

Brussels,

**Subject: Procurement procedure reference No. 14.CPS.OP.131: "Command, control and communication tool for EATF flying events" - CLARIFICATIONS 1**

### 1.1

Q: In the tender specifications, section 3.1.2, Access to procurement procedures of EDA, the following is stated:

'Participation in procurement procedures of the EDA, as Contracting Authority, is open on equal terms, in accordance with the applicable rules, to all natural and legal persons from one of the EU Member States and to all natural and legal persons in a third country which has a special agreement with the European Union in the field of public procurement on the conditions laid down in that agreement. Operators in third countries which have signed a bilateral or multilateral agreement with the European Union in the field of public procurement shall be allowed to take part in the tendering procedure on the conditions laid down in this agreement. EDA refuses tenders submitted by operators in third countries which have not signed such agreements for the present call for tender.'

For this tender, does Australia, Canada or the USA (as third countries) qualify to tender directly with the EU in accordance with the special agreement with the European Union in the field of public procurement as indicated above?

A: Economic operators in Australia, Canada or the USA are not allowed to take part in the tendering procedure, as these third countries have not signed agreements granting them access to the European Defence Agency's procurement procedures. Economic operators in Australia, Canada or the USA or other third countries can act as subcontractors of tenderers who have themselves access to the tendering procedures of the European Defence Agency.

**EDA**