Procurement procedures water, energy, transport and telecommunications sectors (amend. Directive 93/38/EEC)

1995/0080(COD) - 15/07/1996

The rapporteur, Mr LANGEN (EPP, D), said that Parliament recognised the crucial importance of the agreement on public contracts. However, he thought that it was not an adequate approach to implement the agreement by way of an amendment of the existing Directives. The proposal failed to indicate with sufficient clarity the domains that were excluded from the scope of the agreement or the specific provisions applying to those contracts and sectors that could be classified as public. The rapporteur thought that in order to guarantee a sufficient level of precision in this area a new directive should be adopted that clearly incorporated the specific exceptions and regulations. He therefore proposed to reject the proposal for an amendment of the Directive and called on the Commission to present a new text. Commissioner MONTI stressed that the agreement on public tendering did not require any special legal arrangements for application in the Community. Moreover, the only amendments that had been introduced in order to provide for the consistent application of the agreement did not constitute a unilateral opening of public contracts to third-country companies. The Commissioner regretted that the negotiations with Parliament had not concluded by reaching a consensus on the proposals. However, the Commission intended to draft an amended proposal that would take Parliament’s concerns into account.