



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 6 February 2009
C(2009)611

COMMISSION DECISION

of 6 February 2009

amending Decision C(2006)5000 establishing a financial assistance programme to encourage the economic development of the Turkish Cypriot community – Part I and Decision C(2006)6533 establishing a financial assistance programme to encourage the economic development of the Turkish Cypriot community – Part II

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 389/2006 of 27 February 2006 establishing an instrument of financial support for encouraging the economic development of the Turkish Cypriot community¹, and in particular Article 3 thereof,

Whereas:

- (1) Following the accession of Cyprus, the application of the *acquis* is suspended pursuant to Article 1(1) of Protocol No 10 to the Act of Accession 2003 in the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control (hereinafter referred to as ‘the areas’).
- (2) Pursuant to Article 3(1) of Protocol N°10, nothing in the Protocol precludes measures with a view to promoting the economic development of the areas.
- (3) Council Regulation (EC) No 389/2006 lays down the rules and conditions for the granting of assistance for encouraging the economic development of the Turkish Cypriot community.
- (4) Commission Decision C(2006)5000 of 27 October 2006 establishing a financial assistance programme to encourage the economic development of the Turkish Cypriot community – Part I and Commission Decision C(2006)6533 of 15 December 2006 establishing a financial assistance programme to encourage the economic development of the Turkish Cypriot community – Part II were adopted pursuant to the aims of Council Regulation (EC) No 389/2006.
- (5) Due to delays incurred in the implementation of the programme, it is appropriate to extend the contracting deadlines to the maximum allowed under Article 5(1) of Council Regulation (EC) No 389/2006 in the case of both Commission Decisions as well as to extend the execution deadline of Commission Decision C(2006)5000 in order to align it to the execution deadline of Commission Decision C(2006)6533.
- (6) In line with best practice gained under previous EC-funded programmes, the use of FIDIC conditions of contract for works investment should be enabled in the case of works investments funded under Commission Decision C(2006)6533.

¹ OJ L 65, 7.3.2006, p.5.

- (7) The Committee provided for in Article 3(2) of Regulation (EC) No 389/2006 will be informed of this decision,

HAS DECIDED AS FOLLOWS:

Article 1

The Annex to Decision C (2006) 5000 of 27 October 2006 is hereby amended as follows:

1. In Section 1, Identification, the indications for contracting end dates and execution of contracts end dates are replaced by the following:

“CONTRACTING END DATE 31 October 2009
EXECUTION OF CONTRACTS END DATE 15 December 2012”

2. In Section 9, Implementation, the first subparagraph of point b) contracting and execution deadline, is replaced by the following:

“All contracts must be concluded by 31 October 2009. In no case can the contracting period exceed 3 years after the date of the global commitments. End of execution deadline is 15 December 2012”

Article 2

The Annex to Decision C (2006) 6533 of 15 December 2006 is hereby amended as follows:

1. In Section 1, Identification, the indications for contracting end dates and Execution of Contracts end date are replaced by the following:

“CONTRACTING END DATE 18 December 2009
EXECUTION OF CONTRACTS END DATES 15 December 2012”

2. In Section 9, Implementation, subsection a) Financial and project management, the following sentence is added to the second paragraph:

“FIDIC (Fédération Internationale Des Ingénieurs-Conseils) conditions of contract can be used in the case of works contracts to be funded under this Commission Decision”

3. In Section 9, Implementation, the first subparagraph of point b) Contracting and execution deadline, is replaced by the following:

“All contracts must be concluded by 18 December 2009. In no case can the contracting period exceed 3 years after the date of the global commitments. End of execution deadline is 15 December 2012”

Done at Brussels,

For the Commission
[...]
Member of the Commission