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STATUTORY INSTRUMENTS

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**2016 No. 273**

**PUBLIC PROCUREMENT,  
ENGLAND AND WALES  
PUBLIC PROCUREMENT, NORTHERN IRELAND**

**The Concession Contracts Regulations 2016**

<i>Made</i>	- - - -	<i>11th March 2016</i>
<i>Laid before Parliament</i>		<i>17th March 2016</i>
<i>Coming into force</i>		<i>18th April 2016</i>

**THE CONCESSION CONTRACTS REGULATIONS 2016**

PART 1

General

1. Citation, commencement and extent
2. Interpretation
3. Meaning of “concession contract”
4. Meaning of “contracting authorities”
5. Meaning of “utilities”
6. Meaning of “concession notice”

PART 2

Scope and principles

CHAPTER 1

Concession contracts to which these Regulations apply

7. Subject-matter and scope of these Regulations
8. Principle of equal treatment, non-discrimination and transparency
9. Threshold amounts and methods for calculating the estimated value of concession contracts

*Status: This is the original version (as it was originally made).*

## CHAPTER 2

### Exclusions

10. General exclusions
11. Specific exclusions in the field of electronic communications
12. Specific exclusions in the field of water
13. Concession contracts awarded to an affiliated undertaking
14. Concession contracts awarded to a joint venture or to a utility forming part of a joint venture
15. Notification of information by utilities
16. Exclusion of activities which are directly exposed to competition
17. Concession contracts between entities within the public sector

## CHAPTER 3

### General Provisions

18. Duration of the concession contract
19. Social and other specific services
20. Mixed contracts
21. Mixed procurement contracts involving defence or security aspects
22. Contracts covering both activities listed in Schedule 2 and other activities
23. Contracts covering both activities listed in Schedule 2 and activities involving defence or security aspects.

## CHAPTER 4

### Specific Situations

24. Reserved concession contracts
25. Research and development services

## CHAPTER 5

### Principles

26. Economic operators
27. Nomenclatures
28. Confidentiality
29. Rules applicable to communication

## PART 3

### Rules on the award of concession contracts

## CHAPTER 1

### General principles

30. Design of the award procedure
31. Concession notices
32. Concession award notices
33. Form and manner of publication of notices

34. Electronic availability of concession documents
35. Combating corruption and preventing conflicts of interest

## CHAPTER 2

### Procedural guarantees

36. Technical and functional requirements
37. Procedural guarantees
38. Selection of and qualitative assessment of candidates
39. Time limits for receipt of applications and tenders for the concession contract
40. Informing candidates and tenderers
41. Award criteria

## PART 4

### Rules on the performance of concession contracts

42. Subcontracting
43. Modification of concession contracts during their term
44. Termination of concession contracts
45. Reporting requirements

## PART 5

### Remedies

## CHAPTER 1

### Facilitation of remedies

46. Scope of Chapter 1
47. Notices of decisions to award a concession contract
48. Standstill period

## CHAPTER 2

### Applications to the court

49. Interpretation of Chapter 2
50. Duty owed to economic operators from EEA states
51. Duty owed to economic operators from certain other states
52. Enforcement of duties through the Court
53. General time limits for starting proceedings
54. Special time limits for seeking a declaration of ineffectiveness
55. Starting proceedings
56. Concession contract-making suspended by challenge to award decision
57. Interim orders
58. Remedies where the concession contract has not been entered into
59. Remedies where the concession contract has been entered into
60. Grounds for ineffectiveness
61. General interest grounds for not making a declaration of ineffectiveness
62. The consequences of ineffectiveness
63. Penalties in addition to, or instead of, ineffectiveness

**Status:** This is the original version (as it was originally made).

64. Injunctions against the Crown

PART 6

Miscellaneous

65. Review of these Regulations

66. General transitional provision

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SCHEDULE 1 — ACTIVITIES CONSTITUTING WORKS

SCHEDULE 2 — ACTIVITIES EXERCISED BY UTILITIES

1. Gas and heat
2. Electricity
3. Transport services
4. Ports and airports
5. Postal services
6. Extraction of oil and gas and exploration for, or extraction of, coal or other solid fuels

SCHEDULE 3 — SOCIAL AND OTHER SPECIFIC SERVICES

Explanatory Note