

# **SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE**

**No. 3452 of 27 January, 2005**

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LEGAL NOTICE NO. 8 OF 2005.

## **PUBLIC FINANCE (CONTROL AND AUDIT) ACT**

### **PUBLIC SERVICES CONTRACTS (AMENDMENT) (EU ACCESSION COUNTRIES) REGULATIONS 2005**

In exercise of the powers conferred on him by section 75 of the Public Finance (Control and Audit) Act and in connection with the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union the Financial and Development Secretary has made the following regulations—

#### **Title and Commencement.**

1.(1) These regulations may be cited as the Public Services Contracts (Amendment) (EU Accession Countries) Regulations 2005 and shall be deemed to have come into operation on 1 May 2004.

#### **Amendments to the Public Services Contracts Regulations 1996.**

2.(1) The Public Services Contracts Regulations 1996 are amended in regulation 2(1) by deleting from the definition of “relevant State” the words “Hungary, Poland, Czech Republic, Slovakia”.

(2) The Public Services Contracts Regulations 1996 are amended in regulation 14(1)(j) by substituting for the words and figures “(5), (6) and (7)” the words and figures “(5), (6), (6A) and (7)”.

(3) The Public Services Contracts Regulations 1996 are amended by inserting into regulation 14(4) in the appropriate alphabetical place the following—

“in the Czech Republic, the obchodní rejstřík;”;

“in Estonia, the Keskäriregister;”;

“in Hungary, the Cégnyilvántartás, the egyéni vállalkozók jegyzői nyilvántartása; the szakmai kamarák nyilvántartása;”;

“in Latvia, the Uzņēmumu reģistrs (“Enterprise Register”);”;

“in Lithuania, the Juridinių asmenų registras;”;

“in Poland, the Krajowy Rejestr Sądowy (National Court Register);”;

“in Slovakia, the Obchodný register;”;

“in Slovenia, the Sodni register and obrtni register;”.

(3) The Public Services Contracts Regulations 1996 are amended by inserting after regulation 14(6) the following—

“(6A) A service provider who is established—

- (a) in Cyprus shall be treated as registered on the professional or trade register for the purposes of sub-regulation (1)(j) if
  - (i) he provides a certificate from the the Έφορος Εταιρειών και Επίσημος Παραλήπτης (Registrar of Companies and Official Receiver) that he is incorporated or registered; or
  - (ii) he is certified as having declared on oath that he is engaged in the profession in question in Cyprus in a specific place under a given business name;
- (b) in Hungary shall be treated as registered on the professional or trade register for the purposes of sub-regulation (1)(j) if he is certified as being entitled to be engaged in the business activity or profession in question;
- (c) in Malta shall be treated as registered on the professional or trade register for the purposes of sub-regulation (1)(j) if he gives his “numru ta' reġistrazzjoni tat-Taxxa tal-Valur Miżjud (VAT) u n-numru tal-liċenzja ta' kummerċ”, and, if he is a partnership or company, the relevant registration

number as issued by the Malta Financial Services Authority.”.

Dated the 27th day of January, 2005.

T J BRISTOW,

Financial and Development Secretary.

### **EXPLANATORY MEMORANDUM**

These Regulations are required as a result of the accession to the European Union of ten new countries pursuant to the treaty between the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland (Member States of the European Union) and the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union, signed at Athens on 16th April 2003.

The Regulations amend the definition of “relevant State” in regulation 2(1) to reflect that certain states listed have, by virtue of the Accession Treaty above, become member states of the European Union. They also insert additional provisions into regulation 14(4) and create new sub-regulation 14(6A) in compliance with amendments to directive 92/50 introduced in connection with the Accession Treaty and listing the appropriate professional and trade registers of the new European Union States.