

New EU regulation to establish standard form public procurement notices

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A draft implementing regulation ('the Draft Regulation') has been published by the Commission, which states that "*in order to ensure the standard forms' effectiveness in a digital environment it is necessary to adapt the standard forms set out in Implementing Regulation (EU) No 2015/1986*".

Due to the number and extent of amendments required, the draft regulation states that Implementing Regulation (EU) No 2015/1986 ('2015 Regulation') should be replaced.

The Draft Regulation establishes the following standard forms:

- **'Planning'** - to be used for the publication of prior information notices, periodic indicative notices used for information only, and notices of the publication of a prior information notice on a buyer profile.
- **'Competition'** - to be used for the publication of prior information notices used as a call for competition, contract notices, notices on the existence of a qualification system, concession notices and design contest notices.
- **'Direct award preannouncement'** - to be used for the publication of voluntary ex ante transparency notices (VEAT).
- **'Result'** - to be used for the publication of contract award, concession award and design contest result notices.
- **'Contract modification'** - to be used for the publication of contract modification notices.
- **'Change'** - for changing and cancelling the notices listed above.

Further details of the information to be included in each standard form are given in the Annex to the draft regulation.

A key distinction between the 2015 Regulation standard forms and those set out in the Draft Regulation will be that the 2015 Regulation standard forms are required to be filled out manually, whereas the new standard forms will be established to utilise software systems which automatically fill in information from previous notices, tenders, contracts and such like. The new standard forms will be comprised of mandatory and optional fields.

The repeal of the 2015 Regulation will take effect from four years after the publication of the Draft Regulation.

The Draft Regulation will come into force on the 20th day following its publication in Official Journal of the European Union. It will apply for three years after coming into force. The Draft Regulation states that the length of the implementation timings will be reflective of the time required to prepare electronic versions of the new standard forms which can be used for actual data exchange.

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