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

1995/0079(COD) - 13/10/1997 - Final act

OBJECTIVE: to amend the Community directives on public contracts in the light of the Agreement on government procurement reached in the Uruguay Round. COMMUNITY MEASURE: European Parliament and Council Directive 97/52/EC amending Directives 92/50/EEC, 93/36/EEC and 93/37/EEC concerning the coordination of procedures for the award of public service contracts, public supply contracts and public works contracts respectively. SUBSTANCE: the amendments adopted align the procedures provided for in the above-mentioned Directives with those laid down in the GPA in order to ensure that Community and international rules do not differ and to avoid discrimination against Community enterprises, i.e. more favorable treatment of third-country tenderers. In order to increase the transparency of the award of public contracts, the Directive lays down, in particular, that the contracting authority shall, within 15 days of the date on which a written request is received, inform any eliminated candidate or tenderer of the reasons for rejection of his application or his tender, and inform any tenderer who has made an admissible tender of the characteristics and relevant advantages of the tender selected as well as the name of the successful tenderer. The time limits for the reception of tenders are amended slightly so that they are calculated from the date of dispatch of the contract notice rather than that of publication. As regards the forwarding of tenders, the Directive allows Member States to authorize the submission of tenders by more appropriate means, taking account of technological advances in the communication of documents. However, guarantees are required regarding content, confidentiality, proof and the opening of tenders. The secrecy of tenders must be ensured until the date set for their opening. DEADLINE FOR TRANSPOSITION: 13/10/1998.