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WORKING DOCUMENT

From:	RO Delegation
To:	Working Party on Trade Questions
Subject:	International Procurement Instrument - RO comments



Romania's comments

Regarding the International Procurement Instrument - Informal draft text for recitals (WK 4042/2021 INIT) and additional elements discussed during the informal video conference of the members of the WPTQ on 17 march 2021 (WK 3877/2021)

The Romanian authorities reaffirm their commitment to bring forward an ambitious, efficient and applicable instrument on international procurement that would ensure better access to public procurement in third countries for the European Union companies and small medium enterprises.

1. Regarding the text proposal for the preamble (WK 4042/2021 INIT) to the IPI project

- (a) Regarding paragraph (23), we consider that the measures to exclude tenders in the case of contracts awarded based on the framework agreements already signed may not be applicable in the case of that framework agreements signed with a single contractor or in the case of the framework agreements without resumption of competition, because, in this situation, an evaluation of the offers is no longer performed.

On the other hand, applying an adjustment and the exclusion of tenders in the case of already signed framework agreements, is likely to produce disputes and difficulties in their implementation. We consider that compliance with the provisions of the IPI Regulation must be established at the initiation of the procurement procedure and verified during the execution of the contract/ framework agreement.

- (b) Regarding paragraph (28), second and third sentences, we consider that they should be the subject of separate articles in the Regulation.

2. Regarding the new articles proposed:

a) With regard to the List of contracting authorities or entities exempted from the application of the Regulation, we inform you of the following:

- Regarding point 1, we consider that the terminology used should comply with Directives 23/2014/EU, 24/2014/EU, and 25/2014/EU, since they do not provide the term of sub-national authorities/entities.
 - Regarding point 2, we consider that a list of contracting authorities that are exempted from the application of the Regulation and for which the total value of contracts awarded in a period of three years exceeds 25% of the thresholds provided by the European Union Directives is set to increase the administrative burden for small contracting authorities/entities, which, by themselves, do not award contracts that



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exceed the thresholds set out in this draft Regulation, nor the thresholds set out in the European Union Directives in the field of public procurement.

c) With regard to the introduction of a new paragraph in Article 5, which reflects paragraph 23 of the preamble, we hold our point of view, set out at 1. (a)

Romania reserves the right to complement, clarify or amend this position, as well as the comments expressed in this document.