

Public procurement, service and works contracts: coordination of procedures for the award, classical directive

2000/0115(COD) - 31/03/2004 - Final act

PURPOSE : to amend the Directive on the coordination of procedures for the award of public supply contracts, public service contracts and public works contracts. **LEGISLATIVE ACT** : Directive 2004/18/EC of the European Parliament and of the Council on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts. **CONTENT** : This Directive is aimed at recasting Community legislation on public procurement, the objective being to create a genuine internal European market in this area. This legislation is intended not to replace national law but to ensure compliance with the principles of equality of treatment, non-discrimination and transparency in the award of public contracts in all Member States. It pursues the three objectives of modernising, simplifying and increasing the flexibility of the existing legal framework in this field: - modernisation in order to take account of new technologies and changes in the economic environment; - simplification to make the current texts more easily comprehensible for users, so that contracts are awarded in complete conformity with the standards and principles governing this area and the companies involved are in a better position to know their rights; - and greater flexibility in procedures in order to meet the needs of public procurement bodies and economic operators. The Directive simplifies the existing legal framework by amending and recasting the directives on the coordination of procedures for the award of public supply contracts, public service contracts and public works contracts (Directive 92/50/EEC, Directive 93/36/EEC and Directive 93/38/EEC) and by merging the directives into a single text. The main points are as follows: - new procedural requirements and safeguards are added in order to modernise, simplify and clarify the existing legal framework; - the directive introduces electronic purchasing mechanisms; - there is a new procedure which permits a "dialogue" between the contracting authority and the candidates in the case of complex contracts; - there is the possibility for public purchasers of concluding "framework agreements", on the basis of which contracts can be awarded without applying all the obligations of the Directive; - the Directive clarifies provisions relating to technical specifications and several modifications to the provisions on award and selection criteria; - the directive reduces the number of different threshold values; - this directive is aligned with the Directive on a common procurement vocabulary and Directive 2004/17/EC coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors. **DATE OF TRANSPOSITION** : 31/01/06. **ENTRY INTO FORCE** : 30/04/04.