

No. 1071

**UNITED NATIONS
(UNITED NATIONS DEVELOPMENT PROGRAMME)
and
EUROPEAN BANK
FOR RECONSTRUCTION
AND DEVELOPMENT**

**Agreement to execute UNDP projects (with annex). Signed at
New York on 3 March 1993 and at London on 11 March
1993**

Authentic text: English.

Filed and recorded by the Secretariat on 11 March 1993.

**ORGANISATION DES NATIONS UNIES
(PROGRAMME DES NATIONS UNIES
POUR LE DÉVELOPPEMENT)**

et

**BANQUE EUROPÉENNE
POUR LA RECONSTRUCTION
ET LE DÉVELOPPEMENT**

**Accord en vue d'exécuter les projets du PNUD (avec annexe).
Signé à New York le 3 mars 1993 et à Londres le 11 mars
1993**

Texte authentique : anglais.

Classé et inscrit au répertoire par le Secrétariat le 11 mars 1993.

AGREEMENT¹ BETWEEN THE UNITED NATIONS DEVELOPMENT PROGRAMME AND THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT TO EXECUTE UNDP PROJECTS

Dated 11 March 1993

Whereas the General Assembly of the United Nations established the United Nations Development Programme (hereinafter called the "UNDP") to support and supplement the national efforts of developing countries to accelerate their economic and social development through technical cooperation activities designed to give effect to the resolutions and decisions of the United Nations General Assembly, the Economic and Social Council and the UNDP Governing Council (hereinafter referred to as the "UNDP Governing Bodies");

Whereas in contributing to economic progress and reconstruction, the purpose of the European Bank for Reconstruction and Development is to foster the transition of Central and Eastern European countries towards open market-oriented economies and to promote private and entrepreneurial initiative in the Central and Eastern European countries including the former Soviet Union committed to and applying the principles of multiparty democracy, pluralism and market economies;

Whereas the United Nations Development Programme and the European Bank for Reconstruction and Development (hereinafter called the "Parties") wish to enhance the effectiveness of the UNDP as an instrument of international development co-operation with developing countries; and

Whereas the European Bank for Reconstruction and Development (hereinafter called the "EBRD") wishes to cooperate with UNDP in projects within their respective mandates, including executing certain UNDP projects;

¹ Came into force on 11 March 1993 by signature, in accordance with article XVII.

Have agreed as follows:

Article I

Scope of this Agreement

The Parties recognize their complementary roles in the field of international development co-operation and hereby agree to join efforts to maintain close and continuing working relationships in order to achieve their respective mandates as well as their individual and common purposes. To this end, the EBRD agrees to carry out, in partnership with the UNDP and the recipient Governments concerned, technical co-operation activities which it may from time to time agree to execute at the request of the UNDP (hereinafter referred to as "Project(s)"). The relationship between the Parties in the execution of such Projects shall be governed by this Agreement.

Article II

Conditions of Execution of Projects

1. The basic conditions of execution of Projects by the EBRD hereunder shall be those set forth in the relevant and applicable resolutions and decisions of the UNDP Governing Bodies and such agreements as the UNDP may enter into with recipient Governments. The particular conditions of and the specifications relating to such Projects shall be as set forth in such Project Documents or other similar instruments as the UNDP, the EBRD, and the recipient Government may conclude (hereinafter called "Project Documents").
2. The text of the Standard Basic Assistance Agreement with Governments in current use by the UNDP is annexed to this Agreement. The UNDP shall consult with the EBRD on any substantial variation in that text which it proposes to adopt for general use, and shall provide the EBRD with copies of individual signed Agreements.

Article III

The UNDP Resident Representative

The Parties recognize that the UNDP Resident Representative in a country has full responsibility and ultimate authority on behalf of the Administrator of the UNDP for all aspects of the UNDP programme in the country concerned. The EBRD further recognizes the Resident Representative as the central coordinating authority at the country level for all technical cooperation programmes of the United Nations system with responsibility for assisting the recipient Government, as and when required, in co-ordinating the UNDP Programme with other national, bilateral and multilateral programmes within the country. For this purpose, the EBRD agrees to keep the Resident Representative informed, to the extent possible, on the planning and formulation of its technical cooperation activities. Similarly, the UNDP agrees to keep the EBRD informed, to the extent possible, on the planning and formulation of its technical cooperation activities in the countries of Central and Eastern Europe including the former Soviet Union.

Article IV

Project Co-operation

The Parties shall co-operate fully with each other and with the recipient Government concerned in the execution of Projects with a view to the realization of the objectives described in the Project Documents. The Parties shall consult with each other with respect to any matters which might affect the successful completion of any such Projects.

Article V

Information Regarding Projects

1. The Parties shall from time to time exchange views with each other and with the recipient Government on the progress of Projects, the cost thereof and the benefits derived therefrom,

and each shall comply with any reasonable request for information which the other may make in respect of such matters. The EBRD shall furnish the UNDP with periodic reports on the execution of Projects at such times and in such forms as may be agreed to by the Parties.

2. The UNDP and the recipient Government may at any time observe the progress of any Projects carried out by the EBRD under this Agreement, and the EBRD shall afford full cooperation to the UNDP and the recipient Government for this purpose.

Article VI Conditions of Project Services

1. With a view to securing the highest standards of efficiency, competence and integrity in the execution of Projects, the UNDP shall develop conditions of service for project staff in consultation with organizations of the United Nations system. The EBRD agrees to give sympathetic consideration to the adoption of any such conditions of service.

2. The EBRD agrees to observe to the maximum extent possible the principles of international competitive bidding in the procurement of goods and contracting of services for Projects. The EBRD shall, in that context, give consideration:

- (a) to the importance of encouraging the involvement of all countries in procurement competitions, including, in particular, the involvement of developing countries in order to increase procurement possibilities from these countries;
- (b) to the need to make use of the various currencies available to the UNDP taking due account of the specific requirements of each Project.

3. Experts, consultants and suppliers of goods and contractual services and in general all persons performing services for the EBRD as part of a Project shall in all cases meet the highest