Directive 2014/23/EU on the award of concession contracts has finally been transposed into Irish law by way of The European Union (Award of Concession Contracts) Regulations 2017 (SI No. 203 of 2017). The text of the new Regulations is available at the following link: http://www.irishstatutebook.ie/eli/statutory.html

The new Regulations are deemed to have come into operation on 18 April 2016 and apply to concession contract award procedures commenced by a contracting authority or a contracting entity on or after 18 April 2016. We will be providing a digest of key features of the new Regulations shortly.

In the meantime, it’s interesting to note that the new Regulations are used as the opportunity to correct certain aspects of the European Union (Award of Public Authority Contracts) Regulations 2016 (SI No. 284 of 2016) and the European Union (Award of Contracts by Utility Undertakings) Regulations 2016 (SI No. 286 of 2016), notably in relation to contract modifications. The new Regulations bring the rules on de minimis modifications into line with the relevant Directives so that it is now a requirement for such modifications to be both below the applicable financial thresholds and below a specified percentage of the value of the contract.

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