

Department of Contracts  
Notre Dame Ravelin  
FLORIANA

To Permanent Secretaries  
Directors General  
Directors  
Heads of Public Sector Organisations

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## **e-FORMS: STRUCTURE, FUNCTION AND OPERATION**

Commission Implementing Regulation (EU) 2019/1780<sup>1</sup> of 23 September 2019 establishing the ‘Standard Forms for the Publication of Notices’ in the field of Public Procurement (hereinafter: the *eForms*) has been published on the Official Journal of the European Union on 25 October 2019. However, it has recently been amended through the Commission Implementing Regulation (EU) 2022/2303 of 24 November 2022. The *eForms* Regulation is binding in its entirety and directly applicable in all Member States.

**Further to Contracts Circular N° 16/2023<sup>2</sup> and Contracts Circular N° 20/2023<sup>3</sup> Contracting Authorities<sup>4</sup> / Entities<sup>5</sup> are reminded that as of 25 October 2023<sup>6</sup>, the utilisation of *eForms* for the publication of Public Procurement / Concession Notices became mandatory across all Member States.**

The extension of the deadline for the acceptance of the old Schema Format Notices (V209)<sup>7</sup>, previously announced by the Publications Office of the European Union (EU) has now expired. Accordingly, such notices shall not be utilised.

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<sup>1</sup> The Commission Implementing Regulation (EU) 2019/1780 repealed the Commission Implementing Regulation (EU) 2015/1986 of 11 November 2015 which sets out the standard forms for the publication of notices in the field of public procurement as provided for by Directives 89/665/EEC, 92/13/EEC, 2009/81/EC, 2014/23/EU, 2014/24/EU and 2014/25/EU.

<sup>2</sup> Contracts Circular N° 16/2023 (*e-Forms Implementation in Public Procurement*) was published on 29 September 2023.

<sup>3</sup> Contracts Circular N° 20/2023 (*e-Forms Usage & Implementation in Public Procurement*) was published on 01 November 2023.

<sup>4</sup> Contracting Authorities in S.L. 601.03 and S.L. 601.05 are defined as the ‘State, regional or local authorities, bodies governed by public law or associations formed by one or more such authorities or one or more such bodies governed by public law’. Contracting Authorities in S.L. 601.09 are defined as per S.L. 601.03 with the additional inclusion of ... ‘other than those authorities, bodies or associations which pursue one of the activities referred to in Schedule 4 and award a concession for the pursuit of one of those activities’.

<sup>5</sup> Contracting Entities in S.L. 601.05 are entities which: (a) are contracting authorities or public undertakings and which pursue one of the activities referred to in regulations 8 to 14; (b) when they are not contracting authorities or public undertakings, have as one of their activities any of the activities referred to in regulations 7 to 13, or any combination thereof and operate on the basis of special or exclusive rights granted by a competent authority.

<sup>6</sup> In accordance with Article 4 of the *eForms*, Regulation (EU) 2019/1780 has entered into force on the twentieth day following that of its publication. It has been applicable on a voluntary basis since 14 November 2022.

<sup>7</sup> The old schema (V209) Notices have been removed from the *ePPS*.

The Department of Contracts encourages Contracting Authorities / Entities, specifically officers responsible for Public Procurement to read and familiarise themselves with the original as well as the latest consolidated version of the Commission Implementing Regulation (EU) 2019/1780, both of which are enclosed at Annex I. However, it is recommended that the latest version is always reviewed from the EUR-Lex website: [https://eur-lex.europa.eu/eli/reg\\_impl/2019/1780/oj](https://eur-lex.europa.eu/eli/reg_impl/2019/1780/oj)

It is important to note that in a continued effort to ascertain that any developments and / or technologies in relation to procurement data ensued in Member States are reflected in the eForms, the European Commission will be regularly monitoring and reviewing the implementation of Regulation (EU) 2019/1780 with the aim of updating as and when necessary. Such a proactive approach shall address any implementation shortcomings and / or new requirements.

## **Background and Scope**

The eForms Regulation was developed to cater for new and constantly evolving adaptations to the old / current schema. In addition, eForms provide for Simplification, Consistency and Standardisation, thus reducing administrative burden as well as attaining improved Public Procurement Data Accuracy and Reliability with the ultimate scope of increasing transparency, integrity, effectiveness and efficiency data accuracy. Accordingly, Member States shall be equipped with evidence-based data resulting in improved Governance and justified data-driven Policy-Decisions about public spending.

Directives 2014/24/EU<sup>8</sup>, 2014/25/EU<sup>9</sup>, 2014/23/EU<sup>10</sup>, 2009/81/EC<sup>11</sup>, 89/665/EEC<sup>12</sup> and 92/13/EEC<sup>13</sup> require that Public Works, Supply and Service Contracts as well as Works / Service Concessions be advertised in the Official Journal of the European Union (OJEU) through the publication of the applicable notices. Such notices shall include the information set out in the said Directives.

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<sup>8</sup> Directive 2014/24/EU: Public Procurement.

<sup>9</sup> Directive 2014/25/EU: Procurement by Entities Operating in the Water, Energy, Transport and Postal Services Sectors.

<sup>10</sup> Directive 2014/23/EU: Award of Concession Contracts.

<sup>11</sup> Directive 2009/81/EC<sup>11</sup>: The coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security. Its locally transposed version is the Public Procurement of Contracting Authorities or Entities in the fields of Defence and Security Regulations: S.L. 601.07.

<sup>12</sup> Council Directive 89/665/EEC: The coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts.

<sup>13</sup> Council Directive 92/13/EEC: Coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors.

## **Applicability of the eForms Regulation in Public Procurement / Concessions**

The Commission Implementing Regulation (EU) 2019/1780 applies to any type of Public Procurement Award Procedure and Concession Award Procedure covered by the aforementioned Directives as well as the following respective locally transposed versions:

- Public Procurement Regulations S.L. 601.03<sup>14</sup>.
- Public Procurement of Entities operating in the Water, Energy, Transport and Postal Services Sectors Regulations: S.L. 601.05<sup>15</sup>.
- Concession Contracts Regulations S.L. 601.09<sup>16</sup>.

Accordingly, eForms Notices may be compiled for any Public Procurement / Concession Procedure, including Procurement / Concessions wherein the Estimated Procurement Value is less than the EU Financial Thresholds. However, the obligation to publish notices<sup>17</sup> in the OJEU / TED<sup>18</sup> is mandatory only in respect of the Procurement / Concession Procedures wherein the Estimated Procurement Value meets or exceeds the EU Financial Thresholds, as established under the respective Schedules<sup>19</sup> of the aforementioned Subsidiary Legislations.

With regard to procedures ensued in line with the Emergency Procurement Regulations S.L. 601.08 or the Procurement of Property Regulations S.L. 601.12, the publication of notices is not possible, thus not required.

## **eForms Framework and Structure**

The eForms Regulation EU 2019/1780 establishes six (6) *Standard Form Categories*:

- Planning Forms
- Competition Forms
- Direct Award Pre-Notification (DAP) Forms
- Result Forms
- Contract Modification Forms
- Change Forms

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<sup>14</sup> On 28 October 2016, Directive 2014/24/EU was transposed (through Legal Notice 352-2016) into National Law as the Public Procurement Regulations S.L. 601.03.

<sup>15</sup> On 28 October 2016, Directive 2014/25/EU was transposed (through Legal Notice 351-2016) into National Law as the Public Procurement of Entities operating in the Water, Energy, Transport and Postal Services Sectors Regulations: S.L. 601.05.

<sup>16</sup> On 28 October 2016, Directive 2014/23/EU was transposed (through Legal Notice 353-2016) into National Law as the Concession Contracts Regulations S.L. 601.09.

<sup>17</sup> Notices (on the OJEU) such as Contract Notice, Contract Award Notice, Modification Notice, Design Contest Notice, Results Contest Notice, Prior Information Notice, Periodic Indicative Notice, Concession Notice, Concession Award Notice, Concession Modification Notice.

<sup>18</sup> Tenders Electronic Daily (TED) is the digital embodiment of the Official Journal of the European Union.

<sup>19</sup> Schedule 5: Values of Thresholds pursuant to Regulation 9 of S.L. 601.03. Schedule 5: Values of Thresholds pursuant to Regulation 30 of S.L. 601.05. Schedule 3: Values of thresholds pursuant to Regulation 57 of S.L. 601.09.

Each Standard Form Category consists of a set of *Notice Types* with the relevant fields. In total, the six (6) Standard Form Categories cover forty (40) different *eForms Notices*.

The different eForms Notice Types are grouped under three (3) distinct *Schemas*:

- Prior Information Notice: PIN
- Contract Notice: CN
- Contract Award Notice: CAN

### **eForms Content**

The content (including salient fields to be compiled) of published eForm Notices of a Public Procurement / Concession Procedure depends on the Standard Form Category and its corresponding Notice Type.

### **eForms on Malta's e-Procurement Platform**

In Malta, eForms were integrated as part of Government's e-Procurement Platform (Electronic Public Procurement System: ePPS) and have been deployed since May 2023. The eForms are an evolution of the old forms, thus, the creation of the new Notice eForms follows the same concept. However, the field requirements are now more structured, organised and comprehensive.

After the Notice Type is chosen, the top bar of the CN / CAN / PIN eForms main screen displays the (i) Information about the Percentage of the Global Completion<sup>20</sup> of the Notice Form, (ii) Status<sup>21</sup> of the Notice Form and the (iii) Drop-Down Menu<sup>22</sup>.

The eForms *Contract Notice Schema* is split into five (5) sections:

- Metadata<sup>23</sup>
- Information about Contracting Party and Provider
- Procedure
- Lot<sup>24</sup>
- Organisations

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<sup>20</sup> If the Notice Form is fully completed, 100% is displayed.

<sup>21</sup> The Status of the Notice Form may be either Draft or Final.

<sup>22</sup> The Drop-Down Menu provides additional Editing Options.

<sup>23</sup> The Metadata section, which is a read only page, will be auto populated by the system.

<sup>24</sup> The Lots section will always be displayed even if the Procurement Call is not split in lots.

On the other hand, the eForms *Contract Award Notice Schema* includes an additional section, namely the Result. The Prior Information Notice Schema has the same sections as the Contract Notice Schema.

At times, sections contain Sub-sections<sup>25</sup> and / or Sub-Sub-sections and / or Drop-Down Menus. Fields marked with red asterisks are mandatory and thus cannot be left empty. Upon completion of all mandatory fields of each section, the percentage completion of each individual section shall read 100%. After reaching 100% in all sections and Validated, it is possible to proceed to the Publication of the Notice Form<sup>26</sup>.

The portal will be regularly auto-saving, thus, avoiding loss of information as a result of poor internet connection and / or abruptly closure of the Internet browser.

Contracting Authorities / Entities are reminded that they are still to take into consideration the two (2) additional calendar days when setting the Closing Date of a Procurement / Concession Call. Such a process is necessary in view that the Notice Forms shall be published on TED website 48 hours after being dispatched to the Publications Office of the European Union.

### **Additional Information**

To assist Contracting Authorities / Entities, for ease of reference and perusal, at Annex II, a brief overview (including Diagrams) of the eForms is also being provided.

The European Commission published an Information Package<sup>27</sup> to support the Implementation of the eForms Regulation EU 2019/1780. At Annex III, the Department of Contracts is enclosing the *provisional* Guidance Document vis-à-vis ‘*The Implementation of the eForms Schemas*’<sup>28</sup> (which is still subject to changes and might be updated as necessary) and the ‘*eForms Policy and Implementation Handbook*’<sup>29</sup>, both of which form part of the said information package. It is recommended that the latest versions of such documentation is always reviewed from the EU Commission Website: <https://op.europa.eu/en/home>.

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<sup>25</sup> Each Sub-section will be followed by either a Green Check Mark (✓ - Completed) or a Red Cross Mark (X - Not Completed). All applicable sub-sections need to be fully completed; thus, each Sub-section Title will display a Green Check Mark.

<sup>26</sup> A Notice Form that has been saved as ‘Final’ can still be edited or completely deleted.

<sup>27</sup> The European Commission Information Package on the Implementation of the eForms includes the (i) eForms Policy Implementation Handbook (ii) eForms Schemas: Provisional Release (iii) eForms Governance and Life-Cycle Management (iv) Guidance on the Implementation of the eForms Schemas: Provisional Release.

<sup>28</sup> The Implementation of the eForms Schemas Document refers to the provisional version of the eForms Schemas published on 20 December 2019.

<sup>29</sup> Each field on the Notice Form has a Reference Number (such as BT-21-Lot or BT-23-Procedure) – Such a Reference Number may be found in the Handbook whereby guidance is provided on completion of that specific field.

**Contact**

Contracting Authorities / Entities may submit any queries to the Department of Contracts' Customer Care service on [info.contracts@gov.mt](mailto:info.contracts@gov.mt) or by calling on +356 2378 1001.

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