



e-Forms – state of play

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Outline

- Introduction
- Users & eForms
- A good implementing regulation?
- Upcoming consultation
- Timing







How do eForms help?

- More accurate information (e.g. definitions)
- Simpler to use and implement (e.g. harmonized)
- More flexible (e.g. lots, labels, non-publication)
- More relevant (e.g. green procurement)
- More universal (e.g. below threshold, ESPD)

A good implementing regulation

- Specifies transparency rights & obligations

15. Indication whether any contracts following the design contest will or will not be awarded to the winner of the design contest.
16. Date of dispatch of the notice.
17. Any other relevant information.

PART F

Information to be included in notices of the results of a contest (as referred to in Article 79(2))

1. Name, identification number (where provided for in national legislation), address including NUTS code, telephone, fax number, email and internet address of the contracting authority and, where different, of the service from which additional information may be obtained.
2. Type of contracting authority and main activity exercised.
3. Where appropriate, indication whether the contracting authority is a central purchasing body or that any other form of joint procurement is involved.
4. CPV codes.
5. Description of the principal characteristics of the project.
6. Value of the prizes.
7. Type of design contest (open or restricted).
8. Criteria which were applied in the evaluation of the projects.
9. Date of the jury decision.
10. Number of participants.
 - (a) Number of participants who are SMEs.
 - (b) Number of participants from the country of origin.
11. Name, address and telephone number of the contracting authority.

(d) brief description of the main features of the award procedure to be applied.

4. A reference to the fact that interested economic operators shall advise the contracting authority of the contract or contracts and time limits for receipt of expressions of interest shall be transmitted.

- #### Information to be included in contract award notices
1. Name, identification number (where provided for in national legislation), address including NUTS code, telephone, fax number, email and internet address of the contracting authority and, where different, of the service from which additional information may be obtained.
 2. Brief description of the contract.
 3. NUTS code for the main location of the contract, and, where appropriate, the NUTS code for the main place of performance in case of supplies and services.
 4. Number of tenders received.
 5. Price or range of prices (maximum/minimum).
 6. For each award, name, address including NUTS code, telephone, fax number, email and internet address of the contracting authority and, where different, of the service from which additional information may be obtained.
 7. Any other relevant information.

PART G

13. Where applicable, any deposits and guarantees required.

14. Main terms concerning financing and payment and/or references to the provisions in which those are contained.
15. Where appropriate, the legal form to be taken by the grouping of economic operators to whom the contract is awarded.
16. Minimum economic and technical conditions required of the economic operator to whom the contract is awarded.
17. Period during which the tenderer is bound to keep open his tender.
18. Where appropriate, particular conditions to which the performance of the contract is subject.
19. Criteria referred to in Article 82 to be used for award of the contract. Except where the most economically advantageous tender is identified on the basis of price alone, criteria representing the most economically advantageous tender as well as their weighting or, where appropriate, the order of importance of those criteria shall be indicated where they do not appear in the specifications.
20. Where appropriate, details of the periodic information notice or of the notice of the publication of this notice on the buyer profile to which the contract refers.
21. Name and address of the body responsible for appeal and, where appropriate, mediation procedures. Precise information concerning time limits for lodging appeals, or, if need be, the name, address, telephone number, fax number and email address of the department from which this information may be obtained.
22. Date of dispatch of the notice by the contracting entity.
23. Any other relevant information.

B. RESTRICTED PROCEDURES

1. Name, identification number (where provided for in national legislation), address including NUTS code, telephone, fax number, email and internet address of the contracting authority and, where different, of the service from which additional information may be obtained.
2. Main activity exercised.
3. Where appropriate, state whether the contract is reserved for sheltered workshops or whether its performance is reserved in the context of sheltered employment programmes.
4. Nature of the contract (supplies, works or services, where appropriate, state if it is a framework agreement, purchase or any combination of those).
5. NUTS code for the main location of the contract, and, where appropriate, the NUTS code for the main place of performance in case of supplies and services.
6. For supplies and works:
 - (a) The nature and quantity of the products to be supplied (CPV codes), if possible, the estimated time available for exercising the contract, and if possible, the estimated time available for exercising the contract, and if possible, the estimated time available for exercising the contract.
 - (b) The nature and quantity of the products to be supplied (CPV codes), if possible, the estimated time available for exercising the contract, and if possible, the estimated time available for exercising the contract, and if possible, the estimated time available for exercising the contract.
7. Any other relevant information.

A good implementing regulation

- Specifies transparency rights & obligations
 - 36 legal annexes, 36 "legal situations"
- Doesn't block good IT implementation
 - How many types of XML? 1? 3? 36?
 - Not for now, not a legal question.
- Machine processable (e.g. a table)

Doesn't block good IT implementation ≠ be a good IT implementation

- Specific enough for:
 - Common understanding across the EU
 - Balance of responsibilities
- ...and no more. Because:
 - Laws are not agile → bugs are "never" fixed
 - Laws use "design by committee" → good for political compromises, bad for technical solutions

The upcoming consultation fixes the problems of the previous one

1. Instead of labels, descriptions
2. Consulting only on what needs to be adopted (no codelists, no business rules, etc.)
3. Fewer & shorter consultation documents
4. Using an online forum (github.com)

Timing

- *1st consultation (Nov 2016-Jan 2017)*
- *Meeting with Member States (Apr. 2017)*
- 2nd consultation (June-Sep 2018)
- Public feedback on the legal act (Nov 2018)
- Adoption (Jan-Feb 2019)
- Technical files (XSD) available (Jan-Feb 2020)
- Implemented (Jan–Feb 2022 ?)



