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

1995/0080(COD) - 20/11/1996 - Modified legislative proposal

Though the Commission did not accept the idea of a separate Directive transposing the Government Procurement Agreement (GPA) it nevertheless examined with Parliament the possibility of improving its proposal. The principal changes introduced in the modified proposals are as follows: - a clarification of the fields of application of the GPA and the Directives as well as a clear statement as to the legal regime applicable to third country companies; - the changes to the thresholds have been limited to the contracts and sectors which are subject to the GPA; - the obligation to inform eliminated candidates or tenderers of the reasons for their rejection and eliminated tenderers of the characteristics and advantages of the tender selected has been limited to the sectors covered by the GPA; - the amendments to the model notices, and in particular the notice on the existence of a qualification system and the periodic information notice, have been limited to what is explicitly required by the GPA as is the case regarding the information to be provided by contracting entities when they invite candidates to confirm their interest following publication of a periodic indicative notice used as a means of calling for competition; - the introduction of an obligation on the Commission to respect the commercially sensitive nature of information communicated by contracting entities in notices on contracts awarded and concerning prices.