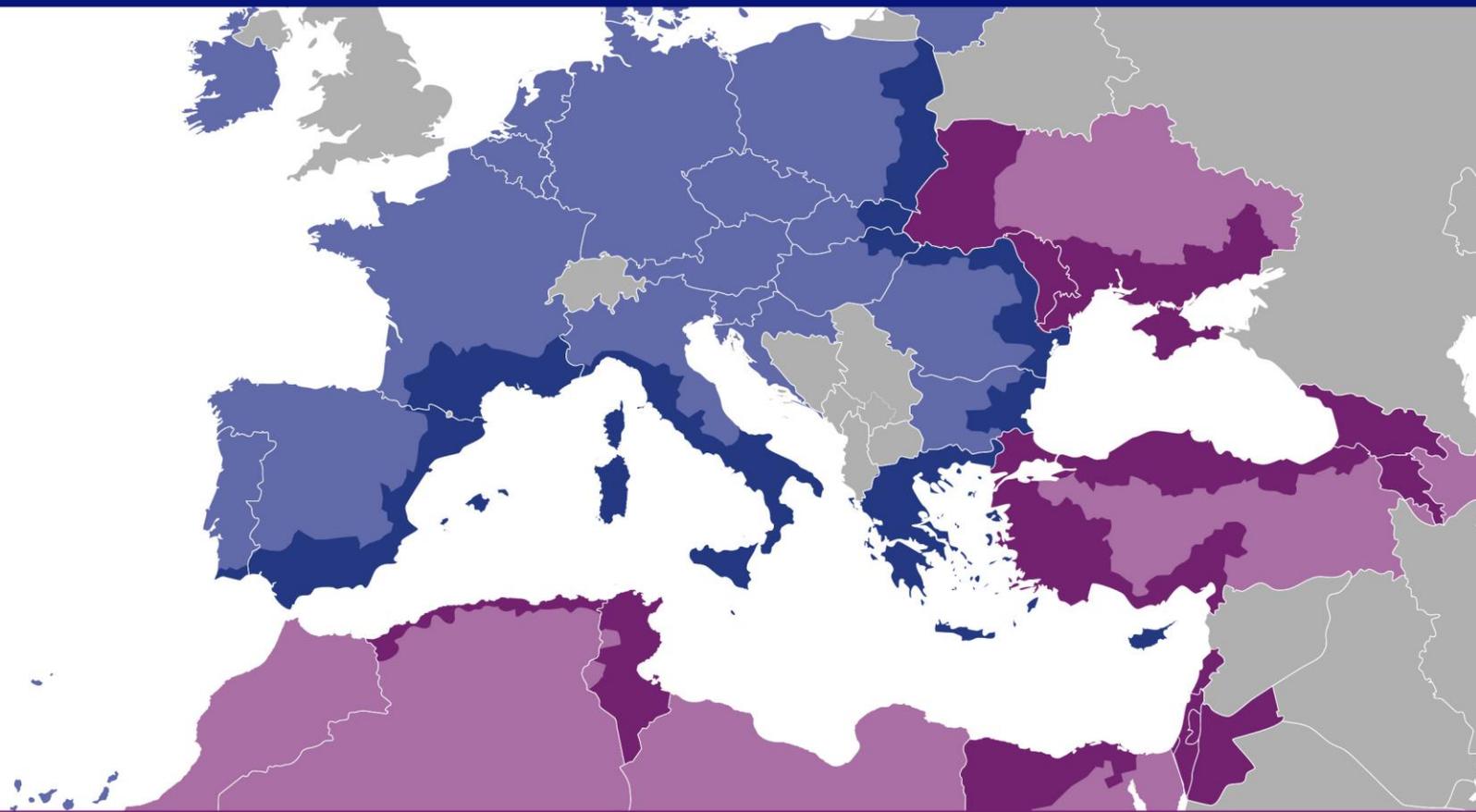


Factsheet on procurement by Lebanese beneficiaries in Interreg NEXT

August 2025



Interreg
TESIM NEXT



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Table of contents

1.	Introduction	2
2.	Key highlights	3
3.	General provisions	4
3.1.	Still compulsory according to Lebanese legislation	4
3.2.	Different provisions between national legislation and Annex II	5
3.3.	Not provided for in Lebanese legislation	5
4.	Types of procedures.....	6
4.1.	Different provisions between national legislation and Annex II	6
4.2.	Not provided for in Lebanese legislation	6
5.	Preparation of the procurement procedure	7
5.1.	Recommended templates	7
5.2.	Still compulsory according to Lebanese legislation	9
5.3.	Different provisions between national legislation and Annex II	9
5.4.	Not provided for in Lebanese legislation	9
6.	Exclusion, selection and award criteria	9
6.1.	Different provisions between national legislation and Annex II	9
6.2.	Not provided for in Lebanese legislation	10
7.	Submission, evaluation and award decision	10
7.1.	Still compulsory according to Lebanese legislation	10
7.2.	Different provisions between national legislation and Annex II	10
7.3.	Not provided for in Lebanese legislation	10
7.4.	Recommended templates	11
8.	Contract performance	13
8.1.	Still compulsory according to Lebanese legislation	13
8.2.	Different provisions between national legislation and Annex II	13
8.3.	Not provided for in Lebanese legislation	14
	Annexes in Zip files.....	14
	G_General templates	14
	I_International tenders	14
	SV_Service tenders	14
	SP_Supply tenders	14
	WK_Works tenders	14
	EV_Evaluation templates.....	14
	ST_Single tender.....	14
	NP_Negotiated procedure	14



1. Introduction

This document is addressed to the Interreg NEXT MED Programme bodies and the Lebanese national authorities. It aims at supporting them in setting out the **instructions to Lebanese public beneficiaries for the full compliance with the procurement rules applicable during the implementation of Interreg NEXT MED projects 2021-2027**. The document may also support the development of adapted checklists on procurement for controllers carrying out the verification of project expenditure.

As a starting point, it is important to remark that Interreg NEXT rules differ from the ones in ENI CBC. The new regulatory framework would allow in principle the use of national legislation and procedures in Lebanon, but only when compliant with the provisions of the Financing Agreement, and particularly its Annex II (hereinafter "Annex II"). As this is not the case for a significant number of provisions, it is worth mentioning that **Article 3 of the Lebanese Procurement Law indicates that the obligations of the law "are subject to the provisions of the international treaties and agreements concluded with the Lebanese State"**. Therefore, the provisions of Annex II prevail in case of difference. The relevant legislation on procurement is **Law 244 on Public Procurement in Lebanon** of 19 July 2021.

On the other hand, the provisions in Annex II do not tackle all the obligations stipulated in the above-mentioned law. Therefore, the public beneficiaries cannot apply exclusively Annex II, as they will still have to comply with some national-specific provisions.

Following a thorough analysis, this factsheet provides information about the three relevant aspects for a compliant public procurement by Lebanese public beneficiaries:

- Main differences between the Lebanese Law and Annex II and the gaps in the Law.
- Provisions of the Lebanese Law to be still complied with.
- The templates which need to be used for the different procurement procedures.

The factsheet takes into consideration the potential extensive administrative burden and time-consuming procurement procedures, as well as the risk of ineligibility of the expenditure due to mismanagement or low understanding of the rules. Therefore, the programme bodies and the national authorities should strive to foster the capacities of the beneficiaries in the shift from their usual procedures to the applicable rules in Interreg.

The document is structured following the content of Annex II but does not replicate its content. This document includes Zip files in annex with the templates mentioned for each procedure.

Even though the document mainly focuses on the differences between the national legislation applicable to public bodies and provides indication on available templates, it also includes alternatives for the private beneficiaries.

Private beneficiaries are obliged to comply with the public procurement rules from Annex II to the Financing Agreement.



2. Key highlights

The main highlights of each section in this document are the following:

Section	Still compulsory according to Lebanese legislation	Different provisions between national legislation and Annex II	Not provided for by the Lebanese legislation
General provisions	<ul style="list-style-type: none"> • Procurement plan. • Procurement announcement and e-platform. • Integrity and accountability. • Professionalisation. • Governance of public procurement. 	<ul style="list-style-type: none"> • Key principles, namely the principle of proportionality. 	<ul style="list-style-type: none"> • Use of Common Procurement Vocabulary (CPV). • Declaration of honour and legal entity form.
Types of procedures		<ul style="list-style-type: none"> • Terminology of the procedures. • Thresholds for the types of procedures. • Criteria for the use of negotiated procedure without prior notification. 	<ul style="list-style-type: none"> • Requirements for restricted procedure. • Use of electronic auctions and electronic catalogues.
Preparation of procurement procedures	<ul style="list-style-type: none"> • Language. 	<ul style="list-style-type: none"> • Content of the procurement documents. • Financial and technical capacity. • Subcontracting. 	<ul style="list-style-type: none"> • Authorisation of variants in tenders. • Incompatibility of support to preparation and submission of tender.
Exclusion, selection and award criteria		<ul style="list-style-type: none"> • Terminology and requirements for exclusion, selection and award criteria. • Environmental requirements. 	<ul style="list-style-type: none"> • Social requirements. • Absence of domestic preferences. • Use of life cycle costing as an award criterion.
Submission, evaluation and award decision	<ul style="list-style-type: none"> • Audit trail. • Validity of proposals. • Challenge proceedings. 	<ul style="list-style-type: none"> • Criteria for abnormally low tenders. 	<ul style="list-style-type: none"> • Evidence of access to procurement documents. • Deadlines for submission of tenders. • Evaluation report. • Information to candidates/tenderers.
Contract performance	<ul style="list-style-type: none"> • Supervision of the execution and statement of works. • Execution of contract and acceptance. 	<ul style="list-style-type: none"> • Conditions for contract modification. • Provisions on performance guarantee. 	<ul style="list-style-type: none"> • Retention money guarantee. • Period for release of guarantees.

3. General provisions

3.1. Still compulsory according to Lebanese legislation

The Lebanese Procurement Law establishes the provisions on the duties of the procurement entities. The general provisions **still compulsory** are:

- Procurement planning (Article 11).
- e-Procurement (Chapter 4 and Article 12).
- Integrity and accountability (Chapter 8), including code of conduct (Article 10).
- Professionalisation (Chapter 5).
- Governance of public procurement (Chapter 6).

Article 11 of the Law obliges the preparation of a **procurement plan** for all procedures over one billion Lebanese Pounds, that is, 9.687,64€¹. The plan must be submitted to the Public Procurement Authority.

Lebanese public beneficiaries must follow the provisions of Article 12 of the Law, that is, **announce the solicitation of open tenders** (called "contract notice" in Annex II) in the "central electronic platform of the Public Procurement Authority and on the procuring entity website, if available. The procuring entity may also decide to publish the procurement notice in any other media". Chapter 4 of the Law establishes additional provisions for electronic procurement. However, the thresholds for public bidding are the ones in Annex II and not those in the Lebanese Law.

Additionally, the Lebanese beneficiaries (public and private) shall comply with the requirements of Annex II concerning the publicity at EU level, that is, in case of public procurement procedures in which the value of the contract to be awarded is equal to or greater than the prescribed thresholds shown in the table below, the notice of participation will be sent in electronic form for publication in the OJEU also.

Type of procedure	Publication in the Official Journal of the European Union (OJEU)
Services and supplies	≥ EUR 300.000
Works	≥ EUR 5.000.000

For the **publication in the Official Journal of the European Union (OJEU)** the beneficiaries may use the EU's [Tenders Electronic Daily Platform \(TED\)](#) and its [standard forms](#). The publication in Lebanon shall refer to the notice published in the OJEU.

¹ [Inforeuro](#) exchange rate of August 2025.



In the case of public procurements in which the value of the contract to be awarded is equal to or greater than the prescribed thresholds, the notice of participation will be sent in electronic form for publication in the OJEU also.

An **award notice** shall be sent when the contract is signed except where, if still necessary, the contract was declared secret, or where the performance of the contract must be accompanied by special security measures, or when the protection of the essential interests of the Union or the country so requires, and where the publication of the award notice is deemed not to be appropriate. The beneficiary shall provide a due justification of any of these circumstances, as stated in point 3.2. of Annex II.

The Law includes a whole chapter (Chapter 8) on **integrity and accountability** provisions. Additionally, Article 10 stipulates that “*the Public Procurement Authority shall enact, by virtue of a regulatory decision, a **code of conduct**, good professional ethics [...]*”.

Finally, the Law includes Chapter 5 on **professionalisation** and capacity building and Chapter 6 on **public procurement governance**, which stipulates the obligations for contracting authorities related to the involvement of the Public Procurement Authority. These provisions are still compulsory.

3.2. Different provisions between national legislation and Annex II

All contracts financed by a grant contract shall respect the principles of **transparency, proportionality, equal treatment and non-discrimination**. Although the Lebanese legislation contains similar procurement principles, the principle of proportionality is not included. Moreover, Annex II provides details in its points 1.2. and 1.3., which prevail over the Lebanese Law.

3.3. Not provided for in Lebanese legislation

Point 2.3 of Annex II indicates that the references to **nomenclatures in the procurement context** shall be made using the EU’s [Common Procurement Vocabulary \(CPV\)](#), as indicated in Annex II.

To ensure respect of the procurement principles and the exclusion criteria, Annex II requires the use of a compulsory **declaration on honour** for the preparation of a tender, as well as a **financial identification form** and a **legal entity form**. In order to meet this requirement, the Lebanese legislation does not provide a template for the declaration on honour and the legal entity form.

We recommend the use of the following **templates**:



Template	Template ref. ²
Declaration of objectivity, confidentiality and absence of conflict of interest. (for participation in the <u>preparation of a tender</u>)	G1
Financial identification form	Use national template
Legal entity forms	G5a, G5b & G5c

4. Types of procedures

4.1. Different provisions between national legislation and Annex II

Points 4 and 5 of Annex II establish similar procedures than the ones required by the Lebanese Law but use a **different terminology**, as shown in the table below:

Procedure according to Annex II of the Financial Agreement	Equivalent procedure in the Lebanese Procurement Law
Open procedure	Open tender
Restricted procedure	Two-stages tendering
The procedures involving a call for expression of interest	Two-stages tendering
The competitive procedure with negotiation (simplified procedure)	Request for quotation
The negotiated procedure without prior publication	Direct contracting
Payment against invoice	Shopping (or by invoice)

The **thresholds** and criteria **for the choice of the procedure**, indicated in several articles of the Lebanese Law, are different from Annex II. They cannot be used, as the ones in point 5 of Annex II prevail.

The requirements and criteria specified in Article 62 of the Law for direct procurement are different from the ones in Point 6 of Annex II for **negotiated procedure without prior publication**. The latter prevails.

4.2. Not provided for in Lebanese legislation

Point 5.3 of Annex II stipulates that *"in the restricted procedure, the contract notice shall state the number of candidates who will be invited to submit tenders. For service contracts at least four candidates shall be invited. The number of candidates allowed to submit tenders shall be sufficient to ensure genuine competition. The list of selected candidates shall be published on the grant beneficiary's website."* Such **requirements for restricted procedure** are not included in the Lebanese Law and must be followed.

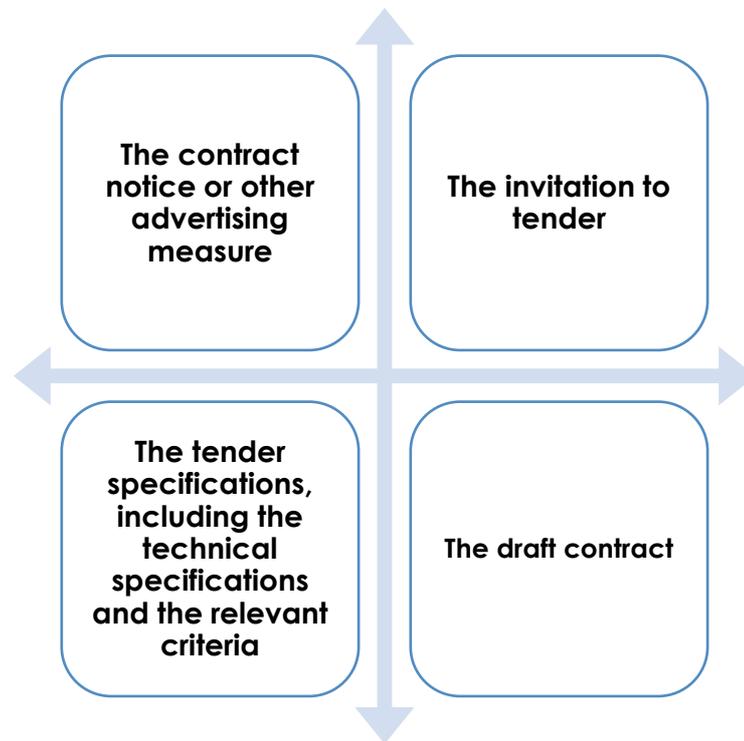
² Find the templates in the Zip files in annex.



The **use of electronic auctions** and **electronic catalogues** provided for in Points 10 and 11 of Annex II are not included in the Law. However, they may be used in Interreg projects.

5. Preparation of the procurement procedure

The preparatory stage is critical for a successful procurement process. According to studies, most procurement violations occur due to the lack of thorough preparation for the tender³. Therefore, grant beneficiaries will need to pay sufficient attention to the preparation process and remember that **procurement for Interreg NEXT projects may be different and longer** compared to the usual procurement. Annex II stipulates the following **procurement documents**:



Beneficiaries should pay attention to the fulfilment of all the required details, which are different from the ones in the Lebanese Law. When available, the project beneficiaries may use national or their own templates, but they should check that all the details required in point 14 of Annex II are fulfilled.

5.1. Recommended templates

We recommend the use of the following **templates** or the national/own ones after check:

³ European Commission, Directorate-General for Regional and Urban Policy, Public procurement – Guidance for practitioners on the avoidance of the most common errors in projects funded by the European Structural and Investment Funds, Publications Office, 2018, <https://data.europa.eu/doi/10.2776/886010>

Template	Type of procedure	Template ref. ⁴
Prior information notice for international tenders in OJEU	Services, supplies and works	I1
Contract notice for international tenders in OJEU	Services, supplies and works	I2
Award notice for international tenders in OJEU	Services, supplies and works	I3
Request to participate (restricted)	Services	Use national template or SV1
Longlist (restricted)	Services	SV2
Shortlist report (restricted)	Services	SV3
Shortlist notice (restricted)	Services	SV4
Contract notice for simplified procedure	Services, supplies and works	SV5, SP1 or WK1
Instructions to tenderers for open and restricted	Services, supplies and works	Use national, own template, SV6, SP2 or WK2
Instructions to tenderers for simplified procedure	Services, supplies and works	SV7, SP2 or WK2
Request and information for tenderers (single tender)	Services, supplies & works	ST1, ST2 or ST3
Tender guarantee	Supplies	Use national or own template
Tender guarantee	Works	Use national or own template
Draft contract	Services, supplies & works	Use national or own template, but check compliance with point 14 of Annex II
Technical specifications	Supplies & works	Use national or own template, but check compliance with point 16 of Annex II

⁴ Find the templates in the Zip files in annex.



Regarding the **draft contract**, the beneficiaries must ensure that all elements in point 14 of Annex II are included. The same should be done with the **technical specifications**. The Lebanese beneficiaries will need to check the full compliance with point 16.

5.2. Still compulsory according to Lebanese legislation

Article 4 of the Law establishes that the tender documents and the procuring entity decisions shall be formulated in **Arabic**. However, the procuring entity may issue all communications, technical specifications or terms of reference in English and / or French. In case of conflict between the Arabic and foreign texts, the Arabic text shall prevail.

5.3. Different provisions between national legislation and Annex II

Annex II provides specific requirements and **means of confirmation of economic and financial capacity, as well as for technical capacity**, which are different from the ones for qualification stipulated in several articles of the Law. The provisions in Annex II prevail.

Annex II includes no restriction on the use of **subcontracting**, except for the provision on the verification of the fulfilment of the relevant selection criteria by the subcontractors when subcontracting represents a significant part of the contract. This provision must complement the specific requirements in Article 30 of the Law.

5.4. Not provided for in Lebanese legislation

Several provisions in Annex II are not provided for in the Lebanese Procurement Law but are applicable in the context of Interreg projects, in particular, **authorisation of variants** (Point 14) and the irregularity of tenders when the **tenderer** was previously **involved in the preparation of documents** used in the procurement procedure (Point 24).

6. Exclusion, selection and award criteria

6.1. Different provisions between national legislation and Annex II

The **exclusion and selection criteria** are established in Article 7 and 8 of the Law but are not fully compliant with the requirements in point 18 of Annex II, which prevail. The **award criteria** are described in Article 18 of the Law (called "*evaluation criteria*"). Also in this case, the requirements in point 21 of Annex II prevail.

The Lebanese Law establishes some **environmental requirements** in Article 15, but these are not sufficient in regard to point 12 of Annex II, which stipulates that the procurement documents must include the obligation of compliance with "*applicable environmental, social and labour law obligations established by Union law, national law, collective agreements or the applicable international social and environmental conventions listed in Annex X to [Directive 2014/24/EU](#)*".



6.2. Not provided for in Lebanese legislation

Opposite to the environmental requirements mentioned above, Article 15 of the Lebanese Law does not establish **social requirements**. The provisions in Point 12 of Annex II apply.

Article 16 of the Law establishes domestic preferences for goods of Lebanese origin and allows for additional scoring in the award criteria. This rule is against the applicable EU legislation indicated in the basic acts listed in Article 2 of the Financing Agreement. Therefore, **no domestic preference is allowed**.

Article 18 of the Law does not include the **use of life cycle costing** as an award criterion, as indicated in Point 14 of Annex II. However, it can be used in the context of Interreg projects.

7. Submission, evaluation and award decision

7.1. Still compulsory according to Lebanese legislation

In regard to the provisions on record and file keeping for the **audit trail** in Article 9 of the Law, which are compulsory, they should be complemented with the period for conservation requested by the applicable EU regulations, that is, five years from 31 December of the year in which the last payment or request for recovery by the Managing Authority to the project's Lead Partner is made and, in any case, until any on-going audit, verification, appeal, litigation or pursuit of claim has been disposed of.

Article 22 of the Law stipulates a period of 30 days for the **validity of proposals**, which must be kept by the tenderers.

Point 27 of Annex II on standstill period provides for the possibility of complaints by unsuccessful tenderers without detailed provisions on the procedure. The Lebanese Law establishes such details in Chapter 7 on so-called **challenge proceedings**, which are still compulsory.

7.2. Different provisions between national legislation and Annex II

The provisions for **abnormally low bids** in Article 27 of the Law are not the same as in Point 23 of Annex II. The latter prevails.

7.3. Not provided for in Lebanese legislation

The Law does not provide for conditions for **access to procurement documents** as the ones in Point 15 of Annex II, which must be applied.

The beneficiaries must follow the **requirements concerning the minimum time limits for submission of tenders** stated in Annex II⁵, which are not indicated in the Lebanese Procurement Law, which only establishes a deadline for open tender that does not prevail:

⁵ In urgent cases other time limits may be authorized.



Procurement type	Time limit in the Annex II to Financial Agreement
Service contracts	The minimum time between the day following the date of dispatch of the letter of invitation to tender and the final date for receipt of tenders shall be 50 days.
Restricted procedures	The time limit for receipt of requests to participate shall be no less than 30 days from the date following that on which the contract notice is published. The period between the date following that on which the letter of invitation is sent and the final date for the receipt of tenders shall be no less than 50 days.
Open procedures	The time limits for receipt of tenders, running from the date following that in which the contract notice is published, shall be at least 90 days for works contracts and 60 days for supply contracts.
Local open procedures	The time limits for receipt of tenders, running from the date when the contract notice is published, shall be at least 60 days for works contracts and 30 days for supply contracts.
Simplified procedures	Candidates shall be allowed at least 30 days from the date of dispatch of the letter of invitation to tender in which to submit their tenders.

Point 26 of Annex II stipulates the compulsory preparation of **evaluation reports** by the tender committee, which is not provided for in the Lebanese Law.

The Law does not provide either for details on the **information to candidates and tenderers**, which may be found in point 27 of Annex II and must be followed.

7.4. Recommended templates

In absence of national templates, we recommend the use of the following templates for the **declaration on honour** for the exclusion situations stated in point 18 of Annex II⁶.

Template	Template ref. ⁷
Declaration of impartiality, confidentiality and absence of conflict of interest. (for participation in the <u>evaluation of a tender</u>)	G2
Declaration on honour on exclusion and selection criteria. (for tenderers)	G3

Moreover, we recommend the following **templates for tender submission** or the national/own ones after checking with Annex II:

Template	Type of procedure	Template ref. ⁸
Financial identification form	Services, supplies and works	National template or G4
Legal entity form	Services, supplies and works	G5

⁶ This requirement may be waived for very low-value contracts, that is, not exceeding EUR 15.000.

⁷ Find the templates in the Zip files in annex.

⁸ Find the templates in the Zip files in annex.



Administrative and compliance grid	Services, supplies & works	Use own template, SV8, SP3 or WK5
Evaluation grid	Services, supplies & works	Use own template, SV9, SV10, SP4 or WK6
Tender submission form	Services, supplies & works	Use national, own template, SV11, SV12, SP5 or WK3
Tender submission form & technical offer (single tender)	Services, supplies & works	Use own template, ST4, ST5 or ST6
Technical specifications	Works	Use own templates
Design documents, including drawings	Works	Use own templates
General information about the tenderer	Works	Use own templates
Financial statements of tenderer	Works	Use own templates
Technical qualifications of tenderer	Works	Use own templates
Experience as contractor	Works	Use own or PRAG template
Staff to be employed	Works	Use own or PRAG template
Professional experience of key staff	Works	Use own or PRAG template
Equipment & vehicles	Works	Use own or PRAG template
Work plan & list of subcontractors	Works	Use own or PRAG template

We recommend the following [templates for evaluation](#):

Template	Type of procedure	Template ref.⁹
Opening checklist	Services, supplies & works	Use own template, EV1 or EV2
Administrative compliance grid	Services, supplies & works	Use own template, SV8, SP3 or WK5
Interpretative note on financial offers	Works	Use own template, WK10

⁹ Find the templates in the Zip files in annex.



Evaluators grid	Services, supplies & works	Use own template, EV3, EV4, SP4 & WK6
Evaluation report	Services, supplies & works	EV5, EV6 & EV7
Report for negotiated procedure without publication	Services, supplies & works	NP1
Evaluation report (single tender)	Services, supplies & works	ST7
Award decision	Services, supplies & works	Use own template or EV8
Contract award notice	Services, supplies & works	Use your own template
Notification letters	Services, supplies & works	Use your own template
Cancellation notice	Services, supplies & works	Use your own template

8. Contract performance

8.1. Still compulsory according to Lebanese legislation

Article 31 of the Law establishes the provisions on the **supervision of the execution and statement of works**, which are still compulsory. The provisions on the **execution of a contract and acceptance** in Article 32 are also compulsory.

8.2. Different provisions between national legislation and Annex II

The provisions in Point 30 of Annex II on **contract modification** and the ones in Point 31 of Annex II on **performance guarantees** prevail over the provisions in the Lebanese Law.

We recommend the following **templates for contract performance**:

Template	Type of procedure	Template ref. ¹⁰
Contractor's assessment form	Services & supplies	Use own template, SV13 or SP8
Performance guarantee	Supplies & works	Use national, own template, SP7 or WK7
Pre-financing guarantee	Works	Use own template, WK8
Retention guarantee	Works	WK9

¹⁰ Find the templates in the Zip files in annex.



8.3. Not provided for in Lebanese legislation

The Lebanese legislation does not provide for **retention money guarantees** as established in Point 31 of Annex II. However, they may be used in Interreg projects. Moreover, the Law does not provide for periods for **release of guarantees**. Therefore, the deadlines for release in point 31 must also be applied.

Annexes in Zip files

G_General templates

I_International tenders

SV_Service tenders

SP_Supply tenders

WK_Works tenders

EV_Evaluation templates

ST_Single tender

NP_Negotiated procedure

