Commission Implementing Regulation (EU) 2015/1986 of 11 November 2015 establishing standard forms for the publication of notices in the field of public procurement and repealing Implementing Regulation (EU) No 842/2011 (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1986

of 11 November 2015

establishing standard forms for the publication of notices in the field of public procurement and repealing Implementing Regulation (EU) No 842/2011

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts[(1)], and in particular Article 3a thereof,

Having regard to Council Directive 92/13/EEC of 25 February 1992 coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors[(2)], and in particular Article 3a thereof,

Having regard to Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities in the field of defence and security, and amending Directives 2004/17/EC and 2004/18/EC[(3)], and in particular Articles 32(1), 52(2) and 64 thereof,

Having regard to Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts[(4)], and in particular Article 33(1) and (2) thereof,

Having regard to Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC[(5)], and in particular Articles 51(1) and (2) 75(3) and 79(3) thereof,

Having regard to Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC[(6)], and in particular Articles 71(1) and (2), 92(3) and 96(2) thereof,

Whereas:

(1) Directives 89/665/EEC and 2014/24/EU require that public supply, public works and public service contracts be advertised in the *Official Journal of the European Union*.

Changes to legislation: *There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2015/1986. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

The notices for those publications should include the information set out in those Directives.

(2) Directives 92/13/EEC and 2014/25/EU require that works contract, supply contracts and service contracts in the water, energy, transport and postal services sectors be advertised in the *Official Journal of the European Union*. The notices for those publications should include the information set out in those Directives.

(3) Directive 2009/81/EC requires that certain works contracts, supply contracts and service contracts in the field of defence and security be advertised in the *Official Journal of the European Union.* The notices for that publication should include the information set out in that Directive.

(4) Directives 89/665/EEC, 92/13/EEC and 2014/23/EU require that works concessions and service concessions be advertised in the *Official Journal of the European Union*. The notices for those publications should include the information set out in those Directives.

(5) Commission Implementing Regulation (EU) No 842/2011[7] sets out the standard forms provided for by Directives 2004/17/EC, 2004/18/EC, 2009/81/EC, 89/665/EEC and 92/13/EEC.

(6) In order to comply with Directives 2014/23/EU, 2014/24/EU and 2014/25/EU and to ensure the full effectiveness of Directives 89/665/EEC and 92/13/EEC, it is necessary to adapt the standard forms annexed to Implementing Regulation (EU) No 842/2011 and to add new standard forms. Given the number and extent of the necessary adjustments, Implementing Regulation (EU) No 842/2011 should be replaced.

(7) However, where a Member State implements Directives 2014/23/EU, 2014/24/EU or 2014/25/EU or the amendments to Directive 89/665/EEC or 92/13/EEC before the end of the deadline on 18 April 2016, its contracting authorities and contracting entities should hereafter only use the standard forms established by the present Implementing Regulation as these alone are designed to ensure conformity with the legal requirements of the new or amended Directives.

(8) Directive 2009/81/EC has not been amended; consequently the standard forms provided for by that Directive have also remained unchanged. They should therefore continue to be used until Implementing Regulation (EU) No 842/2011 is repealed.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Advisory Committee on Public Procurement,

HAS ADOPTED THIS REGULATION:

Article 1

Contracting authorities shall use, for the publication in the *Official Journal of the European Union* of the notices referred to in Articles 48, 49, 50, 72, 75 and 79 of Directive 2014/24/EU, the standard forms set out in Annexes I, II, III, VIII to XI, XVII and XVIII to this Regulation.

***Changes to legislation:** There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2015/1986. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Article 2

Contracting entities shall use, for the publication in the *Official Journal of the European Union* of the notices referred to in Articles 67 to 70, 89, 92 and 96 of Directive 2014/25/EU, the standard forms set out in Annexes IV to XI, XVII and XIX to this Regulation.

Article 3

Contracting authorities and contracting entities shall use, for the publication in the *Official Journal of the European Union* of the notices referred to in Articles 30, 52 and the second indent of Article 60(4) of Directive 2009/81/EC, the standard forms set out in Annexes XIII to XVI to this Regulation.

Article 4

Contracting authorities and contracting entities shall use, for the publication in the *Official Journal of the European Union* of the notices referred to in Articles 31, 32 and 43 of Directive 2014/23/EU, the standard forms set out in Annexes XI, **[**[X1]XVII**]**, XX, XXI and XXII to this Regulation.

Editorial Information

X1 Substituted by Corrigendum to Commission Implementing Regulation (EU) 2015/1986 of 11 November 2015 establishing standard forms for the publication of notices in the field of public procurement and repealing Implementing Regulation (EU) No 842/2011 (Official Journal of the European Union L 296 of 12 November 2015).

Article 5

Contracting authorities and contracting entities shall use, for the publication in the *Official Journal of the European Union* of the notice referred to in the second indent of Article 2d(4) of Directives 89/665/EEC and 92/13/EEC, the standard form set out in Annex XII to this Regulation.

Article 6

Contracting authorities and contracting entities shall transmit the forms to the Publications Office of the European Union by electronic means, using either the eNotices online application or the TED eSender system.

Article 7

The following standard forms are established:

List of standard forms

Standard form 1	:	‘Prior information notice’: Annex I
Standard form 2	:	‘Contract notice’: Annex II
Standard form 3	:	‘Contract award notice’: Annex III
Standard form 4	:	‘Periodic indicative notice — Utilities’: Annex IV
Standard form 5	:	‘Contract notice — Utilities’: Annex V
Standard form 6	:	‘Contract award notice — Utilities’: Annex VI
Standard form 7	:	‘Qualification system — Utilities’: Annex VII
Standard form 8	:	‘Notice on a buyer profile’: Annex VIII
Standard form 12	:	‘Design contest notice’: Annex IX
Standard form 13	:	‘Results of design contest’: Annex X

***Changes to legislation:** There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2015/1986. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Standard form 14 : 'Corrigendum': Annex XI
Standard form 15 : 'Voluntary *ex ante* transparency notice': Annex XII
Standard form 16 : 'Prior information notice — Defence and Security': Annex XIII
Standard form 17 : 'Contract notice — Defence and Security': Annex XIV
Standard form 18 : 'Contract award notice — Defence and Security': Annex XV
Standard form 19 : 'Subcontract notice — Defence and Security': Annex XVI
Standard form 20 : 'Modification notice': Annex XVII
Standard form 21 : 'Social and other specific services — Public contracts': Annex XVIII
Standard form 22 : 'Social and other specific services — Utilities': Annex XIX
Standard form 23 : 'Social and other specific services — Concessions': Annex XX
Standard form 24 : 'Concession notice': Annex XXI
Standard form 25 : 'Concession award notice': Annex XXII

Article 8

Implementing Regulation (EU) No 842/2011 is repealed with effect from 18 April 2016.

Article 9

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 3 shall apply from 18 April 2016.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

***Changes to legislation:** There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2015/1986. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

ANNEX I



Supplement to the Official Journal of the European Union

Info and online forms: http://**simap.ted.europa.eu**

Prior information notice

Directive 2014/24/EU

This notice is for prior information only ◯
This notice aims at reducing time limits for receipt of tenders ◯
This notice is a call for competition ◯

Interested operators must inform the contracting authority of their interest in the contract(s). The contract(s) will be awarded without publication of a further call for competition.

Section I: Contracting authority

I.1) Name and addresses [1] *(please identify all contracting authorities responsible for the procedure)*

Official name:			National registration number: [2]
Postal address:			
Town:	NUTS code:	Postal code:	Country:
Contact person:			Telephone:
E-mail:			Fax:
Internet address(es) Main address: *(URL)* Address of the buyer profile: *(URL)*			

I.2) Joint procurement

☐ The contract involves joint procurement
In the case of joint procurement involving different countries, state applicable national procurement law:
☐ The contract is awarded by a central purchasing body

I.3) Communication

◯ The procurement documents are available for unrestricted and full direct access, free of charge, at: *(URL)* [12]
◯ Access to the procurement documents is restricted. Further information can be obtained at: *(URL)* [12]

Additional information can be obtained from
◯ the abovementioned address
◯ another address: *(please provide another address)*

Tenders or requests to participate must be submitted [5, 19]
☐ electronically via: *(URL)*
◯ to the abovementioned address
◯ to the following address: *(please provide another address)*

☐ Electronic communication requires the use of tools and devices that are not generally available. Unrestricted and full direct access to these tools and devices is possible, free of charge, at: *(URL)*

I.4) Type of the contracting authority

◯ Ministry or any other national or federal authority, including their regional or local subdivisions
◯ National or federal agency/office
◯ Regional or local authority
◯ Regional or local agency/office
◯ Body governed by public law
◯ European institution/agency or international organisation
◯ Other type:

I.5) Main activity

◯ General public services
◯ Defence
◯ Public order and safety
◯ Environment
◯ Economic and financial affairs
◯ Health
◯ Housing and community amenities
◯ Social protection
◯ Recreation, culture and religion
◯ Education
◯ Other activity: