

## VOLUME 2

### SECTION 1 CONTRACT FORM

#### WORKS CONTRACT FOR EUROPEAN UNION EXTERNAL ACTIONS

NO. TR14C1.1.05-02/001

FINANCED FROM THE GENERAL BUDGET OF THE UNION

Between

**Ministry of Industry and Technology - DG for EU and Foreign Affairs – Directorate of EU Financial Programmes, (MoIT/ DoEUFPP)**, Mustafa Kemal Mahallesi, Dumlupınar Bulvarı, (Eskişehir Yolu 7.Km), 2151.Cadde, No:154/A, Kat:7, 06530 Çankaya/Ankara, Turkey

(“The contracting authority”),

of the one part,

and

<Full official name of contractor>

[<Legal status/title>]<sup>1</sup>

[<Official registration number>]<sup>2</sup>

<Full official address>

[<VAT number>]<sup>3</sup>,

(“the contractor”)

of the other part,

have agreed as follows:

#### PROJECT

**“Establishment of Common Use Ateliers in TRB2 Region” Project**

#### CONTRACT TITLE

**Construction for the “Establishment of Common Use Ateliers in TRB2 Region” Project**

**Identification number: NEAR/ANK/2020/EA-LOP/0053**

Whereas the contracting authority would like the contractor to carry out the following works:

**Construction for the “Establishment of Common Use Ateliers in TRB2 Region” Project**

and has accepted a tender by the contractor for the execution and completion of such works and the remedying of any defects therein.

<sup>1</sup> Where the contracting party is an individual.

<sup>2</sup> Where applicable.

<sup>3</sup> Except where the contracting party is not VAT registered.

**It is hereby agreed as follows:**

- (1) In this contract, words and expressions shall have the meanings assigned to them in the contractual conditions set out below.
- (2) The following documents shall be deemed to form and be read and construed as part of this contract, in the following order of precedence:
  - (a) the contract,
  - (b) the particular conditions,
  - (c) the general conditions (FIDIC Red Book - Conditions of Contract for Construction for Building and Engineering Works designed by the Employer, First Edition 1999),
  - (d) the bill of quantities (after arithmetical corrections) and detailed breakdown of prices,
  - (e) the technical and/or performance specifications,
  - (f) the design documentation (drawings),
  - (g) the tender with appendix,
  - (h) any other documents forming part of the contract.

The various documents making up the contract shall be deemed to be mutually explanatory; in cases of ambiguity or divergence, they shall prevail in the order in which they appear above. Addenda shall have the order of precedence of the document they are amending.

- (3) In consideration of the payments to be made by the contracting authority to the contractor as hereinafter mentioned, the contractor undertakes to execute and complete the works and remedy defects therein in full compliance with the provisions of the contract.
- (4) The contracting authority hereby agrees to pay the contractor in consideration of the execution and completion of the works and remedying of defects therein the amount of:
  - Contract price (excluding VAT/other taxes) EUR <amount>
  - Contract price EUR <amount in words>

or such other sum as may become payable under the provisions of the Contract at the times and in the manner prescribed by the contract. VAT will be paid in compliance with the binding regulations, national law and international agreements concerning the execution of the project. VAT and other taxes shall not be paid on the funds originating from EU funds.

- (5) Other specific conditions applying to the contract

For the purpose of Article 72 of the general conditions, for the part of the data transferred by the contracting authority to the European Commission:

- (a) the controller for the processing of personal data carried out within the Commission is the head of contracts and finance unit R4 of DG Neighbourhood and Enlargement Negotiations.
- (b) the data protection notice is available at

<http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=A>.

The following conditions to the contract shall apply:

**Exemption of Taxes**

The European Commission and Republic of Turkey have agreed in IPA Framework Agreement on 11.02.2015 (this FWA adopted as law by Turkish Parliament no: 6647 on 04.04.2015). It has been put into force by the government decree, no 2015/8085 that was published in Official Gazette (complementary version, no: 29459, dated 28.08.2015) to fully exonerate the following taxes; value added tax (VAT), Special Consumption Tax (SCT), Motor vehicle tax, Special

communication tax, Inheritance and Transfer tax, customs or import duties, charges, and/or taxes of equivalent effect, stamp or registration duties or any other charge having equivalent effect.

In witness whereof the parties hereto have signed the contract. This contract shall take effect on the date on which it is signed by the last party, namely the contractor.

Done in English in three originals, one original for the contracting authority, one original for the European Commission, and one original for the contractor.

**For the contractor**

Name:

Title:

Signature:

Date:

**For the contracting authority**

Name:

Title:

Signature:

Date:

**Endorsed for financing by the European Union**

Name:

Title:

Signature:

Date: