

Study on the evaluation of the Action Plan for the
implementation of the legal framework for
electronic procurement (Phase II)

Annexes

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European Commission
Internal Market Directorate-General

Brussels

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Annex A: Overview of data sources predating the present study which were taken into account to establish the country profiles

The following table contains an overview of the main consulted data sources which were taken into account to establish the country profiles which were used to conduct the analysis of the national situation. As noted in the Methodology Description of this report (section 2.4), these country profiles were then further improved via desk research.

No	Title	Author	Date	Source
<i>Action Plan, policy documents and internal reports</i>				
1	Action plan for the implementation of the legal framework for electronic public procurement	European Commission	Dec-04	IM site
2	Extended Impact Assessment - Proposal for an Action Plan for the implementation of the legal framework for electronic public procurement - Extended impact assessment	Commission Staff Working Document	Dec-04	IM site
3	Commission eProcurement Business Survey Results of the online consultation	European Commission	Jan-05	IM site
4	Report on specific problems in the transposition and implementation of Public Proc. Legislation and its relation to the Lisbon agenda	European Parliament	July-06	EP site
5	2008 Commission Internal eProcurement transposition reports	DG Markt	June 08	Unpublished
6	Internal DG Markt overview of the State of implementation of the eProcurement Action Plan	DG Markt	Nov- 08	Unpublished
<i>Regulatory framework for eProcurement</i>				
7	Public procurement directives: Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors; and Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts	Directive	April-04	IM site
8	Commission Regulation (EC) No 1564/2005 of 7 September 2005 establishing standard forms for the publication of notices in the framework of public procurement procedures pursuant to Directives 2004/17/EC and 2004/18/EC of the European Parliament and of the Council	Commission Regulation	Oct-05	IM site
9	Directive 2005/51/EC of 7 September 2005 amending Annex XX to Directive 2004/17/EC and Annex VIII to Directive 2004/18/EC of the European Parliament and the Council on public procurement	Directive	Oct-05	IM site
10	Commission Regulation amending Regulation (EC) N° 2195/2002 of the European Parliament and of the Council on the Common Procurement Vocabulary (CPV) and Directives 2004/17/EC and 2004/18/EC of the European Parliament and of the Council on public procurement procedures, as regards the revision of the CPV	Commission Regulation	Nov-07	IM site
11	UNCITRAL Model law on Procurement of Goods, Construction and Services – possible revisions	UNCITRAL study group	Mar-09	UNCITRAL site
<i>eProcurement State of the Art reports, Benchmarking, Surveys</i>				
12	Case studies on European electronic public procurement projects – consultant report	External study for the Commission (European Dynamics)	Jul-04	IM site

13	Extended Impact Assessment: Action Plan on electronic Public Procurement	External study for the Commission (Ramboll Management)	Dec-04	IM site
	<i>Baseline Analysis - Consultant Report Vol. 1</i>			
	<i>Baseline Scenario - Consultant Report Vol. 2</i>			
	<i>Country reviews (extract from Extended Impact Assessment - Baseline Analysis)</i>			
14	CWA 15236 - Analysis of standardization requirements and standardization gaps for eProcurement in Europe	CEN Workshop Agreement	Feb 05	CEN site
15	Improve Access of Small Businesses to Public Procurement	External Study for the Commission (EIM Business and Policy Research)	April 05	ENTR site
16	Evaluation of 'old' Public Procurement directives	External study for the Commission (Europe Economics)	Sep-06	IM site
17	Evaluation of SMEs' access to public procurement markets in the EU (executive summary)	External study for the Commission (Ghk, Technopolis)	2007	ENTR site
18	International survey of eProcurement systems	External study for Multilateral Dev. Bank (Curtin University)	May-07	IM site
19	Benchmarking Framework - Pilot 2 to Develop and Improve the eGovernment Indicators LOT 2 2007 edition (eProcurement) - Key findings and recommendations of the Pilot Study on eProcurement (presentation)	External Study for the Commission (RSO – IDC)	Dec-07	INFSO site
20	Analysis of TED visits 2007	TED - Publications Office	2008	Unpublished
21	National report – BE: 2008 report of the Court of Audit (Cour des Comptes – Rekenhof) on framework contracts in central purchasing bodies	Court of Audit (Cour des Comptes – Rekenhof)	Febr-08	Nat. site
22	eProcurement Forum - eProcurement Online survey	External study for the Commission by TXT e-solutions	Jun-08	ePractice site
23	National report – FR: 2007 Qualitative study on "The perception of dematerialisation"	TNS Sofrès	Oct-08	Nat. site
24	National report – PT: 2009 Public Electronic Procurement and New Portuguese Legal Framework	Luís Valadares Tavares	May-09	Nat. site
25	E&Y preliminary survey results v1	Ernst & Young	July-09	Unpublished
Requirements for electronic public procurement				
26	Requirements for conducting public procurement using electronic means under the new public procurement Directives 2004/18/EC and 2004/17/EC	Explanatory Document - Commission Staff Working Document	Jul-05	IM site
27	Functional Requirements for conducting eProcurement under the EU framework (IDABC programme)	External study for the Commission (European Dynamics)	Jan-05	IM site
	<i>Consultant report Vol. I (main requirements)</i>			
	<i>Consultant report Vol. II (additional details)</i>			
Building blocks for eProcurement				
28	Certificates issued on the eligibility of tenderers and official lists of economic operators	DG Markt	April 06	IM site
29	Electronic transmission of public procurement notices for publication (Final report)	External study for the Commission (European Dynamics)	Sep-07	IM site
	<i>Vol. I - Main report</i>			
	<i>Vol. II – Country profiles</i>			
	<i>Vol. III – Analytical framework</i>			
30	Compliance Verification in electronic public procurement (Final report)	External study for the Commission (Carsa)	Sep-07	IM site
31	eCatalogues in electronic public procurement (Final report)	External study for the Commission (European Dynamics)	Nov-07	IM site
	<i>Vol. I – eCatalogues: Report on the state of play</i>			

	<i>Vol. II - eCatalogues: Report on standardisation activities</i>	Dynamics)		
	<i>Vol. III - eCatalogues: Report on preliminary functional requirements</i>			
32	eCertificates Study – Preliminary Study on the electronic provision of certificates and attestations usually required in public procurement procedures	External study for the Commission (Siemens)	Feb-08	IM site
	<i>1st Interim Report - National Country Profiles</i>		Sep-07	IM site
	<i>2nd Interim Report. Comparison and assessment of eProcurement management solutions interoperability</i>		Dec-07	Unpublished
	<i>3rd Interim Report - Scenario building, assessment and benchmarking</i>		Feb-08	IM site
33	Overview of the OJS production flow in 2008	Internal analysis by the Commission	2009	Unpublished
34	eCertificates II: Preliminary study on the electronic provision of certificates and attestations usually required in public procurement procedures – Update of National Country Profiles	External study for the Commission (Siemens)	May-09	IM site
35	Evaluation of the impact of the Action Plan for electronic public procurement - Fiche on Buyer Profiles	Internal analysis by the Commission	May-09	Unpublished
36	Evaluation of the impact of the Action Plan for electronic public procurement - Fiche on CPV 2008	Internal analysis by the Commission	May-09	Unpublished
37	Evaluation of the impact of the Action Plan for electronic public procurement - Fiche on Dynamic Purchasing System (DPS)	Internal analysis by the Commission	May-09	Unpublished
38	Evaluation of the impact of the Action Plan for electronic public procurement - Fiche on eAuctions	Internal analysis by the Commission	May-09	Unpublished
Related topics				
39	Directive 1999/93/EC of the European Parliament of 13 Dec 1999 on a Community framework for electronic signatures	European Parliament	Dec-99	OJEC
40	Study on the Legal and Market Aspects of Electronic Signatures in Europe (ELSIGN Study)	External Study for the Commission (K.U.Leuven – ICRI)	Sept-03	INFSO site
41	European IDA Bridge and Gateway - CA Pilot EBGCA	IDABC	Oct-05	IDABC site
42	Report on the operation of Directive 1999/93/EC on a Community framework for electronic signatures	Commission Report	Mar-06	INFSO site
43	Legal Study on unfair commercial practices within B2B e-markets - Final Report	External study for EC (DLA Piper Rudnick Gray Cary)	May-06	ENTR site
44	Legal study on legal and administrative practices regarding the validity and mutual recognition of electronic documents, with a view to identifying the existing legal barriers for enterprises	External study for the Commission (Eldoc)		IDABC site
	<i>1st interim report (Country reports)</i>		Jul-06	IDABC site
	<i>Final report</i>		Nov-06	IDABC site
45	Benchmarking of existing national legal e-business practices, from the POV of enterprises (e-signature, eInvoicing and e-contracts)	External study for the Commission (Ramboll Management)	Nov-06	IDABC site
46	European Electronic Invoicing (EEI) – Final Report	European Commission Informal Task Force on eInvoicing	Jul-07	INFSO site
47	EU Study on the specific policy needs for ICT standardization – final report	External study for the Commission (DLA Piper)	Jul-07	ENTR site
48	Report on SEPA: potential benefits at stake	External study for the Commission (Capgemini)	Sept-07	IM site
49	Study on the standardisation aspects of e-signature	External study for the Commission (Sealed)	Nov-07	INFSO site
50	Preliminary Study on the Mutual Recognition of e-signatures for eGovernment applications (IDABC)	External study for the Commission (Siemens-time.lex)	Nov-07	IDABC site
51	IDABC e-signature Workshop	IDABC	Jan-08	IDABC site

52	2009 Billentis study on eInvoicing / e-Billing in Europe	External study (Billentis)	Feb-09	Billentis site
53	PROCURE PROJECT - Effects of national laws in Spain, Czech Republic and France on the service and functional scenarios for the solution - Electronic Signatures as Obstacle for Cross-Border EProcurement in Europe	External study for the Commission (University of Bremen)	Mar-09	ETEN site
54	Study on Mutual Recognition of eSignatures: update of Country Profiles	External study for the Commission (Siemens-time.lex)	July-09	IDABC site
55	Commission White Paper - Modernising ICT Standardisation in the EU - The Way Forward	Commission White paper	July-09	ENTR site
56	CROBIES Study - cross-border interoperability of eSignatures: definition of common requirements	External Study for the Commission (Siemens - SEALED - time.lex)	Dec-09	Unpublished
<i>Recent updates</i>				
57	National report – AT: 2008 Administration on the Net - The ABC guide of eGovernment in Austria	Austrian Federal Chancellery	Jul-08	ePractice website
58	National reports – CH: 2006-2008 Reports on eProcurement strategy in the Swiss Federation	Eidgenössisches Finanzdepartement EFD - Beschaffungskommission des Bundes BKB - Informatikstrategieorgan Bund ISB	Nov-08	ePractice website
59	National reports – IT: 2009 CONSIP reports "The determinants of suppliers' performance in eProcurement: evidence from the electronic public administration's marketplace (MEPA)"	CONSIP	Aug-08	CONSIP website
60	National reports – IT: 2004 and 2006 reports from the National Audit Office (NAO) on public procurements, particularly via the Office of Government Commerce (OGC)	National Audit Office (NAO)	Dec-06	NAO website

Annex B: Primary CPBs, portals and platforms

The table below provides a summary overview of the primary eProcurement sites, and provides an informal evaluation of the selected sites in terms of:

- Its classification as a central purchasing body (CPB) site, a portal or a platform (being able to be instantiated into several other sites or to be used by contracting authorities to manage their procurements).
- its support for others languages than the national ones; and if yes, which ones.
- if additional languages are supported, it has been evaluated if the alternative language version is a comprehensive translation (labelled as high); provides only a few pages in the other languages with some global information (labelled as low) or provides only the main functionality of the site (labelled as medium). This evaluation excludes any downloadable documents such as call for tenders.
- The site accessibility is evaluated to check to what extent all functionalities to the site are largely open, leading to the following classifications:
 - everybody can use the site without login (high)
 - a login is mandatory and this login can be requested online (medium)
 - a PKI certificate is required (low).

The overview does not include:

- General eGovernment sites without a direct public procurement impact (e.g. sites on eSignatures, electronic identification, etc.).
- Public procurement sites which offer no eProcurement functionality (i.e. at least one of the eProcurement phases must be supported – eNotification, eAccess, eSubmission, etc.)
- Private sector operated sites which aggregate information on eProcurement opportunities but which do not provide additional eProcurement functionalities

Country and site	Type	Additional languages	Coverage for add. languages	Access
Austria				
Federal Procurement Agency http://www.bbg.gv.at/	CPB	EN	Low	High
Austrian Register of Tenderers/Contractors – ANKÖ http://www.ankoe.at/	Portal	-	-	Medium
Pep-online http://www.pep-online.at/	Portal	-	-	Medium ¹
Austrian Federal Railways and ASFINAG (Highway Company) http://www.ava-online.at/	Portal	-	-	Medium
Vemap procurement platform – www.vemap.com . Implemented i.a. by: • Procurement Portal of St Pölten city http://stpoelten.vemap.com/	Platform	-	-	Medium

¹ Requires payment to receive tender information

Country and site	Type	Additional languages	Coverage for add. languages	Access
<ul style="list-style-type: none"> Federal State of Lower Austria (Land Niederösterreich) http://noe.vemap.com/ Holding of companies of the city of Vienna (Wiener Stadtwerke) http://wstw.vemap.com/ 				
Belgium				
Belgian federal public procurement portal http://www.publicprocurement.be/	Portal	EN	High	Low
Federal Procurement Central" (Centrale de Marchés de l'Administration fédérale - Federale Opdrachtcentrale) http://www.publicprocurement.be/portal/page/portal/pubproc/ambtenaren/for%20-%20federale%20opdrachtcentrale	CPB	EN	High	Low
Walloon public procurement portal http://marchespublics.wallonie.be/	Portal	-	-	High
Flemish public procurement portal http://www.kanoo.be/	Portal	-	-	Low
Bulgaria				
Public Procurement Portal http://www.aop.bg	Portal	EN	High	High
Electronic market for small public procurement http://smallsv.minfin.bg/	Portal	-	-	Medium
Croatia				
Portal of Public Procurement http://www.javnabava.hr/	Portal	EN	Medium	-
Electronic procurement search ads http://ponuda-jn.nn.hr/	Portal	-	-	Low ²
Cyprus				
Cyprus eProcurement System (CyePS) http://www.eprocurement.gov.cy	Portal	EN	High	Medium
Czech Republic				
Official site of public contracts http://www.isvzus.cz/	Portal	EN	High	High
Public procurement of the Ministry for Regional Development http://ezak.mmr.cz/	Portal	-	-	High
Public Procurement and Concessions Portal http://www.portal-vz.cz/	Portal	EN	High	- ³
Czech Post Auction http://www.centralniadresa.cz/cadr	Platform ⁴	EN	High	High
Denmark				
Public procurement portal – SKI	CPB	EN	Low	Medium

² Requires payment to receive tender information

³ Forward to <http://ezak.mmr.cz/>

⁴ Used for any auction, including private auctions (non-public procurement)

Country and site	Type	Additional languages	Coverage for add. languages	Access
www.ski.dk				
Public procurement portal – DOIP – DOIPEI www.doip.dk	Portal	EN, SV, NO	Medium	Medium
SKI electronic catalogue www.netindkob.dk	Portal	-	-	Medium
SKI electronic catalogue www.netkatalog.dk	Portal	-	-	Medium
Mercell www.mercell.dk	Platform	-	-	Medium
udbudsavisen.dk www.udbudsavisen.dk	Portal	-	-	Medium
Amgros www.amgros.dk	Portal	EN	Low	High
Estonia				
State Procurement Register https://riiqihanked.riik.ee/	Portal	EN	Low	Medium
Mercell http://www.mercell.ee/	Platform	-	-	Medium
Finland				
HILMA http://www.hankintailmoitukset.fi/	Portal	-	-	High
Hansel Ltd http://www.hansel.fi/	CPB	EN	Low	Medium
KL-Kuntahankinnat Oy http://www.kuntahankinnat.fi	CPB	EN, (SV ⁵)	Low	High
France				
Place de marché interministérielle www.marches-publics.gouv.fr	CPB	EN, ES	High	Medium
Bulletin officiel des annonces de marchés publiques www.boamp.fr	Portal	-	-	Medium
Les Chambres de Commerce et d'Industrie www.marches.cci.fr	Portal	-	-	Medium
eProcurement sites based on the LT-MPE-platform http://www.atexo.com/LT-MPE.htm ; some examples include : <ul style="list-style-type: none"> •Marchés publics e-bourgogne marches.e-bourgogne.fr •E-megalis set up by the region of Brittany. http://www.e-megalisbretagne.org/ •Marchés publics Ile-de-France marchespublics.iledefrance.fr •marchés publics de Nantes Métropole marchespublics.nantesmetropole.fr •marchés publics de La Région Alsace marchespublics.region-alsace.eu 	Platform	-	-	Medium

⁵ Swedish is also an official language in Finland; therefore it should not be considered an additional language for the purposes of this table.

Country and site	Type	Additional languages	Coverage for add. languages	Access
•marchés publics Pas-de-Calais www2.local-trust.com/cg62				
eProcurement sites based on the SIS-ePP-platform http://www.sis-france.com/5.aspx ; some examples include : <ul style="list-style-type: none"> •Conseil Régional Midi-Pyrénées https://marchespublics.midipyrenees.fr/marchespublics2/ •marchés publics d'OPAC VOSGES http://marchespublics.opacvosges.fr/asp-opac88/index.jsp •marchés publics La Carène http://www.carene-epp.cce.bull.fr/CARENE/index.jsp 	Platform	-	-	Medium
Réseau des acheteurs hospitaliers d'Ile de France www.resah-idf.com	Portal	-	-	Medium
e-marchespublics.com www.e-marchespublics.com	Portal	-	-	Medium
Mairie de Lyon www.marches.lyon.fr	Portal	-	-	Medium
Marchés publics du Grand Ouest www.ouestmarches.com	Portal	-	-	High
Germany				
Vergabepattform des Bundes www.evergabe-online.de	Portal	-	-	Low
Beschaffungsamt des Bundesministeriums des Innern www.bescha.bund.de	CPB	-	-	High
Kaufhaus des Bundes www.kdb.bund.de	Portal	-	-	High
Land Nordrhein-Westfalen www.evergabe.nrw.de/VMPCenter	Portal	-	-	Medium
Mercell www.mercell.de	Platform	-	-	Low
Sites based on the Arriba platform (http://www.rib-software.com/de/loesungen/e-business-e-vergabe/e-vergabe.html); including www.vergabe.stuttgart.de	Platform	-	-	Low
Sites based on the Administration Intelligence AG platform (http://www.ai-ag.de); including: <ul style="list-style-type: none"> •www.vergabe.stadt-frankfurt.de •Deutsche Rentenversicherung www.deutsche-rentenversicherung-bund.de •www.vergabe.bremen.de •www.vergabe.hessen.de •Landschaftsverband Rheinland http://www.lvr.de/ 	Platform	-	-	Low
Greece				
None identified				
Hungary				
Public Procurement Council	CPB	EN	Medium	High

Country and site	Type	Additional languages	Coverage for add. languages	Access
(Központi Szolgáltatási Főigazgatóság) http://www.kozbeszerzes.hu/				
KSZF http://kszfweb.econet.hu/	Portal	-	-	Medium
Electool Hungary Ltd http://www.e-eljaras.hu	Platform	-	-	High
Iceland				
State Trading Center www.rikiskaup.is/utbod	Portal	EN	Low	High
Ireland				
eTenders Public Procurement www.etenders.gov.ie	Portal	-	-	High
National Public Procurement Policy Unit http://www.etenders.gov.ie/aboutus/AboutUs_NPPPU.aspx	CPB	-	-	High
Italy				
Acquisti in Rete http://www.acquistinretepa.it/	Portal	-	-	Medium
CONSIP http://www.consip.it/on-line/Home.html	CPB	-	-	High
Friuli Venezia Giulia http://www.acquisti.regione.fvg.it/	Portal	-	-	High
Piedmont http://portal.sistemapiemonte.it	Portal	-	-	High
Municipality of Florence Marketplace http://www.comune.fi.it	CPB	-	-	Medium
Region Marche http://www.emarche.it/	CPB	-	-	Medium
Autonomous Province Bolzano http://www.provincia.bz.it/	CPB	(DE ⁶)	High ⁷	Medium
Intercenter http://www.regione.emilia-romagna.it/	CPB	-	-	Medium
Umbria region http://88.61.35.136/regione/interfaccia/	Portal	-	-	High
EmpULIA - Shopping Center For Public Service http://www.empulia.it/	Portal	-	-	Medium
Campania region www.sitar-campania.it	Portal	-	-	High
Latvia				
Procurement Monitoring Office (IUB) www.iub.gov.lv	CPB	-	-	High
Latvian public procurement www.eiepirkumi.gov.lv	Portal	-	-	High

⁶ Some sections of the site are also available in English, but not those pertaining to eProcurement opportunities. In the autonomous province of Bolzano, German and Italian are both official languages.

⁷ Including also the call for tenders text.

Country and site	Type	Additional languages	Coverage for add. languages	Access
Mercell www.mercell.lv	Platform	-	-	Low
Lithuania				
Central Public Procurement Information System pirkimai.eviesiejiirkimai.lt	Portal	EN	Low	Medium
Central Public Procurement Portal www.cvpp.lt	Portal	-	-	Medium
Central project management agency http://www.cpva.lt/ and www.cpo.lt	CPB	EN	Low	Medium
Mercell www.mercell.lt	Platform	-	-	Low
Luxembourg				
Public eProcurement portal http://www.marches.public.lu/	Portal	-	-	High
Malta				
Department of Contracts http://www.contracts.gov.mt/	CPB	-	-	Medium
Government eProcurement System http://www.eProcurement.gov.mt/	Portal	-	-	Medium
Department of Information http://www.doi.gov.mt/	Portal	-	-	High
Enemalta http://www.emcservices.gov.mt/	Portal	-	-	High
Netherlands				
TenderNed http://www.tenderned.nl/	Portal	-	-	- ⁸
Aanbestedings kalender http://www.aanbestedingskalender.nl/	Portal	-	-	High
aanbestedingenonline.nl http://www.aanbestedingenonline.nl	Portal	-	-	Medium
Ik ben Brig id http://www.brigid.nl	Portal	-	-	Medium
Tenders for architects and design contest http://www.ontwerpwedstrijden.nl	Portal	-	-	High
City of Nijmegen http://www.nijmegenonderneemtmeer.nl	Portal	-	-	Medium
ProRail (public transportation) http://www.aanbesteden.prorail.nl	Portal	-	-	Medium
Norway				
Database for public procurement notifications Doffin.no (Software as a service provided by Millstream Ltd) www.doffin.no	Portal	EN	High	High
Electronic Public Procurement Portal Ehandel.no www.ehandel.no	Portal	EN	High	High
Ehandel.no eTendering solution (Software as a service)	Portal	EN	Medium	High

⁸ No login, nor tenders list at the time of checking (2010-03-29)

Country and site	Type	Additional languages	Coverage for add. languages	Access
solution provided by two suppliers: Merzell and VismaUnique www.ehandel.no/kgv				
Ehandel.no eOrdering solution (Software as a service solution provided by IBX) www.ehandel.no/ehp	Portal	EN	Medium	High
Merzell www.merzell.no	Platform	-	-	Low
Poland				
Public Procurement Office – Electronic Auctions Platform https://aukcje.uzp.gov.pl/ or https://licytacje.uzp.gov.pl/	Portal	-	-	Medium
e-Przetarg.pl http://www.e-przetarg.pl/	Platform	-	-	Medium
Market Planet http://www.marketplanet.pl/	Platform	EN	Medium	Medium
Polish Procurement Platform PWPW http://www.ppp.pwpw.pl/	Platform	EN	High	Low
XTRADE http://www.xtrade.com.pl/	Platform	-	-	Medium
eTender – Electronic Procurements http://www.etender.pl/	Platform	EN	Medium	Medium
Portugal				
ANCP – Agência Nacional de Compras Públicas, E.P.E. www.ancp.gov.pt and http://ancpconcursos.ancp.gov.pt/	CPB	-	-	Medium
Portal Base www.base.gov.pt	Portal	-	-	High
VortalGOV http://www.vortal-info.biz/	Platform	EN, ES	Medium	High
bizGov http://www.bizgov.pt/	Platform	EN	High	High
Infosistemas DL – Compras AP https://www.compraspt.com/compraspt/	Portal	-	-	Medium
Plataforma de Compras Públicas https://www.compraspublicas.com/	Portal	-	-	Low
anoGov http://www.anogov.com/plataforma/	Portal	-	-	Medium
acinGov http://www.acingov.pt	Portal	-	-	Low
Romania				
Sistemul Electronic de Achizitii Publice (SEAP) www.e-licitatie.ro	Platform	EN	High	High
National Authority for Regulating and Monitoring Public Procurement (NARMPP) http://www.cnmsi.ro/	CPB	-	-	High
Slovakia				
Electronic procurement (EVO) www.evo.gov.sk	Portal	-	-	High

Country and site	Type	Additional languages	Coverage for add. languages	Access
National Journal of Public Procurement www.e-vestnik.sk	Portal	-	-	High
Office of Public Procurement www.uvo.gov.sk/zovo	CPB	-	-	Low
Slovenia				
Ministry of Finances www.enarocanje.si	Portal	-	-	High
Spain				
Plataforma de contratación del estado http://contrataciondelestado.es/	Portal	-	-	Medium
CONECTA-PATRIMONIO http://catalogopatrimonio.meh.es	Portal	(Catalan, Basque, Galician) ⁹ EN, FR	Low	High
Red.es http://www.red.es/index.action	CPB	(Catalan, Basque, Galician) ¹⁰ EN	Low ¹¹	Low
Electronic Contracting Platform of Public Administration for some local authorities in the region of Catalonia http://www.pecap.org/	Portal	(Catalan) ¹² EN	Low ¹³	Low
Spanish Agency of Medicines and Health Products http://www.agemed.es/actividad/licitacionPublica/	Portal	(Catalan, Basque, Galician) ¹⁴ EN, FR	Low	High
Spanish Agency for Food Security and Nutrition http://www.aesan.msc.es/AESAN/web/licitaciones_publicas/licitaciones_publicas.shtml/	Portal	-	-	High
National Institute of Health Management http://www.ingesa.msc.es/ciudadanos/licitaciones/index.jsp/	Portal	(Catalan, Basque, Galician) ¹⁵ EN, FR	Low	Medium ¹⁶
National Drug Plan http://www.pnsd.msc.es/Categoria4/licitaciones/licitacion.htm/	Portal	(Catalan, Basque, Galician) ¹⁷ EN, FR	Low	High
Sweden				
Avropa	Portal	EN	Low	Medium

⁹ Recognised regional official languages.

¹⁰ Recognised regional official languages.

¹¹ The relevant pages result in access errors (Error 404--Not Found)

¹² Recognised regional official languages.

¹³ The relevant pages result in access errors (Error 404--Not Found)

¹⁴ Recognised regional official languages.

¹⁵ Recognised regional official languages.

¹⁶ Restricted to people with a NIF/CIF code

¹⁷ Recognised regional official languages.

Country and site	Type	Additional languages	Coverage for add. languages	Access
http://www.avropa.se/				
Opic http://www.opic.se/	Portal	EN, LT	Medium	Medium
Mercell http://www.mercell.se/	Platform	-	-	Low
Eniro procurement http://www.eniroupphandling.se/	Portal	-	-	Low
Liechtenstein				
None identified				
Turkey				
Public Procurement Platform Citizen Transactions http://vatandas.ihale.gov.tr/	Portal	-	-	Medium
United Kingdom¹⁸				
The public sector's national procurement portal http://www.buyingsolutions.gov.uk/	CPB	-	-	High
Sites based on the BraveSolution platform (https://www.bravesolution.com/), such as: <ul style="list-style-type: none"> National Policing Improvement Agency https://npia.bravesolution.co.uk/ Department for Communities and Local Government https://communities.bravesolution.co.uk/ Ministry of Justice https://justice.bravesolution.co.uk/ 	Platform	-	-	High
IDEA: Improvement and Development Agency for local government http://www.idea.gov.uk/idk/core/page.do?pagelD=1002	Portal	-	-	High
The Scottish Government eProcurement http://www.eprocurementscotland.com/	Portal	-	-	High
Wales eProcurement http://www.xchangewales.co.uk/	Portal	-	-	High
Home Office eSourcing Portal https://sourcing.homeoffice.gov.uk/	Portal	ES, PT, FR, DE, IT, JA, ZH, RU	Low	Medium
Delta Electronic Tendering Service (https://www.delta-ets.com/) Used by: Department for Culture procurement portal http://dcms.q2b.info/	Platform	-	-	Medium
Department of Health Procurement & Proposals http://www.dh.gov.uk/en/Procurementandproposals	Portal	-	-	High
Ministry of Defence http://www.contracts.mod.uk/	Portal	-	-	Medium
EGS eProcurement http://www.egsgroup.com/	Platform	-	-	High

¹⁸ Only a subset of the large list of the UK portals and platforms.

Annex C: Overview of national DPS regulations

In the table below, we will briefly describe the main tenets of the transposition for each of the 24 countries for which we have been able to determine the transposition strategy

Country	Notes
Austria	<p>The Austrian BVerG (http://www.bva.gv.at/NR/rdonlyres/ECD08B37-9D15-4BD9-9D4D-46E90C0A55E8/21501/BVerG2006.pdf) incorporates small clarifying elements, including:</p> <ul style="list-style-type: none"> • A slightly modified definition of the DPS as such, in which a clearer distinction is made between the accession to the DPS via the indicative tender (<i>unverbindliche Erklärung</i>), and the subsequent submission of offers within the DPS (§25 (8)) • §157 on the setup and operation of a DPS also contain more extensive provisions with respect to the decision to allow or reject an economic operator's participation in a DPS, including obligations to justify this decision under certain circumstances.
Bulgaria	<p>Gold plating has occurred with regard to the judging of indicative tenders and offers. According to Bulgarian law (and specifically art. 93g. of the Procurement Act (http://www.oecd.org/dataoecd/35/45/39641248.pdf), a commission has to be designated by the contracting authority to judge indicative tenders. In addition to the 15 day period for making this decision (as specified in the Directives), the Commission also has a period of 3 days to notify economic operators of their decision with respect to the indicative tender.</p> <p>It is this same commission that will judge and rank specific offers received in the context of a DPS, and that will propose the most suitable economic operator to the contracting authority on the basis of the criteria in the contract notice (art.93j).</p>
Czech Republic	<p>Gold plating has occurred in several instances. Interestingly, the definition of DPS in the Czech Act (http://www.oecd.org/dataoecd/36/23/39641304.pdf) explicitly notes that DPS can be used for purchases of goods, services and works (whereas the Directive only refers to 'purchases' in general). Czech law also specifies that (unlike other open procurements) when DPS are used, no judging committee needs to be established and assessment/ranking/judging of the offers will be done by the contracting authority itself (§79(2) and §80 (4)).</p> <p>Czech law also stipulates explicitly that DPS cannot be used to set up framework agreements (§93(4)).</p> <p>Additional information to be included in contract notices for the establishment of DPS is specified, including requirements with respect to possible qualification requirements applicable to suppliers. Admission or rejection decisions must be duly justified (§94(4)).</p> <p>Some additional information to be included in specific contract notices under a DPS must also be specified, including (a) information of access to the tender documentation; (b) information of publication of a simplified notice; (c) the time limit for submitting tenders; (d) the place for submitting tenders; (e) information of contract award criteria pursuant to § 78; and (f) information of the language of the tenders.(§95(5)). The invitation to tender may not be sent before the assessment of all indicative tenders, and the contracting entity shall stipulate in the invitation to tender the time limit for submitting tenders that shall not be shorter than seven days.</p>
Denmark	<p>In Denmark the EU Directives on public procurement are directly applicable since they are incorporated <i>telles quelles</i> by Government orders. The EU Directives are printed as an annex to the respective Government orders and constitute the actual legislation in the field of public procurement. As such, the Directives are directly applicable national law.</p>
Estonia	<p>Partial transposition of the Directives; the Estonian Public Procurement Act (http://www.legaltext.ee/text/en/XXX0005.htm) dedicates a single article (§8) to DPS, containing only:</p> <ul style="list-style-type: none"> - The definition, which differs slightly from the definition provided in the Directives. Notably, there is no reference to 'commonly used purchases' in the Estonian transposition. (§8(1)) - A limitation to four years maximum, as per the Directive (although phrased in an opposite manner, noting that the duration is restricted if a longer duration is not necessary and justified (i.e. a greater length is presented as the general rule). (§8(2)) - The indicative tender is defined separately, as "the expression of will of the person for joining the dynamic purchasing system which complies with the technical description prepared by the contracting authority. The indicative tender is not the expression of will for awarding the public contract." Thus, a clear distinction is made between the indicative tender (as being the formality to join a DPS) and the later submission of actual bids. (§8(4)) <p>Reference is made in the Estonian Act to the need for secondary regulations to implement more</p>

	specific procedures (§8 (3)). It is not known whether these have been adopted
France	<p>Gold plating has occurred through article 78 of the Public Procurement Code (http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEX000005627819&dateTexte=vig), Specifically:</p> <ul style="list-style-type: none"> - Article 78, I, 3° notes that the evaluation period of 15 days after the receipt of an indicative tender can be extended if no new procurements can be initiated under the DPS that are relevant to the economic operator(s) being evaluated. The latter criterion (of relevance) is a minor improvement over the Directives, which specify a general ban on new procurements during the evaluation. - Article 78, II, 1° also contains a clearer phrasing than the Directives, by stating that economic operators who have not yet submitted an indicative tender to the DPS may still submit one in response to a new contract under the DPS being announced (thereby joining the DPS and submitting an offer in a single act). The phrasing is substantially clearer than the Directives, which leave some ambiguity as to the exact meaning of the indicative tender. - The choice of the economically most advantageous tender is made by the designated commission.
Ireland	While minor language modifications were made, the main transposition provisions (notably par. 36 of the Public Procurement Regulations; see http://www.etenders.gov.ie/guides/Guide_Download.aspx?id=1481) are a faithful transposition of the Directives.
Italy	While minor language modifications were made, the main transposition provisions (notably art.60 of the Dlgs 163/06; see http://www.camera.it/parlam/leggi/deleghe/06163dl.htm) appear to be a faithful transposition of the Directives. The definition of the DPS in Italy explicitly excludes any type of goods or services where specifications are defined by the contracting authority which cannot be assessed automatically by the DPS.
Latvia	The main transposition provisions (notably section 66 and following of the Latvian Procurement Act; see http://www.ttc.lv/export/sites/default/docs/LRTA/Likumi/Procurement_for_the_Needs_of_Public_Service_Providers.doc) appear to be a faithful transposition of the Directives. As a form of minor gold plating, the Latvian legislation contains an explicit definition of an indicative tender, describing it as "a tender that characterises the range of goods offered by a tenderer in the dynamic purchasing system, but is not binding on the tenderer and a public service provider".
Lithuania	The relevant provisions (notably article 64) of the Lithuanian Public Procurement Act (http://www.oecd.org/dataoecd/7/22/39645903.pdf) appear to be a faithful transposition of the Directives.
Malta	The relevant provisions (notably article 26) of the main transposition Act (http://docs.justice.gov.mt/lom/Legislation/English/SubLeg/174/04.PDF) appear to be a faithful transposition of the Directives
The Netherlands	The relevant provisions (notably article 33 of the BOA (Besluit Overheidsaanbestedingen - http://www.pianoo.nl/dsresource?objectid=21042&type=pdf) appear to be a faithful transposition of the Directives
Poland	<p>Significant gold plating has occurred. The definition of DPS in the act (see http://www.oecd.org/dataoecd/7/20/39645964.pdf) has been slightly amended to reflect that DPS may only relate to generally available supplies or generally available services (art. 2.2a). With respect to the duration of the DPS, the Polish act clarifies that this may go beyond 4 years "for reasons related to the object of the contract and to the particular interests of the awarding entity" (art. 102.2). In addition, any DPS must be notified to the Polish Public Procurements Office (art.102.3). The Polish act states that tenders submitted within a DPS must be signed using an advanced signature based on a qualified certificates, under penalty of nullity (art. 103.2). Article 106.3 of the Public Procurement Act states that prior to the publication of a simplified contract notice the awarding entity may modify the contents of the specification of the essential terms of contract. The awarding entity shall immediately inform all the economic operators, admitted to participate in the DPS, about the modification, and the information shall also be posted on its website.</p> <p>Article 109 of the act notes that a tender submitted by an economic operator in a contract award procedure under a DPS may not be less advantageous than the indicative tender.</p>
Portugal	<p>The main Portuguese transposition provisions (see notably article 237 and following of the primary act, http://www.base.gov.pt/codigo/Documents/ccp.pdf) contain significant changes compared to the Directives, including the following:</p> <ul style="list-style-type: none"> • Comparable to the provision with respect to eAuctions in Portugal, DPS may only be used for purchase/rent contracts of movables, or for services contracts relating to generic services, i.e. to the extent that their technical characteristics are sufficiently standardised (art. 237 (1)); • The process of using a DPS is split into several phases, specifically the set-up, simplified notification, and the judging of bids (art. 238). Each of these phases is then dealt with separately through specific articles. • DPS may only be used under a certain threshold established in article 20 of the Code, which vary depending on the type of contract and contracting authority. • Indicative tenders may be continuously modified as per the Directives, but the Portuguese act clarifies that a 15 day approval period applies to each modification as well (and not just to the original indicative offer). • For the submission of offers for a specific contract within a DPS, the Portuguese law specifies that the simplified notice must specify the applicable deadlines (like the Directives), but it adds that this deadline may not be shorter than five days (art.243 (2))
Romania	The main Romanian transposition provisions (see notably article 151 and following of the primary act, http://www.oecd.org/dataoecd/7/18/39646004.pdf) show gold plating, in the sense that article 151 (1°)

	clearly indicates that DPS may only be organised when using the Romanian ESPP system (electronic system for public procurement) a public utility IT system aimed to support awarding procedures by electronic means. Other than this, the provisions of the Romanian act follow the Directives faithfully.
Slovakia	The main Slovakian transposition provisions (see notably article 47 and following of the primary act, http://www.oecd.org/dataoecd/6/35/39646945.pdf) appear to be a faithful transposition of the Directives. It is interesting to note that the definition of a DPS emphatically covers supplies, services and works; apart from this matter, no major changes to the provisions of the Directives were made.
Slovenia	The main Slovenian transposition provisions (see notably article 33 and following of the primary act, http://www.oecd.org/dataoecd/6/33/39647089.pdf) appear to be a faithful transposition of the Directives.
Spain	Minor gold plating has occurred in the applicable provisions of the main Act (see article 132 at http://www.060.es/te_ayudamos_a/legislacion/disposiciones/39482_LEG-ides-idweb.html). It is interesting to note that the definition of a DPS (art. 183.1) emphatically covers supplies, services and works. The law specifies that there is a 15 day period to evaluate indicative tenders (as per the Directives), and allows a two day period after that to notify economic operators of the outcome (art. 185). Article 186 contains some further procedural clarifications, including the fact that the 15 day period to submit indicative offers begins counting when a notice is sent to the EU; that the period to submit specific bids must be determined keeping into account the time needed to prepare the bids and the complexity of the contract; and that the outcome of the procedure must be announced within 48 days after the decision has been made.
United Kingdom	Most provisions (specifically par. 21 of the main Act, see http://www.opsi.gov.uk/si/si2006/20060005.htm) are materially identical to those of the Directives. It is interesting to note that the definition of a DPS (par. 2) emphatically covers supplies, services and works. A definition for the indicative tender is also provided, described as "a tender prepared by an economic operator seeking admission to a dynamic purchasing system which sets out the terms on which it would be prepared to enter into a contract with a contracting authority should that contracting authority propose to award a contract under the system".
Croatia	The relevant provisions of the Public Procurement Act (specifically article 103-104, see http://www.oecd.org/dataoecd/7/19/40507800.pdf) appear to be materially identical to the provisions of the Directives.
Iceland	While minor language modifications were made, the main transposition provisions (notably article 35 of the Act; see http://eng.fjarmalaraduneyti.is/media/adrarskyrslur/Act-nr-84-2007-on-Public-Procurement.pdf) are a faithful transposition of the Directives.
Liechtenstein	The relevant provisions of the main act (see http://www.gesetze.li/DisplayLGBL.jsp?Jahr=2005&Nr=220 , particularly article 34(a)) and of the decree (http://www.gesetze.li/get_pdf.jsp?PDF=2005223.pdf , particularly article 33(a)) implement the Directives faithfully.
Norway	The relevant provisions of the main act (see http://www.nfk.no/kunde/filer/Lov%20om%20offentlige%20anskaffelser.pdf , particularly §6-4) implement the Directives faithfully.
Turkey	The relevant provisions of the main act (implemented via Law No. 5812, amending Law No. 4734) implement the Directives faithfully, with minor gold plating. Notably, the Turkish provisions require the use of the national Electronic Public Procurement Platform (EPPP), which is to be operated by the Turkish Public Procurement Authority (PPA). The PPA is also empowered to determine the cases requiring contract arrangements, and the principles and rules regarding the contracts on procurements within the scope of dynamic purchasing systems.

Annex D: Overview of national eAuctions regulations

In the table below, we will briefly describe the main tenets of the transposition for each of the 22 countries for which we have been able to determine the transposition strategy

Country	Notes
Austria	<p>The Austrian BVerG (http://www.bva.gv.at/NR/rdonlyres/ECD08B37-9D15-4BD9-9D4D-46E90C0A55E8/21501/BVerG2006.pdf) adds small additional elements to the provisions of the Directives, notably:</p> <ul style="list-style-type: none"> • An additional justification for the closing of an auction, namely when a specific cause justifies this (§147.4.). Furthermore, if several auction phases are used, contracting authorities may eliminate bids after each phase from candidates whose changes did not meet the minimum difference requirements (§147.5-6.) • After the conclusion of the auction, all candidates must be notified simultaneously, and the winning bidder must be immediately announced on the website of the eAuction (§147.7.) • Introduction of a general logging obligation for all communications in the course of an eAuction (§147.10.) • Specific rule for lowest price auctions: currently lowest price must be continuously made available; other information (like the number of bidders) may be revealed if the contracting authority wishes to do so and has announced this in the original notice (§148.2.) • Specific rule for economically most advantageous auctions: economic operations must be informed of the relative positions of their bids compared to other candidates during the auction. Other information (like currently lowest price) may be revealed if the contracting authority wishes to do so and has announced this in the original notice (§149.2.)
Czech Republic	<p>Relatively minor gold plating has occurred in the transposition (§96 and following of the Act, see http://www.oecd.org/dataoecd/36/23/39641304.pdf), through the explicit reference to the right of economic operators to require the contracting entity to provide them with information about auction values submitted by other tenderers, if the contracting entity has allowed for such right in the tender requirements or in the invitation (§97 (8)).</p>
Denmark	<p>In Denmark the EU Directives on public procurement are directly applicable since they are incorporated <i>telles quelles</i> by Government orders. The EU Directives are printed as an annex to the respective Government orders and constitute the actual legislation in the field of public procurement. As such, the Directives are directly applicable national law.</p>
Estonia	<p>Partial transposition of the Directives; the Estonian Public Procurement Act (http://www.legaltext.ee/text/en/XXX0005.htm) incorporates:</p> <ul style="list-style-type: none"> • In §31 (8), the information clauses of article 54 (3) of Directive 2004/18/EC • In §54, the provisions of article 54 (1)-(2) <p>However, article 54 (4) to (8) do not appear to have been transposed completely. There do not appear to be explicit provisions for the communication of formulas for the calculation of rankings, for the communication of relative positions of the economic operators during the tender, or for the closing possibilities of the tender.</p>
France	<p>A specific decree for eAuctions has been in place in France since 2001; see http://admi.net/fo/20010919/ECOM0100633D.html; however, this decree was abrogated by the Decree establishing the new Public Procurement Code.</p> <p>In accordance with article 54 (II) of the Public Procurement Code (http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000005627819&dateTexte=vig), eAuctions may only be used for the purchase of goods over the thresholds specified in article 26 (II) of the Code (i.e. 133 000 EUR for State procurements, 206.000 EUR for procurements by the « collectivités territoriales » or by defense authorities). Thus, usage for lower cost purchases is excluded, as are all services and works contracts.</p> <p>Other differences with the Directives exist as well, but are relatively minor matters of phrasing (e.g. the Directives require after each phase of the auction that relative rankings are made available, and allow other information to be made available as well (art.54 (6)); the French Act notes that relative rankings may be made available or the result of the leading bid (art. 54 (VII)).</p>
Hungary	<p>No specific details are known; however, the general Hungarian Act (http://www.kozbeszerzes.hu/static/uploaded/document/PPAct_22%20July%202009.doc) specifies that contracting authorities may only use eAuctions when using negotiated procedures, provided that an open or a restricted procedure or the competitive dialogue has been unsuccessful (art. 130 (8)); or in the context of a framework agreement (art. 136D (6)). Thus, it appears that eAuctions are considered somewhat as a fallback option for procurements. No specific details are known, as the exact</p>

	procedures for eAuctions appear to be stipulated in separate regulations, which are presently not available in a translated format.
Ireland	While minor language modifications were made, the main transposition provisions (notably par. 67 and 68 of the Public Procurement Regulations; see http://www.etenders.gov.ie/guides/Guide_Download.aspx?id=1481) are a faithful transposition of the Directives. It is interesting to note that the Irish transposition does not explicitly include the exclusion of intellectual performances from the scope of eAuctions; however, this aspect appears to be reasonably covered by the clarification that auctions can only be used "if the contract specifications can be established with precision" (par. 67 (3)).
Italy	While minor language modifications were made, the main transposition provisions (notably art.85 of the Dlgs 163/06; see http://www.camera.it/parlam/leggi/deleghe/06163dl.htm) appear to be a faithful transposition of the Directives.
Latvia	The main transposition provisions (notably section 65 of the Latvian Procurement Act; see http://www.tic.lv/export/sites/default/docs/LRTA/Likumi/Procurement_for_the_Needs_of_Public_Service_Providers.doc) appear to be a faithful transposition of the Directives.
Lithuania	The relevant provisions (notably article 65) of the Lithuanian Public Procurement Act (http://www.oecd.org/dataoecd/7/22/39645903.pdf) appear to be a faithful transposition of the Directives.
Malta	The relevant provisions (notably article 29) of the main transposition Act (http://docs.justice.gov.mt/lom/Legislation/English/SubLeg/174/04.PDF) appear to be a faithful transposition of the Directives.
The Netherlands	The relevant provisions (notably article 57 of the BOA (Besluit Overheidsaanbestedingen - http://www.pianoo.nl/dsresource?objectid=21042&type=pdf) appear to be a faithful transposition of the Directives.
Poland	Eauctons are only allowed below a threshold of 60.000 €. In addition, the act on public procurement specifies the terms „licytacja” and „aukcja”; both have the same equivalent in the English language – an auction. However, the first case (“licytacja”) concerns a self-reliant procedure to place orders for strictly defined goods and services; the second one is considered a modality of some classic procedures (unlimited auctions, limited auctions, negotiations with publishing).
Portugal	The main Portuguese transposition provisions (see notably article 140 and following of the primary act, http://www.base.gov.pt/codigo/Documents/ccp.pdf) contains several changes compared to the Directives, including the following: <ul style="list-style-type: none"> eAuctions may only be used for purchase/rent contracts of movables, or for services contracts (art. 140 (1)); There are no provisions specifically for conducting auctions in multiple phases.
Romania	The main Romanian transposition provisions (see notably article 140 and following of the primary act, http://www.oecd.org/dataoecd/7/18/39646004.pdf) appear to be a faithful transposition of the Directives.
Slovakia	The main Slovakian transposition provisions (see notably article 43 and following of the primary act, http://www.oecd.org/dataoecd/6/35/39646945.pdf) appear to be a faithful transposition of the Directives.
Slovenia	The main Slovenian transposition provisions (see notably article 35 and following of the primary act, http://www.oecd.org/dataoecd/6/33/39647089.pdf) appear to be a faithful transposition of the Directives.
Spain	The applicable provisions of the main Act (see article 132 at http://www.060.es/te_ayudamos_a/legislacion/disposiciones/39482_LEG-ides-idweb.html), appear to be materially identical to the provisions of the Directives.
United Kingdom	Most provisions (specifically par. 21 of the main Act, see http://www.opsi.gov.uk/si/si2006/20060005.htm) are materially identical to those of the Directives.
Croatia	The relevant provisions of the Public Procurement Act (specifically article 97, see http://www.oecd.org/dataoecd/7/19/40507800.pdf) expand on several aspects of the Directives, including by expanding the communication with economic operators (article 97 (1): required communication includes e.g. registration and identification requirements, the web site where the winner will be announced, any required guarantees, and any other relevant information. General notice obligations therefore have been integrated into the specific eAuction provisions. Other provisions of the Croatian Act (articles 98 and following) are more similar to the corresponding provisions in the Directives. Publication of the winner must be done online directly, which will be considered sufficient to meet announcement requirements, and which will initiate the objection period for other participating economic operators (article 98 (6)). Full records of the auction and all communications must be kept (article 98 (9)).
Iceland	While minor language modifications were made, the main transposition provisions (notably article 70 of the Act; see http://eng.fjarmaladuneyti.is/media/adrarskyrslur/Act-nr-84-2007-on-Public-Procurement.pdf) are a faithful transposition of the Directives. The Icelandic transposition does not explicitly include the exclusion of intellectual performances from the scope of eAuctions; however, this aspect appears to be reasonably covered by the clarification that auctions can only be used "when the contract specifications can be established with precision" (art. 70, par. 3).
Norway	The applicable provisions (see §22-4 of the Public Procurement Regulation; http://www.lovdata.no/cgi-wift/ldles?doc=sf/sf/sf-20010615-0616.html) appear to be materially identical to the provisions of the Directives.
Turkey	The applicable provisions of the main Act (see article 4 of Law No. 5812, amending Law No. 4734 - http://www.ihale.gov.tr/english/english47341.htm), appear to be materially identical to the provisions of the Directives.

Annex E: Overview of eCatalogue use

In the overview below, particular emphasis is placed on the phase of eOrdering through e Catalogues, as this is the use case in which eCatalogues prove to be particularly useful to reduce costs for purchasing authorities:

- *Austria:* eOrdering through eCatalogues is supported in the platform of the Federal Procurement Agency (BBG) e-Shop (i.e. the electronic ordering system of BBG). To be more precise, BBG sets up eCatalogues within the context of framework agreements, in other words they are just used in the post awarding phase. The ordering process is done by the abovementioned e-Shop. In the pre awarding phase BBG uses templates in different procurement categories. Later they are manually transformed to eCatalogues (implying the creation of eCatalogues by the supplier) after the acceptance of the bid. Furthermore, the actual policies show that eProcurement initiatives in Austria strongly promote the role of SMEs as stakeholders, including through the promotion of eCatalogues. As regards, in particular, the platform e-Shop, we can say that it makes suppliers "e-fit", since it provides a platform to create and approve eCatalogues and handles in particular the subject of small- and medium-sized companies, who are often not aware of these technologies.
- *Belgium:* eOrdering through eCatalogues is supported in the platform of the Belgian federal public procurement portal. However, usage of the eProcurement infrastructure so far appears to be limited in practice, with identified barriers being the relatively passive attitude of both public officials and contracting authorities, and difficulties in integrating existing eProcurement modules (eNotification, eTendering and eCatalogues). From the technical point of view the eCatalogue platform is a secure platform that offers possibilities to manage contractual activities relating to electronic catalogues such as the electronic order. Contracting authorities can consult catalogues, place purchase orders and perform follow up of the orders. Economic operators will be able to upload their catalogues, receive and manage purchase orders. Validation and translation of catalogues are also supported. There are plans to link the eCatalogue platform with the Belgian federal accounting system. The electronic catalogue format is based on the UBL 2.0 standard (see below for further details about the Belgian eCatalogue solution).
- *Bulgaria:* eOrdering through eCatalogues is not supported in the platform of the national public procurement register/portal and no use of eCatalogues in the country can be reported.
- *Croatia:* eOrdering through eCatalogues is not supported in the national portal of public procurement; however, the Croatian government is planning to adopt eCatalogues in the national eProcurement system in the next future¹⁹.
- *Cyprus:* eOrdering through eCatalogues is supported in the platform of the national eProcurement system. In particular, according to the national procurement authorities, the use of electronic catalogues and electronic orders is expected to prepare the ground for further modernising the public procurement environment in Cyprus. From the technical point of view, eCatalogue in Cyprus is an autonomous eProcurement application that offers via internet to public officers and companies a multilingual platform. It is based on open source building blocks and is composed of two components of an electronic purchase process: the electronic catalogue and electronic ordering. The platform offers possibilities to manage some

¹⁹ See Croatian Ministry of the Economy, Labour and Entrepreneurship, "Strategy for the Development of Electronic Business in the Republic of Croatia for the period 2007-2010", available at <http://www.mingorp.hr/UserDocslimages/STRATEGY%20FOR%20THE%20DEVELOPMENT%20OF%20ELECTRONIC%20BUSINESS%20IN%20THE%20REPUBLIC%20OF%20CROATIA%20FOR%20THE%20PERIOD%202007-2010.pdf>.

contractual activities relating to electronic catalogues, such as the electronic order. The application can only be accessed in a secured manner. In particular, the platform offers to public officers a collaborative eProcurement environment for consulting catalogues and placing purchase orders. Moreover there is the possibility to follow up the order status and to create a page view of acceptance. The platform provides for the tools for supporting the management of a dossier covering the visualisation and modification as well as some management activities relating to the catalogue itself. Furthermore, the platform offers to companies a collaborative eProcurement environment for uploading their catalogues and managing their dossiers. Moreover there is the possibility to receive electronic orders and modify the order status.

- *Czech Republic:* eOrdering through eCatalogues is not supported in the national public procurement platform (Official Site of Public Contracts) and therefore the use of eCatalogues in the country cannot be reported, although the implementation of eCatalogues is one of the priorities of the Czech government in the field of eProcurement²⁰.
- *Denmark:* eOrdering through eCatalogues is supported in the procurement platforms of SKI (the National Procurement Company) – DOIP (Public Procurement Portal). The importance of eCatalogues is pivotal in the Danish procurement panorama: in general terms SKI negotiates framework agreements with suppliers, and the contracts are in fact eCatalogues used in post awarding phase. In the pre-awarding/procurement phases SKI has the duty to get a percentage of all procurement done within the procurement agreement and to make quality assurance of eCatalogue data. Furthermore, SKI developed an eCatalogue viewer known as Netkatalog (www.netkatalog.dk). An important element of the services of SKI is the transformation of the result of the procurement process into an electronic catalogue of goods. The eCatalogues are primarily XML files that make the framework contracts accessible on different eProcurement platforms used by public purchasers. After being catalogued at SKI the information hits the electronic marketplace. The eCatalogues can be viewed by SKI customers at www.netkatalog.dk (username and password are needed). Netkatalog is a catalogue viewer but actual procurement is not possible at the site. In other words, www.netkatalog.dk can be viewed as the shopping centre for catalogues – not for the actual goods.
- *Estonia:* eOrdering through eCatalogues is not supported in the national eProcurement register since there is no single dominant eProcurement platform, other than the Public Procurement State Register, a portal where all public procurement notices are published electronically.
- *Finland:* eOrdering through eCatalogues is supported in the system of TILHA, which is the centralised public procurement solution used by the State offices. The main functionalities of the platform are: (i) defining eCatalogue templates; (ii) disseminating eCatalogue documentation information; (iii) creating eCatalogues; (iv) assuring eCatalogues quality; (v) submitting eCatalogues; (vi) receiving eCatalogues and uploading eCatalogues in the system; (vii) automatic evaluation of eCatalogues; (viii) maintaining eCatalogues; (ix) ordering through eCatalogues; (x) online invoice and payment.
- *France:* eOrdering through eCatalogues is supported in the procurement platform of the Ministry of Defence).
- *Germany:* eOrdering through eCatalogues is supported in the national eProcurement platform. Electronic catalogues, then, prove to be widely used at the level of federal public procurement.
- *Greece:* no eCatalogues are used in the country.

²⁰See http://www.portal-vz.cz/Uploads/Elektronicke-zadavani-verejnych-zakazek/42_NP_anglicka_verze_FINAL.

- *Hungary*: eOrdering through eCatalogues is supported in the main national eProcurement platform of KSZF. It has to be said, furthermore, that the Government is currently examining the further developing possibilities of eProcurement, including the long-term possibility of establishing a central public procurement system for centralised procurements, which will further support electronic catalogues, electronic auctions and dynamic purchasing systems for central government bodies (e.g. ministries, etc.).
- *Iceland*: eOrdering through eCatalogues is not supported in the national eProcurement platform and no use of eCatalogues in the country can be reported.
- *Ireland*: eOrdering through eCatalogues is not supported in the national eTenders public procurement platform and no use of eCatalogues in the country can be reported.
- *Italy*: eOrdering through eCatalogues is supported in the main national eProcurement platform 'Acquisti in rete'. Within the framework of this system suppliers are responsible for the creation of eCatalogues, based on predefined eCatalogue spreadsheet templates. eCatalogues take the form of MS Office Excel spreadsheets which are digitally signed. Tools are provided to suppliers to check the quality of the content. The upload platform will perform additional quality checks. Furthermore, eCatalogues are tools available in the framework of regional eProcurement system such as CSI Piemonte in the region Piedmont (where eCatalogues are set up in two contexts, Electronic Framework contracts and CSI Electronic Market) and Intercent ER in the region Emilia-Romagna (where eCatalogues are set up in the same contexts as in Piedmont).
- *Latvia*: eOrdering through eCatalogues is supported in a dedicated national eProcurement platform (<https://www.eiepirkumi.gov.lv/PMB/Default.aspx>) and, as from 2005, eCatalogues are adopted as part of the national eProcurement strategy.
- *Liechtenstein*: no eCatalogues are used in the country.
- *Lithuania*: eOrdering through eCatalogues is not supported in the national central public procurement information system platform, but a dedicated platform for eCatalogues exists (www.cpo.lt) as from 2007. This platform centralizes the administration of public procurements and helps to conduct public procurement in electronic format in full without a single paper document. Qualified signature certificates are used in these procedures. Thanks to this platform, state public institutions can buy office stationary, computer equipment, fuel, mobile telecommunications and other products via eCatalogue. The sellers of these products who have signed a framework agreement with CPMA (Central Project Management Agency) are allowed to put their product specifications in the eCatalogue and the state public institutions can place their orders for products specified in eCatalogue online. The eCatalogue system is conceived to eliminate the need of complex public purchase procedures for commonly purchased products, decrease the time and cost needed to complete the purchase, cut prices and increase public procurement transparency.
- *Luxembourg*: eOrdering through eCatalogues is not supported in the national eProcurement platform of the public eProcurement portal and, in general terms, eCatalogues are not used in the country.
- *Malta*: eOrdering through eCatalogues is supported in the main national eProcurement platform (Maltese Public Procurement) managed by the national Department of Contracts and eCatalogues are to a certain extent used by purchasing authorities.
- *Netherlands*: eOrdering through eCatalogues is not supported in the national eProcurement platform TenderNed. The country, in other words, did not modify the situation he had in 2004.

- *Norway*: eOrdering through eCatalogues is supported in the national eProcurement portal of Ehandel, which is the subject in charge with eOrdering, including eCatalogue management.
- *Poland*: eOrdering through eCatalogues is supported in one of the main national platform of Polish public procurement, the Polish Procurement Platform (PPP). The other major platforms EPP and PE do not support eCatalogues: it has to be said that the Polish approach to eProcurement is in fact largely decentralised, allowing private market actors to develop their own services which compete in the market for take-up.
- *Portugal*: eOrdering through eCatalogues is supported in the main national eProcurement platform (that of ANCP, the national agency for public purchases). In particular, eCatalogues are used by ANCP to make goods and services that are object of a framework agreement available for "call-off" purposes (i.e. to enter into specific purchasing contracts under a framework agreement). Awarding entities are granted access to these catalogues so that they can prepare (e.g. to choose the required goods lots and services) the call for tenders of the call offs. The whole call-off procedure is then concluded in the electronic platform of ANCP.
- *Romania*: eOrdering through eCatalogues is supported in the national eProcurement platform and eCatalogues are used for direct acquisitions of goods, in the pre awarding phase (creation and submission of eCatalogues) as well as in the post awarding phase. The content of eCatalogues consists of product specifications, product availability and pictures of the products.
- *Slovakia*: eOrdering through eCatalogues is not supported in the national eProcurement portal.
- *Slovenia*: eOrdering through eCatalogues is not supported in the national eProcurement portal of the Ministry of Finance.
- *Spain*: eOrdering through eCatalogues is supported in the main national platform of public procurement. As sad above, in Spain the use of electronic catalogues is widely spread at both national and regional level. As regards the platform adopted at national central level, from the technical point of view buyers access eCatalogues through CONNECTA, through use of xml with possibility to attach doc (.pdf, MsOffice); the eCatalogues are generated by PROTEO application (web based, .net, J2EE, management workflow system, web service for external application integration, document storage). The content of the eCatalogues consists of company data, general attribute and specific technical features.
- *Sweden*: eOrdering through eCatalogues is supported in the various national platforms for eProcurement and in general terms eCatalogues are used mainly for post awarding processes. From the technical perspective, many agencies in Sweden use the UNSPSC product classification scheme (there is now a Swedish translation of the UNSPSC scheme, in line with the translations made in other Nordic countries).
- *Turkey*: eOrdering through eCatalogues is not supported in the national public procurement platform. However, the situation is likely to change in the near future. Presently, it is envisaged that the eProcurement project will be realised in two stages. The first stage, encompassing the generalised use of eNotification and eAccess via the EPPP platform, is envisaged to be completed by the end of the first half of 2010. The second stage addressing eTendering is to be completed by the end of 2010, and will include practices such as electronic auctions, electronic catalogue and dynamic purchasing systems.
- *UK*: eOrdering through eCatalogues is supported in the platform of the public sector's national procurement portal of OGC Buying Solutions (eCatalogues in this platform are under the form

of spreadsheets), and electronic catalogues are widely used in the framework of British public procurement.

Annex F: Transposition status in the Member States

The table below provides a summary overview of the transposition status. For each of the 32 examined countries, we will indicate:

- The date of transposition. Both the date of adoption of the transposition act and its entry into force will be indicated, if known. Compliance with the deadline of the Directives (as determined by the date of entry into force) will be marked in green; non-compliance in red;
- The name of the transposition act, including a source reference, where available;
- Comments on the completeness of the transposition, including specifically any dependencies on secondary regulatory acts and plans for modifications of the legal framework.

Country	Transposition date	Transposition act(s)	Comments
Austria	31/01/2006 (entry into force)	The Public Procurement Act 2006 (Bundesvergabegesetz (BVerG), 2006). See http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20004547	No comments
Belgium	8/06/2008 (adopted) 26/06/2008 (entry into force)	<ul style="list-style-type: none"> • Act of 24 December 1993 regarding public procurements and certain procurements of works, goods and services ((FR) loi du 24 décembre 1993 relative aux marchés publics et à certains marchés de travaux, de fournitures et de services; (NL) wet van 24 december 1993 betreffende de overheidsopdrachten en sommige opdrachten van werken, leveringen en diensten); • To be replaced by the Acts of 15 and 16 June 2006 on public procurements and certain procurements of works, goods and services ((FR) Loi relative aux marchés publics et à certains marchés de travaux, de fournitures et de services; (NL) Wet overheidsopdrachten en bepaalde opdrachten voor werken, leveringen en diensten; the Act of 16 June 2006 was modified by the Act of 8 June 2008 regarding various provisions ((FR) Loi portant des dispositions diverses; (NL) Wet houdende diverse bepalingen); <p>Source: http://chancellerie.belgium.be/16procurement/, or for a direct link to the law http://kanselarij.belgium.be/nl/binaries/lois_marches_publics_wetten_overheidsopdrachten_tcm171-30291.pdf (French and Dutch)</p> <p>However, primary transposition (see comments) occurred via several acts, including the Programme Act of 23 December 2005²¹, the Royal Decree of 23 November 2007²², and the Programme Act of 8 June 2008²³.</p>	There are currently two overlapping laws in Belgium: the principal law remains the Act of 24 December 1993, with the two new acts of 15 and 16 June 2006 (transposing both Directives) having been published in the Official Journal on 15 February 2007, but not yet having entered into force (except for a limited number of articles). The Acts of 15 and 16 June will not enter into force until the required Royal Decrees executing these laws have been put in place. However, the binding elements of the Directives have entered into force via modifications to the Act of 24 December 1993, implemented via Laws and

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See http://www.ejustice.just.fgov.be/cgi_loi/loi_a.pl?chercher=t&language=nl&dt=WET&choix1=EN&choix2=EN&numero=4&table_name=WET&fromtab=wet_all&nl=n&imgcn.x=34&DETAIL=1993122437/N&nm=1994021012&imgcn.y=12&sql=dt+contains+%27WET%27+and+dd+=+date%271993-12-24%27and+actif+=+%27Y%27&ddd=1993&rech=6&tri=dd+AS+RANK+&trier=afkondiging&dddj=24&cn=1993122437&row_id=1&caller=image_a1&dddm=12&la=N&pdf_page=41&pdf_file=http://www.ejustice.just.fgov.be/mopdf/2005/12/30_2.pdf

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See http://www.ejustice.just.fgov.be/cgi_loi/loi_a.pl?chercher=t&language=nl&dt=WET&choix1=EN&choix2=EN&numero=4&table_name=WET&fromtab=wet_all&nl=n&imgcn.x=34&DETAIL=1993122437/N&nm=1994021012&imgcn.y=12&sql=dt+contains+%27WET%27+and+dd+=+date%271993-12-24%27and+actif+=+%27Y%27&ddd=1993&rech=6&tri=dd+AS+RANK+&trier=afkondiging&dddj=24&cn=1993122437&row_id=1&caller=image_a1&dddm=12&la=N&pdf_page=6&pdf_file=http://www.ejustice.just.fgov.be/mopdf/2007/12/07_1.pdf

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See http://www.ejustice.just.fgov.be/cgi_loi/loi_a.pl?chercher=t&language=nl&dt=WET&choix1=EN&choix2=EN&numero=4&table_name=WET&fromtab=wet_all&nl=n&imgcn.x=34&DETAIL=1993122437/N&nm=1994021012&imgcn.y=12&sql=dt+contains+%27WET%27+and+dd+=+date%271993-12-24%27and+actif+=+%27Y%27&ddd=1993&rech=6&tri=dd+AS+RANK+&trier=afkondiging&dddj=24&cn=1993122437&row_id=1&caller=image_a1&dddm=12&la=N&pdf_page=6&pdf_file=http://www.ejustice.just.fgov.be/mopdf/2007/12/07_1.pdf

			Royal Decrees.
Bulgaria	20/04/2006 (adopted) 01/07/2006 (entry into force)	New Public Procurement Act new Public Procurement Act An informal translation can be found here http://rop3-app1.aop.bg:7778/portal/page?_pageid=173.1106253&_dad=portal&_schema=PORTAL	No comments
Croatia	03/10/2006 (adopted) 10/10/2007 (entry into force)	The relevant legislative source in the field of public procurement in Croatia is the Public Procurement Act (hereinafter PPA, Official Gazette 110/07), as amended by the Act on Amendment to the Public Procurement Act (Official Gazette 125.08). An informal translation can be found here: http://www.javnanabava.hr/userfiles/file/ZAKONODAVSTVO%20RH/ENGLESKI/ZAKONI/Public Procurement Act CONSOLIDATED %20OG%20110_07 & 125_08.pdf .	No comments
Cyprus	17/02/2006 (adopted)	The main acts are presently: <ul style="list-style-type: none"> • Law 11(I)2006 concerning the co-ordination of the contracting process for supplies, work and services in the water, energy, transport and postal services sectors and other related subjects; see: http://www.treasury.gov.cy/treasury/publicpro/ppro.nsf/dmlllegislation_qr/4038CB04A1EBF4A0C2257405002A4A1A/\$file/N%2011(I)%20%202006.pdf • Law 12(I)2006 concerning the co-ordination of the contracting processes for commissioners, projects and services and other related subjects; see: http://www.treasury.gov.cy/treasury/publicpro/ppro.nsf/dmlllegislation_qr/45B013E0EF8D6A91C2257405002AC468/\$file/N%2012(I)%20%202006.pdf 	No comments
Czech Republic	14/03/2006 (adopted) 21/07/2006 (entry into force)	The primary law is the Act on Public Procurement (Act 137/2006), that modernized the national system of public procurement and brought it in line with the provisions of the Directives. An informal translation can be found here: http://www.oecd.org/dataoecd/36/23/39641304.pdf	No comments
Denmark	16/09/2004 (adopted) 16/09/2004 (entry into force)	In Denmark the EU Directives on public procurement are directly applicable since they are incorporated telles quelles by Government orders. The EU Directives are printed as an annex to the respective Government orders and constitute the actual legislation in the field of public procurement. Denmark transposed the new EU Directives (2004/17/EC and 2004/18/EC) on public procurement into national legislation in January 2005. The Governmental order number 937 of 16 September 2004 implements the Directive 2004/18/EC and the Governmental order number 936 of 16 September 2004 implements the utilities Directive 2004/17/EC.	No comments
Estonia	24/01/2007 (adopted) 01/05/2007 (entry into force)	Directives 2004/17/EC and 2004/18/EC on public procurement were transposed by the "National Public Procurements Act" (Riigihangete seadus) of 24 January 2007 (text of the Act available in English at the following URL: http://www.legaltext.ee/text/en/XXX0005.htm). This Act has been amended in 2008. The translation of the amendment act is available on the Ministry of Finance home page at the following URL: http://www.fin.ee/index.php?id=79427 .	No comments
Finland	30/03/2007 (adopted) 01/06/2007 (entry into force)	The Finnish legislation about public procurement consists of the following legal sources: <ul style="list-style-type: none"> • Act on Public Contracts (348/2007), available at http://www.finlex.fi/en/laki/kaannokset/2007/en20070348; • Act on Public Contracts by Contracting Authorities in the Water, Energy, Transport and Postal Services Sector (349/2007); • Government Decree on Public Contracts (614/2007). 	No comments
France	01/08/2006 (adopted)	France has fully implemented both directives, including all eProcurement related provisions, through the new Public Procurement Code of 2006. Following the European public procurement directives this code ("Code des Marchés Publics")	The earlier 2004 edition of the French Public Procurement Code already provided for the

[ame=WET&fromtab=wet_all&nl=n&imgcn.x=34&DETAIL=1993122437/N&nm=1994021012&imgcn.y=12&sql=dt+contains+%27WET%27+and+dd+=+date%271993-12-24%27and+actif+=+%27Y%27&ddda=1993&rech=6&tri=dd+AS+RANK+&trier=afkondiging&dddj=24&cn=1993122437&row_id=1&caller=image_a1&dddm=12&la=N&pdf_page=56&pdf_file=http://www.ejustice.just.fgov.be/mopdf/2008/06/16_2.pdf](http://www.ejustice.just.fgov.be/mopdf/2008/06/16_2.pdf)

	01/09/2006 (entry into force)	has been amended by two Decrees in 2006 and 2007, which were (largely) abrogated and replaced by a new Decree of 14 December 2009 on the use of electronic procedures, which came into effect on 1 January 2010. The full coordinated text of the Code can be found here: http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000005627819&dateTexte=vig	"dematerialisation" of public procurement procedures (Article 56).
Germany	06/04/2006 (adopted)	The legal framework consists primarily of the following components: <ul style="list-style-type: none"> the Procurement Act (VgV, Verordnung über die Vergabe öffentlicher Aufträge), which was reformed in 2006 to implement the Directives, the Antitrust Act (GWB, Gesetz gegen Wettbewerbsbeschränkungen), notably the fourth to sixth part, and the contract and award terms (Verdingungsordnung für Leistungen; Verdingungsordnung für freiberufliche Leistungen and Vergabe- und Vertragsordnung für Bauleistungen - VOB/VOL/VOF). <p>The VgV acts primarily as a general framework, with the terms containing substantive law. The amended VgV regulates the submission of electronic bids in the area of public procurement. The VgV and VOB/VOL/VOF are currently being reviewed.</p> <p>A full overview of applicable laws can be found here: http://www.bescha.bund.de/cdn_100/nn_663642/DE/Rechtsgrundlagen/NormenRechtsvorschriften/node.html?nnn=true</p>	No comments
Greece	16/03/2006 (entry into force)	The general legal framework for public procurement consists primarily of Law 2286/1995 (supplies) and the relevant bylaws. The details of the procedures followed are prescribed in the Regulation of Public Procurement, i.e. Presidential Decree 118/2007 (supplies and services), law 3236/05 and law 3316/05 (works). The Presidential Decrees P.D. 59/2007 and P.D. 60/2007 transposed into Greek law the Procurement Directives. In more particular, Decree 59/2007 implemented the provisions of Directive 2004/17 and, therefore, applies to utility services, whereas Decree 60/2007 implements the provisions of Directives 2004/18, referring thus to conventional procurement contracts.	No comments
Hungary	15/01/2006 (entry into force)	On 15 January 2006, Hungary transposed the EU Directives on public procurement into national legislation via the Act CLXXII. of 2005, which has comprehensively amended Act CXXIX. of 2003. An unofficial translation can be found here: http://www.kozbeszerzes.hu/static/uploaded/document/PPA_2009_dec_3.doc	No comments
Iceland	16/04/2007 (entry into force)	The Public Procurement Directives were transposed through the Act No. 84/2007 on Public Procurement, an English translation of which can be found here: http://eng.fjarmalaraduneyti.is/media/adrarskyrslur/Act-nr-84-2007-on-Public-Procurement.pdf (Lög um opinber innkaup; http://www.stjornartidindi.is/Advert.aspx?ID=41bcf180-f140-4310-b20e-a0528ab63add)	No comments
Ireland	22/06/2006 (adoption and entry into force)	The Directives have been implemented in Ireland through two separate acts, each corresponding to one of the Directives: <ul style="list-style-type: none"> The Public Sector Procurement Regulations 2006 were made by the Minister for Finance under SI 329 of 2006 implementing EU public procurement Directive 2004/18/EC and other minor provisions; see http://www.etenders.gov.ie/guides/Guide_Download.aspx?id=1481 The European Communities (Award of Contracts by Utility Undertakings) Regulations 2007 were made by the Minister for Finance under SI 50 of 2007 implementing EU public Procurement Directive 2004/17/EC and amending Directive 2005/51/EC; see http://www.etenders.gov.ie/guides/Guide_Download.aspx?id=1701 	No comments
Italy	12/04/2006 (adopted) 01/07/2006 (entry into force)	The legal framework applicable to eProcurement in Italy is particularly rich and complex. For an overview, please refer to the list of primary and secondary legislation published by the Ministry of Economy and Finance (MEF) on http://www.mef.gov.it/dag/programma_di_razionalizzazione_degli_acquisti_nella_p.a/riferimenti_normativi/default.asp ; and by CONSIP on http://www.consip.it/online/Home/Chisiamo/Normativadiriferimento.html . As regards, in particular, the contracts entered into between an Italian public administration and private businesses, Italy transposed the new EU Directives on public procurement into national legislation through the Legislative Decree ('Decreto Legislativo') 12 April 2006, no. 163 (Code of public contracts - 'Codice dei contratti pubblici relativi a lavori, servizi e forniture in attuazione delle direttive 2004/17/CE e 2004/18/CE'), which came into force at the beginning of July 2006. Furthermore, the Financial	No comments

		Bill for the year 2007 introduced a compulsory use, on behalf of state central administrations, of the framework contracts and the marketplace (MEPA) handled by MEF and Consip.	
Latvia	1/05/2006 (entry into force)	<p>The main acts in Latvia are:</p> <ul style="list-style-type: none"> The Public Procurement Law (Publisko iepirkumu likums (spēkā no 2006.gada 1. maija), effective as of 1 May 2006) http://www.iub.gov.lv/iub/images/modules/items/item_file_1542_pil_ar_grozijumiem.doc The Law On Procurement for the Needs of Public Service Providers (Par iepirkumu sabiedrisko pakalpojumu sniedzēju vajadzībām (spēkā no 2004. gada 10. novembra), effective as of 10 November 2004) http://www.ttc.lv/export/sites/default/docs/LRTA/Likumi/Procurement_for_the_Needs_of_Public_Service_Providers.doc 	No comments
Liechtenstein	02/09/2008 (adopted) 01/10/2008 (entry into force)	<p>The Directives have been transposed into Liechtenstein law through:</p> <ul style="list-style-type: none"> An update of the Public Procurement Act of 1998 (Gesetz vom 19. Juni 1998 über das Öffentliche Auftragswesen (ÖAWG); see http://www.gesetze.li/DisplayL.GBl.jsp?Jahr=1998&Nr=135; the update was adopted on 2 September 2008; The 2005 Act on Procurement in the Utilities Sectors (Gesetz vom 21. September 2005 über das Öffentliche Auftragswesen im Bereich der Sektoren (ÖAWSG); see http://www.gesetze.li/DisplayL.GBl.jsp?Jahr=2005&Nr=220 	No comments
Lithuania	22/12/2005 (adopted) 31/01/2006 (entry into force)	<p>Lithuania has transposed the EU Directives (2004/17/EC and 2004/18/EC) on public procurement into national legislation (Law on Public Procurement, No. X-471, Law on Concessions No. I-1510). See the official translation at http://www.oecd.org/dataoecd/7/22/39645903.pdf</p>	No comments
Luxembourg	25/06/2009 (adopted)	<p>A new Public Procurement Act was approved on 25 June 2009 (Nouvelle loi sur les marchés publics du 25 juin 2009 (Mémorial A n° 172 du 29 juillet 2009); see http://www.legilux.public.lu/leg/a/archives/2009/0172/index.html</p>	No comments
Malta	03/06/2005 (entry into force)	<p>Public Contract Regulations (L.N. 177 of 2005), entered into force on 3 June 2005 and amended since then by L.N. 11 of 2006 and L.N. 130 of 2006, implement EU Directive 2004/18/EC on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts. See http://docs.justice.gov.mt/lom/Legislation/English/SubLeg/174/04.PDF Public Procurement of Entities operating in the Water, Energy, Transport and Postal Services Sectors Regulations (L.N. 178 of 2005) as amended by L.N. 12 of 2006 and L.N. 131 of 2006 fully implement EU Directive 2004/17/EC. See http://docs.justice.gov.mt/lom/Legislation/English/SubLeg/174/06.PDF</p>	No comments
The Netherlands	16/07/2005 (adopted) 01/10/2005 (entry into force)	<p>The Dutch legislator opted for a legal framework at the level of the tendering administration and not at national level, via the General Framework Act on European Economic Community regulations of 31 March 1993 (http://wetten.overheid.nl/BWBR0005937/geldigheidsdatum_02-04-2009). This framework was set to be replaced by the new Public Procurement Act of 2006 (Aanbestedingswet), but the latter was rejected by the Senate in July 2008. An updated draft is expected to be adopted in 2011, and meanwhile the 1993 framework act remains applicable. This framework act created a basis for the execution of specific implementation Royal Decrees, known as BASS, Bao, which contain most substantive rules.</p> <p>The aforementioned framework act is thus complemented by the substantive rules in the following texts:</p> <ul style="list-style-type: none"> the Royal Decree of 16 July 2005 abbreviated as BASS (Besluit aanbestedingen speciale sectoren - http://www.pianoo.nl/dsresource?objectid=8580&type=pdf) regarding public procurement of works, supplies and services in the water, energy, transport and communications sectors; this contains specific procedures and regulations for the granting of procurements in the utilities sectors; the Royal Decree of 16 July 2005 abbreviated as Bao (Besluit aanbestedingsregels voor overheidsopdrachten - http://www.pianoo.nl/dsresource?objectid=21042&type=pdf) regarding public procurement of works, supplies and services and concessions for public works; this contains specific procedures and regulations for the granting of procurements in the traditional sectors. The Regulation for Works Procurement 2005 (Aanbestedingsreglement Werken 2005, ARW - 	<p>The framework law of 31 March 1993 was set to be replaced by the new eProcurement Act of 2006 (Aanbestedingswet), but the latter was rejected by Parliament in July 2008. An updated draft is expected to be adopted in late 2010/early 2011, and meanwhile the 1993 framework act remains applicable. This framework act created a basis for the execution of specific implementation Royal Decrees, which contain most substantive rules.</p>

		http://www.pianoo.nl/content.jsp?objectid=8566) is not a royal decree as such, and its usage in practice by contracting authorities is voluntary. It contains significantly more flexible rules than the rules laid down in Bao and BASS, by allowing contracting authorities to require a so called 'own declaration with a public procedure' ('eigenverklaring bij een openbare procedure'), a standardized document in which the tenderer formally declares to be in compliance with the requirements for which the Bao requires a certificate, and in which he agrees to provide the relevant certificate if the contracting authority asks for it (section 2.14 ARW).	
Norway	07/04/2006 (adopted) 01/01/2007 (entry into force)	The new Regulation entered into force on 1 January 2007, through the amended Act of 17 July 1999 no. 69 on Public Procurement (No. lov 17. juli 1999 nr. 69 om offentlige anskaffelser) See http://www.nfk.no/kunde/filer/Lov%20om%20offentlige%20anskaffelser.pdf	No comments
Poland	07/04/2006 (adopted) 07/05/2006 (entry into force)	Poland has transposed the EU Directives (2004/17/EC, 2004/18/EC and 2007/66/EC) on public procurement into national legislation. The latest amendment to the Public Procurement Law was published in Dziennik Ustaw (Journal of Laws of 2009 - No. 223, item 1778). It entered into force on the 29th of January 2010. For an unofficial translation, see http://www.uzp.gov.pl/en/legal-framework/public-procurement-law/PPL	No comments
Portugal	04/01/2008 (adopted)	The Portuguese legislation in the field of public procurement is extremely rich and complex. The most important legal source is the Code of Public Contracts, established by the Decree-Law 18/2008, modified by the Decree-Law 278/2009 (published recently, on 2/10/2009). The list of national, more relevant legislation in the field of public procurement, including the "Code of Public Contracts" and its amendments, is published in the "Portal Base" (the website where all communications regarding all public contracts entered into by public authorities under the Code of Public Contracts are published) at http://www.base.gov.pt/Paginas/Default.aspx , in particular http://www.base.gov.pt/legislacao/Paginas/default.aspx ;	No comments
Romania	30/06/2006 (entry into force)	The applicable law is the Government Emergency Ordinance no. 34 of 2006 regarding Public Procurement, which was last updated on March 12, 2009, via the Government Emergency Ordinance no. 19 of 2009. See http://www.oecd.org/dataoecd/7/18/39646004.pdf , and http://www.elicitatie.ro/Public/Static/ro/Legislatie/ORDONANTA34_2006_actualizata12martie2009.doc	No comments
Slovakia	3/01/2006 (entry into force)	The new Directives have been transposed into national legislation by the Act on Public Procurement No. 25/2006 Coll. The new Act replaced the previous laws on public procurement. For an official translation, see the following link for the primary act: http://www.oecd.org/dataoecd/6/35/39646945.pdf , and see the following link for the Annexes to this act: http://www.oecd.org/dataoecd/6/34/39646981.pdf	No comments
Slovenia	23/11/2006 (adopted) 23/12/2006 (entry into force)	The Directives were implemented through the Public Procurement Act and the Public Procurement in Water Management, Energy, Transport and Postal services Area Act adopted in November 2006: • Public Procurement Act (Official Gazette of the Republic of Slovenia, No. 128/2006, 16/2008, http://zakonodaja.gov.si/rpsi/r08/predpis_ZAKO4298.html). • Public Procurement in Water Management, Energy, Transport and Postal Services Area Act (Official Gazette of the Republic of Slovenia, No. 128/2006, 16/2008, http://zakonodaja.gov.si/rpsi/r09/predpis_ZAKO4299.html) For an official translation of the Public Procurement Act and the Public Procurement in Water Management, Energy, Transport and Postal services Area Act, without the amendments adopted in February 2008, see: http://www.mf.gov.si/slov/javnar/ZJN-2_anql.pdf and http://www.mf.gov.si/slov/javnar/anql_ZJNVETPS.pdf .	No comments
Spain	30/10/2007 (adopted) 31/05/2007 (entry into force)	The central act is the Law 30/2007, of 30 October 2007, of Public Sector Contracts (PSC, hereinafter the 'Public Procurement Act'); see http://www.060.es/te/ayudamos/a/legislacion/disposiciones/39482_LEG-ides-idweb.html .	No comments
Sweden	22/11/2007 (adopted) 01/01/2008 (entry into force)	Public procurement in Sweden is regulated by the Swedish Public Procurement Act (2007:1091) (http://www.notisum.se/rnp/sls/lag/20071091.HTM), and the Swedish Utilities Procurement Act (2007:1092) (http://www.notisum.se/rnp/sls/lag/20071092.HTM), which came into force on 1 January 2008, and the Act on Free Choice Systems	No comments

	force)	http://www.notisum.se/mp/sls/lag/20080962.htm) which came into force on 1 January 2009.	
Turkey	N.A.	The primary laws are presently the Public Procurement Law No. 4734 and the Public Procurement Contracts Law No. 4735 which came into force on January 1, 2003. In parallel with the amendments in EU legislation, Law No. 4734 was amended with the Law No. 5812 on November 20, 2008. An unofficial translation is made available here: http://www.ihale.gov.tr/english/english47341.htm ; however, this translation appears to precede the implementation of Law No 5812, and therefore does not yet contain provisions with respect to eProcurement. Further revisions are planned to ensure full compliance with Directives 2004/17/EC and 2004/18/EC.	No comments
UK	<p>England, Wales and Northern Ireland :</p> <p>9/01//2006 (adopted)</p> <p>31/01/2006 (entry into force)</p> <p>Scotland :</p> <p>5/01//2006 (adopted)</p> <p>31/01/2006 (entry into force)</p>	<p>The Regulations that came into force on 31 January 2006 are:</p> <ul style="list-style-type: none"> • For England, Wales and Northern Ireland: <ul style="list-style-type: none"> ○ The Public Contracts Regulations 2006 (SI 2006 No.5) - Public Authorities (the State, regional and local authorities and other public bodies); http://www.opsi.gov.uk/si/si2006/20060005.htm ○ The Utilities Contracts Regulations 2006 (SI 2006 No.6) - Utilities (Operators in the water, energy, transport and telecommunications sectors); http://www.opsi.gov.uk/si/si2006/20060006.htm • Scotland : <ul style="list-style-type: none"> ○ The Public Contracts Regulations 2006 (SSI 2006 No 1) ; http://www.opsi.gov.uk/legislation/scotland/ssi2006/ssi_20060001_en.pdf ○ The Utilities Contracts Regulations 2006 (SSI 2006 no 2): http://www.opsi.gov.uk/legislation/scotland/ssi2006/ssi_20060002_en.pdf 	No comments

Annex G: Overview of national eSignature regulations and infrastructure

Annex G1: National regulations with respect to eSignatures, eCommunication and accreditation

The table below will indicate for each country:

- If any notable variation of the Directives' rules are known with respect to 42.4 and 42.5 (a) and (d) as discussed above (i.e. the mandatory provisions, which all Member States were required to transpose;
- If and how any rules with respect to electronic signatures were implemented (article 42.5 (b))
- If and how any rules with respect to voluntary accreditation schemes were implemented (article 42.5 (c)).

The specific provisions (article/paragraph/section) will be identified explicitly, if known.

If specific provisions were included in the legislations that could positively or negatively impact cross border interoperability, these will be flagged explicitly.

Country	Notes
Austria	<p>eCommunications in general: detailed provisions for eProcurement have been provided in §113 and following, and specifically for eTendering in §91 and following. Generally speaking, eSubmission is only allowed if this is indicated in the specifications. Document formats must also be specified in the specifications, and these must allow the appropriate signature type to be used. Evidences must be submitted in paper form if they are unavailable in an electronically signed form ('sofern diese nicht in elektronisch signierter Form übermittelt werden'), i.e. use of electronic signatures (not necessarily advanced electronic signatures) is also required of evidences.</p> <p>eSignatures: the law requires the use of 'secure electronic signatures' (<i>Sichere elektronische Signatur</i>), corresponding to the aforementioned concept of a qualified signature (§43.4).</p> <p>Voluntary accreditation schemes: no known voluntary accreditation schemes were installed.</p>
Belgium	<p>eCommunications in general: several changes aim to improve security and integrity, e.g. the requirement that any electronic offers showing signs of malicious macros or viruses are placed in a security archive; in this case, they may be considered as not having been received. The contracting authority may decide on its own authority whether eTendering can be used (art. 66quater par. 2 of the Royal Decree of 10 January 1996, as amended). Article 66quater §3 of this Royal Decree contains a series of measures that can be taken 'to resolve certain problems that can present themselves' when using eProcurement. Specifically, the contracting authority may allow economic operators to submit extensive electronic documents via a double submission process, with the first phase containing only signed basic information (identity, date, price etc), and the second containing all relevant information (again electronically signed). Alternatively, the economic operator may be allowed to submit a back-up copy (security copy) of the tender, either electronically or in a paper format, which will only be opened in case of issues with the electronic version. In addition, it must be noted that electronic evidences to show compliance with exclusion or selection criteria only have to be provided if they are not freely available to the contracting authority (which is the case for many administrative documents relating to Belgian economic operators). This may result in a de facto competitive advantage (although not a legal discrimination, as the rule applies equally to all economic operators).</p> <p>eSignatures: qualified signatures must be used (art. 66quater par. 1 of the Royal Decree of 10 January 1996, as amended)</p> <p>Voluntary accreditation schemes: no known voluntary accreditation schemes were installed.</p>

Bulgaria	<p>eCommunications in general: no known notable changes to the binding provisions of the Directives.</p> <p>eSignatures: the terms and conditions of the Electronic Documents and Electronic Signatures Act (EDES) must be followed, which means that a so called universal signature must be used. This is a type of advanced electronic signature which is supported by a qualified certificate issued by a registered Certification Service Provider (i.e. registered in Bulgaria). This has clear interoperability repercussions, as it implies only Bulgarian CSPs can meet the legal requirements. Permissibility of eSubmission must be indicated by the contracting authority.</p> <p>Voluntary accreditation schemes: no known voluntary accreditation schemes were installed.</p>
Croatia	<p>eCommunications in general: no known notable changes to the binding provisions of the Directives.</p> <p>eSignatures: advanced electronic signatures must be used (art.30 §7). Permissibility of eSubmission must be indicated by the contracting authority (art.30 §6)</p> <p>Voluntary accreditation schemes: no known voluntary accreditation schemes were installed.</p>
Cyprus	<p>eCommunications in general: no known notable changes to the binding provisions of the Directives.</p> <p>eSignatures: use of a qualified signature may be required by the contracting authority (not mandatory).</p> <p>Voluntary accreditation schemes: The Council of Ministers may establish voluntary accreditation schemes aiming at enhanced levels of certification service provision for these devices, but no such schemes have yet been introduced.</p>
Czech Republic	<p>eCommunications in general: no known notable changes to the binding provisions of the Directives. However, the Public Procurement Act also establishes a list of accredited service providers, who only need to provide an extract from this list to show their compliance with public procurement requirements.</p> <p>eSignatures: advanced signatures based on qualified certificates must be used; the contracting authority may also require that an electronic mark based on a qualified system certificate is used; the latter option is a type of signature under Czech law which can be considered as an electronic signature created directly by/on behalf of a legal entity, and which meets specific requirements. This has clear interoperability repercussions for foreign tenderers, where this concept may not be known.</p> <p>Voluntary accreditation schemes: §143 of the Public Procurement Act states that electronic tools may only be used in public procurements 'if they have been duly attested by the Ministry of Informatics. Applications for attest shall attract a fee. The fee shall amount to CZK 100,000. Details about the attestation, provisions of the application for attestation, and the amount of the application fee, shall be stipulated in implementing regulations.' Electronic tools are defined in the act as 'the hardware or software, and/or their parts, linked to the electronic communication networks or services and facilitating the performance of acts in electronic format under this Act through such electronic communication networks or services, including processing, such as digital compression, and data storage.' It is however doubtful whether this can be labelled as a voluntary accreditation scheme in the sense of the Directives, since it is mandatory rather than voluntary. Therefore, this rule should be considered a compliance verification requirement rather than an accreditation scheme.</p>
Denmark	<p>eCommunications in general: no changes to the binding provisions of the Directives, due to the transposition telle quelle.</p> <p>eSignatures: no changes to the binding provisions of the Directives, due to the transposition telle quelle. Therefore, there is no binding signature requirement under Danish law (although contracting authorities may impose specific signature requirements for specific procurements).</p> <p>Voluntary accreditation schemes: no changes to the binding provisions of the Directives, due to the transposition telle quelle. Therefore, there is no accreditation scheme in place.</p>
Estonia	<p>eCommunications in general: no known notable changes to the binding provisions of the Directives. However, the Public Procurement Act also establishes a list of approved undertakings, who only need to provide an extract from this list to show their compliance with public procurement requirements.</p> <p>eSignatures: if electronic signatures are used, they must comply with the provisions of the eSignatures Directive; however, their usage is not mandatory (§55 (5)¹ of the Act), and de facto they are rarely used.</p> <p>Voluntary accreditation schemes: no known voluntary accreditation schemes were installed.</p>
Finland	<p>eCommunications in general: the Act itself contains only the simple provision that "all communication and information exchanged may be by post, by fax or by electronic means according to the choice of the contracting authority. The means of communication chosen must be generally available and not restrict the suppliers' access to the tendering procedure." (section 51 (1) of the Act.</p> <p>eSignatures: no requirement with respect to eSignatures.</p> <p>Voluntary accreditation schemes: no known voluntary accreditation schemes were installed.</p>
France	<p>eCommunications in general: article 56 of the Public Procurement Code contains general rules with respect to dematerialisation. The contracting authority will stipulate if electronic means of communication may be used. A single mode of transmission (either all paper, or all electronic) must be used. After 1 January 2010, eProcurement may be required by the contracting authority, and starting from that same date it will be obligatory for all ICT procurements of more than 90.000 EUR (VAT not included). After 1 January 2012, the contracting authority may not refuse any electronic communication in any procurement over that same threshold. When submitting an electronic bid, economic operators may elect to submit paper back-up copies.</p>

	<p>eSignatures: electronic offers must be signed using a certificate meeting the requirements established through a ministerial decree (Art. 48, par. 1). This Decree of 26 August 2006²⁴ refers to a limited list of supported certificates which meet the requirements of the security reference framework used in France for electronic signatures used in public sector applications. This list is published here: http://www.entreprises.minefi.gouv.fr/certificats/. Obviously, this restriction has interoperability implications.</p> <p>Voluntary accreditation schemes: no known voluntary accreditation schemes were installed (the aforementioned reference framework is not voluntary for eProcurements, and therefore does not qualify).</p>
Germany	<p>eCommunications in general: no known notable changes to the binding provisions of the Directives.</p> <p>eSignatures: electronic signatures are mandatory, and must follow the requirements specified by the contracting authority or use qualified signatures (§21 (1).2 of the Contract and Award Terms).</p> <p>Voluntary accreditation schemes: no known voluntary accreditation schemes were installed.</p>
Greece	<p>eCommunications in general: unknown.</p> <p>eSignatures: article 36 (5)b of P.D. 60/2007 notes that bids must be accompanied by a qualified signature ("an electronic signature as defined in Article 5 par.1 Directive 1999/93/EC as transposed into Greek law by Presidential Decree 150/2001 (A 125)").</p> <p>Voluntary accreditation schemes: unknown.</p>
Hungary	<p>eCommunications in general: no known notable changes to the binding provisions of the Directives.</p> <p>eSignatures: qualified signatures must be used.</p> <p>Voluntary accreditation schemes: no known voluntary accreditation schemes were installed.</p>
Iceland	<p>eCommunications in general: no known notable changes to the binding provisions of the Directives.</p> <p>eSignatures: article 68 (b) of the Public Procurement Act allows contracting authorities to require that advanced electronic signatures are used.</p> <p>Voluntary accreditation schemes: no known voluntary accreditation schemes were installed.</p>
Ireland	<p>eCommunications in general: no known notable changes to the binding provisions of the Directives.</p> <p>eSignatures: electronic signatures must comply with the Electronic Commerce Act 2000; however, no signature types are made mandatory (Schedule 5 to the Public Sector Procurement Regulations 2006)</p> <p>Voluntary accreditation schemes: no known voluntary accreditation schemes were installed.</p>
Italy	<p>eCommunications in general: article 77 of the relevant Dlgs requires the observance of the Legislative Decree 7 March 2005 No 82 (Digital Administration Code) and Legislative Decree 28 February 2005, n. 42 (establishment of public system connectivity and international network of public administration, under Article 10 of Law 29 July 2003, n. 229). In particular, the exchange of communications between contracting authorities and economic operators must be made by certified mail, pursuant to Article 48 of Legislative Decree 7 March 2005 No 82 of the Decree of President of the Republic of 11 February 2005, n. 68 of Presidential Decree of 28 December 2000, n. 445.</p> <p>eSignatures: only the digital signatures as defined and regulated by Legislative Decree 7 March 2005 No 82 are permitted. This is a special type of qualified electronic signature with extra requirements (art.77.6(c)).</p> <p>Voluntary accreditation schemes: none, apart from the voluntary accreditation scheme applicable to the CAs issuing the certificates for the aforementioned digital signatures.</p>
Latvia	<p>eCommunications in general: no known notable changes to the binding provisions of the Directives.</p> <p>eSignatures: an electronic signature in accordance with the Electronic Documents Law must be used, under article 54 (5.2) of the Public Procurement Act. This law defines both the electronic signature and the qualified signature (but not an advanced electronic signature), so that there is a relatively large freedom to choose an appropriate signature type.</p> <p>Voluntary accreditation schemes: no known voluntary accreditation schemes were installed.</p>
Liechtenstein	<p>eCommunications in general: no known notable changes to the binding provisions of the Directives.</p> <p>eSignatures: usage of a signature in accordance with the eSignatures Act (Signaturgesetz) is required, but not specific signature type is required. Contracting authorities are thus free to specify this. (art. 31 1a. of the relevant Decree; see http://www.gesetze.li/get_pdf.jsp?PDF=2005223.pdf)</p> <p>Voluntary accreditation schemes: no known voluntary accreditation schemes were installed.</p>
Lithuania	<p>eCommunications in general: no known notable changes to the binding provisions of the Directives.</p> <p>eSignatures: under article 17 of the Public Procurement Act, advanced electronic signatures must be used.</p> <p>Voluntary accreditation schemes: no known voluntary accreditation schemes were installed (although the law has</p>

²⁴ See http://www.marche-public.fr/Marches-publics/Textes/Arretes/Arrete_2006_08_28_dematerialisation.htm

	also transposed the provision permitting the introduction of such schemes.
Luxembourg	<p>eCommunications in general: no known notable changes to the binding provisions of the Directives.</p> <p>eSignatures: Annex V of the relevant Decree requires only that the offer is signed in accordance with the eSignatures Act; thus, no specific signature types are imposed.</p> <p>Voluntary accreditation schemes: no known voluntary accreditation schemes were installed.</p>
Malta	<p>eCommunications in general: no known notable changes to the binding provisions of the Directives.</p> <p>eSignatures: contracting authorities may require that electronic tenders are signed with an advanced electronic signature; however, this is not mandatory (Art. 44 of the Regulation).</p> <p>Voluntary accreditation schemes: contracting authorities may require that economic operators comply with a voluntary accreditation scheme; however, this is not mandatory (Art. 44 of the Regulation).</p>
The Netherlands	<p>eCommunications in general: no known notable changes to the binding provisions of the Directives.</p> <p>eSignatures: According to Articles 42, 8 BAO and 49,8 BASS, the contracting authority may make the use of an advanced electronic signature mandatory as laid down in the Dutch Civil Code.</p> <p>Voluntary accreditation schemes: On the basis of Articles 42, 11 BAO and 49, 11 BASS, the contracting authority may introduce or keep voluntary accreditation arrangements in the framework of the advanced electronic signatures, allowing contracting authorities to specify on a case by case basis which types of signatures they deem necessary and mandatory (including the use of specific accreditation schemes, if desired).</p>
Norway	<p>eCommunications in general: no known notable changes to the binding provisions of the Directives.</p> <p>eSignatures: use of advanced electronic signatures may be required by the contracting authority, but this is not mandatory. In practice, use of the main technical solutions (Doffin and ehandel) is based on user credentials (username and password). eHandel also supports PKI based authentication using certificates issued by various CSPs that comply with the Norwegian Requirement Specifications for PKI in the public sector, including various private certification service providers, eg. Buypass and BankID.</p> <p>Voluntary accreditation schemes: The aforementioned Requirement Specifications for PKI in the public sector are a form of voluntary accreditation scheme (for PKI in the public sector in general; not for eProcurement specifically).</p>
Poland	<p>eCommunications in general: no known notable changes to the binding provisions of the Directives.</p> <p>eSignatures: tenders must be submitted in writing or if the awarding entity agrees, in electronic form with a secure electronic signature based on a qualified certificate (Art. 82, par. 2, PPL)..</p> <p>Voluntary accreditation schemes: no known voluntary accreditation schemes were installed.</p>
Portugal	<p>eCommunications in general: no known notable changes to the binding provisions of the Directives.</p> <p>eSignatures: Both the Decree-law 143-A/2008 and the Administrative Order n.o 701-G/2008, impose the use of qualified e-signatures.</p> <p>Voluntary accreditation schemes: no known voluntary accreditation schemes were installed.</p>
Romania	<p>eCommunications in general: no known notable changes to the binding provisions of the Directives.</p> <p>eSignatures: Like the Directives, the transposition allows contracting authorities to require the use of advanced electronic signatures; however, this is not mandatory in all procurements.</p> <p>Voluntary accreditation schemes: no known voluntary accreditation schemes were installed.</p>
Slovakia	<p>eCommunications in general: no known notable changes to the binding provisions of the Directives.</p> <p>eSignatures: tenders must be signed using an electronic signature in accordance with the electronic signatures act. However, this Law only defines an e-signature based on asymmetric cryptography ('digital signature') and does not define a technologically neutral e-signature (as the Signature Directive does via the 'electronic signature' concept.) Therefore, de facto the minimum type of e-signature is the advanced e-signature.</p> <p>Voluntary accreditation schemes: no known voluntary accreditation schemes were installed.</p>
Slovenia	<p>eCommunications in general: no known notable changes to the binding provisions of the Directives. Interestingly, the transposition does note that "Tenderers may submit their tenders electronically if this is supported by the information system used by the contracting authority. The contracting authority shall inform tenderers of the possibility of electronic submission of tenders in the contract documents." (art. 67 (1-2)). Thus, availability of the appropriate infrastructure at the contracting authority's side appears to be the decisive factor.</p> <p>eSignatures: tenders must be accompanied by a secure electronic signature based on a qualified certificate (art. 67 (4)). In addition, the law adds specifically that "Electronic tenders must be accompanied by time stamps." (article 67 (5)). This may be problematic in countries where time stamps are not available as a commercial service, unless time stamping functionality is integrated in the tendering platform itself. Finally, the law also requires that the "information system of the contracting authority must enable archiving of electronic tenders in compliance with this Act, with the law governing electronic commerce and electronic signature, and with the law governing the preservation of documentary and archival materials and archives."</p> <p>Voluntary accreditation schemes: no known voluntary accreditation schemes were installed.</p>

Spain	<p>eCommunications in general: a small addition is made compared to the Directives: the Nineteenth Additional Provision to the Public Procurement Act notes that “programs and applications necessary for the electronic submission of tenders or requests to participate must be in widespread use, easily accessible and non discriminatory, <i>or shall be made available to interested parties by the contracting authority.</i>” (19th Add. Prov, c) The italicised part is an addition compared to the Directives.</p> <p>Also, the 19th Add. Prov, adds two additional rules:</p> <ul style="list-style-type: none"> • In procedures for awarding contracts, electronic delivery of tenders may be done in two phases: first by transmitting only the electronic signature of the offer, the receipt of which will be considered to complete submission, followed secondly by the actual submission within a maximum of 24 hours delay. In the absence of timely receipt of the full bid, it shall be deemed to have been withdrawn. (section h). • The formats of submitted electronic documents must conform to specifications publicly available and not subject to usage restrictions that ensure the free and complete access to them by the contracting authority, the oversight and control bodies the courts and stakeholders, during the period for which records should be retained. In procedures for awarding contracts, acceptable formats should be indicated in the notice or the contract. <p>eSignatures: qualified signatures must be used (Nineteenth Additional Provision to the Public Procurement Act).</p> <p>Voluntary accreditation schemes: a contracting authority may require the tenderers' prior registration in the Official Registry of Tenderers and Classified Companies, a list of approved economic operators (Registro Oficial de Licitadores y Empresas Clasificadas (ROLECE): there is one list at the state level; the Spanish regions may choose to also have a regional ROLECE.</p>
Sweden	<p>eCommunications in general: no known notable changes to the binding provisions of the Directives. Contracting may require offers to be submitted electronically.</p> <p>eSignatures: contracting authorities may require the use of advanced electronic signatures, including qualified signatures; however, this is not required.</p> <p>Voluntary accreditation schemes: no known voluntary accreditation schemes were installed.</p>
Turkey	<p>eCommunications in general: unknown.</p> <p>eSignatures: unknown.</p> <p>Voluntary accreditation schemes: unknown.</p>
United Kingdom	<p>eCommunications in general: no known notable changes to the binding provisions of the Directives.</p> <p>eSignatures: use of electronic signatures may be required by the contracting authority, but this is not mandatory and no signature type is imposed (art. 44 (6)(a) of the Act).</p> <p>Voluntary accreditation schemes: no known voluntary accreditation schemes were installed.</p>

Annex G2: Known eProcurement applications requiring/supporting the use of advanced electronic signatures.

It should be noted that Estonia did not provide a specific profile for eProcurement applications, noting that the same signature infrastructure is universally usable (irrespective of application field). In addition, Estonian law does not require the usage of signatures for public procurement purposes, making the issue somewhat moot.

For Malta, it was reported that the www.contracts.gov.mt web site uses eID as the primary source of authentication. The services currently being offered do not require an eSignature but other services such as setting of alerts and downloading of tender documents can only be executed once the user had authenticated via eID or the system managed access control. Non-Maltese Identity Card holders are offered the facility of registering for a system managed account by providing details (Name, Surname, Address and Identifications Details), once the details have been verified the account is

activated and the user given the same level of services²⁵. As the application does not rely on electronic signatures, it was not included in the table below.

Given the focus on eProcurement solutions with eSignature functionality, the scope of the applications below is unsurprisingly homogenic, comprising exclusively applications that allow tenderers to electronically sign and submit electronic offers.

For each of the applications identified, the table below will indicate the type of signature used, reported signature type, and cross border accessibility (if any).

Country	Application name	Signatures used	Reported signature type	Cross border accessibility
Austria	@-AVA-Online® eTendering Platform	Austrian citizen card, and several foreign cards via assistant software (e.g. Belgium, Italy, Slovenia, etc)	Qualified signatures	Several foreign cards are supported via assistant software (e.g. Belgium, Italy, Slovenia, etc). In addition, foreigners can obtain citizen cards.
Belgium	eTendering	Belgian eID card only	Qualified signatures	None (unless the foreign user has a Belgian eID card).
Czech	The information system on public contracts – publication subsystem	No requirements. Both smartcards and software based certificates are used.	Advanced electronic signature based on qualified certificate	Yes, advanced electronic signatures based on qualified certificate according to e-signature directive are accepted.
Cyprus	e-PS	Not decided yet	Not decided yet	Not decided yet
Denmark	ETHICS	ETHICS contains a CA (certification authority) that issues digital certificates for use by vendors when signing proposals; certificates are specific to the tenderer and tender, following the OCES standard	Advanced signatures	Freely accessible via the internet.
France	Marches-public.gouv.fr	Certificates on a material carrier, depending on the specific solution acquired by the users with the certified certification authorities.	The system currently relies on an advanced electronic signature supported by a qualified certificate (RGS, security level **).	The only requirement is that the CSP is accredited according to the procedure established by the French Government.
Germany	eVergabe	Common PKI compliant qualified and advanced signatures	Advanced signatures[1]	User must have a German advanced signature.

²⁵ Information kindly provided by M. Adrian Camilleri of the Malta Information Technology Agency after the finalization of the Maltese country profile.

Country	Application name	Signatures used	Reported signature type	Cross border accessibility
	AI Tendering	Common PKI compliant qualified signatures by default.	Qualified signatures by default	Uses the Governikus platform, which supports German supervised CSPs by default. The operator can add additional CSPs, including nonqualified ones, if desired.
Ireland	eTenders public procurement portal	Simple login process based on chosen credentials after online registration.	Simple signatures	Freely accessible after online registration
Italy	Acquisti in Rete della Pubblica Amministrazione	Italian accredited CSPs; also, the legal representative of the company must have a valid Italian Fiscal Code number	Qualified signatures	User must have a signature solution of an accredited CSP; otherwise, usage is handled on a case by case basis.
Lithuania	eCatalogue	Lithuanian qualified CSPs issuing qualified certificates on USB sticks	Qualified signatures	User must have a signature solution from a supported qualified CSP.
The Netherlands	TenderNed	Two-factor authentication based on SMS	Simple/advanced signatures[2]	Freely accessible after online registration (which is verified by the Ministry of Economic Affairs).
Norway	eHandel	All certificate levels defined in the Requirement Specifications for PKI for public sector are accepted	AdES, AdES based on QC, and qualified signatures	International extension to unknown qualified eIDs is possible through validation authorities, specifically through the BBS Global Validation Service.
Poland	Five specific applications were described in general terms	Polish qualified CSPs	Qualified signatures	User must have a signature solution from a Polish qualified CSP.
Portugal	e-Tendering	Qualified signature solutions, either the eID card or commercial solutions	Qualified signatures	User must have a signature solution from a Portuguese qualified CSP.
Romania	eProcurement	Romanian qualified CSPs (three private; one public)	Qualified signatures	User must have a signature solution from a supported qualified CSP.
Slovakia	Electronic Public Procurement System EVO	Software certificate (included in pfx (PKCS#12) format file). The use of the certificate file is protected by the password. The user (vendor) sets the password to the certificate token during	At the present Slovak legislation (Act No. 25/2006 Coll. On Public Procurement and on Modification and Amendment) doesn't require usage qualified e-signature. We use just advanced e-signature in	No. The certificate for signing is provided by the EVO system (the e-Tendering application) after a vendor/tenderer has been approved by the contracting authority or utility.

Country	Application name	Signatures used	Reported signature type	Cross border accessibility
		the registration in the EVO system (eTendering system). The password is known only to the vendor. The user makes electronic signature by Adobe Acrobat Application and the software certificate. The certificate is sent to the user by e-mail automatically from the eTendering system.	the field of public procurement.	
Slovenia	Electronic Procurement	The application does not define the type of certificates and tokens. Most people use the authentication and signature features of their software certificates, but some also use smartcards e.g. all governmental employees as clerks at the OSS offices.	The system relies on the advanced signature based on a qualified certificate issued by SIGOV-CA or SIGEN-CA in accordance with Slovene legislation.	The application currently does not support foreign signatures and digital certificates.
Spain	Plataforma de contratación del estado (State Contracting Platform)	Advanced eSignature; Spanish eID card and certificates issued by the Royal Mint (FNMT)	The system requires, at least, the use of an advanced signature, according the eSignature Law (see above), and also admits the Spanish eID which creates qualified signatures	The application supports all non-national signatures admitted by the @firma platform (which at present already admits the Portuguese eID card)
Sweden	ChamberSign	N/A	Advanced electronic signature	Yes, the acceptance of Norwegian and Finnish eIDs is planned for this year.

Annex H – Overview of the follow-up and summary of the impact of each measure foreseen in the 2004 Action Plan

The three objectives of the 2004 Action Plan were broken down into 31 individual measures. In the sections below, we will briefly summarise the follow-up to each measure and its impact.

Annex H1 - Objective 1: Ensure a well functioning Internal Market in electronic public procurement

Four sets of actions were proposed to achieve this objective by the Action Plan:

- Implement the legal framework correctly and on time
- Complete the legal framework by the appropriate basic tools
- Remove / prevent barriers in carrying public procurement procedures electronically
- Detect and address interoperability problems over time

Each of these will be examined in further detail below.

Implement the legal framework correctly and on time

This first action comprised three separate measures, each of which will be examined separately below.

Measure 1: Commission must issue explanatory document on the new rules on electronic public procurement
What progress has been made?
<p>As noted in the Action Plan, the Commission was tasked with closely monitoring the transposition of the Directives and to engage in appropriate exchanges with the Member States at the draft stage in order to facilitate understanding of the legal framework. A specific measure was foreseen requiring the Commission to issue an interpretative document on the legal requirements for eProcurement in the first quarter of 2005.</p> <p>The main intended impact of this measure was to facilitate the correct and timely implementation of the Directive in relation to eProcurement.</p> <p>An explanatory document was adopted with a very minor delay compared to the originally envisaged timeframe, in the form of a Commission Staff Working Document (SEC 959 of 8.7.2005; see http://ec.europa.eu/internal_market/publicprocurement/docs/eprocurement/sec2005-959_en.pdf). Thus, the measure has been implemented in practice.</p>
Criteria to assess if the measure has worked?
<p>Whether or not the original goal of facilitating the correct and timely implementation has been achieved will need to be examined by looking at the national transposition status. Two factors seem specifically relevant:</p>

- Whether the transposition was timely; with respect to possible future actions, the main question is obviously whether transposition is currently complete in all Member States;
- Whether the transposition has been done correctly with respect to eProcurement.

Has the desired effect materialized?

As examined in the analysis chapters, only 9 out of 27 Member States (33%) have transposed the Directives on time. When correcting for the two current Member States Bulgaria and Romania who only joined the EU after the transposition deadline had passed (i.e. when looking only at the EU-25), the percentage stands at 36%. A provisional conclusion appears to be that the Action Plan's goals of ensuring the timely transposition of the regulatory framework were not entirely successful, given the non-compliance rate of 64% in the EU-25.

In contrast, no material errors in the transpositions with respect to eProcurement have been identified, with the only dubious areas being the requirement in some Member States to use only eSignatures which comply with local voluntary accreditation schemes or local regulatory requirements. It can be argued that this is permissible under the Directives' general permission to install voluntary accreditation schemes for devices for the electronic transmission and receipt of tenders and for the electronic receipt of requests to participate. However, the compulsory nature of these requirements seems to negate this stance, given the Directives' insistence that 'The tools to be used for communicating by electronic means, as well as their technical characteristics, must be non-discriminatory, generally available and interoperable with the information and communication technology products in general use.'

Finally, looking at known infringement cases with respect to public procurement²⁶, none of these appear to relate to eProcurement rules in general.

Measure 2: Commission must issue online training demonstrators to familiarize MS with the new e-proc provisions and tools

What progress has been made?

The Action Plan called on the Commission to develop and publish such demonstrators in the first quarter of 2005. The measure was completed in 2005, and applications are available on the IDABC website at <http://ec.europa.eu/idabc/en/document/3488/5874>

The demonstrators are not fully developed applications, but were rather developed to stimulate familiarity with electronic public procurement procedures. The demonstrators support the following electronic procurement phases: eNoticing, eAccess, eSubmission and eAwarding including eAuctions.

Code is distributed under the EUPL open source license.

Criteria to assess if the measure has worked?

Considering that the measure is a part of the action focusing on the correct and timely implementation of the legal framework, it seems that the most appropriate criterion is the transposition of the legal provisions related to the phases covered by the demonstrators (eNoticing, eAccess, eSubmission and eAwarding including eAuctions). In that sense, the goal of the demonstrators would be to illustrate how these phases are to operate in practice, which could serve as a more tangible anchor to guide implementation effort.

Has the desired effect materialized?

²⁶ See http://ec.europa.eu/internal_market/publicprocurement/infringements_en.htm

The legal and policy analysis showed that few problems were presented with respect to eNoticing, eAccess, eSubmission and eAwarding including eAuctions, with the following cautionary notes:

- A significant number of Standard Forms were reported to be misused in practice. However, this seems to be related to a misinterpretation of the contents of the forms, rather than to any confusion about how the technical processes around eNotifications should be implanted (in other words: the issues seem equally likely to occur with eNotifications as with paper notifications).
- Not all countries have implemented a legal framework for eAuctions (which is indeed optional under the Directives), and some gold plating has occurred in practice. However, no provisions contrary to the Directives were reported or identified.
- The continuing issues with respect to eSignature interoperability show that the demonstrators were unable to address this point. This is an area that could be effectively addressed by seeing if/how PEPPOL outputs (which aim to put in place a pilot infrastructure for cross border eProcurement processes covering multiple Member States) could become a part of the demonstrators. However, this relates to a technical interoperability issue, rather than problems with regard to regulatory implementation. The challenges surrounding eSignatures will be further discussed with the appropriate measure.

Measure 3: Commission must provide assistance to MS in transposing the new legal provisions

What progress has been made?

The measure was foreseen to run throughout 2005 in the Action Plan, and has in practice continued ever since. In addition to the aforementioned explanatory document, the eProcurement Working Group (ePWG) of the Advisory Committee for Public Contracts meets three to four times a year (and has done so since 2003). This Group is used inter alia to present study outcomes, discuss interpretation issues and share good practices.

Criteria to assess if the measure has worked?

Similar to the first measure above, since this measure too is a part of the action focusing on the correct and timely implementation of the legal framework, the main success criteria appear to be:

- whether the transposition was timely;
- whether the transposition has been done correctly with respect to eProcurement;
- whether Member States feel a need for further support or clarifications.

Has the desired effect materialized?

The first two criteria have been discussed above. With respect to the third, it can be noted that so far, there have been no formal requests for further clarifications from the Member States. None the less, it has been noted during the eProcurement Working Group meeting that DPS are not well understood, and that several Member States are having difficulties making productive use of DPS within the constrictions of the Directives. That this is more than an informal and subjective observation appears to be corroborated by the fact that DPS appear to be infrequently used and that their usage is reported incorrectly on a very substantial scale using the designated standard forms. Clarification on this issue may be required.

Complete legal framework by the appropriate basic tools

Measure 4: Commission adopts new Standard Forms for procurement notices
What progress has been made?
<p>Given the new eProcurement options offered by the Public Procurement Directives (including publication via buyer profiles, and the use of eAuctions and DPS), the existing forms had to be updated to reflect the new possibilities. Through the new Standard Forms, it should become easier for economic operators to identify relevant opportunities and some key modalities of procurement (e.g. the use of DPS, eAuctions etc.). This should increase participation in public procurements, resulting in increased competition and thus ultimately cost savings. The Action plan called for the Commission to adopt new Standard Forms in early 2005.</p> <p>The new Standard Forms were adopted through the Regulation on Revised Standard Forms of 7 October 2005, which streamlined the existing forms. These forms can be found on the SIMAP website (http://simap.europa.eu/buyer/forms-standard/index_en.htm). Forms can be completed and sent in for publication via the eNotices site (http://simap.europa.eu/enotices/changeLanguage.do?language=en), or via the eSenders service (provided that the form is sent by a registered OJS eSender).</p>
Criteria to assess if the measure has worked?
<p>As the uptake of eNotifications as such is dealt with below, the main question for this measure is whether the new Standard Forms are being used correctly and coherently, specifically with respect to the eProcurement elements covered therein (buyer profiles, DPS and eAuctions).</p>
Has the desired effect materialized?
<p>The uptake section above included an examination of the usage of the relevant Standard Forms, notably:</p> <ul style="list-style-type: none"> • Forms 1 and 2 (Prior information notice and Contract notice) allowing the contracting authority to indicate its Buyer Profile (if applicable); • Form 2 (Contract notice), requiring the contracting authority to indicate whether a DPS will be established and whether eAuctions will be used. • Form 3 (Contract award notice), requiring the contracting authority to indicate whether the contract is based on a DPS and whether eAuctions have been used. • Form 8 (Notice on a Buyer Profile), which the contracting authority must submit when a contracting authority wishes to publish a prior information notice or a periodic indicative notice via its Buyer Profile. • Form 9 (Simplified contract notice on a dynamic purchasing system), indicating that a contracting authority wishes to launch a specific contract under a DPS. <p>The analysis showed that there were indications of significant misuse of some of the forms:</p> <ul style="list-style-type: none"> • With respect to eAuctions, minor reliability problems were flagged, indicated notably by the fact that eAuction notices were received from countries that did not have a legal framework for eAuctions. Thus, a limited sample of notices are likely incorrect. • With respect to buyer profiles, many of the forms 8 did not contain a reference to a URL where the buyer profile could be found, and where an URL was indicated, frequently no buyer profile could be found. While it is possible that buyer profiles were removed after the notice was posted, the scale of the issue seems to suggest that the notices are used incorrectly at a

significant level.

- With respect to DPS, there are significant indications that the notices are used incorrectly as well. Again, DPS were reported from countries that did not have a legal framework to support DPS, and experts from countries that did have a legal framework noted that the number of DPS reported was implausibly high.

In summary, while the Standard Forms are being used in practice, there are clear issues with their use in practice. This is not only a barrier to reliable statistical analysis, but also (and more importantly) to their practical usage by economic operators as tools to discover eProcurement opportunities.

It seems that Member States need more guidance in the appropriate use of the notices, and/or they need to ensure that the contracting authorities filling out the forms understand them correctly. Either way, it is clear that the quality of the submitted notices needs to be improved.

Measure 5: Commission coordinates the revision of the CPV

What progress has been made?

The Common Procurement Vocabulary is a fundamental tool for facilitating cross border public procurements, as it ensures that the Member States have a common conceptual ontology for describing their procurement needs that they can draw on. In addition, the CPV allows public procurement data to be more easily compared and analysed, thus improving policy making.

The CPV was introduced in 2002, and its use was made mandatory by the Directives. However, the Action Plan noted that there was a need to revise the existing CPV “to adjust it for use in a fully electronic environment.” The Action Plan thus called upon the Commission to present proposals for revising the Common Procurement Vocabulary in 2006, to be based on the results of an ongoing review study.

The measure was finalised through the adoption of a Regulation on a revised CPV of 28 November 2007 (Regulation (EC) No. 213/2008), which entered into force on 12 September 2008; see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:074:0001:0375:EN:PDF>

Correspondence tables between the new and old versions of the CPV have also been made available. See http://ec.europa.eu/internal_market/publicprocurement/eProcurement_en.htm#cpv

Criteria to assess if the measure has worked?

Since usage of the CPV in the notices to be published at the European level is mandatory, the direct criterion of uptake by the Member States may not be the most meaningful one. Rather, a more interesting criterion is the extent to which the CPV has been taken up outside the context of the mandatory notices, including specifically in eProcurement portals (as a tool to search for opportunities or to receive automatic notifications) and in eCatalogues.

Has the desired effect materialized?

While clear statistical data on the usage of the CPV in eProcurement portals is limited, key case studies show that the CPV is indeed used in eProcurement portals, both as a tool to allow contracting authorities to create ITTs and as a tool to allow economic operators to register their interest in a specific product/service type.

With respect to eCatalogues, standardisation work is currently ongoing within the CEN Workshop on 'Multilingual eCataloguing and eClassification in eBusiness' (WS/eCAT), currently covering two projects:

- ePPS (electronic product property server) deals with guidelines for the design, implementation and operation of a product property server. A pilot test case will be run in an industry sector (heating ventilation, air conditioning sanitary-ware).

- CC3P (classification and catalogue systems for public and private procurement) analyses the CPV and classification systems used in the private sector (UNSPSC, GPC and eCl@ss). The CC3P project will propose harmonisation, mapping methodologies, recommendation on their use in electronic catalogues and areas of improvement in the CPV

Finally, within the PEPPOL project, ongoing eCatalogues work will also support the use of CPV as a hub classification, in addition to other classifications systems.

Thus, the CPV has seen clear interest and take-up, with the principal question being the desirable future alignment with other classification systems, and the extension of the CPV to a more detailed level, mainly to enhance its usability for eCatalogue systems.

Measure 6: Commission provides a blueprint for a fully electronic system for the collection and publication of procurement notices on TED

What progress has been made?

The Action Plan called upon the Commission to complete this measure by the end of 2006. The corresponding feasibility study was completed in July 2007 ('Mandatory electronic transmission of procurement notices for publication'), and published in three volumes:

- Vol. I - Electronic transmission of public procurement notices for publication: http://ec.europa.eu/internal_market/publicprocurement/docs/eprocurement/feasibility/enot-vol-1_en.pdf
- Vol. II - Country profiles: http://ec.europa.eu/internal_market/publicprocurement/docs/eprocurement/feasibility/enot-vol-2_en.pdf
- Vol. III - Analytical framework: http://ec.europa.eu/internal_market/publicprocurement/docs/eprocurement/feasibility/enot-vol-3_en.pdf

The main report presents recommendations and a roadmap for the introduction of a framework supporting the mandatory electronic transmission of procurement notices for publication. A "Light" and a "Sophisticated" scenario for mandatory eNotification are presented as guidelines and recommendations to be followed by each country.

- The "Light scenario" aims to achieve greater efficiency in the submission of procurement notices with as few changes of the status quo as possible. It focuses on operational and organisational aspects of the eNotification process covering the data gathering, creation, verification, and transmission of procurement notices. The main objective is the establishment of a concrete and reasonable framework for each country that will simplify and modernise the eNotification process and mandate the full electronic transmission of notices to the OJS.
- The "Sophisticated scenario" aims for the development of a comprehensive ICT strategy (i.e. policy and regulation) to improve overall the ICT capacity, the efficiency and effectiveness of the eNotification process, as well as, to increase participation and competition of all interested parties. Thus the scenario takes eNotification one step further by applying advanced requirements in terms of technical and functional interoperability, security (authentication and encryption), and verification specifications.

Following the scenario analysis, recommendations are elaborated along with relevant timeframes for the necessary preparatory actions EU and EEA Member States should undertake to mandate the electronic transmission of notices. A roadmap indicates the steps forward to realize both the Light and the Sophisticated scenario.

Criteria to assess if the measure has worked?

The measure serves mainly as a preparation for further policy actions, including specifically to determine if/how a transition to a fully electronic eNotification could be achieved. Actual take-up of eNotification systems will be discussed briefly below.
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Has the desired effect materialized?

The study has contributed to a greater understanding of the challenges for the systematic/exclusive use of eNotices, and to establishing a roadmap for this evolution.
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Measure 7: Member States implement fully electronic systems at national level including appropriate tools for automated collection and publishing in TED
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What progress has been made?

The Action Plan called on Member States to implement fully electronic systems for the collection and publishing of eNotices in TED by the end of 2007. While the exclusive usage of eNotices was not covered by the Public Procurement Directives, a gradual transition was none the less considered a favourable option in the Action Plan. For this reason, the Commission provides services for publication via the eNotices site (http://simap.europa.eu/enotices/changeLanguage.do?language=en), or via the eSenders service (provided that the form is sent by a registered OJS eSender).

Criteria to assess if the measure has worked?

Given the stated goal, the main criterion to judge the effectiveness of the measure is obviously the (voluntary) uptake of eNotices versus paper notices.

Has the desired effect materialized?

The aforementioned study examined the extent to which eNotices are being used, and the results appear to be substantially positive: the most recent figures for 2009 point to 87% of all notices being transmitted electronically, compared to 30% in 2005. The percentage still appears to be increasing on an annual basis (with 2009 showing a 5% increase over the 84% in 2008). This was also corroborated in the uptake section above, which indeed showed that eNotification and electronic access to tender documents were the phases of eProcurement most frequently offered. Since growth is still continuing, the limits of voluntary uptake do not yet appear to have been reached. However, considering the high uptake rate, it seems the time is ripe to initiate discussions on a mandatory use of eNotices, based on one of the two scenarios (Light or Sophisticated) described above.
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Remove/prevent barriers in e- procurement procedures

Measure 8: MS and Commission issue functional requirements for eProcurement systems
What progress has been made?
<p>The Action Plan required Member States and the Commission to test, refine and validate the results of the IDA common functional requirements for eProcurement systems, based on the 2004 IDA study on common functional requirements in the course of 2005.</p> <p>The measure was completed via the Report on Preliminary Functional Requirements for eProcurement (see the two main Volumes:</p> <ul style="list-style-type: none"> • Volume I : http://ec.europa.eu/internal_market/publicprocurement/docs/eprocurement/functional-requirements-vol1_en.pdf • Volume II : http://ec.europa.eu/internal_market/publicprocurement/docs/eprocurement/functional-requirements-vol2_en.pdf) <p>The report analyses procedural aspects of the eProcurement procedures described by the European directives and defines functional and non-functional requirements for implementing them electronically. It also provides technical solutions for their implementation enriched with good practices collected. The report is structured in two volumes. Volume I presents information and activity flows for all eProcurement procedures, functional and non-functional requirements, an overview of technical specifications and open issues. Volume II presents a use case analysis of an eProcurement system supporting all eProcurement procedures.</p> <p>The report was followed in 2007 by an “Additional Report on Preliminary Functional Requirements for eCatalogues”, repeating the exercise in an eCatalogues context; see http://ec.europa.eu/internal_market/publicprocurement/docs/eprocurement/feasibility/ecat-vol-3_en.pdf</p>
Criteria to assess if the measure has worked?
<p>Given that the report was intended to clarify the requirements for the operation of eProcurement systems, the most appropriate success criterion appears to be the functionality of eProcurement systems, and specifically whether or not interoperability barriers have been resolved.</p>
Has the desired effect materialized?
<p>Based on the overview of the available infrastructure, it seems that there is a strong trend towards the centralized development of eProcurement portals in most countries, with functionalities becoming increasingly advanced. However, systems which support all functionalities described in the functional requirements report (including supporting evaluation, DPS, eCatalogues and eAuctions) still appear to be relatively rare, however. The majority of the successful use cases appear to focus on the use of electronic means to support framework contracts; one-off eProcurements appear to be less common so far. With respect to interoperability, as will be examined below, cross border impact appears to be limited, with electronic signatures still presenting an interoperability barrier.</p>

Measure 9: MS review whether eProcurement systems have adjusted to Directives
What progress has been made?
The Action Plan required Member States to review in early 2006 whether all operational eProcurement systems have been adjusted to the requirements of the Directives. No systematic information is available to determine if the Member States have completed this measure and whether they have done so on time; however, given that the transposition of the Directives was not completed in most Member States in early 2006, compliance with this specific measure is likely to have been limited.
Criteria to assess if the measure has worked?
Irrespective of the timing and the actual performance of the measure, the main result should be that existing and new eProcurement systems operate in full compliance with the Directives. This is hard to assess, especially given the fact that the Directives do not mandate the use of eProcurement in any context (although some Member States have created such an obligation in certain contexts, as was noted above), and that the implementation of certain tools and processes (notably DPS and eAuctions) was optional, so that the lack of usage of eProcurement as such is not indicative of non-compliance with the Directives. The main effective criteria therefore appears to be whether or not the analysis above has revealed specific shortcomings, and whether there exist any specific complaints and/or infringement proceedings with respect to the operation of specific eProcurement systems.
Has the desired effect materialized?
Based on the present study, the examined eProcurement systems appear to be operating in accordance with the provisions of the Directives.

Measure 10: MS introduce national accreditation schemes to verify legal compliance
What progress has been made?
To build up confidence in eProcurement, the Action Plan noted that the development of compliance verification schemes should be promoted. The Commission strongly recommended Member States to introduce or maintain voluntary accreditation schemes to ascertain that eProcurement systems conform to the requirements of the Directives. Such schemes are intended to facilitate the verification that the systems and tools existing or forthcoming in electronic public procurement comply with the requirements of the new public procurement Directives, e.g. through voluntary accreditation schemes. The measure was foreseen to be completed by mid-2005; however, due to delays in the implementation of the legal framework, most Member States did not meet this requirement. Compliance with the measure was measured in the 2007 Study on Compliance Verification in Electronic Public Procurement; see http://ec.europa.eu/internal_market/publicprocurement/docs/eprocurement/feasibility/compliance-final-report_en.pdf
Criteria to assess if the measure has worked?
In addition to the aforementioned criterion of whether transgressions against the Directives have been identified within eProcurement systems, the more direct question is whether or not compliance verification schemes have been implemented in practice. The aforementioned study determined that an official verification strategy was used in 48% of the Member States, and that the verification may be carried out either by a nationally recognised central agency or externally by an independent 3rd party.

Internal strategies are utilised in 59% of the Member States. This figure is higher, as it includes those strategies which, although effective, are not recognised officially through a documented procedure or standard, and are based purely on internally designed, albeit valid, processes. Only very few states (11%) have not yet adopted a verification strategy of any sort, due primarily to the stage of development of the system.

Thus, compliance verification systems have been established in some form in most countries, although not universally.

Has the desired effect materialized?

As noted above, the examined eProcurement systems appear to be operating in accordance with the provisions of the Directives. Given that this was the stated goal of compliance verification schemes, the effect appears to have materialized.

Measure 11: MS and Commission perform a feasibility study for a European compliance verification scheme

What progress has been made?

To scale the expected beneficial impact of compliance verification schemes to a European level, the Action Plan already signaled the possibility of introducing a European scheme which would build on and integrate national schemes. This would ensure that all Member States operate on an equal footing, and would help Member States that have not yet established coherent compliance verification schemes to address this gap. Thus, the Action Plan required the completion of a feasibility study to examine the development of such a TRUST (Transparent Reliable Unhindered Secure Tendering) scheme based on the functional requirements, to be performed by the end of 2005.

The study was completed through the aforementioned 2007 Study on Compliance Verification in Electronic Public Procurement; see http://ec.europa.eu/internal_market/publicprocurement/docs/eprocurement/feasibility/compliance-final-report_en.pdf. This study proposed three different reference scenarios to support compliance verification mechanisms at the European level:

- the Lite one (voluntary, to result in a quality label)
- the Looking Ahead one (requiring the creation of a European agency and European standards);
- the Harmonised Europe one (based on national notified bodies).

In conclusion, the study identifies two different scenarios for a common compliance verification mechanism.

- The first one makes reference to the LITE one but it is considered by the study team as insufficiently ambitious and therefore unable to reach the goal of effectively allowing a verification.
- The second one couples the other two scenarios and has a much more integrated approach.

Criteria to assess if the measure has worked?

The main goal of the study was not yet to propose a common verification scheme, but rather to examine the feasibility thereof, thus aiming to open the debate to this possibility.

Has the desired effect materialized?

The effect appears to have materialized, to the extent that the possibility of a common European compliance verification scheme was positively received by the eProcurement Working Group (15th ePWG meeting on 11/2007), although specific details are admittedly still to be examined. None the less, the principle appears to be established as a desirable option.

Measure 12: Commission proposes initiatives under the IDABC programme to assist the MS to resolve interoperability problems for e-signatures

What progress has been made?

One of the major barriers to cross border eProcurement is the lack of interoperability between some of the key building blocks in the electronic processes involved, including electronic signatures. These issues are however not specific to a public procurement context, and they are therefore dealt with more generally through the IDABC programme.

Recognising this, the Action Planned therefore called upon the Commission to continue activities on electronic public procurement under the IDABC programme (2005-2006), specifically by stimulating further exchange and discussion on interoperability issues and monitoring of Member States developments.

The main intended impact of this measure was to ensure that interoperability progress could be made at the horizontal level, with the field of eProcurement being one application domain.

This work is ongoing on a continuous basis, via the periodically updated IDABC programmes. Noted examples include:

- the IDABC programme 2005-2010 contains an entry on the implementation of the Action Plan; the IDABC programme is the main source of funding for technical interoperability studies;
- the IDABC eProcurement Expert Group is run jointly by IDABC/MARKT C1, and meets 2-3 times per year.

Within this framework, the IDABC also launched and completed several relevant studies aiming to examine eSignature interoperability problems and to propose specific solutions, including via the 2007 and 2009 Preliminary study on mutual recognition of eSignatures for eGovernment applications (see <http://ec.europa.eu/idabc/en/document/6485>), with the 2009 edition examining specifically the issue of eSignature interoperability in an eProcurement context, and the ongoing European Federated Validation Service (<http://ec.europa.eu/idabc/en/document/7764>), which explores the possibility of a more comprehensive solution to eSignature validation.

Other relevant initiatives have been launched outside of the IDABC context (but in continuous interaction with IDABC work), including the 2007 Study on the standardisation aspects of eSignatures, (see: http://ec.europa.eu/information_society/policy/esignature/docs/standardisation/report_esign_standard.pdf), the CROBIES study aiming to implement quick wins to improve eSignature interoperability (ongoing; not yet published), and of course the large scale eProcurement pilot PEPPOL (<http://www.peppol.eu/>), which includes a specific measure on eSignature interoperability (WP1, see <http://www.peppol.eu/deliverables/deliverables/resolveUid/d33c24a23bab5dcb6df70e7f05873b7c>).

Criteria to assess if the measure has worked?

The main criteria to assess the impact of the measure is the extent to which insight in eSignature interoperability barriers has grown, and the status of the work aiming to resolve these issues. More concretely, the extent to which eSignatures are accepted in eProcurement platforms and software, especially in a cross border context, is the main yardstick for success.

Has the desired effect materialized?

With respect to insight in the main barriers and resolution strategies, the field can currently be described as very mature. With respect to work aiming to resolve existing barriers, a great deal of

progress has been made in the last year, specifically under the driving influence of the implementation deadline of the Services Directive²⁷, which requires Member States to address similar issues as with respect to eProcurement, including eSignature interoperability. However, this progress relates mainly to eSignatures based on qualified signature certificates, and will be discussed more in detail in the assessment of the next measure. For eSignatures which are not based on qualified certificates, notably less progress has been made, and resolving interoperability challenges will be noticeably harder. This is mainly due to the fact that the trust model established by the eSignatures Directive²⁸ benefits mainly signatures based on qualified certificates, as there are subject to (theoretically) comparable national supervision regimes. This is not the case for other eSignature types, meaning that there are additional barriers to be overcome before interoperability is possible at appreciable levels.

With respect to the support of foreign eSignatures in practice, little progress has been made, with the aforementioned 2009 edition of the Preliminary study on mutual recognition of eSignatures for eGovernment applications showing that acceptance of foreign eSignature solutions is largely at an experimental stage, and operational platforms rely mainly on locally known signature types. Thus, the practical benefit of this work has thus far remained limited, although there are clear prospects for progress in 2010.

Measure 13: MS apply interoperable qualified electronic signatures
What progress has been made?
<p>As noted above, the trust framework of the Signatures Directive focuses principally on signatures based on qualified certificates, including so-called qualified electronic signatures (i.e. advanced electronic signatures based on a qualified certificate and using a secure signature creation device), which offer the benefit of certainty with respect to their legal value, as article 5.1 of the eSignatures Directive provides that these qualified signatures are considered to be legally equivalent to hand written signatures.</p> <p>It is for this reason that the Action Plan required Member States to apply interoperable qualified electronic signatures as of 31 January 2006, if required by national law.</p>
Criteria to assess if the measure has worked?
Given the clear operational goal, the only criteria is the extent to which countries that require the use of qualified signatures under national law accept foreign signatures as equivalent.
Has the desired effect materialized?
<p>As described in the legal section above, 7 Member States have made the use of qualified signatures mandatory in eProcurement; however, none of these are capable of systematically supporting foreign qualified eSignature solutions (although some countries, most notably Austria, have made some progress in this respect), due to the fact that the required framework to determine whether a foreign signature is indeed a qualified signature is still largely missing.</p> <p>This issue is being addressed in the context of the aforementioned CROBIES study, which aims to implement certain pragmatic measures to resolve interoperability barriers, particularly as they apply to</p>

²⁷ Directive 2006/123/EC of 12 December 2006 on services in the internal market, see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006L0123:EN:NOT>

²⁸ Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures, see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31999L0093:EN:HTML>

signatures based on qualified certificates, including qualified signatures. The main clear output of this work so far is the Commission Decision 2009/767/EC²⁹, which requires the Member States to create and publish lists of supervised CSPs, including specifically those that issue qualified certificates to the public. These lists will thus allow a recipient of a signatory to determine whether or not a certificate is indeed qualified (based on the fact that CSPs issuing qualified certificates must by definition be supervised and therefore identified on that list), and to determine whether the certificate that was used to create a signature is necessarily supported by an SSCD.

In more practical terms, the trusted list will allow relying parties to determine whether a signature can be considered a qualified signature. While intended specifically for the context of the Services Directive, these lists will obviously be equally usable in other contexts as well, including eProcurement. Under the aforementioned Decision, Member States must make their lists of supervised CSPs available as of 28 December 2009. While it is not likely that all Member States will be able to fully comply with this deadline, it is none the less clear that these lists will become an important trust enabler in the following years, which should permit further progress to be made with respect to eSignature interoperability.

²⁹ Commission Decision of 16 October 2009 setting out measures facilitating the use of procedures by electronic means through the 'points of single contact' under Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market; see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:299:0018:0054:EN:PDF>

Detect and address interoperability problems over time

Measure 14: CEN/ISS issues gap analysis on interoperability needs
What progress has been made?
<p>Technical environments and tools change, and thus interoperability must be monitored on a continuous basis. This requires a clear initial insight into interoperability issues (including standardisation), and a constant follow-up of these issues through standardisation work, where needed. As a first step, the Action Plan charged CEN/ISSS to complete a gap analysis on interoperability needs for effective electronic public procurement by the first quarter of 2005.</p> <p>The Action was completed in 2005, and the resulting report is available at ftp://ftp.cenorm.be/PUBLIC/CWAs/e-Europe/eProc/cwa15236-00-2005-Feb.pdf. It contains a succinct analysis of the differences between private and public procurements, from a standardisation and operational perspective, standardisation requirements, and a gap analysis providing some examples of how standardisation issues have been addressed at the national level, and what gaps exist at the European level for specific transaction types. An overview of potentially relevant existing European standardisation initiatives is also provided.</p>
Criteria to assess if the measure has worked?
The main goal of the report was to determine whether gaps existed, and if so, which; thus, a relevant criterion would be the existence of follow-up initiatives.
Has the desired effect materialized?
<p>It appears so, as new standardisation initiatives have been launched under CEN, including in the aforementioned CEN Workshop on 'Multilingual eCataloguing and eClassification in eBusiness' (WS/eCAT). An overview of relevant ongoing efforts in relation to Product description and classification can be found at: http://www.cen.eu/cenorm/sectors/sectors/iss/cen+workshop+agreements/electronic+business.asp</p>
Measure 15: Commission proposes to continue activities on eProcurement under the IDABC programme on interoperability issues
What progress has been made?
<p>As noted above, a number of eProcurement interoperability barriers have a horizontal scope (eSignatures, eID, eDocuments including eInvoicing,...), and the Action Plan therefore foresaw to continue activities on electronic public procurement under the IDABC programme for exchange and discussion on interoperability issues and monitoring of Member States developments.</p> <p>This has been done through the aforementioned issues, including:</p> <ul style="list-style-type: none"> • The IDABC programme 2005-2010, which contains an entry on the implementation of the Action Plan, and which is the main source of funding for planned technical interoperability studies; • The IDABC eProcurement Expert Group, which is run jointly by IDABC/DG MARKT C1, with a focus on technical interoperability issues. <p>After 2010, work will continue under the ISA programme (2010-2015), which will provide funding for continued eProcurement initiatives.</p>
Criteria to assess if the measure has worked?

Given the broad scope of the cooperation, the main criterion should be the extent to which ongoing work within IDABC (or after 2010: ISA) is aligned with the status and specific issues in the eProcurement domain.
Has the desired effect materialized?
Given the examples mentioned above, it is clear that the initiatives within IDABC regarding electronic interoperability (both advances and remaining barriers) are substantially aligned with the specific status and issues in the eProcurement domain.

Measure 16: Commission and MS promote standardisation activities at European level and liaise with international standardisation bodies
What progress has been made?
Standardisation issues must be addressed at a minimum at the European level, and preferably at the broader European level. The Action Plan therefore foresaw that this supranational approach should be seen as a continuous activity. As a result, several standardisation activities were completed via CEN and OASIS on XML automated messaging (main progress on eOrdering and eInvoicing phases), product description/classifications (like CPV, UNSPSC, eCI@ss, GPC, NCS and eOTD), and eCatalogues (UBL 2.0 (OASIS), specifically via the work of the UBL Procurement Subcommittee; and ec-Catalogue (CEN/ISSS originally, now maintained by UN/CEFACT)) as was also noted above. Continuous monitoring and liaising is done principally via the IDABC eProcurement expert group.
Criteria to assess if the measure has worked?
The main criterion to determine the effectiveness of the work is the extent to which the standardisation work has been adopted in practice, and to which existing interoperability issues have been eliminated by this work.
Has the desired effect materialized?
The infrastructure above has shown that take-up of generally recognized standards has occurred in practice, but that additional efforts will still be required, including with respect to product classifications and eCatalogues.

Annex H2 - Objective 2: Improve procurement efficiency, governance and competitiveness

Two sets of actions were proposed by the Action Plan as a part of this objective:

- Increase procurement efficiency and improve governance
- Increase competitiveness of EU public procurement markets

Each of these will be examined in further detail below.

Increase procurement efficiency and improve governance

Measure 17: MS will adopt national action plans for introducing eProcurement, including measurable performance targets
What progress has been made?
<p>As a complement to the legislative work, the Action Plan called on Member States to establish national action plans to stimulate the uptake of eProcurement, taking into account the national situation, and including measurable performance targets.</p> <p>The legal and policy analysis above has shown that only a limited number of Member States have indeed adopted national action plans. eProcurement goals are frequently integrated into broader eGovernment initiatives, and measurable performance targets were only rarely identified.</p>
Criteria to assess if the measure has worked?
The direct criterion is the rate of adoption of national action plans, and the impact that these appear to have had on eProcurement adoption.
Has the desired effect materialized?
<p>The effect of the national action plans is difficult to assess, due to the fact that they are frequently integrated into broader eGovernment initiatives (i.e. they only contain very high level eProcurement goals), or because they do not provide quantifiable goals, or because insufficient information is available to determine whether these goals have been met.</p> <p>It should be noted though that countries with clear and pronounced eProcurement action plans or strategies (such as Ireland, Italy, France, Norway, the UK) are frequently also eProcurement frontrunners. However, these countries can typically also fall back on longer eProcurement traditions predating the Public Procurement Directives. Thus, the cause and effect between action plans and actual success is disputable.</p>

Measure 18: MS will encourage preparation of similar plans by individual national buyers and to coordinate - monitor their implementation
What progress has been made?
<p>The Action Plan called on Member States to stimulate national buyers to also adopt action plans for introducing electronic public procurement.</p> <p>However, no such action plans have been identified in the course of the present study. While the countries with national action plans have frequently also adopted measures aiming to improve or even mandate the usage of eProcurement solutions by key buyers, these measures do not appear to include encouraging the adoption of separate action plans by the buyers themselves.</p>
Criteria to assess if the measure has worked?
An appropriate criterion would have been a comparison of the usage of eProcurement solutions between buyers with and without an action plan.
Has the desired effect materialized?
As noted above, no action plans by individual buyers have been identified.

Measure 19: Commission will continue monitoring work on eInvoices by CEN/ISSS and XML activities on eInvoices and eOrdering
What progress has been made?
<p>To fully realize the benefits of eProcurements, the whole communication flow linked to eProcurements must be dematerialized, including invoices, orders and payments. The Action Plan foresaw significant progress on these topics, building on the standardisation work undertaken within CEN/ISSS, building inter alia on the framework of Directive 115/EC/2001 on electronic invoices. In addition, IDA is running a project for developing XML schemas for eProcurement, including eInvoicing and eOrdering. The Commission was therefore tasked with monitoring this work, particularly for its application in an eProcurement context.</p> <p>The work is still ongoing, including through the standardisation work mentioned above (within CEN and OASIS, notably). In an eProcurement context, the large scale eProcurement pilot PEPPOL includes work packages examining eOrdering and eInvoicing. Finally, with respect to ePayments, the recent Payment Services Directive³⁰ and the resulting Single Euro Payments Area³¹ can be flagged as relevant achievements that eliminate some of the barriers for electronic payments.</p>
Criteria to assess if the measure has worked?
The main determining factor is the extent to which the aforementioned processes – eOrdering, eInvoicing and ePayments – have been adopted in practice.
Has the desired effect materialized?
In practice, many countries have adopted functioning eOrdering systems within their national

³⁰ Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC and 2006/48/EC and repealing Directive 97/5/EC Text with EEA relevance, see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:319:0001:01:EN:HTML>; see also http://ec.europa.eu/internal_market/payments/framework/index_en.htm

³¹ See http://ec.europa.eu/internal_market/payments/sepa/index_en.htm

eProcurement infrastructures, but eInvoicing and ePayments are rarely addressed within these infrastructures. While certain exceptions exist – with Denmark being a good practice example, having mandated the use of eInvoicing towards the government – in most countries eInvoicing within eProcurement still sees limited take-up.

Measure 20: MS will set up efficient electronic systems for the collection and processing of statistical procurement data

What progress has been made?

Effective policy making requires a sufficiently clear and comprehensive insight in the national status of public procurement markets. The Action Plan thus requires Member States to establish electronic systems for the collection and processing of statistical procurement data, to be established by the end of 2006. This would also assist Member States with assessing whether they meet the quantitative goals to be included in their national action plans, as was mentioned above.

Criteria to assess if the measure has worked?

The main criterion is the availability of sufficiently homogeneous, comprehensive and reliable data with respect to eProcurement practices.

Has the desired effect materialized?

Such data collection is almost entirely non-existent, at least in a public form, which has proven to be one of the main barriers in conducting the present analysis. Rare exceptions exist however, and the French Economics Observatory for Public Purchasing (*Observatoire Economique de l'Achat Public* (OEAP)) is a case in point.

Increase competitiveness of EU public procurement markets

Measure 21: Commission will consider to propose services for the electronic supply of business information / certificates in public procurement

What progress has been made?

One of the main barriers for the participation in public procurements is the perception of extensive/excessive administrative requirements, including the presentation of specific evidentiary documents, such as certificates, attestations, formal declarations etc. eProcurement can potentially alleviate this issue by facilitating the collection, communication and validation of such evidences. However, this requires that a sufficiently advance electronic infrastructure is present at the national level (where evidences must be issued), and that interoperability barriers are cleared to allow foreign recipients to validate these evidences.

Foreseeing that this would be one of the principal barriers to eProcurement, the Action Plan asked the Commission to consider proposing services for the electronic supply of business information and certificates in public procurement for implementation under the IDABC programme.

This was done via the 2008 Feasibility study on the electronic provision of certificates & attestations most frequently required in public procurements (see http://ec.europa.eu/internal_market/publicprocurement/docs/eprocurement/ecertificates-study_en.pdf). In addition to collecting information on the national status of the availability of the key evidentiary documents in eProcurements, the study also defined a series of conceptual scenarios to build interoperability between existing eAttestation systems, i.e. to ensure that electronic attestations from a tenderer established in one country could be presented to a contracting authority in a different country. Roadmaps were subsequently drafted to implement the most favoured interoperability scenarios. Finally, the study presented a number of recommendations for future actions to gradually improve the availability and usability of electronic attestations in public procurement procedures.

The identified interoperability scenarios were:

- Use of unilateral declarations of compliance from the tenderer
- Using an electronic attestation package signed by a TTP
- The decentralised issuance of electronic attestations by the originating administrations
- Use of a single trusted storage point of electronic attestations
- The construction of federated networks to facilitate information exchange between authorised parties.

Criteria to assess if the measure has worked?

Key criteria include the availability of electronic evidences in the Member States, and the interoperability of these evidences (i.e. the question of whether electronic evidences can indeed be submitted to contracting authorities in other countries).

Has the desired effect materialized?

The aforementioned study found that authentic electronic evidences were still altogether rare in the Member States, and that interoperability was almost non-existent, due inter alia due to the eSignature interoperability challenges mentioned above.

To help address this issue, the Commission has initiated the eCERTIS Feasibility study ('eCertificates II'), building on one of the recommendations of the aforementioned study to create an online database of commonly used certificates and attestations. This will at least allow Member States to determine at a basic level which evidences are commonly used to satisfy specific requirements

defined in the Directive for each Member State, and whether or not authentic electronic versions are available. The resulting searchable eCERTIS database is expected to be operational by the end of 2009.

A related activity is currently being undertaken in the context of the PEPPOL pilot, which will result in a so-called Virtual Company Dossier. This will be discussed as a part of measure 22 directly below.

Measure 22: MS and Commission will agree on a common set of frequently required eCertificates

What progress has been made?

One of the remaining issues that complicate cross border procurements is that there is no standard approach to the evidences required to participate in public procurements, and that approaches can vary between contracting authorities, types of procurements and contexts. As a result, economic operators must currently assess on a case by case basis which evidences are required for each procurement, and how these can be communicated to the contracting authority. This causes a substantial and needless additional cost to public procurements. The Action Plan therefore suggested that the Member States and Commission agree on a common set of frequently required eCertificates.

The aforementioned study provided the first inputs to this process; however, the envisaged eCERTIS database is not yet operational, and no consensus has been reached yet between the Member States and the Commission on a common set of eCertificates.

Criteria to assess if the measure has worked?

The main criterion would be the extent to which economic operators could easily collect the necessary electronic evidences in a standardised way and submit these to any European contracting authority.

Has the desired effect materialized?

Obviously, this specific goal has not yet been reached; however, beyond the eCERTIS work already mentioned above, further directly relevant steps are being made in the context of the large scale eProcurement pilot project PEPPOL. The second work package of this pilot project (see <http://www.peppol.eu/deliverables/deliverables/resolveUId/76a58675371e8dc90c9c1274a0fe0532>) is working on the development of a so-called Virtual Company Dossier.

Essentially, the Virtual Company Dossier is a standardised package of electronic evidences that can thereafter be submitted to any European contracting authority, in a way that would allow the contracting authority to easily determine the completeness and validity of the Dossier. Of course, PEPPOL is only a pilot project covering a limited number of Member States, and the outcome of the project would thus need to be given a more stable form (if successful). None the less, the successful conclusion of the work within this work package would appear to provide an important input towards reaching the goals of this measure.

Measure 23: Commission studies eCatalogues (in DPS and framework agreements)

What progress has been made?

eCatalogues are one of the instruments that permit eProcurement to realize much greater efficiency than would otherwise be possible in a paper context. However, an eCatalogue is also a very broad concept that can be implemented and used in any number of ways. To further understand the concept, available standards and use cases, the Action Plan tasked the Commission with examining eCatalogues, as a way of assisting the Member States in their implementation work.

The resulting study was completed in 2007, and comprises three volumes and the executive

summary:

- Executive summary: http://ec.europa.eu/internal_market/publicprocurement/docs/eprocurement/feasibility/ecat%20-exec-summary_en.pdf
- Vol. I – eCatalogues: Report on the state of play: http://ec.europa.eu/internal_market/publicprocurement/docs/eprocurement/feasibility/ecat-vol-1_en.pdf
- Vol. II - eCatalogues: Report on standardisation activities : http://ec.europa.eu/internal_market/publicprocurement/docs/eprocurement/feasibility/ecat-vol-2_en.pdf
- Vol. III – eCatalogues: Report on preliminary functional requirements: http://ec.europa.eu/internal_market/publicprocurement/docs/eprocurement/feasibility/ecat-vol-3_en.pdf

The study reviews all relevant aspects of how eCatalogues can be used in the tendering process, and how they are being used in the Member States, as well as specific requirements relating to their electronic submission and receipt in public procurement. It also investigates the required data exchanges between buyers and suppliers (e.g. type and content of messages exchanged). Analysis on organisational and technical aspects is based on practices and systems from both the public and private sectors. The scope of the study also includes a detailed analysis of standards relevant to eCatalogues.

Criteria to assess if the measure has worked?

Adoption and usage of eCatalogues in national eProcurement systems is the main indicator to determine whether the measure has been effective in impacting the eProcurement market.

Has the desired effect materialized?

While eCatalogues are used at the national level to an increasing extent, at the cross border level their usage is still marred by the lack of standardisation of eCatalogue formats themselves and of the products/services described therein. One of the key recommendations of the aforementioned study was the need for further standardisation work to address these points. These standardisation efforts (notably within CEN) have already been mentioned above.

Specifically within the context of DPS, the study flagged that the usage and implementation of eCatalogues was unclear to many contracting authorities.

The PEPPOL pilot project is also examining this issue, as its work package 3³² aims to define and test solutions to manage eCatalogues, “to overcome the lack of a standard definition of eCatalogues used in European public procurement procedures”.

Measure 24: Public Procurement Network organizes a benchmark exercise on transparency, auditing and traceability of eProcurement systems

What progress has been made?

The Action Plan also foresaw that in 2005, the Public Procurement Network would launch a benchmark exercise on transparency, auditing and traceability of eProcurement systems.

However, this measure appears to have been delayed, as no specific results of this work could be

³²

See <http://www.peppol.eu/deliverables/deliverables/resolveUId/4e90dad6d6adb2d8c563e86a3c020eba>

identified.
Criteria to assess if the measure has worked?
Suitable criteria would have been the existence of suitable methodologies to assess the transparency and auditing capabilities of eProcurement systems.
Has the desired effect materialized?
Not applicable, as no result could be identified.

Measure 25: Public Procurement Network organises workshops to promote tender document standardisation
What progress has been made?
As with the measure above, this measure too appears to have been delayed, as no specific results of this work could be identified.
Criteria to assess if the measure has worked?
Suitable criteria would have been the existence of common tender structures that could be applied within the Member States.
Has the desired effect materialized?
Not applicable, as no result could be identified.

Measure 26: MS launch and support specific awareness campaigns and training programmes for SMEs
What progress has been made?
To encourage the participation of SMEs, the Action Plan required Member States to launch and support specific awareness campaigns and training programmes targeted at SMEs at national and regional level.
At the European level a number of relevant measures have been taken, including the European Small Business Act (SBA) adopted in 2008 ³³ and the 2008 European Code of Best Practices Facilitating Access by SMEs to Public Procurement Contracts ³⁴ .
At the national level, several countries have adopted policies to stimulate the participation to encourage the participation of SMEs, with notable examples being Ireland, Italy, France, and the UK (particularly Scotland).
Criteria to assess if the measure has worked?
Potential criteria include the rate at which SMEs find and use eProcurement solutions, the percentage of the contracts that they win (compared to their proportion of the general enterprise population in each Member State), and the percentage of the value of contracts that they win.
Has the desired effect materialized?
As shown in the analysis of distribution of benefits, in the examined countries, the policies have been quite successful in getting SMEs to use eProcurements; thus, participation can certainly been

³³ See <http://ec.europa.eu/enterprise/policies/sme/small-business-act/>

³⁴

See http://ec.europa.eu/internal_market/publicprocurement/docs/sme_code_of_best_practices_en.pdf

See

stimulated successfully. Winning rates so far do not appear to have been strongly influenced yet by these policies (either as a percentage of total contracts won, or as of the value of these contracts, when comparing this to 2004 figures); however, this may be due to the fact that the implementations are still relatively recent, and that the policies thus have not yet had sufficient time to realize a more substantial impact.

Annex H3 - Objective 3: Work towards an international framework for electronic public procurement

Measure 27: Commission will conduct negotiations on the review of the Agreement on Government Procurement (GPA)
What progress has been made?
<p>The Agreement on Government Procurement was first negotiated in 1981 under the auspices of the WTO. It aims to provide a common legal framework for public procurements by harmonising the applicable legal framework to a certain extent. The Action Plan called upon the Commission to engage in negotiation to review the WPA, including with a view of ensuring the utilisation of a single common nomenclature for the classification of procurement goods and services.</p> <p>Broadly, this should ensure that the European approach is aligned with international trends, thus facilitating eProcurements at the international level as well.</p> <p>Progress was made in this area, and the Commission partially achieved its goal through the 2004 Proposal for Review of the GPA, which includes provisions on eProcurement (including e.g. the possibility of shortening deadlines for tender submissions, the introduction of eAuctions, confidentiality of data, transparency, interoperability, etc.). However, these have not yet resulted in an updated GPA.</p>
Criteria to assess if the measure has worked?
Apart from the effective update of the GPA, the main criterion would be a significant increase in international eProcurement.
Has the desired effect materialized?
Given that the WPA has not yet been updated as such, limited progress was to be expected. Detailed available on cross border procurements is rarely available, but it seems unlikely that international eProcurements are occurring in the Member States at any appreciable level, given the fact that all existing legal, political and technical barriers to adopting eProcurement are aggravated outside of an EU context.

Measure 28: Initiatives in the GPA to progress towards utilisation of a single common nomenclature for the classification of goods and services
What progress has been made?
<p>The Action Plan saw initiatives in the GPA as a possibility to examine how a single common nomenclature for the classification of procurement goods and services (like the CPV used in Europe) could be promoted at an international level, and this action was to be undertaken in 2007.</p> <p>So far, no concrete output was identified. However, article XXII.13 of the aforementioned Proposal for GPA Review³⁵ (the so-called 'rendezvous clause') notes that "Not later than the end of the third year from the date of entry into force of this Agreement, the Committee shall undertake further work to consider the advantages and disadvantages of developing common nomenclature for goods and services and standardised notices." Thus, while no short term progress can be expected, an opening for further progress exists.</p>

³⁵ See <http://docsonline.wto.org/imrd/directdoc.asp?DDFDocuments/t/PLURI/GPA/W297.doc>

Criteria to assess if the measure has worked?
The main criterion would be the establishment of a common nomenclature that would have strong international support.
Has the desired effect materialized?
As noted above, so far no consensus has been achieved at the international level; however, further standardisation work might be able to rectify this issue.

Measure 29: Commission liaises with international standardisation bodies and fora to avoid international technological interoperability barriers
What progress has been made?
As noted above, several standardisation initiatives are currently underway, including via CEN (as an entry point for EU contribution to UNCEFACT work) and OASIS. This allows European efforts to serve as an input at the international level, and inversely for European efforts to consider the international context.
Criteria to assess if the measure has worked?
The main criterion would be a significant increase in international eProcurement.
Has the desired effect materialized?
As noted above, detailed available on cross border procurements is rarely available, but it seems unlikely that international eProcurements are occurring in the Member States at any appreciable level, given the fact that all existing legal, political and technical barriers to adopting eProcurement are aggravated outside of an EU context.

Measure 30: Commission cooperates with the Multilateral Development Banks (MDBs) network in view of coordinating technical assistance to 3rd countries with respect to their public procurement regimes
What progress has been made?
At the international level, the Commission coordinates and liaises with: <ul style="list-style-type: none"> • UNCITRAL, through participation in its Working Group on public procurement³⁶, specifically in view of furthering work on the UNCITRAL Model Law on Procurement of Goods, Construction and Services • Multilateral Development Banks: mainly through the dissemination of good practices and experiences.
Criteria to assess if the measure has worked?
Again, the main criterion would be a significant increase in international eProcurement.
Has the desired effect materialized?
As noted above, detailed available on cross border procurements is rarely available, but it seems unlikely that international eProcurements are occurring in the Member States at any appreciable level, given the fact that all existing legal, political and technical barriers to adopting eProcurement

³⁶ See http://www.uncitral.org/uncitral/en/commission/working_groups/1Procurement.html

are aggravated outside of an EU context.
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Measure 30: Commission will consider any necessary adjustments and feasibility of eProcurement in the context of EU external aid instruments
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What progress has been made?

Through EU external aid instruments (including e.g. in the context of the World Bank), the EU has the possibility of influencing procurement policies in third countries as well, specifically to ensure that EU economic operators do not see their access to these markets unduly hindered. The Action Plan called upon the Commission to determine if and how these instruments could be used to streamline eProcurement possibilities in third countries.

No specific results of this work could be identified.

Criteria to assess if the measure has worked?

The main criterion would be a significant increase in international eProcurement with the related countries.
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Has the desired effect materialized?

Not to any appreciable extent.

Measure 31: Commission will monitor overall progress; by end of 2007, review the situation and report on the results achieved.
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What progress has been made?

Finally, the Commission was called upon to monitor overall progress of the implementation of the Action Plan, assisted by the Advisory Committee for Public Contracts, specifically with a view of assessing the impact and effectiveness of the foreseen measures. By end of 2007, the Commission should review the situation and report on the results achieved. If necessary, corrective action or additional measures should be proposed.

The current evaluation exercise falls within the scope of this measure.

Criteria to assess if the measure has worked?

The envisaged result is a concluding report evaluating the impact of the Action Plan and proposing any necessary corrective actions or additional measures.

Has the desired effect materialized?

The evaluation exercise has been concluded through the present report.
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Annex I: Country profiles

In the frame of this report, a **standardised country profile** has been drafted by the study team, which included certain core information on 32 countries (the 27 Member States, the 3 EEA countries and the 2 Candidate Countries Turkey and Croatia), including with respect to their legal framework, policy preferences, available infrastructure, and actual uptake and impact (insofar as available). A country profile was created for each of these countries, including information drawn from the sources described in Annex A, which was then amended and extended via desk research by the study team (including by examining online public procurement portals, available legislation, ePractice use cases, and progress made through ongoing projects). The resulting profiles were finalised in late January 2010.

These country profiles were then submitted for **validation by the national experts within the eProcurement Working Group**. This allowed national experts to ensure that the data provided in these reports would be at least reasonably representative of their national information. The comments received from the different countries (except for 5 countries that did not provide any feedback: Croatia, Iceland, Latvia, Liechtenstein and Malta) were then integrated to produce the final version.

Due to the large size of these reports, they will be provided in a separate document “Study on the evaluation of the Action Plan for the implementation of the legal framework for electronic procurement (Phase II) – Country Profiles”.

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