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Modified implementation rules on public procurement contracts not applicable to current contracts

Recently the general implementation rules for public procurement contracts were amended by the Royal Decree of 22 June 2017 (see also our newsflash of 29 June 2017). This decree stated with a single sentence that this RD enters into force on 30 June 2017 (art. 49). The text itself did not clarify whether or not the changed rules apply to current, ongoing contracts.

In a communication of 26 July 2017, the FPS Policy and Support clarified the entry into force. The amended general implementation rules only apply for contracts that are published (or should have been published) as of 30 June 2017, as well as for the contracts for which, in the absence of an advance publication requirement, one is invited to submit a tender as of that date. According to the FPS Policy and Support, the aforementioned art. 49 of the amendment decree AUR of 22 June 2017 must be interpreted in this sense.

With this the FPS Policy and Support thus confirms that the modified implementation rules for public procurement contracts in principle do not apply to current contracts.

For more information on this topic, you can consult Carlo Cardone (author), Jan De Leyn (author) and Kris Lemmens (head of the Public Procurement and PPP unit).

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