
STATUTORY INSTRUMENTS

2016 No. 273

The Concession Contracts Regulations 2016

PART 2

Scope and principles

CHAPTER 1

Concession contracts to which these Regulations apply

Subject-matter and scope of these Regulations

7.—(1) These Regulations establish rules on the procedures for procurement by contracting authorities and utilities by means of a concession contract—

- (a) the value of which is estimated to be not less than the threshold mentioned in regulation 9; and
- (b) which is not excluded from the scope of these Regulations by any other provision of this Part.

(2) These Regulations apply to the award of works concession contracts or services concession contracts to economic operators by—

- (a) contracting authorities; or
- (b) utilities, provided that the works or services are intended for the pursuit of one of the activities listed in Schedule 2.

[^{F1}(3) These Regulations—

- (a) do not oblige the United Kingdom to supply information the disclosure of which it considers contrary to the essential interests of its security;
- (b) do not preclude the United Kingdom from taking such measures as it considers necessary for the protection of the essential interests of its security which are connected with the production or trade in arms, munitions and war material, provided that such measures do not adversely affect the conditions of competition regarding products which are not intended for specifically military purposes.

(4) The arms, munitions and war material to which paragraph (3)(b) applies are, subject to paragraph (6), those included in the 1958 List.

(5) Subject to the effect of any regulations made under paragraph (6), any measures which, if they had been taken immediately before IP completion day, would have been covered by Article 346 of TFEU shall be regarded as measures covered by paragraph (3).

(6) The Secretary of State may make regulations providing that the 1958 List is to be treated for the purposes of these Regulations as if it were changed in respects specified in the regulations.

(7) In this regulation, “the 1958 List” means the list of arms, munitions and war material adopted by the Council of the European Economic Community in its decision 255/58 of 15th April 1958.]

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Concession Contracts Regulations 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F1** [Reg. 7\(3\)-\(7\)](#) substituted for [reg. 7\(3\)](#) (31.12.2020) by [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1319), regs. 1(2), **8(4)** (with Sch. paras. 3-5)

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