

COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a
COUNCIL DIRECTIVE

coordinating procedures for the award of
public supply contracts

(presented by the Commission)

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EXPLANATORY MEMORANDUM

1. GENERAL CONSIDERATIONS

1. In the context of a people's Europe, the Commission attaches great importance to simplifying Community law so as to make it clearer and more accessible to the ordinary citizen, thus giving him new opportunities and the chance to make use of the specific rights it gives to him.

This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instruments and partly in later amending ones. Considerable research is thus needed to identify the current rules. For this reason a consolidation of rules that have frequently been amended is essential if Community law is to be clear and transparent.

2. The proposal aims at a legislative consolidation of Directive 77/62/EEC with amendments: The existing directives would be replaced by one new one, which would assemble them into a single text. At the same time and with a view to facilitating the application of public procurement rules as a single, coherent body, the proposal amends the Public Supplies Directive on various points to bring it into line with the proposed consolidated version of Council Directive 71/305/EEC of 10 January 1992 concerning the coordination of procedures for the award of public works contracts (SEC(91)2360 final)⁽¹⁾, which consolidates and consequently will replace Council Directive 71/305/EEC of 26 July 1971, and the new Council Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts⁽²⁾, texts which were both recently adopted in the context of the 1992 programme. In particular as to the procedural and other rules, including provisions in the field of technical specifications, the proposal incorporates the flexibility found in the Public Works and in the Public Services Directives. Further, the proposal contains some editorial changes aiming at enhancing clarity of some of the existing provisions.

3. The proposal has been consolidated and amended from the original Directives as published in the Official Journal. The text makes clear the proposed amendments, not only by means of indication in the margin ("adapted"), but also by indications in the text itself as each textual addition has been highlighted by underlining.

(1) OJ No C 46 of 20.1.1992, p. 79; cf. also Common Position adopted by the Council on 18.6.1992 with a view to the adoption of a directive concerning the coordination of procedures for the award of public works contracts (6355/92, not published).

(2) OJ No L

II. ANALYSIS OF THE AMENDMENTS

(a) Recitals

4. The recitals have been brought into line with the approach adopted in the consolidated Public Works Directive to facilitate a later consolidation of the legislation.

(b) Amendments to Articles which do not alter the substance

5. In accordance with the general approach to provide for a coherent set of rules for all types of public contracts, the Commission, in its proposal, has, at a number of places, aligned the wording of texts, as far as possible, to that retained in the Public Works and Services Directives, without altering the substance of the text itself. This applies to the Articles 2, 4, 6, 15, 18, 20, 22, 23, 30 and 31. It had to renumber the Articles because of the deletion and insertion of Articles as a consequence of the below explained modifications.

(c) Contracting authorities

6. With a view to offering the widest possible access to public supplies contracts and in order to make the application of the procurement rules which relate to public authorities more uniform, it has been felt advisable to align Article 1(b) on the provisions of the Public Works Directive and the Public Services Directive.

7. The proposal therefore introduces the term "body governed by public law" in place of the previous "legal persons governed by public law". The previous lists of bodies corresponding to the old term, which were set out as Annex I to the Directive, have been deleted accordingly.

The proposal defines the new term "body governed by public law" for the purposes of the Directive as done in the Public Works and Public Services Directives. This alignment is necessary to make the application of the Directive more uniform. The lists of bodies or of categories of such bodies which fulfill the functional criteria referred to in the definition is set out by way of cross-reference to Annex I of the Public Works Directive, as done in the Public Services Directive. This way it is best ensured that all public procurement rules addressed to public authorities are applied in a coherent manner. In line with the Public Works and Public Services Directives, this list will not be enumerative, but only as exhaustive as possible, subject to periodical updating in the light of changes in the Member States.

(d) Threshold

8. The provision of Article 5(1) is amended to deal with repeated confusions arising in the context of the provision's previous reference to the GATT threshold in ECU, resulting from the fact that the threshold of the GATT Agreement expressed in ECU is subject to revision every two years. The previous reference to ECU 130.000 in Art. 5(1)(a)(2. indent) of Directive 77/62/EEC therefore differed from the later revised threshold as published in the OJEC. The solution chosen to remedy this situation provides for a:

- replacement in the text of the Directive of the specific reference to the GATT threshold in ECU by a reference to the threshold fixed pursuant to the GATT agreement (paragraph 1 (a));
- reference to the GATT threshold expressed in ECU by an introduction in the text of the provision of a cross-reference to its periodical publication in the OJEC (new paragraph 1 (d)).

9. The new paragraph 1(d) serves the purpose of bringing the particular items, publication as well as date of publication, together within one provision. Paragraph 1(c) has been aligned accordingly.

10. Further amendments within Art. 5 consist of alignments to the Public Works and the Public Services Directives.

(e) Choice of award procedure

11. With a view to coherent procedures and in order to simplify interpretation and application of the Directive, it has been felt advisable to align Article 6 (1) and (4) of the Supplies Directive to the corresponding provisions in the Public Works Directive and the Public Services Directive by putting the open and restrictive procedure on an equal level.

(f) De-briefing, internal records

12. The new Article 7 aligns the Public Supplies Directive on the equivalent provisions in the Public Works and Public Services Directives by making it obligatory for the contracting authorities to inform the candidates whose application has been turned down and the tenderers whose tenders have been rejected, where they so request, of the reasons for the rejection of their application or tender or, where applicable, for the abandonment of award procedures for which a contract notice had been published. This way more effective guarantees of openness and objectivity for all suppliers and for all contracts subject to the Directive will be assured.

13. Paragraph 3, which specifies the information that must be given by the contracting authority in the report, replaces the equivalent provision previously laid down in Article 6 paragraph 6 and enlarges the obligation to produce written reports to all award procedures, the better to ensure the objectivity of these procedures, including the principle that this report must be forwarded to the Commission if it so requests, where it has received a complaint or if it wishes to check that the contracting authorities have acted in a correct manner.

(g) Common Rules in the technical field

14. Article 8 of the Directive has been amended in the light of the new provisions on technical specifications laid down in the Public Works and the Public Services Directives.

(h) Publication of notices

15. Article 9 is aligned on the equivalent provision in the Public Works and the Public Services Directives with a view to improve access to contracts for potential suppliers and also to enable the award of such contracts to be supervised more effectively through the adoption of the following measures:

16. In line with the requirement laid down in the former subparagraph 2 to Article 9(1) to revise the obligation on indicative notices before 1 March 1990, the Commission felt it appropriate to extend the requirement to publish indicative notices on the intended total procurement by product areas to all contracting authorities, as indicative notices contain valuable information for potential suppliers. The provision on the obligation to revise Article 9(1) has been deleted accordingly.

17. In the interests of greater transparency and following the repeated demand for guidance on the understanding of "product areas" subject to the obligation of advance information, the proposal introduces a clear and coherent definition of "product areas" by means of reference to the new, shortly-to-be adopted, community nomenclature, the CPA ("Classification of Products According to Activities")(paragraph 1, new subparagraph 2). This amendment is inspired by the equivalent provision in the Public Services Directive. The proposal lays down that the Commission, using the Advisory Committee procedure provided for under the new Art. 32, shall determine the conditions of reference in the notice to particular positions of the nomenclature.

In line with the Public Services Directive, a reference to the nomenclature shall also be given in the other notices, as a supplement to the description of the nature and quantity of goods to be delivered. This way, the notices will be made both more practical and more useful.

18. Article 9 (2) to (11) have been aligned to the equivalent provisions of the Public Works and Services Directives, which also involved a reordering of the paragraphs.

Besides rearrangements of texts, the alignment to the Public Works and Services Directives implied the introduction of a new subparagraph, requiring the contracting authorities to limit requested information concerning the economic and technical standards of suppliers to those referred to in the Directive itself (new subparagraph 2 to paragraph 4).

Further, experience has shown that it is appropriate to provide for a full translation of the indicative notices and the notices of contract awards into all the Community languages, as these notices contain valuable information, in particular for foreign suppliers, and as the time constraints are not as crucial as in the case of ad-hoc notices referred to in Article 9 (2). The proposal therefore aligns this provision (new paragraph 6) on the equivalent provisions in the Public Works and Services Directives.

(1) Formalities of publication

19. The provision on time limits in open procedures (Article 10) is aligned on the Public Works and Services Directives on the following points:

- In paragraph 2 the time limit of four working days has been aligned to the equivalent provisions of the Public Works and Services Directives by replacing it by six days.
- The conditions to extend the time limit set out in paragraph 4 have been aligned to Public Works and Services by extending it to the situation where documents cannot be supplied within the limits set out in paragraph 2 and 3 of the same provision.

20. The provisions of Article 11 on time limits in restricted and negotiated procedures have been slightly reworded and paragraphs 4, 5 and 6 of this Article have been reordered to be aligned on those of the Public Works and Services Directives.

Subparagraphs (a) to (e) of paragraph 2 to this Article, which set out the minimum information a letter of invitation shall include, are new, being taken from the equivalent provisions on restricted and negotiated procedures of the Public Works and Services Directives.

21. Article 12(3), dealing with requests for participation in contracts and invitations to tender, has been amended to bring it in line with the equivalent Article of the Public Works and Services Directives.

(j) Voluntary publication

22. In the light of experience with the application of this provision, Article 13 has been aligned on the equivalent provisions of the Public Works and Services Directives, deleting the minimum threshold for publication.

(k) Technical revisions

23. A new Article 14 has been introduced in the light of the equivalent provision in the Public Services Directive. It provides for a legal basis for technical changes which can be adopted by the Commission, using the Advisory Committee procedure provided for in the new Article 32.

(l) Variants

24. The Article on variants has been brought into line with that in Article 19 of the Public Works Directive and Article 24 in the Public Services Directive to facilitate a later consolidation of the legislation. The alignment also includes a change of order of this provision within the Directive itself, which now forms part of Title IV, common rules on participation.

(m) Sub-contracting

25. A new Article 17 has been introduced in the light of the equivalent provision in the Public Works and Services Directives. It enables contracting authorities to ask suppliers whether they intend to sub-contract to third parties.

(n) Participants in restricted and negotiated procedures

26. In accordance with the general approach, Article 19 has been amended to align it on Article 22 of the Public Works directive and Article 27 of the Public Services Directive. This alignment in particular includes an introduction of conditions under which contracting authorities in restricted procedures may prescribe ranges of numbers of suppliers they intend to invite (new paragraph 2), as well as minimum requirements on the number of candidates to be invited to negotiate (new paragraph 3).

(o) Trade registers

27. The presentation of the provision on trade registers has been reworked to improve clarity, aligning it on the equivalent provisions of the Works and Services Directives.

(p) Official lists

28. It has been observed that some Member States, as in the fields of works and services, do have official lists of recognized suppliers. This may have the effect of discriminating against foreign suppliers because they may have more difficulties than local suppliers in becoming registered and benefiting from such lists. As in the Public Works and the Public

Services Directives, a new Article has therefore been introduced that recognises the value of such lists and at the same time reconciles the way in which official lists are used with the need to grant a fair chance to suppliers from other countries (new Article 25).

(q) Award criteria

29. The Commission has amended and rearranged the provision on award criteria with a view to its clarification (Article 26).

The amended provision in particular no longer contains reference to preferential award criteria (old Articles 25(4), 26, 27) as well as reference to the Italian anonymous envelope procedure (old Article 25(3)).

30. The provisions of the old Article 26 expire on 31 December 1992. Reports from the Member States show that there are no schemes eligible to benefit from the provision of the old Article 25(4). The provisions of the former Article 25(3) expired on 24 June 1981. These provisions are therefore superfluous.

The deletion of the former Article 27, which provided for reporting systems as regards preferential schemes, is a consequence of the deletion of the reference to the preference schemes as such.

(r) Abnormally low tenders

31. In accordance with the general approach, the Commission has aligned the provisions on abnormally low tenders (old Article 25(5) to (7)) as far as possible on the equivalent provisions in Public Works and Services. In the light of the Public Services Directive, it was felt appropriate to devote a separate Article to these provisions (new Article 27).

(s) Provisions arising from the GATT Agreement on Government Procurement

32. The provisions arising from the GATT Agreement on Government Procurement, which were set out in Directive 80/767/EEC and 88/295/EEC, have been reworked and put together under Title V (Final provisions).

33. With a view to improve clarity, the reference to the contracting authorities covered by the GATT agreement (old Article 1(1) of 80/767/EEC) and the provision on the main obligations resulting from this agreement (old Article 7 of 80/767/EEC) are now put together in one provision (new Article 28).

34. Former Article 8 of Directive 80/767/EEC, covering the Commission's power to ensure the application of this Directive as well as to propose revisions where appropriate has been slightly updated (new Article 29(1) and (2)).

35. It was felt appropriate to refer to the Commission's power to update Annex I to Directive 80/767/EEC (old Article 1(1)) in conjunction with the general provision on revisions to the Directive (Article 29(1) and (2)). The provision therefore changed its place of order, now being Article 29(3).

(t) Advisory Committee Procedure

36. In accordance with the general approach, the role of the Advisory Committee in those cases where the Directive requires its consultation, is determined in a new provision (Art. 32), in accordance with Council Decision 87/373/EEC of 13 July 1987 (OJ L 197 of 18.7.1987, p. 33).

(u) Transposition of Directive 77/62/EEC

37. In accordance with the general rules on legislative consolidation, a new Art. 33 repeals Directive 77/62/EEC, without prejudice to the obligations of the Member States to its transposition. It is thereby assured that Member States which have not yet properly transposed Directive 77/62/EEC do not escape from this obligation. As in the Public Works Directive and with a view to best ensure transparency, a new Annex V, referred to in Article 33, sets out the dates of application of the transposition measures.

To facilitate the correlation of the new Directive with the provisions of the repealed Directives, the Article further refers to a correlation table, set out as Annex VI (new).

(v) Obligation of transposition of this Directive and communication of measures

38. Article 34 contains the standard provisions on the obligations of Member States to transpose a directive and to communicate these measures taken to the Commission.

(w) List of Annexes

39. As stated under paragraph 7, Annex I to Directive 77/62/EEC has been deleted and substituted by a cross-reference in Article 1(b) to Annex I of Directive 92/.../EEC.

40. The lists of GATT-covered contracting authorities, referred to under Articles 28 and 29 of this Directive, are now set out under Annex I. The lists have been updated, in accordance with the provision now set out in Article 29(3), and completed by the inclusion of the list of contracting authorities for Spain, Greece and Portugal. The latter two lists are still pending confirmation by the GATT Parties.

41. The lists of products referred to by Article 5 concerning the award of contracts by contracting authorities in the field of defence became Annex II to this Directive.

42. The definition of certain technical specifications, which now became Annex III, have been amended in the light of the corresponding Annex in the Public Works and Services Directives.

43. In line with the general approach, Annex IV, Model notices of supply contracts, has been aligned on the Public Works and Public Services Directives as far as possible.

44. As referred to under paragraph 37, a new Annex V has been added, setting out the deadlines for the application of transposition measures concerning the repealed Directive 77/62/EEC.

45. Further, a new Annex VI, which sets out a correlation table, referred to under paragraph 37, is attached.

Proposal for a
COUNCIL DIRECTIVE

coordinating procedures for the award of
public supply contracts

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission⁽¹⁾,

In cooperation with the European Parliament⁽²⁾,

Having regard to the opinion of the Economic and Social Committee⁽³⁾,

Whereas Council Directive 77/62/EEC of 21 December 1976, coordinating procedures for the award of public supply contracts⁽⁴⁾, as last amended by Directive 92/50/EEC⁽⁵⁾, has been amended on a number of occasions; whereas, on the occasion of further amendments, the said Directive should, for reasons of clarity be redrafted;

Whereas with a view to creating a single, coherent body of all procurement rules for public authorities it seems important in particular to align the drafting of the present Directive, as far as possible, on the provisions on public procurement as contained in Council Directive 92/.../EEC of1992, concerning the coordination of procedures for the award of public works contracts⁽⁶⁾ and Council Directive 92/50/EEC of 18 June 1992, relating to the coordination of procedures on the award of public service contracts⁽⁷⁾;

(1) OJ No C

(2) OJ No C

(3) OJ No C

(4) OJ No L 13, 15.1.1977, p. 1.

(5) OJ No L 209, 24.7.1992, p. 1.

(6) OJ No L , , p. (not yet adopted; cf. common position adopted by the Council with a view to the adoption of a directive concerning the coordination of procedures for the award of public work contracts (6355/92) of 18.6.1992, not published).

(7) OJ No L

Whereas the alignments to be introduced relate, in particular, to the introduction of the functional definition of contracting authorities, the option to have recourse to the open or restricted procedure, the requirement to justify the refusal of candidates or tenderers, the rules for drawing up reports on the execution of the different award procedures, the conditions for referring to the common rules in the technical field, publication and participation, clarifications concerning award criteria and the introduction of the Advisory Committee procedure;

Whereas it is also necessary to introduce some editorial changes aimed at improving the clarity of existing provisions;

Whereas the attainment of freedom of movement of goods in respect of public supply contracts awarded in Member States on behalf of the State, or regional or local authorities or other bodies governed by public law entails not only the abolition of restrictions but also the co-ordination of national procedures for the award of public supply contracts;

Whereas such co-ordination should take into account as far as possible the procedures and administrative practices in force in each Member State;

Whereas the Council approved on behalf of the European Communities the Agreement on government procurement⁽¹⁾, hereinafter referred to as "the GATT Agreement";

1. 80/767/EEC
(adapted)

Whereas Annex I to this Directive sets out the lists of contracting authorities subject to the GATT Agreement; whereas it is necessary to up-date this Annex in accordance with modifications submitted by the Member States;

Whereas this Directive does not apply to certain supply contracts which are awarded in the water, energy, transport and telecommunication sectors covered by Council Directive 90/531/EEC⁽²⁾;

Whereas, without prejudice to the application of the threshold set out for supply contracts subject to the GATT Agreement, supply contracts of less than ECU 200 000 may be exempted from competition as provided under this Directive and it is appropriate to provide for their exemption from co-ordination measures;

10. 77/62/EEC
(adapted)

Whereas provision must be made for exceptional cases where measures concerning the co-ordination of procedures may not necessarily be applied, but such cases must be expressly limited;

9. 77/62/EEC

(1) OJ No L 71 of 17.1.1980, p. 1;
OJ No L 345 of 9.12.1987, p. 24
(2) OJ No L 297, 29.10.1990, p. 1.

Whereas the negotiated procedure should be considered to be exceptional and therefore applicable only in limited cases; 13. 88/295/EEC (adapted)

Whereas it is necessary to provide common rules in the technical field which take account of the Community policy on standards and specifications; 14. 88/295/EEC (adapted)

Whereas, to ensure development of effective competition in the field of public contracts, it is necessary that contract notices drawn up by the contracting authorities of Member States be advertised throughout the Community; whereas the information contained in these notices must enable suppliers established in the Community to determine whether the proposed contracts are of interest to them; whereas, for this purpose, it is appropriate to give them adequate information about the goods to be supplied and the conditions attached thereto; whereas, more particularly, in restricted procedures advertisement is intended to enable suppliers of Member States to express their interest in contracts by seeking from the contracting authorities invitations to tender under the required conditions; 12. 77/62/EEC

Whereas additional information concerning contracts must, as is customary in Member States, be given in the contract documents for each contract or else in an equivalent document; 13. 77/62/EEC

Whereas it is necessary to provide common rules for participation in public supply contracts, including both qualitative selection criteria and criteria for the award of the contracts;

Whereas this Directive must not affect the obligations of the Member States concerning the deadlines for transposition into national law and for application indicated in Annex V;

HAS ADOPTED THIS DIRECTIVE:

TITLE I

77/62/EEC

General provisions

Article 1

For the purpose of this Directive:

(a) 'public supply contracts' are contracts for pecuniary interest concluded in writing involving the purchase, lease, rental or hire purchase, with or without option to buy, of products between a supplier (a natural or legal person) and one of the contracting authorities defined in (b) below. The delivery of such products may in addition include siting and installation operations;

88/295/EEC
(adapted)

(b) 'contracting authorities' shall be the State, regional or local authorities, bodies governed by public law, associations formed by one or several of such authorities or bodies governed by public law.

77/62/EEC
(adapted)

A body governed by public law means any body:

- established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character, and

- having legal personality, and

- financed, for the most part, by the State, or regional or local authorities, or other bodies governed by public law, or subject to management supervision by those bodies, or having an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities, or by other bodies governed by public law.

The lists of bodies or of categories of such bodies governed by public law which fulfil the criteria referred to in the second subparagraph are set out in Annex I to Directive 92/.../EEC. These lists shall be as exhaustive as possible and may be reviewed in accordance with the procedure laid down in Article 35 of Directive 92/.../EEC.

- (c) - 'tenderer' is a supplier who submits a tender,
- 'candidate' is a person who has sought an invitation to take part in a restricted procedure,
- (d) 'open procedures' are those national procedures whereby all interested suppliers may submit tenders;
- (e) 'restricted procedures' are those national procedures whereby only those suppliers invited by the contracting authorities may submit tenders;
- (f) 'negotiated procedures' are those national procedures whereby contracting authorities consult suppliers of their choice and negotiate the terms of the contract with one or more of them.

77/62/EEC

88/295/EEC
(adapted)

Article 2

1. This Directive shall not apply to:

77/62/EEC
Article 2(2), as amended by
90/531/EEC
Article 35(1)
(adapted)

- (a) contracts awarded in the fields referred to in Articles 2, 7, 8 and 9 of Directive 90/531/EEC or fulfilling the conditions in Article 6(2) of that Directive;
- (b) supply contracts which are declared secret or the execution of which must be accompanied by special security measures in accordance with the laws, regulations or administrative provisions in force in the Member State concerned or when the protection of the basic interests of the Member State's security so requires.

2. When a contracting authority within the meaning of Article 1(b) grants to a body other than a contracting authority - regardless of its legal status - special or exclusive rights to engage in a public service activity, the instrument granting this right shall stipulate that the body in question must observe the principle of non-discrimination by nationality when awarding public supply contracts to third parties.

77/62/EEC
Article 2(3)
(adapted)

Article 3

88/295/EEC
Article 2a
(adapted)

Without prejudice to Articles 2, 4 and 5(1), this Directive shall apply to all products to which Article 1(a) relates, including those covered by contracts awarded by contracting authorities in the field of defence, except for the products to which the provisions of Article 223 (1) (b) of the Treaty apply.

Article 4

77/62/EEC
Article 3
(adapted)

This Directive shall not apply to public supply contracts governed by different procedural rules and awarded:

- (a) in pursuance of an international agreement, concluded in conformity with the Treaty, between a Member State and one or more non-member countries and covering supplies intended for the joint implementation or exploitation of a project by the signatory States; all agreements shall be communicated to the Commission, which may consult the Advisory Committee for Public Contracts set up by Decision 71/306/EEC⁽¹⁾;
- (b) to undertakings in a Member State or a non-member country in pursuance of an international agreement relating to the stationing of troops;
- (c) pursuant to the particular procedure of an international organization.

(1) OJ No L 185, 16.8.1971, p. 15; Decision amended by Decision 77/63/EEC (OJ No L 13, 15.1.1977, p. 15).

Article 5

88/295/EEC
(adapted)

1. (a) Titles II, III and IV and Articles 6 and 7 shall apply to public supply contracts:

- awarded by the contracting authorities referred to in Article 1(b), including contracts awarded by the contracting authorities in the field of defence listed in Annex I in so far as the products not listed in Annex II are concerned, provided that the estimated value net of VAT is not less than ECU 200 000,

- awarded by the contracting authorities listed in Annex I and whose estimated value net of VAT is not less than the threshold fixed pursuant to the GATT Agreement; in the case of contracting authorities in the field of defence, this shall apply only to contracts involving products covered by Annex II.

(b) This Directive shall apply to public supply contracts for which the estimated value equals or exceeds the threshold concerned at the time of publication of the notice in accordance with Article 9 (2).

(c) The value of the thresholds in national currencies and the threshold of the GATT Agreement expressed in ECU shall in principle be revised every two years with effect from 1 January 1988. The calculation of these values shall be based on the average daily values of these currencies expressed in ECU and of the ECU expressed in SDRs over the 24 months terminating on the last day of August immediately preceding the 1 January revision.

92/50/EEC
Article 42(1)
(adapted)

The method of calculation laid down in the present subparagraph shall be reviewed, on the Commission's initiative, by the Advisory Committee for Public Contracts, in principle two years after its initial application.

88/295/EEC
Article 5(1)(d)
(adapted)

d) The thresholds laid down in subparagraph (a) and the value of the thresholds in national currencies and, as regards the threshold fixed by the GATT Agreement its threshold expressed in ECU shall be published in the Official Journal of the European Communities at the beginning of the month of November which follows the revision laid down in the first part of subparagraph (c).

2. In the case of contracts for the lease, rental or hire purchase of products, the basis for calculating the estimated contract value shall be:

- in the case of fixed-term contracts, where their term is 12 months or less, the total contract value for its duration, or, where their term exceeds 12 months, its total value including the estimated residual value,
- in the case of contracts for an indefinite period or in cases where there is doubt as to the duration of the contracts, the monthly value multiplied by 48.

3. In the case of regular contracts or of contracts which are to be renewed within a given time, the contract value shall be established on the basis of:

- either the actual aggregate value of similar contracts concluded over the previous fiscal year or 12 months, adjusted, where possible, for anticipated changes in quantity or value over the 12 months following the initial contract,
- or the estimated aggregate value during the 12 months following the first delivery or during the term of the contract, where this is greater than 12 months .

The selection of the valuation method shall not be used with the intention of avoiding the application of this Directive.

4. If a proposed procurement of supplies of the same type may lead to contracts being awarded at the same time in separate parts, the estimated value of the total sum of these parts must be taken as the basis for the application of paragraphs 1 and 2.

5. In the cases where a proposed procurement specifies option clauses, the basis for calculating the estimated contract value shall be the highest possible total of the purchase, lease, rental, or hire-purchase permissible, inclusive of the option clauses.

88/295/EEC

6. No procurement requirement for a given quantity of supplies may be split up with the intention of avoiding the application of this Directive.

Article 6

88/295/EEC
(adapted)

1. In awarding public supply contracts the contracting authorities shall apply the procedures defined in Article 1 (d), (e) and (f), in the cases set out below.

2. The contracting authorities may award their supply contracts by negotiated procedure in the case of irregular tenders in response to an open or restricted procedure or in the case of tenders which are unacceptable under national provisions that are in accordance with provisions of Title IV, in so far as the original terms for the contract are not substantially altered. The contracting authorities shall in these cases publish a tender notice unless they include in such negotiated procedures all the enterprises satisfying the criteria of Articles 20 to 24 which, during the prior open or restricted procedure, have submitted tenders in accordance with the formal requirements of the tendering procedure.

3. The contracting authorities may award their supply contracts by negotiated procedure without prior publication of a tender notice, in the following cases:

- (a) in the absence of tenders in response to an open or restricted procedure insofar as the original terms of the contract are not substantially altered and provided that a report is communicated to the Commission;
- (b) when the products involved are manufactured purely for the purpose of research, experiment, study or development, this provision does not extend to quantity production to establish commercial viability or to recover research and development costs;

(c) when, for technical or artistic reasons, or for reasons connected with protection of exclusive rights, the products supplied may be manufactured or delivered only by a particular supplier;

(d) insofar as is strictly necessary when, for reasons of extreme urgency brought about by events unforeseeable by the contracting authorities in question, the time limit laid down for the open, restricted or negotiated procedures referred to in paragraph 2 cannot be kept. The circumstances invoked to justify extreme urgency must not in any event be attributable to the contracting authorities;

(e) for additional deliveries by the original supplier which are intended either as a partial replacement of normal supplies or installations or as the extension of existing supplies or installations where a change of supplier would oblige the contracting authority to acquire material having different technical characteristics which would result in incompatibility or disproportionate technical difficulties in operation and maintenance. The length of such contracts as well as that of recurrent contracts may, as a general rule, not exceed three years.

4. In all other cases, the contracting authorities shall award their supply contracts by the open procedure or by the restricted procedure.

Article 7

1. The contracting authority shall, within 15 days of the date on which the request is received, inform any eliminated candidate or tenderer who so requests of the reasons of rejection of his application or his tender, and, in the case of a tender, the name of the successful tenderer.

2. The contracting authority shall inform candidates or tenderers who so request of the grounds on which it decided not to award a contract in respect of which a prior call for competition was made, or to recommence the procedure. It shall also inform the Office for Official Publications of the European Communities of that decision.

3. For each contract awarded the contracting authorities shall draw up a written report which shall include at least the following:

88/295/EEC
Article 6(6)
(adapted)

- the name and address of the contracting authority, the subject and value of the contract,
- the names of the candidates or tenderers admitted and the reasons for their selection,
- the names of the candidates or tenderers rejected and the reasons for their rejection,
- the name of the successful tenderer and the reasons for his tender having been selected and, if known, any share of the contract the successful tenderer may intend to subcontract to a third party,
- for negotiated procedures, the circumstances referred to in Article 6 which justify the use of these procedures.

This report, or the main features of it, shall be communicated to the Commission at its request.

TITLE II

77/62/EEC

Common rules in the technical field

Article 8

88/295/EEC
Article 7
(adapted)

1. The technical specifications defined in Annex III shall be given in the general or contractual documents relating to each contract.

2. Without prejudice to the legally binding national technical rules, in so far as these are compatible with Community law, the technical specifications mentioned in paragraph 1 shall be defined by the contracting authorities by reference to national standards implementing European standards, or by reference to European technical approvals or by reference to common technical specifications.

3. A contracting authority may depart from paragraph 2 if:

- (a) the standards, European technical approvals or common technical specifications do not include any provision for establishing conformity, or technical means do not exist for establishing satisfactorily the conformity of a product to these standards, European technical approvals or common technical specifications;
- (b) the application of paragraph 2 would prejudice the application of Council Directive 86/361/EEC⁽¹⁾, or Council Decision 87/95/EEC⁽²⁾ or other Community instruments in specific service or product areas;

(1) OJ No L 217, 5.8.1986, p. 21.

(2) OJ No L 36, 7.2.1987, p. 31.

- (c) use of these standards, European technical approvals or common technical specifications would oblige the contracting authority to acquire supplies incompatible with equipment already in use or would entail disproportionate costs or disproportionate technical difficulties, but only as part of a clearly defined and recorded strategy with a view to change-over, within a given period, to European standards, European technical approvals or common technical specifications;
- (d) the project concerned is of a genuinely innovative nature for which use of existing European standards, European technical approvals or common technical specifications would not be appropriate.

4. Contracting authorities invoking paragraph 3 shall record, wherever possible, the reasons for doing so in the tender notice published in the Official Journal of the European Communities or in the contract documents and in all cases shall record these reasons in their internal documentation and shall supply such information on request to Member States and to the Commission.

5. In the absence of European standards or European technical approvals or common technical specifications, the technical specifications :

(a) shall be defined by reference to the national technical specifications recognized as complying with the basic requirements listed in the Community directives on technical harmonization, in accordance with the procedures laid down in those directives, and in particular in accordance with the procedures laid down in Council Directive 89/106/EEC⁽¹⁾;

(b) may be defined by reference to national technical specifications relating to design and method of calculation and execution of works and use of materials;

(1) OJ No L 40, 11.2.1989, p. 12.

(c) may be defined by reference to other documents.

88/295/EEC
(adapted)

In this case, it is appropriate to make reference in order of preference to:

(i) national standards implementing international standards accepted by the country of the contracting authority;

(ii) other national standards and national technical approvals of the country of the contracting authority;

(iii) any other standard.

6. Unless such specifications are justified by the subject of the contract, Member States shall prohibit the introduction into the contractual clauses relating to a given contract of technical specifications which mention goods of specific make or source or of a particular process and which therefore favour or eliminate certain suppliers or products. In particular, the indication of trade marks, patents, types or of a specific origin or production shall be prohibited. However, if such indication is accompanied by the words 'or equivalent' it shall be authorized in cases where the contracting authorities are unable to give a description of the subject of the contract using specifications which are sufficiently precise and fully intelligible to all parties concerned.

Common advertising rules

Article 9

1. The contracting authorities shall make known, as soon as possible after the beginning of their budgetary year, by means of an indicative notice, the total procurement by product area which they envisage awarding during the subsequent 12 months where the total estimated value, taking into account the provisions of Article 5, is equal to or greater than ECU 750 000.

88/295/EEC
(adapted)

The product area shall be established by the contracting authorities by means of reference to the nomenclature "Classification of Products According to Activities (CPA)"⁽¹⁾. The Commission shall determine the conditions of reference in the notice to particular positions of the nomenclature in accordance with the procedure laid down in Article 32(2).

2. Contracting authorities who wish to award a public supply contract by open, restricted or negotiated procedure in the cases referred to in Article 6(2), shall make known their intention by means of a notice.

3. Contracting authorities who have awarded a contract shall make known the result by means of a notice. However, certain information on the contract award may, in certain cases, not be published where release of such information would impede law enforcement or otherwise be contrary to the public interest, would prejudice the legitimate commercial interests of particular enterprises, public or private, or might prejudice fair competition between suppliers.

4. The notices shall be drawn up in accordance with the models given in Annex IV and shall specify the information requested in those models. The contracting authorities may not require any conditions other than those specified in Articles 22 and 23 when requesting information concerning the economic and technical standards which they require of suppliers for their selection (section 11 of Annex IV B, section 9 of Annex IV C and section 8 of Annex IV D).

(1) OJ No L

5. The contracting authorities shall send the notices as rapidly as possible and by the most appropriate channels to the Office for Official Publications of the European Communities. In the case of the accelerated procedure referred to in Article 12, the notice shall be sent by telex, telegram or telefax.

The notice referred to in paragraph 1 shall be sent as soon as possible after the beginning of each budgetary year.

The notice referred to in paragraph 3 shall be sent at the latest 48 days after the award of the contract in question.

6. The notices referred to in paragraphs 1 and 3 shall be published in full in the Official Journal of the European Communities and in the TED data bank in the official languages of the Communities, the text in the original language alone being authentic.

7. The notices referred to in paragraph 2 shall be published in full in the Official Journal of the European Communities and in the TED data bank in their original language. A summary of the important elements of each notice shall be published in the official languages of the Communities, the text in the original language alone being authentic.

8. The Office for Official Publications of the European Communities shall publish the notices not later than 12 days after their dispatch. In the case of the accelerated procedure referred to in Article 12, this period shall be reduced to five days.

9. The notices shall not be published in the official journals or in the press of the country of the contracting authority before the date of dispatch to the Office for Official Publications of the European Communities; they shall mention that date. They shall not contain information other than that published in the Official Journal of the European Communities.

10. The contracting authorities must be able to supply proof of the date of dispatch.

11. The cost of publication of the notices in the Official Journal of the European Communities shall be borne by the Communities. The length of the notice shall not be greater than one page of the Journal, or approximately 650 words. Each edition of the Journal containing one or more notices shall reproduce the model notice or notices on which the published notice or notices are based.

88/295/CEE
(adapted)

Article 10

88/295/ECC
(adapted)

1. In open procedures the time limit for the receipt of tenders, fixed by the contracting authorities shall not be less than 52 days from the date of dispatch of the notice.

2. Provided they have been requested in good time, the contract documents and supporting documents must be sent to the suppliers by the contracting authorities or competent departments within six days of receiving their application.

77/62/EEC
(adapted)

3. Provided it has been requested in good time, additional information relating to the contract documents shall be supplied by the contracting authorities not later than six days before the final date fixed for receipt of tenders.

4. Where the contract documents, supporting documents or additional information are too bulky to be supplied within the time limits laid down in paragraph 2 or 3 or where tenders can be made only after a visit to the site or after on-the-spot inspection of the documents supporting the contract documents, the time limit laid down in paragraph 1 shall be extended accordingly.

Article 11

88/295/EEC
(adapted)

1. In restricted procedures and negotiated procedures as described in Article 6(2), the time limit for receipt of requests to participate fixed by the contracting authorities shall not be less than 37 days from the date of dispatch of the notice.

2. The contracting authorities shall simultaneously and in writing invite the selected candidates to submit their tenders or negotiate. The letter of invitation shall be accompanied by the contract documents and supporting documents. It shall include at least the following information:

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(adapted)

(a) where appropriate, the address of the service from which the contract documents and supporting documents can be requested and the final date for making such a request; also the amount and terms of payment of any sum to be paid for such documents;

(b) the final date for receipt of tenders, the address to which they must be sent and the language or languages in which they must be drawn up;

(c) a reference to the contract notice published;

(d) an indication of any documents to be annexed, either to support the verifiable statements furnished by the candidate in accordance with Article 9(4), or to supplement the information provided for in that Article under the same conditions as those laid down in Article 22 and 23;

(e) the criteria for the award of the contract if these are not given in the notice.

3. In restricted procedures, the time limit for receipt of tenders fixed by the contracting authorities may not be less than 40 days from the date of dispatch of the written invitation.

4. Requests to participate in procedures for the award of contracts may be made by letter, by telegram, telex, telefax or by telephone. If by one of the last four, they must be confirmed by letter dispatched before the end of the period laid down in paragraph 1.

77/62/EEC
(adapted)

5. Provided it has been requested in good time, additional information relating to the contract documents must be supplied by the contracting authorities not later than six days before the final date fixed for receipt of tenders.

6. Where tenders can be made only after a visit to the site or after on-the-spot inspection of the documents supporting the contract documents, the time limit laid down in paragraph 3 shall be extended accordingly.

Article 12

1. In cases where urgency renders impracticable the time limits laid down in Article 11, the contracting authorities may fix the following time limits:

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(adapted)

- (a) a time limit for the receipt of requests to participate which shall not be less than 15 days from the date of dispatch of the notice;
- (b) a time limit for the receipt of tenders which shall not be less than 10 days from the date of the invitation to tender.

2. Provided it has been requested in good time, additional information relating to the contract documents must be supplied by the contracting authorities not less than four days before the final date fixed for the receipt of tenders.

77/62/EEC
(adapted)

3. Requests for participation in contracts and invitations to tender must be made by the most rapid means of communication possible. When requests to participate are made by telegram, telex, telefax or telephone, they must be confirmed by letter dispatched before the expiry of the time limit referred to in paragraph 1.

Article 13

77/62/EEC
Article 16
(adapted)

Contracting authorities may arrange for the publication in the Official Journal of the European Communities of notices announcing public supply contracts which are not subject to the publication requirement laid down in this Directive .

Article 14

The conditions for the drawing up, transmission, receipt, translation, collection and distribution of the notices referred to in Article 9 and of the statistical reports provided for in Article 31 as well as the nomenclature provided for in Article 9 and in Annexes II and IV may be modified in accordance with the procedure laid down in Article 32(2). The conditions for referring in the notices to particular positions in the nomenclature may be determined pursuant to the same procedure.

TITLE IV

Common rules on participation

77/62/EEC
Article 17
(adapted)

Article 15

1. Contracts shall be awarded on the basis of the criteria laid down in Chapter 2 of this Title, taking into account Article 16, after the suitability of the suppliers not excluded under Article 20 has been checked by the contracting authorities in accordance with the criteria of economic and financial standing and of technical capacity referred to in Articles 22, 23 and 24.

2. The contracting authorities shall respect fully the confidential nature of any information furnished by the suppliers.

Article 16

77/62/EEC
Article 8
(adapted)

1. Where the criterion for the award of the contract is that of the most economically advantageous tender, contracting authorities may take account of variants which are submitted by a tenderer and meet the minimum specifications required by the contracting authorities.

The contracting authorities shall state in the contract documents the minimum specifications to be respected by the variants and any specific requirements for their presentation. They shall indicate in the tender notice if variants are not permitted.

Contracting authorities may not reject the submission of a variant on the sole grounds that it has been drawn up with technical specifications defined by reference to national standards transposing European standards, to European technical approvals or to common technical specifications referred to in Article 8(2), or again by reference to national technical specifications referred to in Article 8(5)(a) and (b).

2. Contracting authorities which have admitted variants pursuant to paragraph 1 may not reject a variant on the sole grounds that it would lead, if successful, to a service contract rather than a public supply contract within the meaning of this Directive.

Article 17

In the contract documents, the contracting authority may ask the tenderer to indicate in his tender any share of the contract he may intend to subcontract to third parties.

This indication shall be without prejudice to the question of the principal supplier's liability.

Article 18

77/62/EEC
(adapted)

Tenders may be submitted by groups of suppliers. These groups may not be required to assume a specific legal form in order to submit the tender; however, the group selected may be required to do so when it has been awarded the contract, to the extent that this change is necessary for the satisfactory performance of the contract.

Article 19

1. In restricted and negotiated procedures the contracting authorities shall, on the basis of information given relating to the supplier's personal position as well as to the information and formalities necessary for the evaluation of the minimum conditions of an economic and technical nature to be fulfilled by him, select from among the candidates with the qualifications required by Articles 20 to 24 those whom they will invite to submit a tender or to negotiate.

88/295/EEC
(adapted)

2. Where the contracting authorities award a contract by restricted procedure, they may prescribe the range within which the number of suppliers which they intend to invite will fall. In this case the range shall be indicated in the contract notice. The range shall be determined in the light of the nature of the goods to be supplied. The range must number at least five suppliers and may be up to twenty.

In any event, the number of candidates invited to tender shall be sufficient to ensure genuine competition.

3. Where the contracting authorities award a contract by negotiated procedure as referred to in Article 6(2), the number of candidates admitted to negotiate may not be less than three provided that there is a sufficient number of suitable candidates.

4. Each Member State shall ensure that contracting authorities issue invitations without discrimination to those nationals of other Member States who satisfy the necessary requirements and under the same conditions as to its own nationals.

77/62/EEC
(adapted)

Chapter 1

Criteria for qualitative selection

Article 20

77/62/EEC
(adapted)

1. Any supplier may be excluded from participation in the contract who:

- (a) is bankrupt or is being wound up, whose affairs are being administered by the court, who has entered into an arrangement with creditors, who has suspended business activities or who is in any analogous situation arising from a similar procedure under national laws and regulations;
- (b) is the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding up or administration by the court or for an arrangement with creditors or of any other similar proceedings under national laws and regulations;
- (c) has been convicted of an offence concerning his professional conduct by a judgment which has the force of res judicata;
- (d) has been guilty of grave professional misconduct proven by any means which the contracting authorities can justify;
- (e) has not fulfilled obligations relating to the payment of social security contributions in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority;
- (f) has not fulfilled obligations relating to the payment of taxes in accordance with the legal provisions of the country in which he is established or those of the country of the contracting authority;
- (g) is guilty of serious misrepresentation in supplying the information required under this Chapter.

2. Where the contracting authority requires of the supplier proof that none of the cases quoted in (a), (b), (c), (e) or (f) of paragraph 1 applies to him, it shall accept as sufficient evidence:

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(adapted)

- for points (a), (b) or (c), the production of an extract from the 'judicial record' or, failing this, of an equivalent document issued by a competent judicial or administrative authority in the country of origin or in the country whence that person comes showing that these requirements have been met;

- for points (e) or (f), a certificate issued by the competent authority in the Member State concerned.

3. Where the country in question does not issue the documents or certificates referred to in paragraph 2 or where these do not cover all the cases quoted in (a), (b) or (c) of paragraph 1, they may be replaced by a declaration on oath or, in Member States where there is no provision for declarations on oath, by a solemn declaration made by the person concerned before a competent judicial or administrative authority, a notary or a competent professional or trade body, in the country of origin or in the country whence that person comes.

4. Member States shall designate the authorities and bodies competent to issue the documents, certificates or declarations referred to in paragraphs 2 and 3 and shall forthwith inform the other Member States and the Commission thereof.

Article 21

77/62/EEC
(adapted)

1. Any supplier wishing to take part in a public supply contract may be requested to prove his enrolment, as prescribed in his country of establishment, in one of the professional or trade registers or to provide a declaration on oath or certificate as described in paragraph 2 below.

2. The relevant professional and trade registers or declarations or certificates are:

= in Belgium: "registre du commerce/Handelsregister";

= in Denmark: "Aktieselskabs-Registret", "Forenings-Registret" and "Handelsregistret"

- in Germany: "Handelsregister" and "Handwerkerrolle";
- in Greece: "Ετην Ελλάδα, στο Βιοτεχνικό ή Βιομηχανικό ή Εμπορικό Επιμελητήριο".
- in Spain: "Registro Oficial de Contratistas del Ministerio de Industria y Energía";
- in France: "registre du commerce" and "répertoire des métiers";
- in Italy: "registro della camera di commercio, industria, agricoltura e artigianato", and "registro delle commissioni provinciali per l'artigianato";
- in Luxembourg: "registre aux firmes" and "rôle de la chambre des métiers";
- in the Netherlands: "Handelsregister";
- in Portugal: "Registo Nacional das Pessoas Colectivas".

88/295/EEC
(adapted)

- in the United Kingdom and Ireland, the supplier may be requested to provide a certificate from the Registrar of Companies or the Registrar of Friendly Societies that he is certified as incorporated or registered or, if he is not so certified, a certificate stating that the person concerned has declared on oath that he is engaged in the profession in question in the country in which he is established in a specific place under a given business name and under a specific trading name.

77/62/EEC
(adapted)

Article 22

77/62/EEC
(adapted)

1. Proof of the supplier's financial and economic standing may, as a general rule, be furnished by one or more of the following references:

- (a) appropriate statements from bankers;
- (b) the presentation of the supplier's balance-sheets or extracts from the balance-sheets, where publication of the balance-sheet is required under the law of the country in which the supplier is established;
- (c) a statement of the supplier's overall turnover and its turnover in respect of the products to which the contract relates for the three previous financial years.

2. The contracting authorities shall specify in the notice or in the invitation to tender which reference or references they have chosen and which references other than those mentioned under paragraph 1 are to be produced.

3. If, for any valid reason, the supplier is unable to provide the references requested by the contracting authority, he may prove his economic and financial standing by any other document which the contracting authority considers appropriate.

Article 23

77/62/EEC
(adapted)

1. Proof of the supplier's technical capacity may be furnished by one or more of the following means according to the nature, quantity and purpose of the products to be supplied:

- (a) a list of the principal deliveries effected in the past three years, with the sums, dates and recipients, public or private, involved:
 - where effected to public authorities, evidence to be in the form of certificates issued or countersigned by the competent authority;
 - where effected to private purchasers, delivery to be certified by the purchaser or, failing this, simply declared by the supplier to have been effected;
- (b) a description of the supplier's technical facilities, its measures for ensuring quality and its study and research facilities;
- (c) indication of the technicians or technical bodies involved, whether or not belonging directly to the supplier, especially those responsible for quality control;
- (d) samples, description and/or photographs of the products to be supplied, the authenticity of which must be certified if the contracting authority so requests;
- (e) certificates drawn up by official quality control institutes or agencies of recognized competence attesting conformity to certain specifications or standards of products clearly identified by references to specifications or standards;

(f) where the products to be supplied are complex or, exceptionally, are required for a special purpose, a check carried out by the contracting authorities or on their behalf by a competent official body of the country in which the supplier is established, subject to that body's agreement, on the production capacities of the supplier and if necessary on his study and research facilities and quality control measures.

77/62/EEC
(adapted)

2. The contracting authority shall specify, in the notice or in the invitation to tender, which references it wishes to receive.

3. The extent of the information referred to in Article 22 and in paragraphs 1 and 2 of this Article must be confined to the subject of the contract; contracting authority shall take into consideration the legitimate interests of the suppliers as regards the protection of their technical or trade secrets.

Article 24

77/62/EEC

Within the limits of Articles 20 to 23 the contracting authority may invite the suppliers to supplement the certificates and documents submitted or to clarify them.

Article 25

1. Member States who have official lists of recognized suppliers must adapt them to the provisions of points (a) to (d) and (g) of Article 20(1) and of Articles 21, 22 and 23.

2. Suppliers registered in the official lists may, for each contract, submit to the contracting authority a certificate of registration issued by the competent authority. This certificate shall state the references which enabled them to be registered in the list and the classification given in that list.

3. Certified registration in official lists of suppliers by the competent bodies shall, for the contracting authorities of other Member States, constitute a presumption of suitability corresponding to the suppliers classification only as regards points (a) to (d) and (g) of Article 20(1), Article 21, points (b) and (c) of Article 22(1) and point (a) of Article 23(1).

Information which can be deduced from registration in official lists may not be questioned. However, with regard to the payment of social security contributions, an additional certificate may be required of any registered suppliers whenever a contract is offered.

The contracting authorities of other Member States shall apply the first and second subparagraphs only in favour of suppliers established in the Member State holding the official list.

4. For the registration of suppliers of other Member States in an official list, no further proof or statements can be required other than those requested of national suppliers and, in any event, only those provided for under Articles 20 to 23.

5. Member States holding an official list shall communicate to other Member States the address of the body to which requests for registration may be made.

Chapter 2

77/62/EEC

Criteria for the award of contracts

Article 26

1. The criteria on which the contracting authority shall base the award of contracts shall be:

Article 25 (1) and (2)
(adapted)

(a) either the lowest price only;

(b) or, when the award is made to the most economically advantageous tender, various criteria according to the contract in question: e.g. price, delivery date, running costs, cost-effectiveness, quality, aesthetic and functional characteristics, technical merit, after-sales service and technical assistance.

2. In the case referred to in point (b) of paragraph 1, the contracting authority shall state in the contract documents or in the contract notice all the criteria they intend to apply to the award, where possible in descending order of importance.

Article 27

77/62/EEC
Article 25(5) to (7)
(adapted)

If, for a given contract, tenders appear to be abnormally low in relation to the goods to be supplied, the contracting authority shall, before it may reject those tenders, request in writing details of the constituent elements of the tender which it considers relevant and shall verify those constituent elements taking account of the explanations received.

The contracting authority may take into consideration explanations which are justified on objective grounds including the financial aspects of the supply of the products, or the technical solutions chosen, or the exceptionally favourable conditions available to the tenderer for the supply of the goods, or the originality of the supplies proposed by the tenderer.

If the documents relating to the contract provide for its award at the lowest price tendered, the contracting authority must communicate to the Commission the rejection of tenders which it considers to be too low.

TITLE V

77/62/EEC

Final provisions

Article 28

For the purposes of the award of public contracts by the contracting authorities referred to in Annex I, and, to the extent that rectifications, modifications or amendments have been made thereto, by their successor authorities, Member States shall apply in their relations conditions as favourable as those which they grant to third countries in implementation of the GATT Agreement, in particular those in Articles V and VI of that Agreement, on the selective procedure, information and review. The Member States shall to this end consult each other within the Advisory Committee for Public Contracts on the measures to be taken pursuant to the Agreement.

80/767/EEC
Articles 1(1) and 7
(adapted)

Article 29

80/767/EEC
Article 8
(adapted)

1. The Commission shall examine the application of this Directive in consultation with the Advisory Committee for Public Contracts and where appropriate shall submit new proposals to the Council with the aim in particular of harmonizing the measures taken by the Member States for the implementation of this Directive.
2. The Commission shall review this Directive and any new measures which may be adopted by virtue of paragraph 1, having regard to the results of the further negotiations provided for in Article IX (6) of the GATT Agreement and shall, if necessary, submit appropriate proposals to the Council.
3. The Commission shall update Annex I on the basis of any rectifications, modifications or amendments referred to in Article 28 and shall have the updated version published in the Official Journal of the European Communities.

80/767/EEC
Article 1(2)
(adapted)

Article 30

77/62/EEC
Article 28
(adapted)

The calculation of time limits shall be made in accordance with Council Regulation (EEC, Euratom) No 1182/71⁽¹⁾.

Article 31

88/295/EEC
Article 29
(adapted)

1. In order to permit assessment of the results of applying this Directive, Member States shall forward to the Commission a statistical report relative to supply contract awards:

- (a) not later than 31 October of each year for the preceding year in respect of the contracting authorities listed in Annex I ;
- (b) not later than 31 October 1991 and for the Hellenic Republic, the Kingdom of Spain and the Portuguese Republic 31 October 1995 and thereafter 31 October of each second year for the preceding year in respect of the other contracting authorities within the meaning of Article 1.

2. The statistical report shall detail at least:

- (a) the number and value of contracts awarded by each contracting authority above the threshold and, in the case of contracting authorities mentioned in Annex I , the value below the threshold;
- (b) the number and value of contracts awarded by each contracting authority above the threshold, subdivided by procedure, product and the nationality of the supplier to whom the contract has been awarded, and in the case of negotiated procedures, subdivided in accordance with Article 6, listing the number and value of the contracts awarded to each Member State and to third countries, and in the case of contracting authorities referred to in Annex I, the number and value of the contracts awarded to each signatory to the GATT Agreement.

(1) OJ No L 124, 8.6.1971, p. 1.

3. The Commission shall determine in accordance with the procedure laid down in Article 32 (2) the nature of any additional statistical information, which is required in accordance with this Directive .

88/295/EEC
(adapted)

Article 32

1. The Commission shall be assisted by the Advisory Committee for Public Contracts set up by Decision 71/306/EEC.

2. Where reference is made to the procedure laid down in this paragraph, the representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

3. The Committee mentioned in paragraph 1 shall examine, on the initiative of the Commission or at the request of a Member State, any question relating to the application of this Directive.

Article 33

Directive 77/62/EEC⁽¹⁾ is hereby repealed, without prejudice to the obligation of the Member States concerning the deadlines for transposition into national law and for application indicated in Annex V.

77/62/EEC
Articles 30 and 31
(adapted)
80/767/EEC
Articles 9 and 10
(adapted)
88/295/EEC
Articles 20 and 21
(adapted)

References to the repealed Directives shall be construed as reference to this Directive and should be read in accordance with the correlation table set out in Annex VI.

(1) Including the provisions which amended this Directive, namely:

- Directive 80/767/EEC (OJ No L 215, 18.8.1980, p. 1.)
- Directive 88/295/EEC (OJ No L 127, 20.5.1988, p. 1.)
- Article 35(1) of Directive 90/531/EEC (OJ No L 297, 29.10.1990, p. 1)
- Article 42(1) of Directive 92/50/EEC (OJ No L 209, 24.7.1992, p. 1).

Article 34

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive beforeThey shall immediately inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt to comply with this Directive.

Article 35

This Directive is addressed to the Member States.

Done at Brussels,

For the Council

The President

LIST OF ANNEXES

- I. List of contracting authorities subject to the GATT Agreement on Government Procurement.
- II. List of products referred to in Article 5 concerning the award of contracts by contracting authorities in the field of defence.
- III. Definition of certain technical specification.
- IV. Model notices of supply contracts.
- V. Deadlines for application of transposition measures
- VI. Correlation table.

LIST OF CONTRACTING AUTHORITIES SUBJECT TO THE

GATT AGREEMENT ON GOVERNMENT PROCUREMENT

BELGIUM

- | | |
|--|--|
| A. - L'Etat, exception faite pour les marchés passés dans le cadre de coopération au développement qui, en vertu d'accords internationaux conclus avec des pays tiers et se rapportant à la passation de marchés, sont soumis à d'autres dispositions, incompatibles avec les dispositions du présent arrêté:(1)
- la Régie des Postes(2);
- la Régie des Bâtiments;
- le Fonds des Routes; | - De Staat met uitzondering van de opdrachten inzake ontwikkelingsamenwerking die krachtens internationale overeenkomsten met, derde landen inzake het plaatsen van opdrachten andere bepalingen behelzen die niet verenigbaar zijn met de bepalingen van dit besluit :(1)
- de Regie der Posterijen;(2)
- de Regie der Gebouwen;
- het Wegenfonds. |
| B. - Le Fonds général des Bâtiments scolaires de l'Etat;
- Le Fonds de Construction d'Institutions hospitalières et médico-sociales;
- La Société nationale terrienne;
- L'Office national de Sécurité Sociale;
- L'Institut national d'Assurances sociales pour Travailleurs indépendants;
- L'Institut national d'Assurance Maladie-Invalidité;
- L'Institut national de Crédit agricole;
- L'Office national des Pensions;
- L'Office central de Crédit hypothécaire;
- L'Office national du Ducroire; | - Het Algemeen Gebouwenfonds voor de Rijkscholen;
- het Fonds voor de Bouw van Ziekenhuizen en medisch-sociale inrichtingen;
- de Nationale Landmaatschappij;
- de Rijksdienst voor Sociale Zekerheid;
- het Rijksinstituut voor de Sociale Verzekeringen der Zelfstandigen;
- het Rijksinstituut voor Ziekte- en Invaliditeitsverzekering;
- het Nationaal Instituut voor landbouwkrediet;
- de Rijksdienst voor Pensioenen
- het Centraal Bureau voor hypothecair Krediet;
- de Nationale Delcredereerdienst; |

(1) Non-warlike materials contained in Annex II

(2) Postal business only

- La Caisse auxiliaire d'Assurance Maladie-Invalidité;	- de Hulpkas voor Ziekte- en Invaliditeitsverzekering;
- Le Fonds des Maladies professionnelles	- het Fonds voor de Beroepsziekten;
- La Caisse nationale de Crédit professionnel;	- de Nationale Kas voor Beroepskrediet;
- L'Office national des Débouchés agricoles et horticoles;	- de Nationale Dienst voor Afzet van Land- en Tuinbouwprodukten;
- L'Office national du Lait et de ses Dérivés;	- de Nationale Zuiveldienst;
- L'Office national de l'Emploi;	- de Rijksdienst voor Arbeidsvoorziening;
- Régie des Voies aériennes.	- de Regie der Luchtwegen.

DENMARK

- | | |
|---|---|
| 1. Statsministeriet | - to departementer |
| 2. Arbejdsministeriet | - fem direktorater og institutioner |
| 3. Udenrigsministeriet
(tre departementer) | |
| 4. Bølligministeriet | - fem direktorater and institutioner |
| 5. Energiministeriet | - ét direktorat og Forsøgsanlæg Risø; |
| 6. Finansministeriet
(to departementer) | - fire direktorater og institutioner
inklusive Direktoratet for Statens
Indkøb
- fem andre institutioner |
| 7. Ministeriet for
Skatter og Afgifter
(to departementer) | - fem direktorater og institutioner |
| 8. Fiskeriministeriet | - fire institutioner |
| 9. Industriministeriet
(Fulde navn:
Ministeriet for
Industri, Handel,
Håndværk og Skibs-
fart) | - 9 direktorater og institutioner |
| 10. Indenrigsministeriet | - Civilforsvarsstyrelsen
- ét direktorat |
| 11. Justitsministeriet | - Rigspolitichefen
- fem andre direktorater og
institutioner |
| 12. Kirkeministeriet | |
| 13. Landbrugministeriet | - 19 direktorater og institutioner |
| 14. Miljøministeriet | - fem direktorater |
| 15. Kultur- og
Kommunikations-
ministeriet(1) | - tre direktorater og adskillige
statsejede museer og højere
uddannelsesinstitutioner |
| 16. Socialministeriet | - fire direktorater |
| 17. Undervisnings-
ministeriet | - seks direktorater
- 12 universiteter og andre højere
lærestatter |

(1) With the exception of Telecommunications services of the "Post- og Telegrafvæsenet"

18. Økonomiministeriet
(tre departementer)
19. Ministeriet for
Offentlige
Arbejder (1)
20. Forsvaraministeriet(2)
21. Sundhedministeriet
- Statshavne og statslufthavne
 - fire direktorater og adskillige
institutioner
 - adskillige institutioner inklusive
Statens Seruminstitut og
Rigshospitalet.

(1) With the exception of the "Danske Statsbaner"

(2) Non-warlike materials contained in Annexe II

FEDERAL REPUBLIC OF GERMANY

1. Auswärtiges Amt
2. Bundesministerium für Arbeit und Sozialordnung
3. Bundesministerium für Bildung und Wissenschaft
4. Bundesministerium für Ernährung, Landwirtschaft und Forsten
5. Bundesministerium der Finanzen
6. Bundesministerium für Forschung und Technologie
7. Bundesministerium des Inneren (nur ziviles Material)
8. Bundesministerium für Gesundheit
9. Bundesministerium für Frauen und Jugend
10. Bundesministerium für Familie und Senioren
11. Bundesministerium der Justiz
12. Bundesministerium für Raumordnung, Bauwesen und Städtebau
13. Bundesministerium für Post- und Telekommunikation (1)
14. Bundesministerium für Wirtschaft
15. Bundesministerium für wirtschaftliche Zusammenarbeit
16. Bundesministerium der Verteidigung (2)
17. Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit

Note: According to existing national obligations, the entities contained in this list must, in conformity with special procedures, award contracts to certain groups in order to remove difficulties caused by the last war.

(1) With the exception of telecommunications equipment

(2) Non-warlike materials contained in Annexe II

FRANCE

1. Main purchasing entities

A. General budget

- Premier ministre;
- Ministère d'Etat, ministère de l'éducation nationale de la jeunesse et des sports;
- Ministère d'Etat, ministère de l'économie, des finances et du budget;
- Ministère d'Etat, ministère de l'équipement, du logement, des transports et de la mer;
- Ministère d'Etat, ministère des affaires étrangères;
- Ministère de la justice;
- Ministère de la défense⁽¹⁾;
- Ministère de l'intérieur et de la centralisation;
- Ministère de l'industrie et de l'aménagement du territoire;
- Ministère des affaires européennes;
- Ministère d'Etat, ministère de la fonction publique et des réformes administratives;
- Ministère du travail, de l'emploi et de la formation professionnelle;
- Ministère de la coopération et du développement;
- Ministère de la culture, de la communication, des grands travaux, du Bicentenaire;
- Ministère des départements et territoires d'outre-mer;
- Ministère de l'agriculture et de la forêt;
- Ministère des postes, des télécommunications et de l'espace⁽²⁾;
- Ministère chargé des relations avec le Parlement;
- Ministère de la solidarité, de la santé et de la protection sociale;
- Ministère de la recherche et de la technologie;
- Ministère du commerce extérieur;
- Ministère délégué auprès du ministère d'Etat, ministère de l'économie, des finances et du budget, chargé du budget;
- Ministère délégué auprès du ministère d'Etat, ministère des affaires étrangères, chargé de la francophonie;
- Ministère délégué auprès du ministère d'Etat, ministère des affaires étrangères;
- Ministère délégué auprès du ministère de l'industrie et de l'aménagement du territoire, chargé de l'aménagement du territoire et des reconversions;
- Ministère délégué auprès du ministère de l'industrie et de l'aménagement du territoire, chargé du commerce et de l'artisanat;

(1) Non-warlike materials contained in Annex II

(2) Postal business only

- Ministère délégué auprès du ministère de l'industrie et de l'aménagement du territoire, chargé du tourisme;
- Ministère délégué auprès du ministère de l'équipement, du logement, des transports et de la mer, chargé de la mer;
- Ministère délégué auprès du ministère de la culture, de la communication, des grands travaux, du Bicentenaire, chargé de la communication;
- Ministère délégué auprès du ministère de la solidarité, de la santé et de la protection sociale, chargé des personnes âgées;
- Secrétariat d'Etat chargé des droits des femmes;
- Secrétariat d'Etat chargé des anciens combattants et des victimes de guerre;
- Secrétariat d'Etat chargé de la prévention des risques technologiques et naturels majeurs;
- Secrétariat d'Etat auprès du Premier ministre, chargé du plan;
- Secrétariat d'Etat auprès du Premier ministre, chargé de l'environnement;
- Secrétariat d'Etat auprès du Premier ministre;
- Secrétariat d'Etat auprès du Premier ministre, chargé de l'action humanitaire;
- Secrétariat d'Etat auprès du ministère d'Etat, ministère de l'éducation nationale de la jeunesse et des sports, chargé de l'enseignement technique;
- Secrétariat d'Etat auprès du ministère d'Etat, ministère de l'éducation nationale de la jeunesse et des sports, chargé de la jeunesse et des sports;
- Secrétariat d'Etat auprès du ministère d'Etat, ministère de l'économie, des finances et du budget, chargé de la consommation;
- Secrétariat d'Etat auprès du ministère des affaires étrangères, chargé des relations culturelles internationales;
- Secrétariat d'Etat auprès du ministère de l'intérieur, chargé des collectivités territoriales;
- Secrétariat d'Etat auprès du ministère de l'équipement, du logement, des transports et de la mer, chargé des transports routiers et fluviaux;
- Secrétariat d'Etat auprès du ministère du travail, de l'emploi et de la formation professionnelle, chargé de la formation professionnelle;
- Secrétariat d'Etat auprès du ministère de la culture, de la communication, des grands travaux, et du Bicentenaire, chargé des grands travaux;
- Secrétariat d'Etat auprès du ministère de la solidarité, de la santé et de la protection sociale, chargé de la famille;
- Secrétariat d'Etat auprès du ministère de la solidarité, de la santé et de la protection sociale, chargé des handicapés et des accidentés de la vie.

B. Budget Annex

In particular:

- Imprimerie Nationale;

C. Special Treasury accounts

In particular:

- Fonds forestier national;
- Soutien financier de l'industrie cinématographique et de l'industrie des programmes audio-visuels;
- Fonds national d'aménagement foncier et d'urbanisme;
- Caisse autonome de la reconstruction.

2. National administrative public bodies

- Académie de France à Rome;
- Académie de marine;
- Académie des sciences d'Outre-Mer;
- Agence centrale des organismes de sécurité sociale (A.C.O.S.S.);
- Agences financières de bassins;
- Agence nationale pour l'amélioration des conditions de travail (A.N.A.C.T.);
- Agence nationale pour l'amélioration de l'habitat (A.N.A.H.);
- Agence nationale pour l'emploi (A.N.P.E.);
- Agence nationale pour l'indemnisation des français d'Outre-Mer (A.N.I.F.O.M.);
- Assemblée permanente des chambres d'agriculture (A.P.C.A.);
- Bibliothèque nationale;
- Bibliothèque nationale et universitaire de Strasbourg;
- Bureau d'études des postes et télécommunications d'Outre-Mer (B.E.P.T.O.M.);
- Caisse d'aide à l'équipement des collectivités locales (C.A.E.C.L.);
- Caisse des dépôts et consignations;
- Caisse nationale des allocations familiales (C.N.A.F.);
- Caisse nationale d'assurance maladie des travailleurs salariés (C.N.A.M.);
- Caisse nationale d'assurance-vieillesse des travailleurs salariés (C.N.A.V.T.S.);
- Caisse nationale des autoroutes (C.N.A.);
- Caisse nationale militaire de sécurité sociale (C.N.M.S.S.);
- Caisse nationale des monuments historiques et des sites;
- Caisse nationale des télécommunications⁽¹⁾;

(1) Postal business only

- Caisse de garantie du logement social;
- Casa de Velasquez;
- Centre d'enseignement zootechnique de Rambouillet;
- Centre d'études du milieu et de pédagogie appliquée du Ministère de l'Agriculture;
- Centre d'études supérieures de sécurité sociale;
- Centres de formation professionnelle agricole;
- Centre national d'art et de culture Georges Pompidou;
- Centre national de la cinématographie française;
- Centre national d'études et de formation pour l'enfance inadaptée;
- Centre national d'études et d'expérimentation du machinisme agricole, du génie rural, des eaux et des forêts;
- Centre national et de formation pour l'adaptation scolaire et l'éducation spécialisée (C.N.E.F.A.S.E.S.);
- Centre national de formation et de perfectionnement des professeurs d'enseignement ménager agricole;
- Centre national des lettres;
- Centre national de documentation pédagogique;
- Centre national des oeuvres universitaires et scolaires (C.N.O.U.S.);
- Centre national d'ophtalmologie des quinze-vingts;
- Centre national de préparation au professorat de travaux manuels éducatifs et d'enseignement ménager;
- Centre national de promotion rurale de Marmilhat;
- Centre national de la recherche scientifique (C.N.R.S.);
- Centre régional d'éducation populaire d'Ile de France;
- Centres d'éducation populaire et de sport (C.R.E.P.S.);
- Centres régionaux des oeuvres universitaires (C.R.O.U.S.);
- Centres régionaux de la propriété forestière;
- Centre de sécurité sociale des travailleurs migrants;
- Chancelleries des universités;
- Collèges d'Etat;
- Commission des opérations de bourse;
- Conseil supérieur de la pêche;
- Conservatoire de l'espace littoral et des rivages lacustres;
- Conservatoire national des arts et métiers;
- Conservatoire national supérieur de musique;
- Conservatoire national supérieur d'art dramatique;
- Domaine de Pompadour;
- Ecole centrale - Lyon;
- Ecole centrale des arts et manufactures;
- Ecole française d'archéologie d'Athènes;
- Ecole française d'Extrême-Orient;
- Ecole française de Rome;
- Ecole des hautes études en sciences sociales;

- Ecole nationale d'administration;
- Ecole nationale de l'aviation civile (E.N.A.C.);
- Ecole nationale des Chartes;
- Ecole nationale d'équitation;
- Ecole nationale du génie rural des eaux et des forêts (E.N.G.R.E.F.);
- Ecoles nationales d'ingénieurs;
- Ecole nationale d'ingénieurs des industries des techniques agricoles et alimentaires;
- Ecoles nationales d'ingénieurs des travaux agricoles;
- Ecole nationale des ingénieurs des travaux ruraux et des techniques sanitaires;
- Ecole nationale des ingénieurs des travaux des eaux et forêts (E.N.I.T.E.F.);
- Ecole nationale de la magistrature;
- Ecoles nationales de la marine marchande;
- Ecole nationale de la santé publique (E.N.S.P.);
- Ecole nationale de ski et d'alpinisme;
- Ecole nationale supérieure agronomique - Montpellier;
- Ecole nationale supérieure agronomique - Rennes;
- Ecole nationale supérieure des arts décoratifs;
- Ecole nationale supérieure des arts et industries - Strasbourg;
- Ecole nationale supérieure des arts et industries textiles - Roubaix;
- Ecoles nationales supérieures d'arts et métiers;
- Ecole nationale supérieure des beaux-arts;
- Ecole nationale supérieure des bibliothécaires;
- Ecole nationale supérieure de céramique industrielle;
- Ecole nationale supérieure de l'électronique et de ses applications (E.N.S.E.A.);
- Ecole nationale supérieure d'horticulture;
- Ecole nationale supérieure des industries agricoles alimentaires;
- Ecole nationale supérieure du paysage (rattachée à l'école nationale supérieure d'horticulture);
- Ecole nationale supérieure des sciences agronomiques appliquées (E.N.S.S.A.);
- Ecoles nationales vétérinaires;
- Ecole nationale de voile;
- Ecoles normales d'instituteurs et d'institutrices;
- Ecoles normales nationales d'apprentissage;
- Ecoles normales supérieures;
- Ecole polytechnique;
- Ecole technique professionnelle agricole et forestière de Meymac (Corrèze);
- Ecole de sylviculture - Croigny (Aube);
- Ecole de viticulture et d'oenologie de la Tour Blanche (Gironde);
- Ecole de viticulture - Avize (Marne);
- Etablissement national de convalescents de Saint-Maurice;
- Etablissement national des invalides de la marine (E.N.I.M.);
- Etablissement national de bienfaisance Koenigs-Wazter;
- Fondation Carnegie;

- Fondation Singer-Polignac;
- Fonds d'action sociale pour les travailleurs immigrés et leurs familles;
- Hôpital-hospice national Dufresne-Sommeiller;
- Institut de l'élevage et de médecine vétérinaire des pays tropicaux (I.E.M.V.P.T.);
- Institut français d'archéologie orientale du Caire;
- Institut géographique national;
- Institut industriel du Nord;
- Institut International d'administration publique (I.I.A.P.);
- Institut national agronomique de Paris-Grignon;
- Institut national des appellations d'origine des vins et eaux-de-vie (I.N.A.O.V.E.V.);
- Institut national d'astronomie et de géophysique (I.N.A.G.);
- Institut national de la consommation (I.N.C.);
- Institut national d'éducation populaire (I.N.E.P.);
- Institut national d'études démographiques (I.N.E.D.);
- Institut national des jeunes aveugles - Paris;
- Institut national des jeunes sourds - Bordeaux;
- Institut national des jeunes sourds - Chambéry;
- Institut national des jeunes sourds - Metz;
- Institut national des jeunes sourds - Paris;
- Institut national de physique nucléaire et de physique des particules (I.N2.P3);
- Institut national de promotion supérieure agricole;
- Institut national de la propriété industrielle;
- Institut national de la recherche agronomique (I.N.R.A.);
- Institut national de recherche pédagogique (I.N.R.P.);
- Institut national de la santé et de la recherche médicale (I.N.S.E.R.M.);
- Institut national des sports;
- Instituts nationaux polytechniques;
- Instituts nationaux des sciences appliquées;
- Institut national supérieur de chimie industrielle de Rouen;
- Institut national de recherche en informatique et en automatique (I.N.R.I.A.);
- Institut national de recherche sur les transports et leur sécurité (I.N.R.E.T.S.);
- Instituts régionaux d'administration;
- Institut supérieur des matériaux et de la construction mécanique de Saint-Ouen;
- Lycées d'Etat;
- Musée de l'armée;
- Musée Gustave Moreau;
- Musée de la marine;
- Musée national J.J. Henner;
- Musée national de la Légion d'Honneur;
- Musée de la poste;
- Muséum national d'histoire naturelle;
- Musée Auguste Rodin;
- Observatoire de Paris;

- Office de coopération et d'accueil universitaire;
- Office français de protection des réfugiés et apatrides;
- Office national des anciens combattants;
- Office national de la chasse;
- Office national d'information sur les enseignements et les professions (O.N.I.S.E.P.);
- Office national d'immigration (O.N.I.);
- O.R.S.T.O.M. - Institut français de recherche scientifique pour le développement en coopération;
- Office universitaire et culturel français pour l'Algérie;
- Palais de la découverte;
- Parcs nationaux;
- Réunion des musées nationaux;
- Syndicat des transports parisiens;
- Thermes nationaux - Aix-les-Bains;
- Universités.

3. Other national public bodies

- Union des groupements d'achats publics (U.G.A.P.).

IRELAND

1. MAIN PURCHASING ENTITIES

Office of Public Works

2. OTHER DEPARTMENTS

- President's Establishment;
- Houses of the Oireachtas (Parliament);
- Department of the Taoiseach (Prime Minister);
- Central Statistics Office;
- Department of the Gaeltacht (Irish-speaking areas);
- National Gallery of Ireland;
- Department of Finance;
- State Laboratory;
- Office of the Comptroller and Auditor General;
- Office of the Attorney General;
- Office of the Director of Public Prosecutions;
- Valuation Office;
- Civil Service Commission;
- Office of the Ombudsman;
- Office of the Revenue Commissioners;
- Department of Justice;
- Commissioners of Charitable Donations and Bequests for Ireland;
- Department of the Environment;
- Department of Education;
- Department of the Marine;
- Department of Agriculture and Food;
- Department of Labour;
- Department of Industry and Commerce;
- Department of Tourism and Transport;
- Department of Communications;
- Department of Defence⁽¹⁾;
- Department of Foreign Affairs;
- Department of Social Welfare;
- Department of Health;
- Department of Energy.

(1) Non-warlike materials contained in Annex II

ITALY

1. Ministero del tesoro⁽¹⁾;
2. Ministero delle finanze⁽²⁾;
3. Ministero di grazia e giustizia;
4. Ministero degli affari esteri;
5. Ministero della pubblica istruzione;
6. Ministero dell'interno;
7. Ministero dei lavori pubblici;
8. Ministero dell'agricoltura e delle foreste;
9. Ministero dell'industria, del commercio e dell'artigianato;
10. Ministero del lavoro e della previdenza sociale;
11. Ministero della sanità;
12. Ministero per i beni culturali e ambientali;
13. Ministero della difesa⁽³⁾;
14. Ministero del bilancio e della programmazione economica;
15. Ministero delle partecipazioni statali;
16. Ministero del turismo e dello spettacolo;
17. Ministero del commercio con l'estero;
18. Ministero delle poste e delle telecomunicazioni⁽⁴⁾;
19. Ministero dell'ambiente;
20. Ministero dell'università e della ricerca scientifica e tecnologica.

Note:

This Agreement shall not prevent the implementation of provisions contained in Italian Law N° 835 of 6 October 1950 (Official Gazette N° 245 of 24 October 1950 of the Italian Republic) and in modifications thereto in force on the date on which this Agreement is adopted.

(1) Acting as the central purchasing entity for most of the other Ministries or entities

(2) Not including purchases made by the tobacco and salt monopolies

(3) Non-warlike materials contained in Annex II

(4) Postal business only

LUXEMBOURG

1. Ministère d'Etat : Service central des imprimés et des fournitures de l'Etat;
2. Ministère de l'agriculture : Administration des Services techniques de l'Agriculture;
3. Ministère de l'éducation nationale : Lycées d'enseignement secondaire et d'enseignement secondaire technique;
4. Ministère de la famille et de la solidarité sociale : Maisons de retraite;
5. Ministère de la force publique : Armée⁽¹⁾ - Gendarmerie - Police;
6. Ministère de la justice : Etablissements pénitentiaires;
7. Ministère de la santé publique : Hôpital neuropsychiatrique;
8. Ministère des travaux publics : Bâtiments publics - Ponts et Chaussées;
9. Ministère des communications : Postes et Télécommunications⁽²⁾;
10. Ministère de l'énergie : Centrales électriques de la Haute et Basse Sûre;
11. Ministère de l'environnement : Commissariat général à la Protection des Eaux.

(1) Non-warlike materials contained in Annexe II

(2) Postal business only

THE NETHERLANDS

A. Ministries and central governmental bodies

1. Ministerie van Algemene Zaken
2. Ministerie van Buitenlandse Zaken
3. Ministerie van Justitie
4. Ministerie van Binnenlandse Zaken
5. Ministerie van Financiën
6. Ministerie van Economische Zaken
7. Ministerie van Onderwijs en Wetenschappen
8. Ministerie van Volkshuisvesting, Ruimtelijke Ordening en Milieubeheer
9. Ministerie van Verkeer en Waterstaat
10. Ministerie van Landbouw, Natuurbeheer en Visserij
11. Ministerie van Sociale Zaken en Werkgelegenheid
12. Ministerie van Welzijn, Volksgezondheid en Cultuur
13. Kabinet voor Nederlands Antilliaanse en Arubaanse Zaken
14. Hogere Colleges van Staat

B. Central procurement offices

Entities listed above under A generally make their own specific purchases; other general purchases are effected through the entities listed below :

1. Directoraat-Generaal Rijkswaterstaat
2. Directoraat-Generaal voor de Koninklijke Landmacht⁽¹⁾
3. Directoraat-Generaal voor de Koninklijke Luchtmacht (1)
4. Directoraat-Generaal voor de Koninklijke Marine (1)

(1) Non-warlike materials contained in Annex II

UNITED KINGDOM

Cabinet Office

Civil Service College

Civil Service Commission

Civil Service Occupational Health Service

Office of the Minister for the Civil Service

Parliamentary Counsel Office

Central Office of Information

Charity Commission

Crown Prosecution Service

Crown Estate Commissioners

Customs and Excise Department

Department for National Savings

Department of Education and Science

University Grants Committee

Department of Employment

Employment Appeal Tribunal

Industrial Tribunals

Office of Manpower Economics

Department of Energy

Department of Health

Central Council for Education and Training in Social Work

Dental Estimates Board

English National Board for Nursing, Midwifery and Health Visitors

Medical Boards and Examining Medical Officers (War Pensions)

National Health Service Authorities

Prescription Pricing Authority

Public Health Laboratory Service Board

Regional Medical Service

U.K. Central Council for Nursing, Midwifery and Health Visiting

Department of Social Security

Attendance Allowance Board

Occupational Pensions Board

Social Security Advisory Committee

Supplementary Benefits Appeal Tribunals

Department of the Environment

Building Research Establishment
Commons Commissioners
Countryside Commission
Fire Research Station (Boreham Wood)
Historic Buildings and Monuments Commission
Local Valuation Panels
Property Services Agency
Rent Assessment Panels
Royal Commission on Environmental Pollution
Royal Commission on Historical Monuments of England
Royal Fine Art Commission (England)
Department of the Procurator General and Treasury Solicitor
Legal Secretariat to the Law Officers
Department of Trade and Industry
Laboratory of the Government Chemist
National Engineering Laboratory
National Physical Laboratory
Warren Spring Laboratory
National Weights and Measures Laboratory
Domestic Coal Consumers' Council
Electricity Consultative Councils for England and Wales
Gas Consumers' Council
Transport Users consultative Committees
Monopolies and Mergers Commission
Patent Office
Department of Transport
Coastguard Services
Transport and Road Research Laboratory
Transport Tribunal
Export Credits Guarantee Department
Foreign and Commonwealth Office
Government Communications Headquarters
Wilton Park Conference Centre
Government Actuary's Department
Home Office
Boundary Commission for England
Gaming Board for Great Britain
Inspectors of Constabulary
Parole Board and Local Review Committees
House of Commons
House of Lords
Inland Revenue, Board of
Intervention Board for Agricultural Produce

Lord Chancellor's Department

Council on Tribunals

County Courts (England and Wales)

Immigration Appellate Authorities

Immigration Adjudicators

Immigration Appeal Tribunal

Judge Advocate General and Judge Advocate of the Fleet

Lands Tribunal

Law Commission

Legal Aid Fund (England and Wales)

Pensions Appeal Tribunals

Public Trustee Office

Office of the Social Security Commissioners

Special Commissioners for Income Tax (England and Wales)

Supreme Court (England and Wales)

Court of Appeal : Civil and Criminal Divisions

Courts Martial Appeal Court

Crown Court

High Court

Value Added Tax Tribunals

Ministry of Agriculture, Fisheries and Food

Advisory Services

Agricultural Development and Advisory Service

Agricultural Dwelling House Advisory Committees

Agricultural Land Tribunals

Agricultural Science Laboratories

Agricultural Wages Board and Committees

Cattle Breeding Centre

Plant Variety Rights Office

Royal Botanic Gardens, Kew

Ministry of Defence⁽¹⁾

Meteorological Office

Procurement Executive

National Audit Office

National Investment Loans Office

Northern Ireland Court Service

Coroners Courts

County Courts

Crown Courts

Enforcement of Judgements Office

Legal Aid Fund

Magistrates Court

Pensions Appeals Tribunals

Supreme Court of Judicature and Courts of Criminal Appeal

(1) Non-warlike materials contained in Annex II

Northern Ireland, Department of Agriculture
Northern Ireland, Department for Economic Development
Northern Ireland, Department of Education
Northern Ireland, Department of the Environment
Northern Ireland, Department of Finance and Personnel
Northern Ireland, Department of Health and Social Services
Northern Ireland Office
 Crown Solicitor's Office
 Department of the Director of Public Prosecutions for Northern Ireland
 Northern Ireland Forensic Science Laboratory
 Office of Chief Electoral Officer for Northern Ireland
 Police Authority for Northern Ireland
 Probation Board for Northern Ireland
 State Pathologist Service
Office of Arts and Libraries
 British Library
 British Museum
 British Museum (Natural History)
 Imperial War Museum
 Museums and Galleries Commission
 National Gallery
 National Maritime Museum
 National Portrait Gallery
 Science Museum
 Tate Gallery
 Victoria and Albert Museum
 Wallace Collection
Office of Fair Trading
Office of Population Censuses and Surveys
 National Health Service Central Register
Office of the Parliamentary Commissioner for Administration and Health
 Service Commissioners
Overseas Development Administration
 Overseas Development and National Research Institute
Paymaster General's Office
Postal Business of the Post Office
Privy Council Office
Public Record Office
Registry of Friendly Societies
Royal Commission on Historical Manuscripts
Royal Hospital, Chelsea
Royal Mint
Scotland, Crown Office and Procurator
 Fiscal Service

Scotland, Department of the Registers of Scotland

Scotland, General Register Office

National Health Service Central Register

Scotland, Lord Advocate's Department

Scotland, Queen's and Lord Treasurer's Remembrancer

Scottish Courts Administration

Accountant of Court's Office

Court of Justiciary

Court of Session

Lands Tribunal for Scotland

Pensions Appeal Tribunals

Scottish Land Court

Scottish Law Commission

Sheriff Courts

Social Security Commissioners' Office

Scottish Office

Central Services

Department of Agriculture and Fisheries for Scotland :

Artificial Insemination Service

Crofters Commission

Red Deer Commission

Royal Botanic Garden, Edinburgh

Industry Department for Scotland

Scottish Electricity Consultative Councils

Scottish Development Department

Rent Assessment Panel and Committees

Royal Commission on the Ancient and Historical Monuments of Scotland

Royal Fine Art Commission for Scotland

Scottish Education Department

National Galleries of Scotland

National Library of Scotland

National Museums of Scotland

Scottish Home and Health Departments

HM Inspectorate of Constabulary

Local Health Councils

Mental Welfare Commission for Scotland

National Board for Nursing, Midwifery and Health Visiting for Scotland

Parole Board for Scotland and Local Review Committees

Scottish Antibody Production Unit

Scottish Council for Postgraduate Medical Education

Scottish Crime Squad

Scottish Criminal Record Office

Scottish Fire Service Training School

Scottish Health Boards

Scottish Health Service - Common Services Agency

Scottish Health Service Planning Council

Scottish Police College

Scottish Record Office

HM Stationery Office

HM Treasury

Central Computer and Telecommunications Agency

Chessington Computer Centre

Civil Service Catering Organisation

National Economic Development Council

Rating of Government Property Department

Welsh Office

Ancient Monuments (Wales) Commission

Council for the Education and Training of Health Visitors

Local Government Boundary Commission for Wales

Local Valuation Panels and Courts

National Health Service Authorities

Rent Control Tribunals and Rent Assessment Panels and Committees

ΕΛΛΑΣ

: 1. ΥΠΟΥΡΓΕΙΟ ΕΘΝΙΚΗΣ ΟΙΚΟΝΟΜΙΑΣ	:
: 2. ΥΠΟΥΡΓΕΙΟ ΠΑΙΔΕΙΑΣ & ΘΡΗΣΚΕΥΜΑΤΩΝ	:
: 3. ΥΠΟΥΡΓΕΙΟ ΕΜΠΟΡΙΟΥ	:
: 4. ΥΠΟΥΡΓΕΙΟ ΒΙΟΜΗΧΑΝΙΑΣ-ΕΝΕΡΓΕΙΑΣ-ΤΕΧΝΟΛΟΓΙΑΣ	:
: 5. ΥΠΟΥΡΓΕΙΟ ΕΜΠΟΡΙΚΗΣ ΝΑΥΤΙΛΙΑΣ	:
: 6. ΥΠΟΥΡΓΕΙΟ ΠΡΟΕΔΡΙΑΣ ΤΗΣ ΚΥΒΕΡΝΗΣΗΣ	:
: 7. ΥΠΟΥΡΓΕΙΟ ΑΙΓΑΙΟΥ	:
: 8. ΥΠΟΥΡΓΕΙΟ ΕΣΩΤΕΡΙΚΩΝ	:
: 9. ΥΠΟΥΡΓΕΙΟ ΔΙΚΑΙΟΣΥΝΗΣ	:
: 10. ΥΠΟΥΡΓΕΙΟ ΕΣΩΤΕΡΙΚΩΝ	:
: 11. ΥΠΟΥΡΓΕΙΟ ΕΡΓΑΣΙΑΣ	:
: 12. ΥΠΟΥΡΓΕΙΟ ΠΟΛΙΤΙΣΜΟΥ ΚΑΙ ΕΠΙΣΤΗΜΩΝ	:
: 13. ΥΠΟΥΡΓΕΙΟ ΠΕΡΙΒΑΛΛΟΝΤΟΣ ΧΩΡΟΤΑΞΙΑΣ & ΔΗΜΟΣΙΩΝ ΕΡΓΩΝ	:
: 14. ΥΠΟΥΡΓΕΙΟ ΟΙΚΟΝΟΜΙΚΩΝ	:
: 15. ΥΠΟΥΡΓΕΙΟ ΜΕΤΑΦΟΡΩΝ ΚΑΙ ΕΠΙΚΟΙΝΩΝΙΩΝ	:
: 16. ΥΠΟΥΡΓΕΙΟ ΥΓΕΙΑΣ ΠΡΟΝΟΙΑΣ & ΚΟΙΝΩΝΙΚΩΝ ΑΣΦΑΛΙΣΕΩΝ	:
: 17. ΥΠΟΥΡΓΕΙΟ ΜΑΚΕΔΟΝΙΑΣ ΘΡΑΚΗΣ	:
: 18. ΓΕΝΙΚΟ ΕΠΙΤΕΛΕΙΟ ΣΤΡΑΤΟΥ(1)	:
: 19. ΓΕΝΙΚΟ ΕΠΙΤΕΛΕΙΟ ΝΑΥΤΙΚΟΥ(1)	:
: 20. ΓΕΝΙΚΟ ΕΠΙΤΕΛΕΙΟ ΑΕΡΟΠΟΡΙΑΣ (1)	:
: 21. ΥΠΟΥΡΓΕΙΟ ΓΕΩΡΓΙΑΣ	:
: 22. ΓΕΝΙΚΗ ΓΡΑΜΜΑΤΕΙΑ ΤΥΠΟΥ ΚΑΙ ΠΛΗΡΟΦΟΡΙΩΝ	:
: 23. ΓΕΝΙΚΗ ΓΡΑΜΜΑΤΕΙΑ ΝΕΑΣ ΓΕΝΙΑΣ	:
: 24. ΓΕΝΙΚΟ ΧΗΜΕΙΟ ΤΟΥ ΚΡΑΤΟΥΣ	:
: 25. ΓΕΝΙΚΗ ΓΡΑΜΜΑΤΕΙΑ ΛΑΙΚΗΣ ΕΠΙΜΟΡΦΩΣΗΣ	:
: 26. ΓΕΝΙΚΗ ΓΡΑΜΜΑΤΕΙΑ ΙΣΟΤΗΤΑΣ ΤΩΝ ΔΥΟ ΦΥΛΩΝ	:
: 27. ΓΕΝΙΚΗ ΓΡΑΜΜΑΤΕΙΑ ΚΟΙΝΩΝΙΚΩΝ ΑΣΦΑΛΙΣΕΩΝ	:
: 28. ΓΕΝΙΚΗ ΓΡΑΜΜΑΤΕΙΑ ΑΠΟΔΗΜΟΥ ΕΛΛΗΝΙΣΜΟΥ	:
: 29. ΓΕΝΙΚΗ ΓΡΑΜΜΑΤΕΙΑ ΒΙΟΜΗΧΑΝΙΑΣ	:
: 30. ΓΕΝΙΚΗ ΓΡΑΜΜΑΤΕΙΑ ΕΡΕΥΝΑΣ ΚΑΙ ΤΕΧΝΟΛΟΓΙΑΣ	:
: 31. ΓΕΝΙΚΗ ΓΡΑΜΜΑΤΕΙΑ ΑΘΛΗΤΙΣΜΟΥ	:
: 32. ΓΕΝΙΚΗ ΓΡΑΜΜΑΤΕΙΑ ΔΗΜΟΣΙΩΝ ΕΡΓΩΝ	:
: 33. ΕΘΝΙΚΗ ΣΤΑΤΙΣΤΙΚΗ ΥΠΗΡΕΣΙΑ	:
: 34. ΕΘΝΙΚΟΣ ΟΡΓΑΝΙΣΜΟΣ ΠΡΟΝΟΙΑΣ	:
: 35. ΟΡΓΑΝΙΣΜΟΣ ΕΡΓΑΤΙΚΗΣ ΕΣΤΙΑΣ	:
: 36. ΕΘΝΙΚΟ ΤΥΠΟΓΡΑΦΕΙΟ	:
: 37. ΕΛΛΗΝΙΚΗ ΕΠΙΤΡΟΠΗ ΑΤΟΜΙΚΗΣ ΕΝΕΡΓΕΙΑΣ	:
: 38. ΤΑΜΕΙΟ ΕΘΝΙΚΗΣ ΟΔΟΠΟΙΑΣ	:
: 39. ΕΘΝΙΚΟ ΚΑΠΟΔΙΣΤΡΙΑΚΟ ΠΑΝΕΠΙΣΤΗΜΙΟ ΑΘΗΝΩΝ	:
: 40. ΠΑΝΕΠΙΣΤΗΜΙΟ ΑΙΓΑΙΟΥ	:
: 41. ΑΡΙΣΤΟΤΕΛΕΙΟ ΠΑΝΕΠΙΣΤΗΜΙΟ ΘΕΣΣΑΛΟΝΙΚΗΣ	:
: 42. ΔΗΜΟΚΡΙΤΕΙΟ ΠΑΝΕΠΙΣΤΗΜΙΟ ΘΡΑΚΗΣ	:
: 43. ΠΑΝΕΠΙΣΤΗΜΙΟ ΙΩΑΝΝΙΝΩΝ	:
: 44. ΠΑΝΕΠΙΣΤΗΜΙΟ ΠΑΤΡΩΝ	:
: 45. ΠΟΛΥΤΕΧΝΕΙΟ ΚΡΗΤΗΣ	:
: 46. ΣΙΒΙΤΑΝΙΔΕΙΟΣ ΣΧΟΛΗ	:
: 47. ΠΑΝΕΠΙΣΤΗΜΙΟ ΜΑΚΕΔΟΝΙΑΣ	:
: (ΟΙΚΟΝΟΜΙΚΕΣ & ΚΟΙΝ/ΚΕΣ ΕΠΙΣΤΗΜΕΣ)	:
: 48. ΑΙΓΙΝΗΤΕΙΟ ΝΟΣΟΚΟΜΕΙΟ	:
: 49. ΑΡΕΤΑΙΕΙΟ ΝΟΣΟΚΟΜΕΙΟ	:
: 50. ΕΘΝΙΚΟ ΚΕΝΤΡΟ ΔΗΜΟΣΙΑΣ ΔΟΙΚΗΣΗΣ	:
: 51. ΕΛΛΗΝΙΚΑ ΤΑΧΥΔΡΟΜΕΙΑ	:
: 52. ΟΡΓΑΝΙΣΜΟΣ ΔΙΑΧΕΙΡΗΣΗΣ ΔΗΜΟΣΙΟΥ ΥΛΙΚΟΥ	:
: 53. ΟΡΓΑΝΙΣΜΟΣ ΓΕΩΡΓΙΚΩΝ ΑΣΦΑΛΙΣΕΩΝ	:
: 54. ΟΡΓΑΝΙΣΜΟΣ ΣΧΟΛΙΚΩΝ ΚΤΙΡΙΩΝ	:

(1) Non-warlike materials contained in Annex II

SPAIN

1. Ministerio de Asuntos Exteriores
2. Ministerio de Justicia
3. Ministerio de Defensa⁽¹⁾
4. Ministerio de Economía y Hacienda
5. Ministerio de Interior
6. Ministerio de Obras Públicas y Transportes
7. Ministerio de Educación y Ciencia
8. Ministerio de Trabajo y Seguridad Social
9. Ministerio de Industria, Comercio y Turismo
10. Ministerio de Agricultura, Pesca y Alimentación
11. Ministerio para las Administraciones Públicas
12. Ministerio de Cultura
13. Ministerio de Relaciones con las Cortes y de la Secretaría del Gobierno
14. Ministerio de Sanidad y Consumo
15. Ministerio de Asuntos Sociales
16. Ministerio del Portavoz del Gobierno

(1) Non-warlike materials contained in Annex II

PORTUGAL

PRESIDENCIA DO CONSELHO DE MINISTROS

1. AUDITORIA JURIDICA DA PRESIDENCIA DO CONSELHO DE MINISTROS
2. CENTRO DE ESTUDOS E FORMACAO AUTARQUICA
3. CENTRO DE ESTUDOS TECNICOS E APOIO LEGISLATIVO
4. CENTRO DE GESTAO DA REDE INFORMATICA DO GOVERNO
5. CONSELHO NACIONAL DE PLANEAMENTO CIVIL DE EMERGENCIA
6. CONSELHO PERMANENTE DE CONCERTACAO SOCIAL
7. DEPARTAMENTO DE FORMACAO E APERFEICOAMENTO PROFISSIONAL
8. GABINETE DE MACAU
9. GABINETE DO SERVICO CIVICO DOS OBJECTORES DE CONSCIENCIA
10. INSTITUTO DA JUVENTUDE
11. INSTITUTO NACIONAL DE ADMINISTRACAO
12. SECRETARIA GERAL DA PRESIDENCIA DO CONSELHO DE MINISTROS
13. SECRETARIADO PARA A MODERNIZACAO ADMINISTRATIVA
14. SERVICO NACIONAL DE PROTECCAO CIVIL
15. SERVICOS SOCIAIS DA PRESIDENCIA DO CONSELHO DE MINISTROS

MINISTERIO DA ADMINISTRACAO INTERNA

1. DIRECCAO GERAL DE VIACAO
2. GABINETE DE ESTUDOS E PLANEAMENTO DE INSTALACOES
3. GOVERNOS CIVIS
4. GUARDA FISCAL
5. GUARDA NACIONAL REPUBLICANA
6. POLICIA DE SEGURANCA PUBLICA
7. SECRETARIA GERAL
8. SECRETARIADO TECNICO DOS ASSUNTOS PARA O PROCESSO ELEITORAL
9. SERVICO DE ESTRANGEIROS E FRONTEIRAS
10. SERVICO DE INFORMACAO E SEGURANCA
11. SERVICO NACIONAL DE BOMBEIROS

MINISTERIO DA AGRICULTURA

1. AGENCIA DO CONTROLO DAS AJUDAS COMUNITARIAS AO SECTOR DO AZEITE
2. DIRECCAO GERAL DA HIDRAULICA E ENGENHARIA AGRICOLA
3. DIRECCAO GERAL DA PECUARIA
4. DIRECCAO GERAL DAS FLORESTAS
5. DIRECCAO GERAL DE PLANEAMENTO E AGRICULTURA
6. DIRECCAO GERAL DOS MERCADOS AGRICOLAS E DA INDUSTRIA AGRO-ALIMENTAR
7. DIRECCAO REGIONAL DE AGRICULTURA DA BEIRA INTERIOR
8. DIRECCAO REGIONAL DE AGRICULTURA DA BEIRA LITORAL
9. DIRECCAO REGIONAL DE AGRICULTURA DE ENTRE DOURO E MINHO
10. DIRECCAO REGIONAL DE AGRICULTURA DE TRAS OS MONTES
11. DIRECCAO REGIONAL DE AGRICULTURA DO ALENTEJO
12. DIRECCAO REGIONAL DE AGRICULTURA DO ALGARVE
13. DIRECCAO REGIONAL DE AGRICULTURA DO RIBATEJO E OESTE
14. GABINETE PARA OS ASSUNTOS AGRICOLAS COMMUNITARIOS
15. INSPECCAO GERAL E AUDITORIA DE GESTAO
16. INSTITUTO DA VINHA E DO VINHO
17. INSTITUTO DE QUALIDADE ALIMENTAR
18. INSTITUTO NACIONAL DE INVESTIGACAO AGRARIA
19. INSTITUTO REGULADOR ORIENTADOR DOS MERCADOS AGRICOLAS
20. OBRA SOCIAL - SECRETARIA GERAL
21. REDE INFORMACAO DE CONTABILIDADES AGRICOLAS
22. SECRETARIA GERAL
23. IFADAP - INSTITUTO FINANCEIRO DE APOIO AO DESENVOLVIMENTO DA AGRICULTURA E PESCAS
24. INGA - INSTITUTO NACIONAL DE INTERVENCAO E GARANTIA AGRICOLA

MINISTERIO DO AMBIENTE E RECURSOS NATURAIS

1. DIRECCAO GERAL DE QUALIDADE DO AMBIENTE
2. DIRECCAO GERAL DOS RECURSOS NATURAIS
3. GABINETE DOS ASSUNTOS EUROPEUS
4. GABINETE DE ESTUDOS E PLANEAMENTO
5. GABINETE DE PROTECCAO E SEGURANCA NUCLEAR
6. INSTITUTO NACIONAL DO AMBIENTE
7. INSTITUTO NACIONAL DE DEFESA DO CONSUMIDOR
8. INSTITUTO NACIONAL DE METEOROLOGIA E GEOFISICA
9. SECRETARIA GERAL
10. SERVICIO NACIONAL DE PARQUES, RESERVAS E CONSERVACAO DA NATUREZA
11. GABINETE SANFAMENTO BASICO COSTA ESTORIL
12. DELEGACOES REGIONAIS
13. INSTITUTO NACIONAL DA AGUA

MINISTERIO DO COMERCIO E TURISMO

1. COMISSAO DE APLICACAO DE COIMAS EM MATERIA ECONOMICA
2. DIRECCAO GERAL DE CONCORRENCIA E PRECOS
3. DIRECCAO GERAL DE INSPECCAO ECONOMICA
4. DIRECCAO GERAL DO COMERCIO EXTERNO
5. DIRECCAO GERAL DO COMERCIO INTERNO
6. DIRECCAO GERAL DO TURISMO
7. FUNDO DE TURISMO
8. GABINETE PARA ASSUNTOS COMUNITARIOS
9. ICEP - INSTITUTO DO COMERCIO EXTERNO DE PORTUGAL
10. INSPECCAO GERAL DE JOGOS
11. INSTITUTO DE PROMOCAO TURISTICA
12. INSTITUTO NACIONAL DE FORMACAO TURISTICA
13. REGIOES DE TURISMO
14. SECRETARIA GERAL
15. ENATUR - EMPRESA NACIONAL DE TURISMO, EP
16. AGA - ADMINISTRACAO GERAL DO ACUCAR E DO ALCOOL, EP

MINISTERIO DA DEFESA NACIONAL⁽¹⁾

1. ESTADO MAIOR GENERAL DAS FORCAS ARMADAS
2. ESTADO MAIOR DA FORCA AEREA
3. COMANDO LOGISTICO - ADMINISTRATIVO DA FORCA AEREA
4. ESTADO MAIOR DO EXERCITO
5. ESTADO MAIOR DA ARMADA
6. DIRECCAO GERAL DO MATERIAL NAVAL
7. DIRECCAO DAS INFRA-ESTRUTURAS NAVAIS
8. DIRECCAO DE ABASTECIMENTO
9. FABRICA NACIONAL DE CORDOARIA
10. HOSPITAL DA MARINHA
11. ARSENAL DO ALFEITE
12. INSTITUTO HIDROGRAFICO
13. DIRECCAO GERAL DE ARMAMENTO
14. DIRECCAO GERAL DE PESSOAL E INFRA-ESTRUTURAS
15. DIRECCAO GERAL DE POLITICA DE DEFESA NACIONAL
16. INSTITUTO DE DEFESA NACIONAL
17. SECRETARIA GERAL

(1) Non-warlike materials contained in Annex II

MINISTERIO DA EDUCACAO

1. AUDITORIA JURIDICA
2. DIRECCAO GERAL DE ADMINISTRACAO ESCOLAR
3. DIRECCAO GERAL DE EXTENSAO EDUCATIVA
4. DIRECCAO GERAL DO ENSINO SUPERIOR
5. DIRECCAO GERAL DOS DESPORTOS
6. DIRECCAO GERAL DOS ENSINOS BASICO E SECUNDARIO
7. DIRECCAO REGIONAL DE EDUCACAO DE LISBOA
8. DIRECCAO REGIONAL DE EDUCACAO DO ALGARVE
9. DIRECCAO REGIONAL DE EDUCACAO DO CENTRO
10. DIRECCAO REGIONAL DE EDUCACAO DO NORTE
11. DIRECCAO REGIONAL DE EDUCACAO DO SUL
12. EDITORIAL DO MINISTERIO DA EDUCACAO
13. GABINETE COORDENADOR DO INGRESSO NO ENSINO SUPERIOR
14. GABINETE DE ESTUDOS E PLANEAMENTO
15. GABINETE DE GESTAO FINANCEIRA
16. GABINETE DO ENSINO TECNOLOGICO ARTISTICO E PROFISSIONAL
17. INSPECCAO GERAL DE EDUCACAO
18. INSTITUTO DE CULTURA DA LINGUA PORTUGUESA
19. INSTITUTO DE INOVACAO EDUCACIONAL
20. INSTITUTO DOS ASSUNTOS SOCIAIS DA EDUCACAO
21. SECRETARIA GERAL

MINISTERIO DO EMPREGO E SEGURANCA SOCIAL

1. AUDITORIA JURIDICA
2. CAIXA NACIONAL DE SEGUROS E DOENCAS PROFISSIONAIS
3. CAIXAS DE PREVIDENCIA SOCIAL
4. CASA PIA DE LISBOA
5. CENTRO NACIONAL DE PENSOES
6. CENTROS REGIONAIS DE SEGURANCA SOCIAL
7. COMISSAO PARA A IGUALDADE E DIREITOS DAS MULHERES
8. DEPARTAMENTO DE ESTATISTICA
9. DEPARTAMENTO DE ESTUDOS E PLANEAMENTO
10. DEPARTAMENTO DE RELACOES INTERNACIONAIS E CONVENCoes DA SEGURANCA SOCIAL
11. DEPARTAMENTO PARA ASSUNTOS DO FUNDO SOCIAL EUROPEO
12. DEPARTAMENTO PARA OS ASSUNTOS EUROPEUS E RELACOES EXTERNAS
13. DIRECCAO GERAL DA ACCAO SOCIAL
14. DIRECCAO GERAL DA FAMILIA
15. DIRECCAO GERAL DAS RELACOES DE TRABALHO
16. DIRECCAO GERAL DE APOIO TECNICO A GESTAO
17. DIRECCAO GERAL DE HIGIENE E SEGURANCA DO TRABALHO
18. DIRECCAO GERAL DO EMPREGO E FORMACAO PROFISSIONAL
19. DIRECCAO GERAL DOS REGIMES DE SEGURANCA SOCIAL
20. FUNDO DE ESTABILIZACAO FINANCEIRA DA SEGURANCA SOCIAL
21. INSPECCAO GERAL DA SEGURANCA SOCIAL
22. INSPECCAO GERAL DO TRABALHO
23. INSTITUTO DE GESTAO FINANCEIRA DA SEGURANCA SOCIAL
24. INSTITUTO DO EMPREGO E FORMACAO PROFISSIONAL
25. INSTITUTO NACIONAL PARA O APROVEITAMENTO DOS TEMPOS LIVRES DOS TRABALHADORES
26. SECRETARIA GERAL
27. SECRETARIADO NACIONAL DE REABILITACAO
28. SERVICIOS SOCIAIS DO MESS
29. SANTA CASA MISERICORDIA DE LISBOA

MINISTERIO DAS FINANÇAS

1. ADSE - DIRECCAO GERAL DE PROTECCAO AOS FUNCIONARIOS E AGENTES DA ADMINISTRACAO PUBLICA
2. AUDITORIA JURIDICA
3. DIRECCAO GERAL DA ADMINISTRACAO PUBLICA
4. DIRECCAO GERAL DA CONTABILIDADE PUBLICA E INTENDENCIA GERAL DO ORCAMENTO
5. DIRECCAO GERAL DA JUNTA DE CREDITO PUBLICO
6. DIRECCAO GERAL DAS ALFANDEGAS
7. DIRECCAO GERAL DAS CONTRIBUICOES E IMPOSTOS
8. DIRECCAO GERAL DO PATRIMONIO DO ESTADO
9. DIRECCAO GERAL DO TESOURO
10. GABINETE DE ESTUDOS ECONOMICOS
11. GABINETE DOS ASSUNTOS EUROPEUS
12. GAFFEP - GABINETE PARA ANALISE FINANCIAMENTO DO ESTADO E DAS EMPRESAS PUBLICAS
13. INSPECCAO GERAL DE FINANÇAS
14. INSTITUTO DE INFORMATICA
15. JUNTA DE CREDITO PUBLICO
16. SECRETARIA GERAL
17. SOFE - SERVICOS SOCIAIS DO MINISTERIO DAS FINANÇAS

MINISTERIO DA INDUSTRIA E ENERGIA

1. DELEGACAO REGIONAL DA INDUSTRIA E ENERGIA DE LISBOA E VALE DO TEJO
2. DELEGACAO REGIONAL DA INDUSTRIA E ENERGIA DO ALENTEJO
3. DELEGACAO REGIONAL DA INDUSTRIA E ENERGIA DO ALGARVE
4. DELEGACAO REGIONAL DA INDUSTRIA E ENERGIA DO CENTRO
5. DELEGACAO REGIONAL DA INDUSTRIA E ENERGIA DO NORTE
6. DIRECCAO GERAL DA INDUSTRIA
7. DIRECCAO GERAL DE ENERGIA
8. DIRECCAO GERAL DE GEOLOGIA E MINAS
9. GABINETE ESTUDOS E PLANEAMENTO
10. GABINETE PARA A PESQUISA E EXPLORACAO DO PETROLEO
11. GABINETE PARA OS ASSUNTOS COMUNITARIOS
12. INSTITUTO NACIONAL DA PROPRIEDADE INDUSTRIAL
13. INSTITUTO PORTUGUES DA QUALIDADE
14. LNETI - LABORATORIO NACIONAL DE ENGENHARIA E TECNOLOGIA INDUSTRIAL
15. SECRETARIA GERAL

MINISTERIO DA JUSTICA

1. CENTRO DE ESTUDOS JUDICIARIOS
2. CENTRO DE IDENTIFICACAO CIVIL E CRIMINAL
3. CENTROS DE OBSERVACAO E ACCAO SOCIAL
4. CONSELHO SUPERIOR DE MAGISTRATURA
5. CONSERVATORIA DOS REGISTOS CENTRAIS
6. DIRECCAO GERAL DOS REGISTOS E NOTARIADO
7. DIRECCAO GERAL DOS SERVICOS DE INFORMATICA
8. DIRECCAO GERAL DOS SERVICOS JUDICIARIOS
9. DIRECCAO GERAL DOS SERVICOS PRISIONAIS
10. DIRECCAO GERAL DOS SERVICOS TUTELARES DE MENORES
11. ESTABELECIMENTOS PRISIONAIS
12. GABINETE DE DEREITO EUROPEU
13. GABINETE DE DOCUMENTACAO E DIREITO COMPARADO
14. GABINETE DE ESTUDOS E PLANEAMENTO
15. GABINETE DE GESTAO FINANCEIRA
16. GABINETE DE PLANEAMENTO E COORDENACAO DO COMBATE A DROGA
17. HOSPITAL PRISAO S. JOAO DEUS
18. INSTITUTO CORPUS CHRISTI
19. INSTITUTO DA GUARDA
20. INSTITUTO DE REINSERCAO SOCIAL
21. INSTITUTO DE S. SOMINGOS BENFICA
22. INSTITUTO NACIONAL DA POLITICA E CIENCIAS CRIMINAIS
23. INSTITUTO NAVARRO PAIVA
24. INSTITUTO PADRE ANTONIO OLIVEIRA
25. INSTITUTO S. FIEL
26. INSTITUTO S. JOSE
27. INSTITUTO VILA FERNANDO
28. INSTITUTO DE CRIMINOLOGIA
29. INSTITUTO DE MEDICINA LEGAL
30. POLICIA JUDICIARIA
31. SECRETARIA GERAL
32. SERVICOS SOCIAIS

MINISTERIO DAS OBRAS PUBLICAS TRANSPORTES E COMUNICACOES

1. CONSELHO DE MERCADOS DE OBRAS PUBLICAS E PARTICULARES
2. DIRECCAO GERAL DE AVIACAO CIVIL
3. DIRECCAO GERAL DOS EDIFICIOS E MONUMENTOS NACIONAIS
4. DIRECCAO GERAL DOS TRANSPORTES TERRESTRES
5. GABINETE DA TRAVESSIA DO TEJO
6. GABINETE DE ESTUDOS E PLANEAMENTO
7. GABINETE DO NO FERROVIARIO DE LISBOA
8. GABINETE DO NO FERROVIARIO DO PORTO

9. GABINETE NAVEGABILIDADE DO DOURO
10. GABINETE PARA AS COMUNIDADES EUROPEIAS
11. INSPECCAO GERAL DE OBRAS PUBLICAS TRANSPORTES E COMUNICACOES
12. JUNTA AUTONOMA DE ESTRADAS
13. LABORATORIO NACIONAL DE ENGENHARIA CIVIL
14. OBRA SOCIAL DO MINISTERIO OAS OBRAS PUBLICAS TRANSPORTES E COMUNICACOES
15. SECRETARIA GERAL

MINISTERIO DOS NEGOCIOS ESTRANGEIROS

1. DIRECCAO GERAL DOS ASSUNTOS CONSULARES E ADMINISTRACAO FINANCEIRA
2. DIRECCAO GERAL DAS COMUNIDADES EUROPEIAS
3. DIRECCAO GERAL DA COOPERACAO
4. INSTITUTO DE APOIO A EMIGRACAU E COMUNIDADES PORTUGUESAS
5. INSTITUTO DE COOPERACAO ECONOMICA
6. SECRETARIA GERAL

MINISTERIO DO PLANEAMENTO E ADMINISTRACAO DO TERRITORIO

1. ACADEMIA DAS CIENCIAS
2. AUDITORIA JURIDICA
3. CENTRO NACIONAL INFORMACAO GEOGRAFICA
4. COMISSAO COORDENADORA DA REGIAO CENTRO
5. COMISSAO COORDENADORA DA REGIAO DE LISBOA E VALE DO TEJO
6. COMISSAO COORDENADORA DA REGIAO DO ALENTEJO
7. COMISSAO COORDENADORA DA REGIAO DO ALGARVE
8. COMISSAO COORDENADORA DA REGIAO NORTE
9. DEPARTAMENTO CENTRAL DE PLANEAMENTO
10. DIRECCAO GERAL DE ADMINISTRACAO AUTARQUICA
11. DIRECCAO GERAL DO DESENVOLVIMENTO REGIONAL
12. DIRECCAO GERAL DO ORDENAMENTO DO TERRITORIO
13. GABINETE COORDENADOR DE ALGUEVA
14. GABINETE DE ESTUDOS E PLANEAMENTO DA ADMINISTRACAO DO TERRITORIO
15. GABINETE PARA OS AEROPORTOS DA REGIAO AUTONOMA DA MADEIRA
16. INSPECCAO GERAL DE ADMINISTRACAO DO TERRITORIO
17. INSTITUTO NACIONAL DE ESTATISTICA
18. INSTITUTO ANTONIO SERGIO DO SECTOR COOPERATIVO
19. INSTITUTO DE INVESTIGACAO CIENTIFICA E TROPICAL
20. INSTITUTO GEOGRAFICO E CADASTRAL
21. JUNTA NACIONAL DE INVESTIGACAO CIENTIFICA E TECNOLOGICA
22. SECRETARIA GERAL

LIST OF PRODUCTS REFERRED TO IN ARTICLE 5 CONCERNING THE AWARD OF CONTRACTS
BY CONTRACTING AUTHORITIES IN THE FIELD OF DEFENCE

- Chapter 25: Salt; sulphur; earths and stone; plastering materials, lime and cement
- Chapter 26: Metallic ores, slag and ash
- Chapter 27: Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes
- except:
ex 27.10: special engine fuels
- Chapter 28: Inorganic chemicals; organic and inorganic compounds of precious metals, of rare-earth metals, of radioactive elements and of isotopes
- except:
ex 28.09: explosives
ex 28.13: explosives
ex 28.14: tear gas
ex 28.28: explosives
ex 28.32: explosives
ex 28.39: explosives
ex 28.50: toxic products
ex 28.51: toxic products
ex 28.54: explosives
- Chapter 29: Organic chemicals
- except:
ex 29.03: explosives
ex 29.04: explosives
ex 29.07: explosives
ex 29.08: explosives
ex 29.11: explosives
ex 29.12: explosives
ex 29.13: toxic products
ex 29.14: toxic products
ex 29.15: toxic products
ex 29.21: toxic products
ex 29.22: toxic products
ex 29.23: toxic products
ex 29.26: explosives
ex 29.27: toxic products
ex 29.29: explosives

- Chapter 30: Pharmaceutical products
- Chapter 31: Fertilizers
- Chapter 32: Tanning and dyeing extracts; tannings and their derivatives; dyes, colours, paints and varnishes; putty, fillers and stoppings; inks
- Chapter 33: Essential oils and resinoids; perfumery, cosmetic or toilet preparations
- Chapter 34: Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing and scouring preparations, candles and similar articles, modelling pastes and 'dental waxes'
- Chapter 35: Albuminoidal substances; glues; enzymes
- Chapter 37: Photographic and cinematographic goods
- Chapter 38: Miscellaneous chemical products
- except:
- ex 38.19: toxic products
- Chapter 39: Artificial resins and plastic materials, cellulose esters and ethers; articles thereof
- except:
- ex 39.03: explosives
- Chapter 40: Rubber, synthetic rubber, factice, and articles thereof
- except:
- ex 40.11: bullet-proof tyres
- Chapter 41: Raw hides and skins (other than furskins) and leather
- Chapter 42: Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk-worm gut)
- Chapter 43: Furskins and artificial fur; manufactures thereof
- Chapter 44: Wood and articles of wood; wood charcoal
- Chapter 45: Cork and articles of cork
- Chapter 46: Manufactures of straw of esparto and of other plaiting materials; basketware and wickerwork

- Chapter 47: Paper-making material
- Chapter 48: Paper and paperboard; articles of paper pulp, of paper or of paperboard
- Chapter 49: Printed books, newspapers, pictures and other products of the printing industry; manuscripts, typescripts and plans
- Chapter 65: Headgear and parts thereof
- Chapter 66: Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof
- Chapter 67: Prepared feathers and down and articles made of feathers or of down; artificial flowers; articles of human hair
- Chapter 68: Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials
- Chapter 69: Ceramic products
- Chapter 70: Glass and glassware
- Chapter 71: Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewellery
- Chapter 73: Iron and steel and articles thereof
- Chapter 74: Copper and articles thereof
- Chapter 75: Nickel and articles thereof
- Chapter 76: Aluminium and articles thereof
- Chapter 77: Magnesium and beryllium and articles thereof
- Chapter 78: Lead and articles thereof
- Chapter 79: Zinc and articles thereof
- Chapter 80: Tin and articles thereof
- Chapter 81: Other base metals employed in metallurgy and articles thereof
- Chapter 82: Tools, implements, cutlery, spoons and forks, of base metal; parts thereof
except:
ex 82.05: tools
ex 82.07: tools, parts
- Chapter 83: Miscellaneous articles of base metal

Chapter 84: Boilers, machinery and mechanical appliances; parts thereof

except:

ex 84.06: engines

ex 84.08: other engines

ex 84.45: machinery

ex 84.53: automatic data-processing machines

ex 84.55: parts of machines under heading No 84.53

ex 84.59: nuclear reactors

Chapter 85: Electrical machinery and equipment; parts thereof

except:

ex 85.13: telecommunication equipment

ex 85.15: transmission apparatus

Chapter 86: Railway and tramway locomotives, rolling-stock and parts thereof; railway and tramway tracks fixtures and fittings; traffic signalling equipment of all kinds (not electrically powered)

except:

ex 86.02: armoured locomotives, electric

ex 86.03: other armoured locomotives

ex 86.05: armoured wagons

ex 86.06: repair wagons

ex 86.07: wagons

Chapter 87: Vehicles, other than railway or tramway rolling-stock, and parts thereof

except:

87.08: tanks and other armoured vehicles

ex 87.01: tractors

ex 87.02: military vehicles

ex 87.03: breakdown lorries

ex 87.09: motorcycles

ex 87.14: trailers

Chapter 89: Ships, boats and floating structures

except:

89.01 A: warships

Chapter 90: Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus; parts thereof

except:

ex 90.05: binoculars

ex 90.13: miscellaneous instruments, lasers

ex 90.14: telemeters

ex 90.28: electrical and electronic measuring instruments

ex 90.11: microscopes

ex 90.17: medical instruments

ex 90.18: mechano-therapy appliances

ex 90.19: orthopaedic appliances

ex 90.20: X-ray apparatus

Chapter 91: Clocks and watches and parts thereof

Chapter 92: Musical instruments; sound recorders or reproducers; television image and sound recorders or reproducers; parts and accessories of such articles

Chapter 94: Furniture and parts thereof; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings

except:

ex 94.01 A: aircraft seats

Chapter 95: Articles and manufactures of carving or moulding material

Chapter 96: Brooms, brushes, powder-puffs and sieves

Chapter 98: Miscellaneous manufactured articles

DEFINITION OF CERTAIN TECHNICAL SPECIFICATIONS

For the purposes of this Directive the following terms shall be defined as follows:

1. Technical specifications: the totality of the technical prescriptions contained in particular in the tender documents, defining the characteristics required of a material, product or supply, which permits a material, a product or a supply to be described in a manner such that it fulfils the use for which it is intended by the contracting authority. These technical prescriptions shall include levels of quality, performance, safety or dimensions, including the requirements applicable to the material, the product or the supply as regards quality assurance, terminology, symbols, testing and test methods, packaging, marking or labelling.
2. Standard: a technical specification approved by a recognized standardizing body for repeated and continuous application, compliance with which is in principle not compulsory.
3. European standard: a standard approved by the European Committee for standardization (CEN) or by the European Committee for Electrotechnical Standardization (Cenelec) as "European standards (EN)" or "Harmonization documents (HD)" according to the common rules of these organizations.
4. European technical approval: a favorable technical assessment of the fitness for use of a product, based on fulfilment of the essential requirements for building works, by means of the inherent characteristics of the product and the defined conditions of application and use. The European agreement shall be issued by an approval body designated for this purpose by the Member State.
5. Common technical specification: a technical specification laid down in accordance with a procedure recognized by the Member States to ensure uniform application in all Member States which has been published in the Official Journal of the European Communities.

MODEL NOTICES OF SUPPLY CONTRACTS

A. Prior information

1. The name, address, telegraphic address, telephone, telex and telefax numbers of the contracting authority, and if different, of the service from which additional information may be obtained:
2. The nature and quantity or value of the products to be supplied:
CPA reference number:
3. Estimated date for initiating the award procedures in respect of the contract or contracts (if known):
4. Other information:
5. Date of dispatch of the notice:
6. Date of receipt of the notice by the Office for Official Publications of the European Communities:

B. Open procedures

1. The name, address, telegraphic address, telephone, telex and telefax numbers of the contracting authority:
2. (a) The award procedure chosen:

(b) Form of the contract for which tenders are being requested:
3. (a) Place of delivery:

(b) The nature and quantity of the goods to be supplied:
CPA reference number:

(c) Indication of whether the supplier can tender for a part of the goods required:

4. Time limit for delivery, if any:
5. (a) Name and address of the service from which the contract documents and additional documents may be requested:
 - (b) The final date for making such requests:
 - (c) Where applicable, the amount and terms of payment of the sum to be paid to obtain such documents:
6. (a) The final date for receipt of tenders:
 - (b) The address to which they must be sent:
 - (c) The language or languages in which they must be drawn up:
7. (a) The persons authorized to be present at the opening of tenders:
 - (b) The date, hour and place of such opening:
8. Where applicable, any deposits and guarantees required:
9. The main terms concerning financing and payment and/or references to the provisions in which these are contained:
10. Where applicable, the legal form to be taken by the grouping of suppliers to whom the contract is awarded:
11. Information concerning the supplier's own position, and information and formalities necessary for an appraisal of the minimum economic and technical standards required of the supplier:
12. Period during which the tenderer is bound to keep open his tender:
13. The criteria for the award of the contract. Criteria other than that of the lowest price shall be mentioned if they do not appear in the contract documents:
14. Where applicable, prohibition on variants:

15. Other information:
16. Date of publication of the prior information notice in the Official Journal of the European Communities or references to its non-publication:
17. Date of dispatch of the notice:
18. Date of receipt of the notice by the Office for Official Publications of the European Communities:

C. Restricted procedures

1. The name, address, telegraphic address, telephone, telex and telefax numbers of the contracting authority:
2. (a) The award procedure chosen:
 - (b) Where applicable, justification for use of the accelerated procedure:
 - (c) Form of contract for which tenders are being requested:
3. (a) Place of delivery:
 - (b) The nature and quantity of goods to be delivered:
CPA reference number:
 - (c) Indication of whether the supplier can tender for a part of the goods required:
4. Time limit of delivery, if any:
5. Where applicable, the legal form to be assumed by the grouping of suppliers to whom the contract is awarded:
6. (a) The final date for the receipt of requests to participate:
 - (b) The address to which they must be sent:
 - (c) The language or languages in which they must be drawn up:
7. The final date for the dispatch of invitations to tender:
8. Where applicable, any deposits and guarantees required:

9. Information concerning the supplier's personal position, and the information and formalities necessary for an appraisal of the minimum economic and technical standards required of him:
10. The criteria for the award of the contract where they are not mentioned in the invitation to tender:
11. Envisaged number or range of suppliers which will be invited to tender:
12. Where applicable, prohibition on variants:
13. Other information:
14. Date of publication of the prior information notice in the Official Journal of the European Communities or reference to its non-publication:
15. Date of dispatch of the notice:
16. Date of receipt of the notice by the Office for Official Publications of the European Communities:

D. Negotiated procedures

1. The name, address, telegraphic address, telephone, telex and telefax number of the contracting authority:
2. (a) The award procedure chosen:
 - (b) Where applicable, justification for use of the accelerated procedure:
 - (c) Where applicable, form of contract for which tenders are invited:
3. (a) Place of delivery:
 - (b) The nature and quantity of goods to be delivered:
CPA reference number:
 - (c) Indication of whether the suppliers can tender for a part of the goods required:
4. Time limit on delivery, if any:
5. Where applicable, the legal form to be assumed by a grouping of suppliers to whom the contract is awarded:

6. (a) Final date for receipt of requests to participate:
 - (b) The address to which they must be sent:
 - (c) The language or languages in which they must be drawn up:
7. Where applicable, any deposits and guarantees required:
8. Information concerning the supplier's personal position, and the information and formalities necessary for an appraisal of the minimum economic and technical standards required of him:
9. Envisaged number or range of suppliers which will be invited to tender:
10. Where applicable, prohibition of variants:
11. Where applicable, the names and addresses of suppliers already selected by the awarding authority:
12. Where applicable, date(s) of previous publications in the Official Journal of the European Communities:
13. Other information:
14. Date of dispatch of the notice:
15. Date of receipt of the notice by the Office for Official Publications of the European Communities:

E. Contracts awards

1. Name and address of awarding authority:
2. Award procedure chosen. In the case of the negotiated procedure, without publication of a tender notice, justification (Article 6(3)):
3. Date of award of contract:
4. Criteria for award of contract:
5. Number of tenders received:
6. Name(s) and address(es) of supplier(s):

7. The nature and quantity of goods supplied, where applicable, by supplier:
CPA reference number:
8. Price or range of prices (minimum/maximum) paid:
9. Where appropriate, value and proportion of contract likely to be subcontracted to third parties:
10. Other information:
11. Date of publication of the tender notice in the Official Journal of the European Communities:
12. Date of dispatch of the notice:
13. Date of receipt of the notice by the Office for Official Publications of the European Communities:

ANNEX V

Deadlines for application of transposition measures

Directive 77/62/EEC	amended by Directive					
	80/767	88/295	90/531	92/50	GR	ES/PO
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Article 1(a)		amended				
Article 1(b) - (c)						
Article 1(d) - (f)		amended				
Article 2(1)		deleted				
Article 2(2)		amended	amended			
Article 2(3)						
Article 2a		inserted				
Article 3						
Article 4		deleted				
Article 5		amended				
Article 5(1)(c)				amended		
Article 6		amended				
Article 7		amended				
Article 8						
Article 9		amended				
Article 10(1)		amended				
Article 10(2) - (4)						
Article 11(1) - (3)		amended				
Article 11(4) - (6)						
Article 12(1)		amended				
Article 12(2) - (3)						
Article 13		deleted				
Article 14		deleted				
Article 15		deleted				
Article 16						
Article 17						
Article 18						
Article 19(1)		amended				
Article 19(2)						
Article 20						
Article 21(1)						
Article 21(2)		amended				
Article 22						
Article 23						
Article 24						
Article 25						
Article 26		amended				
Article 27						
Article 28						
Article 29		amended				
Article 30						
Article 31						
Article 32						
Annex I		amended			amended	amended
Annex II		amended				
Annex III		amended				
	Article 1					
	Article 2	deleted				

Directive 77/62/EEC	amended by Directive					
	80/767	88/295	90/531	92/50	GR	ES/PO
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	Article 3 Article 4 Article 5 Article 6 Article 7 Article 8 Article 9 Article 10 Article 11 Annex I Annex II	deleted deleted deleted deleted				

(1) EC-9: 24.6.1978
 GR: 1.1.1983
 ES,PO: 1.1.1986

(3) EC-9: 1.1.1989
 GR,ES,PO: 1.3.1992

(5) EC-12: 1.7.1993

(2) EC-9: 1.1.1981
 GR: 1.1.1983
 ES,PO: 1.1.1986

(4) EC-9: 1.1.1983
 ES: 1.1.1996
 GR, PO: 1.1.1998

(6) EC-10: 1.1.1983

(7) EC-12: 1.1.1986

ANNEX VI

CORRELATION TABLE

This directive	77/62/EEC	80/767/EEC	88/295/EEC	90/531/EEC	92/50/EEC
Art. 1	Art. 1			Art. 35 (1)	
Art. 2 (1)	Art. 2 (2)				
Art. 2 (2)	Art. 2 (3)				
Art. 3	Art. 2a)				
Art. 4	Art. 3				
Art. 5 (1) a) and b)	Art. 5 (1) a) and b)				
Art. 5 (1) c)	Art. 5 (1) c)				Art. 42 (1)
first sub-paragraph					
Art. 5 (1) c)	Art. 5 (1) d)				
second sub-paragraph					
Art. 5 (1) d)	-				
Art. 5 (2-6)	Art. 5 (2-6)				
Art. 6 (1)	Art. 6 (1)				
-	Art. 6 (2)				
Art. 6 (2)	Art. 6 (3)				
Art. 6 (3) a) - e)	Art. 6 (4) a) -e)				
Art. 6 (4)	Art. 6 (5)				
Art. 7 (1-2)	(-)				
Art. 7 (3)	Art. 6 (6)				
Art. 8 (1-4)	Art. 7 (1-4)				
Art. 8 (5) a) and b)	(-)				
Art. 8 (5) c)	Art. 7 (5) a) - c)				
Art. 8 (6)	Art. 7 (6)				
Art. 9 (1) first	Art. 9 (1) first				
Sub-paragraph	Sub-paragraph				
(-)	Art. 9 (1) second				
	sub-paragraph				
Art. 9 (1) second	(-)				
Sub-paragraph					
Art. 9 (2) and (3)	Art. 9 (2) and (3)				
Art. 9 (4)	Art. 9 (5)				
Art. 9 (5)	Art. 9 (4)				
Art. 9 (6) and (7)	Art. 9 (6) first				
	sub-paragraph				

This directive	77/62/EEC	80/767/EEC	88/295/EEC	90/531/EEC	92/50/EEC
Art. 9 (8)	Art. 9 (6) second sub-paragraph				
Art. 9 (9)	Art. 9 (7)				
Art. 9 (10)	Art. 9 (8)				
Art. 9 (11)	Art. 9 (9)				
Art. 10	Art. 10				
Art. 11 (1)	Art. 11 (1)				
Art. 11 (2)	Art. 11 (2)				
Art. 11 (2) a) - e)	(-)				
Art. 11 (3)	Art. 11 (3)				
Art. 11 (4)	Art. 11 (5)				
Art. 11 (5)	Art. 11 (4)				
Art. 11 (6)	Art. 11 (6)				
Art. 12	Art. 12				
Art. 13	Art. 16				
Art. 14	(-)				
Art. 15	Art. 17				
Art. 16 (1)	Art. 8				
Art. 16 (2)	(-)				
Art. 17	(-)				
Art. 18	Art. 18				
Art. 19 (1)	Art. 19 (1)				
Art. 19 (2) and (3)	(-)				
Art. 19 (4)	Art. 19 (2)				
Art. 20	Art. 20				
Art. 21 (1) and (2)	Art. 21				
Art. 22	Art. 22				
Art. 23	Art. 23				
Art. 24	Art. 24				
Art. 25	(-)				
Art. 26 (1) and (2)	Art. 25 (1) and (2)				
(-)	Art. 25 (3) and (4)				
Art. 27	Art. 25 (5) to (7)				
(-)	Art. 26				
(-)	Art. 27				
Art. 28		Artt. 1(1) and 7			
Art. 29 (1) and (2)		Art. 8 (1) and (2)			
Art. 29(3)		Art. 1 (2)			

This directive	77/62/EEC	80/767/EEC	88/295/EEC	90/531/EEC	92/50/EEC
Art. 30 Art. 31 Art. 32 Art. 33 Art. 34 Art. 35 (-) Annex I Annex II Annex III point 1 point 2 point 3 point 4 point 5 Annex IV point A point B point C point D point E Annex V Annex VI	Art. 28 Art. 29 (-) Art. 30,31 (-) (-) Annex I Annex II point 1 point 2 point 3 (-) point 4 Annex III point D point A point B point C point E (-) (-)	Art. 9,10 Annex I Annex II	Art. 20,21		

Financial Statement

Section 1: Financial Implications

1. Title of operation:

Proposal for a Council Directive coordinating procedures for the award of public supply contracts.

2. Budget heading: B5-304

3. Legal basis: Article 100a EEC Treaty.

4. Description of operation:

4.1. Specific objectives of operation:

Legislative consolidation of Directive 77/62/EEC on the award of public supply contracts, together with alignments of the Public Supplies Directive on the Public Works and Public Services Directives to facilitate the application of the public procurement rules as a single, coherent body.

4.2. Duration: Indefinite, although decisions are taken specifically every year.

4.3. Target population: Operators inside and outside the Community.

5. Classification of expenditure:

The budgetary implications of the Directive will be limited. The consolidation of Directive 77/62/EEC as such will not imply new budgetary costs.

As a result of alignments with the Public Works and Services Directives, the Directive will however in particular require more tender notices to be published in the supplement to the Official Journal (indicative notices), which will entail some additional costs borne by the Community budget.

5.1. Compulsory/Non-compulsory

Non-compulsory

Non-differentiated appropriations

6. Type of expenditure

See point 7.1.

7. Financial impact on appropriations for operations (part B of the budget)

7.1. Method of calculating total cost of operation

It is difficult to quantify the additional expenditure related to the application of the Directive. The programme for opening up public procurement in general includes several measures which will come into effect over the same period of time and which will all entail additional costs. Moreover, the entities covered by the already applicable directives tend to comply more and more with their publication obligations. Compliance with the publication requirements will be further enhanced during the next years by the transposition, in all Member States, of EC rules which aim at ensuring a minimum standard of legal remedies available to undertakings which feel discriminated against by decisions of contracting authorities.

In addition, the Commission has launched important measures to further reduce the costs of the Supplement, such as the introduction of standardized notices.

The additional expenditure described above will be taken into account in the budget forecasts submitted under the annual budget procedure.

If the directive were to go into effect during the course of 1994, the resulting additional expenditure could be estimated as

In 1994: ECU 276 000
In 1995: ECU 414 000

From 1994 on, the annual assignment of credits for this operation will be done within the framework of the annual budget procedure, taking account of cost-effectiveness analysis:

The figures mentioned above represent the cost of translation and publication of approximately 400 additional notices in 1994, and approximately 600 additional notices in 1995. The cost of publication (in 9 linguistic versions) of a single notice is estimated at +/- 690 ECU per notice, by the OPOJ.

7.2. Proportion of mini-budget in total cost of operation

No mini-budget

7.3. Indicative schedule of commitment and payment appropriations

Not applicable (specific measure)

8. What anti-fraud measures are planned in the proposal for the operation

The checking of grants or the reception of services or studies requested by the services of the Commission is done by the latter prior to payment, taking account of the contractual obligations and the principles of good management and good financial administration. Anti-fraud measures (checking, written reports, etc...) are included in all agreements or contracts concluded by the Commission and the beneficiaries of these payments.

Section 2: Administrative expenditure (part A of the budget)

Not applicable (see point 2).

Section 3: Elements of cost-effectiveness analysis

1.1. Specific objective of proposed operation

The proposed alignment of the conditions relating to the publication of public supply contract notices with the Public Works and Public Services Directives will increase transparency in the award of public supply contracts and facilitate the application of public procurement rules as a single coherent body.

Public supply, works and services contract notices communicated by the Member States pursuant to Community directives or by certain non-member countries (in particular, Japan, the United States and the EFTA countries) under the protocol concluded within the GATT are published in the S series of the OJ (Supplement) after adaptation and translation.

The Supplement will be considerably expanded in the years ahead, since public procurement is an essential part of the large single market (1992). The Community directives will be improved and extended to new sectors.

Because of the large single market, the Supplement will expand faster than the other series of the Official Journal. It therefore seemed appropriate to enter the appropriations for the Supplement in Part B of the budget (Chapter 5-30, which is devoted to the internal market).

1.2. Grounds for the operation

Direct consequence of the White Paper on the completion of the internal market.

1.3. Monitoring and evaluation of the operation

See point 7.1.

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DOCUMENTS

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