



European Public Procurement: Legislative History of the Utilities Directive 2004/17/EC

Jan M. Hebly

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Directive 2004/17/EC governs the rules, provisions, and procedures entailed in public procurement contracts awarded by EU Member States in the water, energy, transport, and postal services sectors. In the course of the eight-year (1996–2004) gestation period of an EC public procurement policy that would meet the challenges of a globalised economy, it became clear that these utilities required a legislative framework distinct from the general coordination of award procedures that finally emerged as Directive 2004/18/EC.

This book on the ‘Utilities’ Directive 2004/17/EC is a companion to an earlier volume on the legislative history of Directive 2004/18/EC. This new volume gathers in one place all the relevant documents that led to the adoption of the Utilities Directive. In great detail this legislative history reveals such crucial elements and outcomes as the following:

- ports and airports as transport hubs of solid fuels;
- treatment of relevant WTO Agreements;
- confidentiality and security;
- works and service concessions;
- resale and leasing provisions;
- competition;
- communication of technical specifications;
- tax, environmental, and labour obligations;
- time limits; and
- design contests.

Introducing the book are excerpts that give a general picture of the reasons that led to the intention to replace the earlier procurement directive for the utilities sectors (93/38/EEC). Then follow excerpts that give an insight into the drafting of the recitals in the Preamble, the articles, and the annexes. The book concludes with a chronological overview of the legislative documents associated with Directive 2004/17/EC and a Keyword Index. Along with its companion volume on Directive 2004/18/EC, this important book will be a powerful resource for lawyers and policymakers engaged in the practice and development of European procurement law. It will also provide both practitioners and researchers working in the area of European procurement law with an incomparable desktop reference on the Utilities Directive.

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