

---

STATUTORY INSTRUMENTS

---

**2016 No. 273**

**PUBLIC PROCUREMENT,  
ENGLAND AND WALES  
PUBLIC PROCUREMENT, NORTHERN IRELAND**

**The Concession Contracts Regulations 2016**

<i>Made</i>	- - - -	<i>11th March 2016</i>
<i>Laid before Parliament</i>		<i>17th March 2016</i>
<i>Coming into force</i>		<i>18th April 2016</i>

**THE CONCESSION CONTRACTS REGULATIONS 2016**

PART 1

General

1. Citation, commencement and extent
2. Interpretation
3. Meaning of “concession contract”
4. Meaning of “contracting authorities”
5. Meaning of “utilities”
6. Meaning of “concession notice”

PART 2

Scope and principles

CHAPTER 1

Concession contracts to which these Regulations apply

7. Subject-matter and scope of these Regulations
8. Principle of equal treatment, non-discrimination and transparency
9. Threshold amounts and methods for calculating the estimated value of concession contracts

*Status: This is the original version (as it was originally made).*

## CHAPTER 2

### Exclusions

10. General exclusions
11. Specific exclusions in the field of electronic communications
12. Specific exclusions in the field of water
13. Concession contracts awarded to an affiliated undertaking
14. Concession contracts awarded to a joint venture or to a utility forming part of a joint venture
15. Notification of information by utilities
16. Exclusion of activities which are directly exposed to competition
17. Concession contracts between entities within the public sector

## CHAPTER 3

### General Provisions

18. Duration of the concession contract
19. Social and other specific services
20. Mixed contracts
21. Mixed procurement contracts involving defence or security aspects
22. Contracts covering both activities listed in Schedule 2 and other activities
23. Contracts covering both activities listed in Schedule 2 and activities involving defence or security aspects.

## CHAPTER 4

### Specific Situations

24. Reserved concession contracts
25. Research and development services

## CHAPTER 5

### Principles

26. Economic operators
27. Nomenclatures
28. Confidentiality
29. Rules applicable to communication

## PART 3

### Rules on the award of concession contracts

## CHAPTER 1

### General principles

30. Design of the award procedure
31. Concession notices
32. Concession award notices
33. Form and manner of publication of notices

- 34. Electronic availability of concession documents
- 35. Combating corruption and preventing conflicts of interest

## CHAPTER 2

### Procedural guarantees

- 36. Technical and functional requirements
- 37. Procedural guarantees
- 38. Selection of and qualitative assessment of candidates
- 39. Time limits for receipt of applications and tenders for the concession contract
- 40. Informing candidates and tenderers
- 41. Award criteria

## PART 4

### Rules on the performance of concession contracts

- 42. Subcontracting
- 43. Modification of concession contracts during their term
- 44. Termination of concession contracts
- 45. Reporting requirements

## PART 5

### Remedies

## CHAPTER 1

### Facilitation of remedies

- 46. Scope of Chapter 1
- 47. Notices of decisions to award a concession contract
- 48. Standstill period

## CHAPTER 2

### Applications to the court

- 49. Interpretation of Chapter 2
- 50. Duty owed to economic operators from EEA states
- 51. Duty owed to economic operators from certain other states
- 52. Enforcement of duties through the Court
- 53. General time limits for starting proceedings
- 54. Special time limits for seeking a declaration of ineffectiveness
- 55. Starting proceedings
- 56. Concession contract-making suspended by challenge to award decision
- 57. Interim orders
- 58. Remedies where the concession contract has not been entered into
- 59. Remedies where the concession contract has been entered into
- 60. Grounds for ineffectiveness
- 61. General interest grounds for not making a declaration of ineffectiveness
- 62. The consequences of ineffectiveness
- 63. Penalties in addition to, or instead of, ineffectiveness

**Status:** This is the original version (as it was originally made).

64. Injunctions against the Crown

PART 6

Miscellaneous

65. Review of these Regulations

66. General transitional provision

Signature

---

SCHEDULE 1 — ACTIVITIES CONSTITUTING WORKS

SCHEDULE 2 — ACTIVITIES EXERCISED BY UTILITIES

1. Gas and heat
2. Electricity
3. Transport services
4. Ports and airports
5. Postal services
6. Extraction of oil and gas and exploration for, or extraction of, coal or other solid fuels

SCHEDULE 3 — SOCIAL AND OTHER SPECIFIC SERVICES

Explanatory Note