



EUROPEAN COMMISSION

Brussels, 4/9/2012
C(2012) 5864 final

Dear President,

The Commission would like to thank the Senat for its Opinion on the proposal for a Directive of the European Parliament and of the Council on the award of concession contracts {COM(2011) 897 final} and apologises for the delay in replying.

The Commission is convinced that clear and unambiguous rules on the award of concessions contracts will enhance legal certainty and benefit both contracting authorities and economic operators across the EU.

The Senat emphasises the necessity to differentiate between rules on public contracts and concessions due to the character of the latter. The Commission agrees with this approach, and it is precisely why the Commission proposal aims at a "light touch" framework regulating the award of concessions contracts. The Commission has sought in its proposal the necessity to apply more flexible and less constraining rules to this type of contracts.

The proposed directive on the award of concession contracts only makes references to the rules governing public contracts when such references appear indispensable in order to guarantee that notions and concepts which are common to all purchasers are used in a homogenous way in all directives regulating public procurement in the EU.

I hope that this clarification addresses the concern expressed by the Senat and I look forward to continuing our political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*

*Mr Bogdan BORUSEWICZ
Marshal of the Senate
Ul. Wiejska 6
PL – 00-902 WARSAW*