05_The EU Parliament Adopted the New Directivs on Public Procurement and Concessions_March_14_KG

In connection with the need for recast and modernization of the existing legislation in the public procurement field, the European Commission made a proposal on amending Directive 2004/18/EC in 2012. After the examination in the Council and the Parliament, the proposal was adopted in February 2014. The new rules are expected to be published in The Official Gazette of the European Union and, twenty days later, the new Directive will enter into force and the existing one will be repealed.

The new rules pursue three main objectives: simplification, flexibility, and legal certainty.

With a view to facilitating the conduct of simplified and more flexible procedures for the award of public procurement contracts, greater opportunities have been created to apply competitive negotiated procedures and the time limits for presenting the bids have been shortened. The new provisions encourage e-procurement procedures. Easier arrangements have been introduced for local authorities, which act as contracting authorities. Procedures have been modernized and the volume of the required documentation has been reduced. Small and medium-sized enterprises and newly established companies will get easier access to the market through the division of works into distinct lots and through reduction of eligibility requirements.

The use of public procurement procedures for general public purposes will be enabled by the new procedure referred to as “partnerships for innovation” (PFIs). The decisions to award public procurement contracts will take into account the costs throughout the life cycle of the products, services or works envisaged in the contract, as well as all factors which are directly related to the production process. Economic operators will be eliminated if they commit violations of the acquis communautaire in the field of the social, labour or environmental law or the provisions of the international labour law. Specific rules apply to public procurement for social, health and educational services.

Stable procedures will be achieved by means of establishing effective mechanisms for the prevention, detection and elimination of conflicts of interest, participation of economic operators in unlawful activities and unjustified preferences to the benefit of participants

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which have advised the contracting authority or which have participated in the preparation of the relevant procedure.

The consistent application of public procurement rules at the national and the European level will be ensured through the introduction of obligations for the Member States to engage in administrative cooperation, to designate a national authority in charge of the monitoring, implementation and supervision of public procurement contracts, and to establish centres of excellence.

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