

# Instrument for structural policies for pre-accession ISPA

2001/0058(CNS) - 04/12/2001 - Final act

**PURPOSE:** To amend the ISPA Regulation allowing for the participation on tender contracts of third country nationals. **COMMUNITY MEASURE:** Council Regulation 2382/2001/EC amending Regulation (EC) No 1267/1999 establishing an Instrument for Structural Policies for Pre-Accession. **CONTENT:** The ISPA Regulation (1267/1999) aims to offer financial assistance in the field of environmental protection and the improvement of transport infrastructure networks in applicant countries. During the appraisal of the ISPA Regulation in 2000 the Commission proposed it be amended to take account of a gap in the current co-financing strategy of the Regulation. Specifically the amendments seek to offer, on a case by case basis, the possibility of third country participation on tender contracts for ISPA projects. The amendments are drawn from similar provisions applicable under the PHARE programme. In order to apply this new provision the ISPA Regulation has been amended accordingly. Thus, in the case of measures for which the Community is the sole source of external aid, participation in invitations to tender and contracts shall be open on equal terms to all natural and legal persons of the Member States and of the countries referred to in the second subparagraph of Article 1 (1). In the case of co-financing, however, the participation of third countries in invitation to tender and contracts may be authorised by the Commission, after examination on a case-by-case basis. Lastly, where a measure is co-financed together with international financial institutions, expenditure meeting the rules for eligibility but carried out in accordance with procedures appropriate to external sources of financing other than Community assistance and borne by those financial institutions may be used in calculating total eligible expenditure for that measure. The Commission will be assisted by a committee. **ENTRY INTO FORCE:** 07/12/01.