

What's new – PRAG 2019

Ch	Title	Subject matter	Modification	Cross-reference section/annex
1	Introduction	Legal references	Update of legal references and other minor modifications	Section 1.1
2	Basic rules	Rule of nationality/eligibility	<ul style="list-style-type: none"> A new paragraph was added for the case when an agreement on widening the market for procurement of goods and services to which the EU is party applies; The phrase allowing for an extensive application of the eligibility rules for regional and global programmes when they include at least one Least Developed Country (LDC) or a Highly Indebted Poor Country (HIPC) was removed 	Annex a2a
		Rules of origin	Update of the legal references concerning rules of origin	Section 2.3.7
		Commission Antifraud Strategy	The reference to the Commission Antifraud Strategy was updated	Section 2.5.7
		Amicable settlement	An obligation to undertake amicable settlement procedure before taking legal action has been inserted	Section 2.12.4
		Evaluation committee	Members and observers of the evaluation committee have to sign the declaration of confidentiality and impartiality <i>prior</i> to carrying out any tasks related to the evaluation	Section 2.9.2
		Capacity-providing entities	Further guidance is provided	Annexes b2a, b3, b8o3
		Record keeping	Unsuccessful proposals have to be kept for 5 years instead of 3	Section 2.5.5
		Per diems	The rules on the payment of per diems have been updated	Section 2.5.6 and Annex b8e
		Negotiated procedure	Further guidance is provided	Section 2.6.8
		Financial guarantees	<ul style="list-style-type: none"> A new section on the verification of financial guarantees was added In direct management, when the contracting authority is the European Union and the financial institution issuing the guarantee is established outside the EU, the applicable law and competent jurisdictions will from now on be the Belgian law, whereas if the contracting authority is the European Union or an authority of the partner country and the financial institution is established inside the EU, the applicable law and competent jurisdiction will be those of the country in which the financial institution issuing the guarantee is established 	Annexes b8j2, c4h, c4i, c4n, d4d, d4r, d4s, e3h9

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		Late arrival of offers and public opening session	For supplies and works tenders, additional guidance is provided concerning the late arrival of offers and the public opening session	Annexes c2, c4b, d2, d4b, ds4b
3 4 5	Services Supplies Works	The role of observers in the evaluation committee	Observers are not part of the evaluation committee but they may attend the sessions if appointed by the responsible authorising officer; they may only intervene in the debates at the request of the evaluators or chair person	Section 2.9.1
		Logical framework	For service contracts, the logical framework matrix is no longer necessary	Annex b8g
		Key experts	Signed copies of consultancy or labour contracts may from now on be accepted as proof of professional experience. In addition, it is clarified that only the working experience mentioned in the CV is considered by the evaluation committee	Annexes b8b, b8o5
		Additional selection criteria	The instructions regarding the application of additional selection criteria have been updated	Annex b2a
		Variant tenders	The possibility of submitting variant tenders for services, supplies and works was removed	Annexes b8b, c2, c4b, c4c, c7, d2, d4b, d7
		Design and Build	The Design and Build and restricted procedures templates have not been uploaded and will only be kept in the previous versions of the PRAG, which will remain on the website	Former annexes DD1 and DR1
6	Grants	Declaration on honour	The obligation to fill in the declaration on honour applies to all lead applicants, co-applicants and affiliated entities	Section 2.6.10.1.3 and annexes e3a, e3b, e3aP, e3bP
		Volunteers' work	The volunteers' work clause has been updated	Annexes e3h2, e3c, e3h7
		No-profit rule	The no-profit clause has been updated	Annex e3h2
		Financial and operational capacity of the lead applicant	Evaluators must reassess the scores given to the provisionally selected applicants for the financial and operational capacity of the lead applicants after receiving the financial supporting documents	Section 6.5.8.4
		Description of the Action and logical framework	Changes in the description of the Action and the logical framework that affect the expected results have to be agreed in writing with the contracting authority	Annex b8g
		International organisations	The annex containing the derogations when one of the beneficiaries of a grant is an international organisation has been substantially redrafted	Annex e3h11
7		Brexit disclaimer	The Brexit disclaimer is maintained	Annexes

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	Cross-cutting changes	Data protection	The data protection clauses and disclaimers have been updated	Annexes b8b, b8d, c4b, b8o5, ds4b, e3b, b8h, b8c, c4c, c4d, d4b, d4n, d4o, c4e, d4p, e3h1, e3h2, a4