



Ministry of Development,
Public Works and Administration

**INSTRUCTION No. 35 of 18th of April 2022
FOR BENEFICIARIES**

**of the ENI CBC Black Sea Basin Programme 2014-2020
amending Instruction no.21 of 07.02.2020 regarding date from which the suspension
of project implementation period starts or ends**

Having in mind the provisions of art. 1.12 of the grant contract, related to the right of the Managing Authority to issue mandatory instructions,

Complementing the provisions of the Instruction no.21 of 07.02.2020 issued by the Managing Authority, regarding date from which the suspension of project implementation period starts or ends,

Considering the need to clarify the partial suspension of project implementation, mentioned in art 16.2 and 16.4 of the Grant contract,

In particular, acknowledging the current exceptional circumstances encountered by Beneficiaries from Ukraine and in order to mitigate the effects on projects' implementation of the unprovoked and unjustified military aggression by Russia, on the territory of Ukraine,

The Instruction no.21 is amended as follows:

Article 1 - Article 1 paragraph1 is modified and shall have the following content:

“ 1.1 To use the possibility of suspension of implementation period, foreseen by Articles 16.2 and 16.3 (Suspension by the Lead Beneficiary), all Beneficiaries should take into account that the suspension shall be communicated without delay, in writing, to the Managing Authority. The communication shall contain all information foreseen by Article 16.2 and by indicating the start date of the suspension as well as the duration.

After verifying the circumstances described by the beneficiary, following the proposal of the JTS, the MA shall issue a decision of the representative of MA signing the contract, confirming the suspension of the contract, or any part thereof, as the case, starting with the date indicated by the Lead beneficiary. If there is a risk that the suspension, as presented by the beneficiary, jeopardizes the implementation of the project, the MA may agree with the suspension under specific conditions or may reject the proposal. The MA will communicate without delay its decision to the beneficiary.



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During the suspension period no activity shall be performed and no payments shall be made, except for the payments related to activities performed before suspension by any of the project partners or, in case of partial suspension, by the concerned beneficiary(ies)."

The partial suspension may have effects also on other obligations as laid down in the Grant Contract and/or Partnership agreement(s), therefore addenda may need to be concluded to adapt the implementation to the current circumstances.

Article 2 - A new paragraph is introduced under Article 1 with the following content:

"1.3 The new implementation period as a result of a suspension, as foreseen by art.16.9 of the Grant Contract, shall duly consider the implementation period of the programme, laid down in the Commission Implementing Regulation (EU) No 897/2014, as subsequently amended, and shall not jeopardize the Programme closure."

Article 3. All other articles/sub-articles remain unchanged and shall be read and understood as provided in Instruction no.21.

Article 4. This instruction will be communicated by the Joint Technical Secretariat to the beneficiaries via electronic email and publication on the Programme's website.

Article 5. This instruction entries into force at the date of its signature.

Iulia HERTZOG

Head of the Managing Authority for
ENI CBC Black Sea Basin Joint Operational Programme 2014-2020



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