



STATUTORY INSTRUMENTS.

S.I. No. 328 of 2017

EUROPEAN COMMUNITIES (AWARD OF CONTRACTS BY UTILITY
UNDERTAKINGS) (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 92/13/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 (Award of Contracts by Utility Undertakings) (Review Procedures) (Amendment) Regulations 2017.

Definition

2. In these Regulations, the “Principal Regulations” means the European Communities (Award of Contracts by Utility Regulations) (Review Procedures) Regulations 2010 (S.I. No. 131 of 2010).

Amendment of Regulation 2 of Principal Regulations

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

- (a) 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”, and
- (b) by substituting the following for the definition of “Utility Undertakings’ Contracts Regulations”:

“ ‘Utility Undertakings’ Contracts Regulations’ means the European Union (Award of Contracts by Utility Undertakings) Regulations 2016 (S.I. No. 286 of 2016).”.

Amendment of Regulation 5 of Principal Regulations

4. Regulation 5(2)(c) of the Principal Regulations is amended by substituting “Regulation 51” for “paragraphs (5) to (12) of Regulation 29”.

Amendment of Regulation 6 of Principal Regulations

5. 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

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

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 67(10) and (11)” for “paragraphs (6) to (8) of Regulation 36”, 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

6. Regulation 7(3)(a) of the Principal Regulations is amended by substituting “Regulations 77 and 78” for “Regulations 45 and 46”.

Amendment of Regulation 11 of Principal Regulations

7. 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 any of paragraphs (19) to (21) of Regulation 51 of the Utility Undertakings’ Contracts Regulations, and”, and

(ii) in clause (ii), by substituting “Regulation 17” for “Regulation 12”, and

(b) in paragraph (4)(a), by substituting “Regulation 51(19) to (21)” for “paragraphs (9) to (12) of Regulation 29”.



GIVEN under my Official Seal,
17 July 2017.

PASCHAL DONOHOE,
Minister for Public Expenditure and Reform.

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