


Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2006/0249(COD) Procedure completed
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)	
Subject 2.10.02 Public procurement	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	IMCO Internal Market and Consumer Protection		19/12/2006
		PSE MCCARTHY Arlene	
	Committee for opinion	Rapporteur for opinion	Appointed
	JURI Legal Affairs	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	2793	16/04/2007
European Commission	Commission DG	Commissioner	
	Financial Stability, Financial Services and Capital Markets Union	MCCREEVY Charlie	

Key events			
30/11/2006	Legislative proposal published	COM(2006)0748	Summary
12/12/2006	Committee referral announced in Parliament, 1st reading		
24/01/2007	Vote in committee, 1st reading		Summary
30/01/2007	Committee report tabled for plenary, 1st reading	A6-0018/2007	
13/02/2007	Results of vote in Parliament		
13/02/2007	Decision by Parliament, 1st reading	T6-0025/2007	Summary
16/04/2007	Act adopted by Council after Parliament's 1st reading		
23/05/2007	Final act signed		
23/05/2007	End of procedure in Parliament		

14/06/2007

Final act published in Official Journal

Technical information

Procedure reference	2006/0249(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC Treaty (after Amsterdam) EC 055; EC Treaty (after Amsterdam) EC 095; EC Treaty (after Amsterdam) EC 047-p2
Stage reached in procedure	Procedure completed
Committee dossier	IMCO/6/43485

Documentation gateway

Legislative proposal	COM(2006)0748	30/11/2006	EC	Summary
Committee draft report	PE382.602	09/01/2007	EP	
Committee report tabled for plenary, 1st reading/single reading	A6-0018/2007	30/01/2007	EP	
Text adopted by Parliament, 1st reading/single reading	T6-0025/2007	13/02/2007	EP	Summary
Economic and Social Committee: opinion, report	CES0416/2007	14/03/2007	ESC	
Draft final act	03606/1/2007	23/05/2007	CSL	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Directive 2007/24](#)
[OJ L 154 14.06.2007, p. 0022](#) Summary

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)

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.

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)

The committee adopted the report by Arlene McCARTHY (PES, UK) approving unamended - under the 1st reading of the codecision procedure - the proposed directive repealing Council Directive 71/304/EEC on 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.

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)

The European Parliament adopted a resolution drafted by Arlene McCARTHY (PES, UK) approving the proposed directive repealing Council Directive 71/304/EEC on 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. The report was adopted by 567 votes in favour to 18 against with 14 abstentions.

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)

PURPOSE: to repeal 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.

CONTENT: 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; and
- Directive 2004/18/EC on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts.

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.

Based on the above reasoning Directive 71/304/EEC is hereby repealed.

ENTRY INTO FORCE: 14 June 2007.