which an analysis of all data related to errors, irregularities and outcomes of audit missions could be performed and the results factored in, leading to a corresponding revision for the 2021 – 2027.



## Programme procedure

By concentrating on the procurement procedures used previously by the project beneficiaries, more detailed, accurate, and high-quality templates that cater specifically to the complexities and nuances of those procedures were ensured.

Even more so, as the previously used tender documentation packages were included in the study conducted by DG REGIO “*Procurement methodological challenges and opportunities for Interreg IPA Programmes*”, driving potentially new standards in public procurement in Interreg IPA Programmes, thus ensuring efficiency and effectiveness in the process.





# Programme procedure

Also, prioritizing the improvement of the frequently used procedures and providing comprehensive guidance where it's most needed, ensures higher quality and a higher degree of reliability, mitigating the risks of irregularities, especially in the context of risk-based management verifications systems used for the first time during the 2021-2027 programming period.

Thus, specializing in certain types of procurement procedures allows for a more secure and robust first level control system.



# Programme procedure

For all other types of procedures - mentioned in Annex II to Financing Agreement for the Interreg IPA Romania – Serbia programme, but for which tender documentation packages are not referred to in this procedure - the responsibility lies solely with the project partners for choosing the best approach for their tender documentation packages, while fully observing the general principles and provisions of Annex II.



**TESIM:**

**Compilation of procurement templates for Interreg NEXT**

**Disclaimer:** This **non-binding document** has been developed by the TESIM project. It is not a European Commission document and not a publication owned by the European Union and therefore it does not necessarily reflect the views of the European Commission on the topic and is presented to programme bodies **for illustrative purposes only.**

In case the document is endorsed by an Interreg NEXT programme and it is made compulsory for use by project beneficiaries, **TESIM experts, the TESIM consortium members and the European Commission cannot be held liable for its contents**, in particular as far as audit findings on the eligibility of expenditure are concerned

## NDICI

- Any template, proposed by this compilation, whatever the source, may be adapted to the specific needs of the beneficiaries. The use of the templates must take into consideration that the legal provisions set in the Financial Regulation - mentioned in Article 58 of the Interreg Regulation - prevail.
- The templates adapted from PRAG may have some different terminology, but the content of the procurement documents complies with the above-mentioned legal provisions.
- Even though the templates in this compilation are in English, we recommend the use of national language, except in the case of open and restricted tenders, to avoid language barriers with the local providers.

# NDICI

This compilation is not intended to be distributed directly to the beneficiaries but represents a support tool for the programme bodies, so that they can decide which templates recommend or require the beneficiaries to use.

In the case of the excluded templates, we recommend either the use of national or own templates, for example on contracts, or the direct use of PRAG templates, such as the case for letters for communication with bidders.

The summary is:

- National or own templates: 3
- EU templates without adaptation (TED4): 3
- PRAG templates without adaptation: 11
- Adapted PRAG templates: 36
- Adapted templates from programmes: 10

## NDICI

Complementing this document, TESIM is developing factsheets on procurement per each Partner Country, with a focus on the differences between the national legislation and the provisions in Annex II of the Financing Agreements, as well as the main provisions in this legislation which may be kept since not contradicting this Annex.

The list of checklists to be used by the controllers is:

- A. International open procedure
- B. International restricted procedure
- C. Local open procedure
- D. Simplified procedure (competitive negotiated procedure without publication)
- E. Contracts up to EUR 20.000, which may be awarded on a basis of a single tender
- F. Negotiated procedure without publicity

# Interreg IPA

