

STATE OF PLAY OF TRANSPOSITION OF PUBLIC PROCUREMENT DIRECTIVES

Information based on the meetings of Commission Government Experts Group on Public Procurement
Update of EXPP meeting of 7 September 2015

MS	Classical Directive 2014/24/EU	Utilities Directive 2014/25/EU	Concession contracts Directive 2014/23/EU
BE	<p><u>4 laws + regulations (technical aspects):</u> 1 law for <u>defence (only for technical adjustments)</u> 1 law for <u>Classical and Utilities Directives</u> 1 law for <u>Concessions</u> 1 law for <u>Remedies</u> Consultation phase is ongoing. For the Classical and the Utilities Directives: political agreement on Classical and Utilities expected before 21 July 2015, then texts will be submitted to Conseil d'Etat, and transmitted to Parliament in Sept/Oct . 75% of the provisions of the draft Regulation(s) have been prepared; this work should be finalised during Summer. Transposition should be finalised beginning 2016</p>	See 2014/24/EU	<p><u>1 separate law for concessions</u> Transposition should be finalised beginning 2016</p>
BG	<p>Draft framework law including new directives but also Remedies Directive and Defence Directive. As of mid-April, public consultation. Draft sent for inter-service consultation. Draft was adopted by the Council of Ministers on 22.7.2015 and is to be adopted by Parliament before end of 2015.</p>	See 2014/24/EU	1 separate law for concessions
CZ	<p><u>New law for the 3 Directives + Remedies</u> (Defence and Security covered) The draft texts are being discussed at Ministry level. They should be adopted by the Government by the end of September and then transmitted to the Parliament. Adoption planned for end 2015/ beginning 2016</p>	See 2014/24/EU	See 2014/24/EU
DK	<p><u>3 legislations</u> Almost finished for the Classical directive: legislation in Parliament in October, and entry into force planned on 1.1.2016 or 1.04.2016 (depending on the decision to be taken by the new Government that considers as goldplating an entry into force on 1.1.2016). Governmental Decree for Concessions</p>	See 2014/24/EU but through Governmental decree	Same as 2014/24/EU but through Governmental decree

MS	Classical Directive 2014/24/EU	Utilities Directive 2014/25/EU	Concession contracts Directive 2014/23/EU
	and Utilities will follow. Elections have been held in 2015, but with no impact in principle.		
DE	Structure decided: <u>legislation</u> <u>Details: 1 law plus separate regulations for classical directive, utilities and concessions; works contracts to continue being subject to "Vergabeordnung".</u> Timetable: work more difficult than expected. The draft law should be transmitted to Parliament in October. They should be approved by the Bundestag before Christmas. An additional regulation is needed for Directive 2014/24/EU. Utilities and concessions will be dealt through regulations. The draft regulations will be published (within one month) to be discussed with stakeholders. Political issues will be discussed (in particular exception for emergency services, strategic use, subcontracting and e-procurement). Everything should be ready by 18.04.2016.	See 2014/24/EU	See 2014/24/EU
EE	<u>1 Law covering the 3 Directives</u> Draft law ready. Public consultations with different ministries and stakeholders to start end March 2015. 15.05.2015: 1 st draft which has received a lot of feedback. Text had to be passed to the Government by the end of September and then (in November) to the parliament. However EE is behind the planned schedules, but adoption should still be in time.	See 2014/24/EU	See 2014/24/EU
EL	<u>Uncertain whether 1, 2 or 3 Acts for the 3 Directives.</u> Public consultation in February 2015 (planned in January but delayed due to elections). In EL, 1 Code for PP /+ remedies and 1 law for defence. No new full transposition of the 3 Directives. New rules will be inserted in the Code. Extensive consultation has taken place. The draft laws (one for both Classic and Utilities and the second for concessions)	See 2014/24/EU	See 2014/24/EU

MS	Classical Directive 2014/24/EU	Utilities Directive 2014/25/EU	Concession contracts Directive 2014/23/EU
	should be adopted by the new Minister after the upcoming election and ready to be sent to the Parliament by the end of November; their adoption and entry into force is expected in January 2016.		
ES	<p>2 laws: <u>1 law for the public sector contracts + concessions and 1 law for the utilities + concessions</u></p> <p>Works started in January 2014. Working group to draft "Ley de Contratos públicos" (classic Directive); same work for Utilities (revision of the law of 2007). Remedies are covered by the "Ley de contratos públicos".</p> <p>Texts already drafted in January 2015; public consultation process is finished. The texts will be transmitted to the "Consejo de Estado" (end of September) and then to Parliament (mid-November). General elections (between November 2015 and January 2016) are not expected to delay adoption due to the fact that the texts are technical.</p>	See 2014/24/EU	See 2014/24/EU
FR	<p><u>Partenariat d'innovation</u>: déjà transposé par décret (septembre 2014).</p> <p><u>2 corpus juridiques</u>:</p> <p><u>1 pour les directives 2014/24/UE et 2014/25/UE (Ordonnance + décret d'application)</u></p> <p>Décembre 2014: Loi d'habilitation du Parlement pour procéder par ordonnance.</p> <p><u>Calendrier</u>: l'ordonnance de transposition n° 2015-899 a été adoptée le 23.7.2015 et entrera en vigueur au plus tard le 1^{er} avril 2016; le décret d'application est en cours de rédaction et négociation; son adoption est prévue en janvier 2016 et son entrée en vigueur en avril 2016</p>	Cfr. 2014/24/EU	<p><u>1 corpus juridique distinct pour les concessions (Loi ou ordonnance + décret d'application)</u></p> <p>Loi d'habilitation adoptée le 6 août 2015.</p> <p><u>Calendrier</u>: la consultation publique sur les projets d'ordonnance et décret est en cours. L'adoption est prévue en janvier 2016 et l'entrée en vigueur en avril 2016.</p>
HU	<p><u>New Public Procurement Act to implement the 3 Directives. 1 Act + several governmental decrees</u> (eg utilities).</p> <p>Rules for remedies are covered. The main priorities of the new Act are laid down. After consultation with the</p>	See 2014/24/EU	See 2014/24/EU

MS	Classical Directive 2014/24/EU	Utilities Directive 2014/25/EU	Concession contracts Directive 2014/23/EU
	COM and internal public consultation (April and May 2015), the PP bill was transmitted to the Parliament on 19 May 2015 and debated (plenary) in June 2015. The bill will be sent to the consultative committee on 21.9.2015 and submitted to the plenary end of September/beginning of October. Expected entry into force: 1 st November 2015.		
HR	<u>1 law for classical and Utilities Directives.</u> Public Procurement Law provisions are mostly in line with the new Directives (adopted in 2011 with legislative amendments introduced in 2013 and one amendment via a Decision of the Constitutional Court from 2014). Amendments required will be submitted to Parliament in autumn 2015. Regulations will be adopted for technical aspects. New law provisions are still in the process of being drafted. There is slight delay because of elections, but the texts should be adopted on time.	See 2014/24/EU	<u>1 separate law for concessions</u> (current law adopted in December 2012). Amendments required will be submitted to Parliament in autumn 2015. Regulations will be adopted for technical aspects. New law provisions to be drafted; will be transmitted to Parliament in October
IE	<u>3 Regulations</u> Public consultation on the policy choices conducted last year. Currently drafting the text for the Classical Directive, then Utilities and Concessions (limited consultations for utilities and concessions). Significant progress was done on contracts Directive Ambition: 3 Regulations adopted by April 2016 (the Parliament is not involved as secondary legislation).	See 2014/24/EU	See 2014/24/EU
IT	<u>1 law from Parliament to empower the Government</u> and laying down the general principles (simplification, reduction of contracting authorities): the draft is in the "Camera dei Deputati". Government is drafting the <u>text/ 1 legal Act for the 3 Directives (Codice Appalti Pubblici e Concessioni)</u> . Rewriting of the Code to simplify it. Everything should be ready by April 2016.	See 2014/24/EU	See 2014/24/EU
CY	<u>3 laws</u> Classical Dir: almost finished. Text in	See 2014/24/EU	See 2014/24/EU

MS	Classical Directive 2014/24/EU	Utilities Directive 2014/25/EU	Concession contracts Directive 2014/23/EU
	Parliament end of July. For Utilities and concessions, end October/November.		
LV	<u>2 new laws and Regulations on some aspect.</u> The law for classic and utilities Directives is being discussed with stakeholders. End of September 2015: the 3 new laws should be transmitted to Parliament.	See 2014/24/EU	<u>1 separate law on concessions and PPPs</u> No info at this stage
LT	<u>3 separate laws.</u> Drafts discussed last year with stakeholders (6 meetings held). Texts redrafted. Will be presented end February 2015 for 2 nd reading. The consultation process took more time than planned. Texts to be examined by Parliament in the autumn session and to be adopted during 1 st quarter of 2016.	See 2014/24/EU Draft submitted to the Government.	See 2014/24/EU Consultation ongoing between ministries. The draft should be submitted to the Government by the end of September and transmitted to Parliament during autumn.
LU	<u>Classique et secteurs: 1 texte de loi commun et 1 règlement d'exécution pour les détails.</u> La consultation des partenaires sociaux a donné lieu à de grandes discussions internes quant aux options et marchés sous les seuils. Il sera procédé à une refonte de toute la législation sur les marchés publics. LU est en retard: les textes ne seront présentés au Conseil de Gouvernement qu'à l'automne. «Transposition dans les délais envisageable. »	Cf. 2014/24/UE	<u>1 loi pour les concessions:</u> Le texte a été transmis au Conseil de Gouvernement. Texte au Parlement à l'automne 2015. Transposition dans les délais envisageable.
MT	<u>3 separate Legal Notices:</u> <u>1 legal Notice for Classic Directive:</u> after consultation with stakeholders, text is now ready, has been checked by Attorney general, Minister of Justice and Cabinet Planned adoption date: within deadline	<u>1 legal notice for Utilities Directive:</u> Consultation held already. First draft should be ready mid-October. Planned adoption date: within deadline	<u>1 legal notice for Concessions:</u> Consultation is taking place. First draft should be ready mid-October Planned adoption date: within deadline
NL	<u>1 Law: Public Procurement law + Regulations for technical aspects</u> The text was adopted by the Council of	See 2014/24/EU	See 2014/24/EU

MS	Classical Directive 2014/24/EU	Utilities Directive 2014/25/EU	Concession contracts Directive 2014/23/EU
	Ministers; the Council of State is examining it it will be transmitted to Parliament in October. Implementation expected before transposition deadline.		
AT	2 federal laws (1 for Classic & Utilities, 1 for Concessions). Still working on the text. Change of remedies system. <u>Will keep current structure and add concessions.</u> Adoption planned during 1 st quarter of 2016	See 2014/24/EU	See 2014/24/EU
PL	<u>1 legal Act for classic and utilities Directives.</u> The draft laws are still to be adopted by the Minister in order to be transmitted to Parliament. Transposition deadline should be met but national elections to take place!	See 2014/24/EU	<u>1 separate legal Act for Concessions</u> See 2014/24/EU
PT	<u>1 legislative instrument for all 3 Directives</u> Ministry of Economy works on transposition. Some work done already. Solutions under consultation, but e-procurement already implemented. Have to decide whether to change/simplify the current Code or incorporate the new aspects. The draft was submitted to the Government end of June. Elections foreseen for October.	See 2014/24/EU	See 2014/24/EU
RO	Work on National plan and strategy; institutional part to be changed. <u>3 or 4 legislation pieces + 1 for remedies</u> Package to be sent to Parliament in autumn. The text is under public consultation until the end of September. Hope to have everything in force in 2016.	See 2014/24/EU Text is to be finalized shortly. It will then be submitted to public consultation.	See 2014/24/EU Text is to be finalized shortly. It will then be submitted to public consultation.
SI	<u>1 Regulation for Classic and Utilities</u> ; but one legislative package. Final harmonisation, proposal in summer, sent to Parliament Sept.	<u>1 Regulation for Classic and Utilities.</u> See 2014/24/EU	<u>1 Regulation for concessions</u> See 2014/24/EU

MS	Classical Directive 2014/24/EU	Utilities Directive 2014/25/EU	Concession contracts Directive 2014/23/EU
	Adoption planned end 2015. Remedies: SI will change the review system: it will cover all areas of PP including concessions.		
SK	<u>1 Act covering the 3 Directives.</u> The text was transmitted to Parliament on 8 June 2015. Adoption expected before end of 2015.	See 2014/24/EU	See 2014/24/EU
FI	<u>1 common law for Classical and concessions</u> Replies to public consultation are being processed now. Adoption process to start end of year. Adoption expected for entry into force in April 2016.	<u>1 law for Utilities:</u> <u>see as 2014/24/EU</u>	<u>1 common law for classical and concessions:</u> see as 2014/24/EU
SE	First draft of the <u>3 new laws. 1 law for classical dir.</u> Drafts for two of the three proposals have been finalised. The texts should be submitted to national Parliament in Autumn 2015. Laws to be adopted and in force by 1 st April 2016. There are questions on Article 18(2) that are likely to be the subject of separate texts. Amendments will be brought to the new laws. But SE should be in time.	<u>1 law for utilities.</u> Same as 2014/24/EU	<u>1 law for concessions</u> Same as 2014/24/EU
UK	<u>England, Northern Ireland and Wales:</u> The Public Contracts Regulations 2015, S.I. N.102 entered into force 26.02.2015 Scotland: end 2015	Still to be transposed (elections in 05/2015): under way (consultation until 18.09.2015)	Still to be transposed (elections in 05/2015): under way (consultation until 18.09.2015)
NO	<u>3 separate laws:</u> Final hearing just ended; texts to be submitted to Parliament during winter 2015. Deadline of April 2016 will be met.	See 2014/24/EU	See 2014/24/EU
Ice-land	3 laws, to be sent to Parliament in the Autumn, adoption beginning of 2016.		
CH	-		
TK	Special rules on subcontractors; separate rules for Utilities No clear timetable because of elections taking place in June 2015		

