

TRANSPOSITION NOTE

Transposition note for: Directive 2014/23/EU of 26 February 2014 on concession contracts (the Directive)

These Regulations do what is necessary to implement the Directive.

The main elements of the Directive implemented in these Regulations are as follows:

| Article | | National Provision |
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| Article 1: | Subject-matter and scope | Regulation 7 copies out Art 1(1), (2) & (3). |
| Article 2: | Principle of administration by public authorities | N/A |
| Article 3: | Principle of equal treatment, non-discrimination and transparency | Regulation 8 |
| Article 4: | Freedom to define services of general economic interest | N/A |
| Article 5: | Definitions | Regulation 2 lists the definitions in alphabetical order |
| Article 5 (definition of "concessions") | Definition of "concessions", "works concessions" and "services concessions" | Regulation 3 |
| Article 6: | Contracting authorities | Regulation 4 |
| Article 7: | Contracting entities | Regulation 5 |
| Article 8: | Threshold and methods for calculating the estimated value of concessions | Regulation 9 |
| Article 9: | Revision of the thresholds | N/A |
| Article 10: | Exclusions applicable to concessions awarded by contracting authorities and contracting entities | Regulation 10 |
| Article 11: | Specific exclusions in the field of electronic communications | Regulation 11 |
| Article 12: | Specific exclusions in the field of water | Regulation 12 |

| Article | | National Provision |
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| Article 13: | Concessions awarded to an affiliated undertaking | Regulation 13 |
| Article 14: | Concessions awarded to a joint venture or to a contracting entity forming part of a joint venture | Regulation 14 |
| Article 15: | Notification of information by contracting entities | Regulation 15 |
| Article 16: | Exclusion of activities which are directly exposed to competition | Regulation 16 |
| Article 17: | Concessions between entities within the public sector | Regulation 17 |
| Article 18: | Duration of the concession | Regulation 18 |
| Article 19: | Social and other specific services | Regulation 19 |
| Article 20: | Mixed contracts | Regulation 20 |
| Article 21: | Mixed procurement contracts involving defence or security aspects | Regulation 21 |
| Article 22: | Contracts covering both activities referred to in Annex II and other activities | Regulation 22 |
| Article 23: | Contracts covering both activities referred to in Annex II and activities involving defence or security aspects | Regulation 23 |
| Article 24: | Reserved concessions | Regulation 24 |
| Article 25: | Research and development services | Regulation 25 |
| Article 26: | Economic operators | Regulation 26 |
| Article 27(1): | Nomenclatures | Regulation 27 |
| Article 27(2) | Power for the Commission to adopt delegated acts to adapt the CPV codes referred to in the Directive | N/A |
| Article 28: | Confidentiality | Regulation 28 |
| Article 29: | Rules applicable to communication | Regulation 29 |

| Article | | National Provision |
|------------------------|--|---------------------------|
| Article 30(1) and (2): | General principles | Regulations 3 and 30 |
| Article 30(3) | General principles | N/A |
| Article 31: | Concession notices | Regulation 31 |
| Article 32: | Concession award notices | Regulation 32 |
| Article 33: | Form and manner of publication of notices | Regulation 33 |
| Article 34: | Electronic availability of concession documents | Regulation 34 |
| Article 35: | Combating corruption and preventing conflicts of interest | Regulation 35 |
| Article 36: | Technical and functional requirements | Regulation 36 |
| Article 37: | Procedural guarantees | Regulation 37 |
| Article 38: | Selection of and qualitative assessment of candidates | Regulation 38 |
| Article 39: | Time limits for receipt of applications and tenders for the concession | Regulation 39 |
| Article 40: | Provision of information to candidates and tenderers | Regulation 40 |
| Article 41: | Award criteria | Regulation 41 |
| Article 42: | Subcontracting | Regulation 42 |
| Article 43: | Modification of contracts during their term | Regulation 43 |
| Article 44: | Termination of concessions | Regulation 44 |
| Article 45: | Monitoring and Reporting | Regulation 45 |
| Article 46: | Amendments to Directive 89/665/EEC | N/A |
| Article 47: | Amendments to Directive 92/13/EEC | N/A |
| Article 48: | Exercise of the delegation | N/A |
| Article 49: | Urgency procedure | N/A |
| Article 50: | Committee Procedure | N/A |
| Article 51: | Transposition | N/A |
| Article 52: | Transitional provisions | N/A |
| Article 53: | Monitoring and reporting | N/A |
| Article 54: | Entry into force | N/A |
| Article 55: | Addressees | N/A |
| ANNEX I: | LIST OF THE ACTIVITIES REFERRED TO IN | Schedule 1 |

| Article | | National Provision |
|-------------|--|---|
| | POINT (7) OF ARTICLE 5 | |
| ANNEX II: | ACTIVITIES EXERCISED BY CONTRACTING ENTITIES AS REFERRED TO IN ARTICLE 7 | Schedule 2 |
| ANNEX III: | LIST OF LEGAL ACTS OF THE UNION REFERRED TO IN POINT (B) OF ARTICLE 7(2) | Regulation 5 (3)(b) cross refers to Annex III |
| ANNEX IV: | SERVICES REFERRED TO IN ARTICLE 19 | Schedule 3 |
| ANNEX V: | INFORMATION TO BE INCLUDED IN CONCESSION NOTICES REFERRED TO IN ARTICLE 31 | Regulation 31(2)(a) cross refers to Annex V |
| ANNEX VI: | INFORMATION TO BE INCLUDED IN PRIOR INFORMATION NOTICES CONCERNING CONCESSIONS FOR SOCIAL AND OTHER SPECIFIC SERVICES, AS REFERRED TO IN ARTICLE 31(3) | Regulation 31(4) cross refers to Annex VI |
| ANNEX VII: | INFORMATION TO BE INCLUDED IN CONCESSION AWARD NOTICES AS REFERRED TO IN ARTICLE 32 | Regulation 32(3) cross refers to Annex VII |
| ANNEX VIII: | INFORMATION TO BE INCLUDED IN CONCESSION AWARD NOTICES CONCERNING CONCESSIONS FOR SOCIAL AND OTHER SPECIFIC SERVICES, AS REFERRED TO IN ARTICLE 32 | Regulation 32(3) cross refers to Annex VIII |
| ANNEX IX: | FEATURES CONCERNING PUBLICATION | N/A |

| Article | | National Provision |
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| ANNEX X: | LIST OF INTERNATIONAL SOCIAL AND ENVIRONMENTAL CONVENTIONS REFERRED TO IN ARTICLE 30(3) | Regulation 38(16)(a) cross refers to Annex X |
| ANNEX XI: | INFORMATION TO BE INCLUDED IN NOTICES OF MODIFICATIONS OF A CONCESSION DURING ITS TERM ACCORDING TO ARTICLE 43 | Regulation 43(4) cross refers to Annex XI |