



STATUTORY INSTRUMENTS.

S.I. No. 327 of 2017



EUROPEAN COMMUNITIES (PUBLIC AUTHORITIES' CONTRACTS)
(REVIEW PROCEDURES) (AMENDMENT) REGULATIONS 2017

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I, PASCHAL DONOHOE, Minister for Public Expenditure and Reform, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving effect to Council Directive 89/665/EEC, as amended by Directive 2007/66/EC of the European Parliament and of the Council and Directive 2014/23/EU of the European Parliament and of the Council, hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Communities (Public Authorities' Contracts) (Review Procedures) (Amendment) Regulations 2017.

Definition

2. In these Regulations, the "Principal Regulations" means the European Communities (Public Authorities' Contracts) (Review Procedures) Regulations 2010 (S.I. No. 130 of 2010).

Amendment of Regulation 2 of Principal Regulations

3. Regulation 2(1) of the Principal Regulations is amended—

(a) by substituting the following for the definition of "Public Authorities' Contracts Regulations":

“ 'Public Authorities' Contracts Regulations' means the European Union (Award of Public Authority Contracts) Regulations 2016 (S.I. No. 284 of 2016);”,

(b) by substituting the following definition for the definition of "reviewable public contract":

“ 'reviewable public contract' means a contract (including a framework agreement and a dynamic purchasing system) referred to in the Public Authorities' Contracts Regulations, the awarding of which is governed by one or more of the Parts (or a Chapter or Chapters of those Parts) of those Regulations;”, and

(c) in the definition of "Revised Remedies Directive", by inserting "and Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014" after "11 December 2007".

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 25th July, 2017.

Amendment of Regulation 5 of Principal Regulations

4. Regulation 5(2) of the Principal Regulations is amended—

- (a) in subparagraph (c), by substituting “Regulation 33” for “Regulation 33, 34 or 35”, and
- (b) in subparagraph (d), by substituting “Regulation 34” for “paragraphs (5) to (12) of Regulation 36”.

Amendment of Principal Regulations — new Regulation 5A

5. The Principal Regulations are amended by inserting the following after Regulation 5:

“Regulation 55 of Public Authorities’ Contracts Regulations not affected

5A. Nothing in the preceding Regulation or Regulation 6 affects Regulation 55 (and, in particular, paragraph (2) of it) of the Public Authorities’ Contracts Regulations.”.

Amendment of Regulation 6 of Principal Regulations

6. Regulation 6 of the Principal Regulations is amended—

- (a) in paragraph (2)(a), by substituting “not to award a contract for which there has been a call for competition, conclude a framework agreement, recommence the procedure or implement a dynamic purchasing system” for “not to award a contract, conclude a framework agreement or implement a dynamic purchasing system for which there has been a call for competition”,
- (b) in paragraph (3)(c), by substituting “Regulation 42(10) and (11)” for “paragraphs (9) to (11) of Regulation 23”, and
- (c) in paragraph (7)—
 - (i) in subparagraph (c), by substituting “a particular economic operator” for “economic operators”, and
 - (ii) in subparagraph (d), by deleting “whether public or private”.

Amendment of Regulation 7 of Principal Regulations

7. Regulation 7(3)(a) of the Principal Regulations is amended by substituting “Regulations 50 and 51” for “Regulations 41 and 45”.

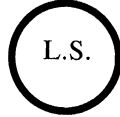
Amendment of Regulation 11 of Principal Regulations

8. Regulation 11 of the Principal Regulations is amended—

- (a) in paragraph (2)(c)—
 - (i) by substituting the following for clause (i):
 - “(i) there has been an infringement of Regulation 33(8)(c) or of any of Regulation 34(20) to (23) of the Public Authorities’ Contracts Regulations, and”, and

(ii) in clause (ii), by substituting “Regulation 5” for “Regulation 4”,
and

(b) in paragraph (4)(a), by substituting “Regulation 33(8)(c) or Regulation 34(20) to (23)” for “Regulation 35, or paragraphs (9) to (12) of Regulation 36,”.



GIVEN under my Official Seal,
17 July 2017.

PASCHAL DONOHOE,
Minister for Public Expenditure and Reform.

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