

EUROPEAN UNION ELIGIBILITY RULES

CARIFORUM-EU ECONOMIC PARTNERSHIP AGREEMENT AND THE CARICOM SINGLE MARKET AND ECONOMY STANDBY FACILITY FOR CAPACITY BUILDING

PARTICIPATION IN PROCEDURES FOR THE AWARDING OF PROCUREMENT CONTRACTS OR GRANT CONTRACTS

1. Participation in procedures for the award of procurement contracts financed under the CDB-EU Contribution Agreement for the Implementation for the Action entitled: “CARIFORUM – European Union Economic Partnership Agreement (EPA) and the CARICOM Single Market and Economy (CSME) Standby Facility for Capacity Building” is open to international organisations and all natural persons who are nationals of, or legal persons who are established in, an eligible country¹.

2. Eligible countries² are deemed to be:

(a) Caribbean Development Bank member countries:

Anguilla, Antigua and Barbuda, Barbados, Belize, Brazil, British Virgin Islands, Canada, Cayman Islands, China, Columbia, Dominica, Germany, Grenada, Guyana, Haiti, Jamaica, Italy, Mexico, Montserrat, St Kitts and Nevis, Saint Lucia, St Vincent and the Grenadines, Suriname, The Bahamas, Trinidad and Tobago, Turks and Caicos Islands, the United Kingdom and Venezuela.

(b) Members of the “African, Caribbean and Pacific (ACP) Group of States³”:

Africa:

South Africa⁴, Angola, Benin, Botswana, Burkina Faso, Burundi, Central African Republic, Cameroon, Cape Verde, Chad, Comoros Islands, Congo, Côte d'Ivoire,

¹ This document lists all eligible countries under this Facility. Eligible countries under the EPA-CSME Standby Facility are CDB member countries, EU member countries and other countries eligible for participating in procurement procedures for EU-funded projects. The latter are listed in Annex A2a (“*Eligibility programmes 2014-2020*”) of the PRAG 2021 (“*Contract Procedures for European Union External Action – A Practical Guide*”), PART II: Rules on nationality and origin for public procurement, grants and other award procedures financed under the ACP-EC Partnership Agreement, laid down in Annex IV to the latter Agreement as revised by Decision No 1/2014 of the ACP-EU Council of Ministers of 20 June 2014 (2014/428/EU).

² Note some countries may be eligible by virtue of more than one category.

³ Cotonou Partnership Agreement of 23 June 2000 (as amended by the provisional application of Decision No 1/2000 of the ACP-EC Council of Ministers of 27 July 2000, Decision No 1/2000 of the ACP-EC customs cooperation committee of 18 October 2000, Decision No 1/2001 of the ACP-EC customs cooperation committee of 20 April 2001, Decision No 2/2001 of the ACP-EC customs cooperation committee of 20 April 2001, Decision No 3/2001 of the ACP-EC customs cooperation committee of 10 May 2001, Decision No 4/2001 of the ACP-EC customs cooperation committee of 27 June 2001, Decision No 5/2001 of the ACP-EC customs cooperation committee of 7 December 2001, Decision No 2/2002 of the ACP-EC customs cooperation committee of 28 October 2002, Decision No 1/2003 of the ACP-EC Council of Ministers of 16 May 2003, Council Decision (EC) of 19 December 2002, Decision No 1/2004 of the ACP-EC Council of Ministers of 6 May 2004, Decision No 2/2004 of the ACP - EC customs cooperation committee of 30 June 2004 and Decision No 4/2005 of the ACP-EC customs cooperation committee of 13 April 2005).

⁴ Natural and legal South African persons are eligible to participate in contracts financed by the 10th/11th EDF. However, the 10th/11th EDF does not finance contracts in South Africa.

Democratic Republic of the Congo, Djibouti, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Equatorial Guinea, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritius, Mauritania, Mozambique, Namibia, Niger, Nigeria, Uganda, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, Sudan, Swaziland, Tanzania, Togo, Zambia and Zimbabwe.

Caribbean:

Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago.

Pacific:

Cook Islands, East Timor, Fiji, Kiribati, Marshall Islands, Micronesia, Nauru, Niue, Palau, Papua New Guinea, the Solomon Islands, Western Samoa, Tonga, Tuvalu, Vanuatu.

Overseas Countries and Territories:

Anguilla, Antarctic, Netherlands Antilles, Aruba, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands (Malvinas), French Polynesia, French Southern Territories, Greenland, Mayotte, Montserrat, New Caledonia, Pitcairn, Saint Helena, Saint Pierre and Miquelon, South Georgia and South Sandwich Islands, Turks and Caicos, Wallis and Futuna Islands.

(c) A Member State of the European Union:

Austria, Belgium, Bulgaria, Croatia, Czech republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom⁵.

An official candidate country of the European Union (countries beneficiaries of the Instrument for Pre-Accession Assistance):

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

A Member State of the European Economic Area:

Iceland, Lichtenstein, Norway.

⁵The United Kingdom ceased to be an EU Member State on the 31 of January 2020. Pursuant to the Withdrawal Agreement concluded between the EU and the UK, references to the eligibility of 'Member States' for participation in programmes under the current 2014-2020 MFF and the EDFs also cover the United Kingdom (Article 127(6), Article 137 and Article 152(1) Withdrawal Agreement).

(d) Overseas Countries and Territories (OCTs)

Anguilla (UK), Aruba (NL), Bermuda (UK), British Indian Ocean Territory (UK), British Virgin Islands (UK), Cayman Islands (UK), Curaçao (NL), Falkland Islands (UK), French Polynesia (FR), French Southern and Antarctic Territories (FR), Greenland (DK), Montserrat (UK), New Caledonia and Dependencies (FR), Pitcairn (UK), Saba (NL), Saint Barthelemy (FR), Saint Helena Ascension Island Tristan da Cunha (UK), Sint Eustatius (NL), Sint Maarten (NL), South Georgia and South Sandwich Islands (UK), St. Pierre and Miquelon (FR), Turks and Caicos (UK), Wallis and Futuna Islands (FR).

(e) Developing countries and territories as included in the OECD-DAC list of ODA Recipients, which are not members of the G20 group⁶:

Least Developed Countries⁷:

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, Vanuatu, Yemen, Zambia.

Other Low Income Countries:

Democratic People's Republic of Korea, Zimbabwe.

Lower Middle Income Countries and Territories:

Armenia, Bolivia, Cabo Verde, Cameroon, Congo, Côte d'Ivoire, Egypt, El Salvador, Georgia, Ghana, Guatemala, Honduras, India, Indonesia, Jordan, Kenya, Kosovo, Kyrgyzstan, Micronesia, Moldova, Mongolia, Morocco, Nicaragua, Nigeria, Pakistan, Papua New Guinea, Philippines, Sri Lanka, Swaziland, Syrian Arab Republic, Tajikistan, Tokelau, Tunisia, Ukraine, Uzbekistan, Vietnam, West Bank and Gaza Strip.

Upper Middle Income Countries and Territories:

Albania, Algeria, Antigua and Barbuda, Argentina, Azerbaijan, Belarus, Belize, 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, Grenada, Guyana, Iran, Iraq, Jamaica, Kazakhstan, Lebanon, Libya, Malaysia, Maldives, Marshall Islands, Mauritius, Mexico, Montenegro, Montserrat, Namibia, Nauru, Niue, Palau, Panama, Paraguay, Peru, Saint Helena, Saint Lucia, Saint Vincent & the Grenadines, Samoa, Serbia, South-Africa, Suriname, Thailand, Tonga, Turkey, Turkmenistan,

⁶ Without prejudice to the status of the *Republic of South Africa*, as governed by Protocol 3 of the partnership Agreement.

⁷ As defined by the United Nations (UN).

Venezuela, Wallis and Futuna.

- (f) Participation in procedures for the award of procurement contracts or grants financed from the Facility shall be open to all natural persons who are nationals of, or legal persons established in any country where reciprocal access to external assistance has been established by the Commission. Reciprocal access may be granted, for a limited period of at least one year, whenever a country grants eligibility on equal terms to entities from the EU and from the OCTs:

Currently there are no such countries.

- (g) Member States of the OECD in the case of contracts exclusively implemented in a Least Developed Country⁸:

Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, United Kingdom.
Australia, Canada, Chile, Iceland, Israel, Japan, Korea, Mexico, New Zealand, Norway, Switzerland, Turkey, United States of America.

3. Bidders or joint venture partners shall have the nationality of an eligible country as detailed in Paragraph 2 and shall comply with the following:

- (a) be legally constituted, incorporated or registered in and operates in conformity with the provisions of the laws of an eligible country, as evidenced by its articles of incorporation (or equivalent documents of constitution or association) and its registration documents, as the case may be, and have their principal place of business in an eligible country;
- (b) be more than fifty (50) percent beneficially-owned by a citizen or citizens and/or a bona fide resident or residents of an Eligible Country, or by a body corporate or bodies meeting these requirements, as far as the ownership can be reasonably determined; and
- (c) shall have no arrangement and undertake not to make any arrangement whereby the majority of the financial benefits of the contract, i.e. more than fifty (50) percent of the value of the contract, will accrue or be paid to sub-contractors or sub-consultants that are not from an Eligible Country.

4. Supplies and materials purchased under a contract financed from the Facility may originate in any country. In this context, the definition of the concept of 'originating products' shall be assessed by reference to the Bank's prevailing procurement guidelines/procedures.

5. Whenever the Facility finances an operation implemented through an international organisation, participation in procedures for the award of procurement contracts or grants shall be open to all natural and legal persons who are eligible under paragraph 2, care being taken to ensure equal treatment of all donors.

⁸ LDCs are listed in (e).

6. Whenever the Facility finances an operation implemented as part of a regional initiative, participation in procedures for the award of procurement contracts or grants shall be open to all natural and legal persons who are eligible under paragraph 1, and to all natural and legal persons from a country participating in the relevant initiative. The same rules apply for supplies and materials.

7. Whenever the Facility finances an operation co-financed with a third entity, participation in procedures for the award of procurement contracts or grants shall be open to all natural and legal persons eligible under paragraph 1, and to all persons eligible under the rules of the third entity. The same rules shall apply to supplies and materials.

Caveat: The Bank and EU eligibility requirements are subject to change by the Bank and the EU. The applicant is responsible for checking whether there have been any updates on the eligibility requirements, as well as the UN's list of Least Developed Countries.