

**European Commission**  
**Directorate-General for Development**  
**and Cooperation - EuropeAid**

**PROCUREMENT AND GRANTS**  
**FOR EUROPEAN UNION EXTERNAL ACTIONS**  
A Practical Guide

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## 7. Legal Texts

### 7.1. Legal framework for procurement procedures

#### 7.1.1. Programmes funded by the EU budget:

The following legal framework applies to contracts for services, supplies and works financed by the EU budget, concluded in the course of the European Union cooperation with third countries and awarded by a contracting authority of the partner country, or by the European Commission for and on behalf of the beneficiary:

- Regulation (EU, Euratom) No 966/2012 of 25 October 2012 on the rules applicable to the general budget of the Union (and in particular Chapter III of Title IV of Part Two, which concerns special provisions on procurement in external action), as amended by Regulation (EU, Euratom) No 2015/1929 of 28 October 2015;
- Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 laying down detailed rules for the implementation of the abovementioned Financial Regulation, (and in particular Chapter 2 of Title IV of Part Two, which concerns special provisions on procurement in external action), as amended by Commission Delegated Regulation (EU) No 2462/2015 of 30 October 2015;
- Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down Common Rules and Procedures for the Implementation of the Union's instruments for External Action (CIR)
- The Regulations<sup>1</sup> and other specific basic acts relating to the various cooperation programmes.

The following are also applicable:

- The Framework Agreement signed by the European Union and the partner country concerned, if such an agreement exists. This agreement contains the rules for administrative cooperation between the two bodies for the implementation of external aid.
- The Financing Agreement signed by the European Union and the partner country concerned for each EU-funded programme. This sets out the programme objectives and budget.
- This Practical Guide together with the standard documents and templates in the annexes to it.

#### 7.1.2. Programmes funded by the EDF:

The following legal framework applies to contracts for services, supplies and works financed by the European Development Fund:

- the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000, as amended by the Agreement amending the ACP-EC Partnership Agreement signed in Luxembourg on 25 June 2005 and in Ouagadougou on 22 June 2010, and namely Annex IV to it as revised by Decision 1/2014 of the ACP-EU Council of Ministers of 20 June 2014;

<sup>1</sup> Such as Regulation (EC) No 450/2008 of the European Parliament and of the Council 23 April 2008 laying down the Community Customs Code (Modernised Customs Code), which lays down the rules regarding the origin of products (repealed by Regulation (EU) no. 952/2013 and its implementing act as of May 1<sup>st</sup>, 2016).

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- Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union (Overseas Association Decision).
- Annex V to Decision No 3/90 of the ACP-EEC Council of Ministers of 29 March 1990 concerning the procedural rules on conciliation and arbitration;
- Council Regulation (EC) No 215/2008 of 18 February 2008 on the Financial Regulation applicable to the 10th European Development Fund;
- Council Regulation (EU) No 2015/323 of 2 March 2015 on the Financial Regulation applicable to the 11<sup>th</sup> European Development Fund.

The following are also applicable:

- The Financing Agreement signed by the EU and the partner country concerned for each EU-funded programme. This sets out the programme objectives and budget.
- This Practical Guide together with the standard documents and templates in the annexes to it.

## 7.2. Legal framework for grant procedures

### 7.2.1. Programmes funded by the EU budget:

The following legal framework applies to grant contracts financed by the European Union and concluded in the course of cooperation with third countries:

- Regulation (EU, Euratom) No 966/2012 of 25 October 2012 on the rules applicable to the general budget of the Union (and in particular Title VI of Part One, on grants, and Chapter 4 of Title IV of Part Two, which concerns special provisions for grants in external action), [as amended by Regulation \(EU, Euratom\) No 2015/1929 of 28 October 2015](#);
- Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 laying down detailed rules for the implementation of the Financial Regulation (and in particular Title VI of Part One, on grants, and Chapter IV of Title III of Part Two, which concerns special provisions for grants in external action), [as amended by Commission Delegated Regulation \(EU\) No /2015 of 30 October 2015](#);
- Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down Common Rules and Procedures for the Implementation of the Union's instruments for External Action (CIR);
- the regulations or decisions of the Council, referred to as 'basic acts' in the Financial Regulation and this Practical Guide, and other specific instruments relating to the various cooperation programmes.

### 7.2.2. Programmes funded by the EDF

The following legal framework applies to grant contracts concluded under the EDF:

- The ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000, as amended by the Agreement amending the ACP-EC Partnership Agreement signed in Luxembourg on 25 June 2005 and in Ouagadougou on 22 June 2010, and namely Annex IV to it as revised by Decision 1/2014 of the ACP-EU Council of Ministers of 20 June 2014;

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Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union (Overseas Association Decision).

- Council Regulation (EU) No 2015/323 of 2 March 2015 on the Financial Regulation applicable to the 11th European Development Fund.

The following are also applicable:

- The Financing Agreement signed by the EU and the relevant partner country for the programme, where such an agreement exists. This sets out the programme objectives and budget.
- The Practical Guide together with the standard documents and templates in the annexes, including the standard grant contract for external action (see Annex E3), and standard documents for calls for proposals (see Annex E1, Annex E2 and Annex E3).

### 7.3. List of Annexes