

Department of Contracts
Notre Dame Ravelin
FLORIANA

To Permanent Secretaries
Directors General
Directors
Heads of Public Sector Organisations

26 October 2015

PUBLIC CONCESSION CONTRACTS

On 26 February 2014, a set of three new Directives regulating Public Procurement were issued by the European Union. Directive 2014/23/EU concerns specifically the award of Public Concession Contracts. As part of the preparatory work underway at the Department of Contracts, in connection with the transposition of this Directive, all line Ministries (including entities and agencies falling within its portfolio) are being requested to furnish a complete list of envisaged services or works concession proposals planned to be published between this Circular's date and 01 April 2016.

It is useful that at this point reference is made to regulation two (2) of the Public Procurement Regulations which defines what is meant by:

public works concession contract means a public works contract, except for the fact that the consideration for the works to be carried out consists either solely in the right to exploit the construction, or in this right together with payment;

public service concession contract means a public services contract except for the fact that the consideration for the services to be provided consists either solely of the right to exploit the service or in this right together with payment;

Line Ministries are required to submit a list of the named proposals to compliance.contracts@gov.mt by not later than close of business, Monday, 30 November 2015. A nil reply is also required.

Anthony Cachia
Director General (Contracts)