

Public works contracts: abolition of restrictions on freedom to provide services and on the award of public works contracts to contractors acting through agencies or branches (repeal. Directive 71/304/EEC)

2006/0249(COD) - 30/11/2006 - Legislative proposal

PURPOSE: to repeal Council Directive 71/304/EEC.

PROPOSED ACT: Directive of the European Parliament and of the Council.

BACKGROUND: the Commission has scrutinised a number of legislative acts in order to identify those which have become obsolete and which should, as a result, be repealed. One of the acts examined includes Council Directive 71/304/EEC *concerning the abolition of restrictions on freedom to provide services in respect of public works contracts and on the award of public works contracts to contractors acting through agencies or branches*. Essentially, this Directive is made up of two parts. The first part concerns procurement procedures. The second part concerns non-discriminatory access to public works.

The first part, relating to procurement procedures, has been superseded by two new public procurement legislation, namely:

- Directive 2004/17/EC *coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors*; (For a summary refer to: [COD/2000/0117](#)); and
- Directive 2004/18/EC *on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts*. (For a summary refer to
- [COD/2000/0115](#)).

The second part, namely non-discriminatory access to public works, is a principle already enshrined in the Article 49 of the Treaty on European Union. The second part of Directive 71/304/EEC is, as a result, also obsolete.

CONTENT: based on the above reasoning the Commission is proposing to repeal Directive 71/304/EEC.