
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 125

**The Concession Contracts (Scotland)
Amendment Regulations 2016**

Amendment of the Concession Contracts (Scotland) Regulations

2.—(1) The Concession Contracts (Scotland) Regulations 2016⁽¹⁾ are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) in the definition of “contracting body”, for “contracting body” substitute “contracting entity”;
- (b) after paragraph (3) insert—

“(4) In these Regulations, references to the following Directives, Regulation and Commission Decisions are references to the Directives, Regulation and Commission Decisions as amended from time to time—

- (a) [Directive 1999/93/EC](#) of the European Parliament and of the Council on a Community framework for electronic signatures⁽²⁾;
- (b) [Regulation \(EC\) 2195/2002](#) of the European Parliament and of the Council on the Common Procurement Vocabulary (CPV)⁽³⁾;
- (c) [Directive 2002/21/EC](#) of the European Parliament and of the Council on the common regulatory framework for electronic communication networks and services⁽⁴⁾;
- (d) [Directive 2004/39/EC](#) of the European Parliament and of the Council concerning markets for financial instruments amending Council Directives [85/611/EEC](#) and [93/6/EEC](#) and [Directive 2000/12/EC](#) of the European Parliament and of the Council and repealing Council [Directive 93/22/EEC](#)⁽⁵⁾;
- (e) [Commission Decision 2009/767/EC](#) setting out measures facilitating the use of procedures by electronic means through the points of single contact under [Directive 2006/123/EC](#) of the European Parliament and of the Council on services in the internal market (notified under document C(2009)7806)⁽⁶⁾;
- (f) [Directive 2010/13/EU](#) of the European Parliament and of the Council on the coordination of certain provisions laid down by law, regulation or administrative action in member States concerning the provision of audio-visual media services⁽⁷⁾;
- (g) [Directive 2013/34/EU](#) of the European Parliament and of the Council on the annual financial statements, consolidated financial statement and related reports

(1) [S.S.I. 2016/65](#).

(2) OJ L 13, 19.1.2000, p.12, amended by [Regulation \(EC\) No 1137/2008](#) (OJ L 311, 21.11.2008, p.1).

(3) OJ L 340, 16.12.2002, p.1.

(4) OJ L 108, 24.4.2002, p.33; last amended by [Directive 2009/140/EC](#) (OJ L 337, 18.12.2009, p.37).

(5) OJ L 145, 30.4.2004, p.1.

(6) OJ L 274, 20.10.2009, p.36, last amended by [Commission Decision 2013/662/EU](#) (OJ L 306, 16.11.2013, p.21).

(7) OJ L 95, 15.4.2010, p.1.

of certain types of undertaking⁽⁸⁾, amending [Directive 2006/43/EC](#) of the European Parliament and of the Council and repealing Council Directives [78/660/EEC](#) and [83/349/EEC](#);

- (h) Commission [Decision 2011/130/EU](#) establishing minimum requirements for the cross-border processing of documents signed electronically by competent authorities under [Directive 2006/123/EC](#) of the European Parliament and of the Council on services in the internal market (notified under document C(2011) 1081⁽⁹⁾);
- (i) [Directive 2014/23/EU](#) of the European Parliament and of the Council on the award of concession contracts⁽¹⁰⁾;
- (j) [Directive 2014/24/EU](#) of the European Parliament and of the Council on public procurement and repealing [Directive 2004/18/EC](#)⁽¹¹⁾; and
- (k) [Directive 2014/25/EU](#) of the European Parliament and of the Council on procurement entities operating in the water, energy, transport and postal services sectors and repealing [Directive 2004/17/EC](#)⁽¹²⁾.”.

(3) In regulation 32 (rules applicable to communication), in paragraph (18) delete “as amended from time to time.”.

(4) In regulation 51 (duty owed to economic operators) in paragraph (5) for “GPS” substitute “GPA”.

(5) In regulation 63 (transitional provision and saving where procurement was commenced before 18th April 2016)—

- (a) in paragraph (1), for “47(1)(a) to (3)” substitute “47(1)(a), (2) and (3)”;
- (b) in paragraph (2), for “service” substitute “services”.

(6) In regulation 64 (transitory provision prior to full commencement of regulation 32(1) to (7)), in paragraph (2) for “2106” substitute “2016”.

⁽⁸⁾ OJ L 182, 29.6.2013, p.19.
⁽⁹⁾ OJ L 53, 26.2.2011, p.66.
⁽¹⁰⁾ OJ L 94, 28.3.2014, p.1.
⁽¹¹⁾ OJ L 94, 28.3.2014, p.65.
⁽¹²⁾ OJ L 94, 28.3.2014, p.243.