Public procurement: services, supply and public work contracts (amend. Directives 92/50/EEC, 93/36/EEC, 93/37/EEC)

1995/0079(COD) - 13/12/1996 - Modified legislative proposal

The Commission proposes a series of amendments to the 'Services', 'Supply' and 'Works Contracts' Directives, aimed at inserting some provisions of the Government Procurement Agreement (GPA), which entered into force in the Community on 1 January 1996, in order to: a) avoid discrimination against Community companies and give them the same advantages that third country companies enjoy pursuant to the GPA; and b) ensure consistency between the two legal regimes. The principal changes introduced by the Commission to take account of Parliament's opinion consist in: - a new recital on payment periods; - the introduction of differentiated thresholds for service contracts depending on whether the types of services in question are covered by the GPA; - a restructuring of the provisions on statistics regarding public works contracts; - inclusion of the central government bodies of Austria, Finland and Sweden in Annex I. The following changes have also been introduced: - 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 modification of the thresholds for design contests so as to reflect the limited scope of the GPA as compared to that of Directive 92/50/EEC; - the introduction of more flexibility in the deadlines following publication of a periodic indicative notice in the three Directives; - the insertion of a provision on non-discrimination in Directives 93/36/EEC and 93/37/EEC; - the introduction of a 5 000 000 ECU threshold for certain works contracts which do not come within the field of application of the GPA.