

## **EXECUTIVE NOTE**

### **The Public Contracts and Utilities Contracts (Common Procurement Vocabulary Codes) Amendment (Scotland) Regulations 2008 SSI/2008/291**

The above instrument was made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972. The instrument is subject to the negative resolution procedure.

#### **Policy Objectives**

The purpose of the instrument is to update the Common Procurement Vocabulary (CPV) codes set out in the Public Contracts (Scotland) Regulations 2006 (S.S.I 2006/1) and the Utilities Contracts (Scotland) Regulations 2006 (S.S.I 2006/2) (the “Scottish Regulations”), which give effect to the EU Procurement Directives (2004/17/EC and 2004/18/EC) in Scots law.

The current version of the CPV was established by Regulation (EC) No 2195/2002 of the European Parliament and of the Council. It provides a single classification system for public procurement aimed at standardising the references used by contracting authorities to describe the subject of public contracts. The European Commission has revised the CPV codes to take account of developments in the market and users’ needs; to make improvements to the text of the CPV; and to make the CPV an efficient tool for electronic public procurement. The changes do not affect the material scope of the Directives.

The revised CPV codes take effect from 15 September 2008. We have been working with colleagues in the UK Government to ensure that Commission Regulation (EC) No 213/2008 is implemented consistently in Scotland and England, Wales and Northern Ireland. This work was not completed until the beginning of August, during the Scottish Parliamentary recess. Although this instrument has been laid before Parliament at the earliest opportunity, under the 21 day rule it will not come into force until after 15 September.

The slight delay in updating the CPV codes in the Scottish Regulations should have no impact in practice. Contracting authorities submitting notices to the Official Journal of the European Union (OJEU) for publication on or after 15 September 2008 will be required by the European Commission to use the new codes, which will automatically appear on the Simap website (the European Commission’s electronic portal) and the Scottish Government’s national advertising portal: <http://www.publiccontractsscotland.gov.uk/>. We have informed stakeholders of the revised codes in a Scottish Procurement Policy Note (SPPN) which has also been published on the Scottish Procurement Directorate’s website: <http://www.scotland.gov.uk/Topics/Government/Procurement/policy/manual/policy-notes>.

A copy of Commission Regulation (EC) No 213/2008, amending Regulation (EC) No 2195/2002 of the European Parliament and of the Council on the Common Procurement Vocabulary (CPV) and Directives 2004/17/EC and 2004/18/EC of the European Parliament and of the Council on public procurement procedures, as regards the revision of the CPV, is attached.

### **Consultation**

None. We are obliged to update the CPV codes in the Scottish Regulations in order to ensure compatibility with community law.

### **Financial Effects**

This instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Procurement Directorate  
Scottish Government  
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