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

1995/0080(COD) - 16/02/1998 - Final act

OBJECTIVE: to amend the Directive on public contracts in the 'excluded' sectors, namely water, energy, transport and telecommunications, to render its provisions compatible with the Agreement on Government Procurement reached in the Uruguay Round. COMMUNITY MEASURE: European Parliament and Council Directive 98/4/EC amending Directive 93/38/EEC coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors. SUBSTANCE: the proposed amendments bring the procedures laid down in Directive 93/38/EEC into line with those provided for by the above Agreement in order to prevent different rules from coexisting at Community and international level and to prevent any reverse discrimination against Community undertakings, i.e. more favourable treatment for third-country bidders. The thresholds currently applicable in telecommunications, namely ECU 5 m for works contracts and ECU 0.6 m for supply and service contracts, are unaltered. As regards the other sectors (water, energy and transport), the thresholds applicable are as follows: -SDR (special drawing rights) 5 m for works contracts; -SDR 0.4 m for supply and service contracts. The Directive lays down that contracting entities operating in the sectors covered by the Agreement (Annexes I, II, VII, VIII and IX) shall, as soon as possible after the reception of a written request, inform all rejected bidders of the reasons for the rejection of their bid, and inform all bidders who have submitted eligible bids of the characteristics and advantages of the bid accepted and the name of the successful bidder. However, this obligation must not damage the legitimate commercial interests of public or private undertakings or prejudice fair competition between suppliers, entrepreneurs or service providers. DEADLINE FOR TRANSPOSITION: 16/02/1999 (16/02/2000 for Greece and Portugal).