

05- PUBLIC PROCUREMENT

LEGISLATION CONSIDERED BENEFICIAL TO BE ENACTED (LAW)

I. LEGISLATION CONSIDERED BENEFICIAL TO BE ENACTED IN PERIOD 2007-2008 (01/10/2007 – 30/09/2008)

Reference No.	Name of the Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation , Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
05.0007.1.01	Law on the Amendment of the Public Procurement Law	Aims at making certain changes to the complaints / review system and the organizational structure of the Public Procurement Authority, and implementing the electronic procurement in line with the EU legislations.	At the GNAT	Directives 2004/18/EC and 89/665/EC	Ministry of Finance Public Procurement Authority
05.0708.1.01	Procurement Law Concerning Institutions Operating in Certain Sectors and Public Corporations	Aims at regulating the procurement of agencies and institutions operating in water, energy, transportation and postal services sectors in harmony with the EU legislation notwithstanding the legal regime they are amenable to (public or private corporation). Ensures the agencies and institutions operating in these fields to be subject to a more flexible regime compared to the classical public procurement rules.	Technical studies are in progress	Directive 2004/17/EC	Ministry of Finance Public Procurement Authority
05.0708.1.02	Law on the Amendment of the Public Procurement Law and Public Procurement Contracts Law	Aims at filling the gaps in our legislation and overcoming the defects encountered in implementation within the framework of harmonization with the EU Directives and other contemporary norms, and ensuring harmonization with the EU legislation regarding the scope and exceptions of the public procurement law.	Technical studies are in progress	Directive 2004/18/EC	Ministry of Finance Public Procurement Authority

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II. LEGISLATION CONSIDERED BENEFICIAL TO BE ENACTED IN PERIOD 2008-2009 (01/10/2008 – 30/09/2009)

Reference No.	Name of the Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
05.0809.1.01	Law on Concessions Granted for Certain Investments and Services	Aims at regulating the procurement procedures that will be implemented in granting concessions, which have gradually become a more common practice all around the world. Harmonization with the EU and other contemporary norms in concession procurements shall be ensured within this scope.	Technical studies are in progress	Directive 2004/18/EC	Ministry of Finance Public Procurement Authority Undersecretariat of State Planning Organization Undersecretariat of Treasury
05.0809.1.02	Law on the Realization of Certain Investments and Services within the Framework of Public and Private Sector Partnership Models	Aims at making the necessary regulations on Public-Private Partnerships (PPPs), which have gradually become a more common practice all around the world. Harmonization with the EU and other contemporary norms in procurements regarding investment and services projects that can be delegated to real or legal persons through private law contracts within the framework of public-private partnership models shall be ensured within this scope.	Technical studies are in progress	Directive 2004/18/EC	Undersecretariat of State Planning Organization

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Reference No.	Name of the Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
05.0913.1.01	Law on the Amendment of Public Procurement Law and Public Procurement Contracts Law	<p>Harmonization with the EU legislation on threshold values and practices in favor of domestic tenderers shall be ensured. Furthermore, harmonization regarding the use of Common Procurement Vocabulary (CPV) of the EU and standard forms in the publication of public procurement announcements shall be ensured.</p> <p>Harmonization will be ensured in the framework of full membership perspective to the EU legislation.</p>		<ul style="list-style-type: none"> - Directive 2004/18/EC - Regulation 2003/2151 amending Regulation 2002/2195 - Directive 2001/78/EC 	<p>Ministry of Finance</p> <p>Public Procurement Authority</p>

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SECONDARY LEGISLATION (REGULATIONS, IMPLEMENTING REGULATIONS, COMMUNIQUÉS, CIRCULARS, ETC) ENVISAGED TO BE ENACTED AND DOCUMENTS SUCH AS STRATEGIES, PLANS AND PROGRAMS ENVISAGED TO BE DRAFTED

I. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEAR 2007

Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
05.2007.2.01	Implementing Regulation Establishing Procedures and Principles of Electronic Procurement (Shall be enacted following the adoption of the Law on the Amendment of the Public Procurement Law with reference number 05.0007.1.01.)	Aims at implementing the regulation in the Public Procurement Law No. 4734 regarding electronic procurement.	Technical studies are in progress	Directives 2004/18/EC and 89/665/EEC	Public Procurement Authority

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II. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEAR 2008

Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
05.2008.2.01	Implementing Regulation for the Procurement Law Concerning Institutions Operating in Certain Sectors and Public Corporations (Shall be enacted following the adoption of the Procurement Law Concerning Institutions Operating in Certain Sectors and Public Corporations with reference number 05.0708.1.01.)	Aims at effectuating public procurement rules to which agencies or institutions operating in water, energy, transportation and postal services (utilities) sectors are amenable.	Technical studies are in progress	Directive 2004/17/EC	Public Procurement Authority
05.2008.2.02	Implementing Regulation Amending the Implementing Regulation on Implementation of Goods Procurement (Shall be enacted following the adoption of the Law on the Amendment of the Public Procurement Law and Public Procurement Contracts Law with reference number 05.0708.1.02.)	In order to fill the gaps in our legislation and overcome the defects encountered in implementation, aims at effectuating amendments and regulations for Law No. 4734 and Law No. 4735, and carrying out the implementation in line with EU practices, procedures and principles.	Technical studies are In progress	Directive 2004/18/EC	Public Procurement Authority

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Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
05.2008.2.03	<p>Implementing Regulation Amending the Implementing Regulation on Implementation of Services Procurement</p> <p>(Shall be enacted following the adoption of the Law on the Amendment of the Public Procurement Law and Public Procurement Contracts Law with reference number 05.0708.1.02.)</p>	<p>In order to fill the gaps in our legislation and overcome the defects encountered in implementation, aims at effectuating amendments and regulations for Law No. 4734 and Law No. 4735, and carrying out the implementation in line with EU practices, procedures and principles.</p>	<p>Technical studies are In progress</p>	<p>Directive 2004/18/EC</p>	<p>Public Procurement Authority</p>
05.2008.2.04	<p>Implementing Regulation Amending the Implementing Regulation on Implementation of Works Procurement</p> <p>(Shall be enacted following the adoption of the Law on the Amendment of the Public Procurement Law and Public Procurement Contracts Law with reference number 05.0708.1.02.)</p>	<p>In order to fill the gaps in our legislation and overcome the defects encountered in implementation, aims at effectuating amendments and regulations for Law No. 4734 and Law No. 4735, and carrying out the implementation in line with EU practices, procedures and principles.</p>	<p>Technical studies are In progress</p>	<p>Directive 2004/18/EC</p>	<p>Public Procurement Authority</p>

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Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
05.2008.2.05	<p>Implementing Regulation Amending the Implementing Regulation on Implementation of Consultancy Services Procurement</p> <p>(Shall be enacted following the adoption of the Law on the Amendment of the Public Procurement Law and Public Procurement Contracts Law with reference number 05.0708.1.02.)</p>	In order to fill the gaps in our legislation and overcome the defects encountered in implementation regarding, aims at effectuating amendments and regulations for Law No. 4734 and Law No. 4735, and carrying out the implementation in line with EU practices, procedures and principles.	Technical studies are In progress	Directive 2004/18/EC	Public Procurement Authority
05.2008.2.06	<p>Implementing Regulation Amending the Implementing Regulation on Administrative Applications against Procurements</p> <p>(Shall be enacted following the adoption of the Law on the Amendment of the Public Procurement Law and Public Procurement Contracts Law with reference number 05.0708.1.02.)</p>	In order to fill the gaps in our legislation and overcome the defects encountered in implementation within the framework of harmonization with the EU legislation on complaints, aims at effectuating amendments and regulations for Law No. 4734 and Law No. 4735, and carrying out the implementation in line with EU practices, procedures and principles.	Technical studies are In progress	- Directive 2004/18/EC - Directive 89/665/EC	Public Procurement Authority

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Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
05.2008.2.07	<p>Communiqué on Administrative Applications against Procurements</p> <p>(Shall be enacted following the adoption of the Law on the Amendment of the Public Procurement Law and Public Procurement Contracts Law with reference number 05.0708.1.02.)</p>	Aims at furnishing a better understanding of the Public Procurement Law and provisions of the Regulation on Administrative Applications against Procurements, and removing obstacles in front of the freedom to seek remedy.	Technical studies are In progress	- Directive 2004/18/EC - Directive 89/665/EC	Public Procurement Authority
05.2008.2.08	<p>Communiqué Amending the General Communiqué of Public Procurements</p> <p>(Shall be enacted following the adoption of the Law on the Amendment of the Public Procurement Law and Public Procurement Contracts Law with reference number 05.0708.1.02.)</p>	Aims at completing certain issues left untouched or not envisaged in the General Communiqué	Technical studies are In progress	- Directive 2004/18/EC - Directive 89/665/EC	Public Procurement Authority

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III. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEAR 2009

Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
05.2009.2.01	<p>Implementing Regulation for the Law on Concessions Granted for Certain Investments and Services</p> <p>(Shall be enacted following the adoption of the Law on Concessions Granted for Certain Investments and Services with reference number 05.0809.1.01.)</p>	Aims at effectuating the procurements for granting concessions in order to have certain investment and service projects carried out.		Directive 2004/18/EC	Public Procurement Authority
05.2009.2.02	<p>Implementing Regulation for the Law on the Realization of Certain Investments and Services within the Framework of Public and Private Sector Partnership Models</p> <p>(It will be enacted after the Law on the Realization of Certain Investments and Services within the Framework of Public and Private Sector Partnership Models with reference number 05.0809.1.02.)</p>	Aims at enacting secondary legislation on public-private partnerships.		Directive 2004/18/EC	Undersecretariat of State Planning Organization

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IV. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEARS 2010 – 2013

Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
05.1013.2.01	Implementing Regulation Amending the Implementing Regulation on Implementation of Goods Procurement (Shall be enacted following the adoption of the Public Procurement Law and the Public Procurement Contracts Law with reference number 05.0913.1.01.)	In order to increase the harmonization level with EU Directives before membership, aims at effectuating regulations in Public Procurement Law and Public Procurement Contracts Law, as well as ensuring implementations to be in line with EU practices, standards and principles.		- Directive 2004/18/EC - Bylaw No. 2003/2151 amending Bylaw No. 2002/2195 - Directive 2001/78/EC	Public Procurement Authority
05.1013.2.02	Implementing Regulation Amending the Implementing Regulation on Implementation of Services Procurement (Shall be enacted following the adoption of the Public Procurement Law and the Public Procurement Contracts Law with reference number 05.0913.1.01.)	In order to increase the harmonization level with EU Directives before membership, aims at effectuating regulations in Public Procurement Law and Public Procurement Contracts Law, as well as ensuring implementations to be in line with EU practices, standards and principles.		- Directive 2004/18/EC - Bylaw No. 2003/2151 amending Bylaw No. 2002/2195 - Directive 2001/78/EC	Public Procurement Authority

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Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
05.1013.2.03	<p>Implementing Regulation Amending the Implementing Regulation on Implementation of Works Procurement</p> <p>(Shall be enacted following the adoption of the Public Procurement Law and the Public Procurement Contracts Law with reference number 05.0913.1.01.)</p>	In order to increase the harmonization level with EU Directives before membership, aims at effectuating regulations in Public Procurement Law and Public Procurement Contracts Law, as well as ensuring implementations to be in line with EU practices, standards and principles.		<ul style="list-style-type: none"> - Directive 2004/18/EC - Bylaw No. 2003/2151 amending Bylaw No. 2002/2195 - Directive 2001/78/EC 	Public Procurement Authority
05.1013.2.04	<p>Implementing Regulation Amending the Implementing Regulation on Implementation of Consultancy Services Procurement</p> <p>(Shall be enacted following the adoption of the Public Procurement Law and the Public Procurement Contracts Law with reference number 05.0913.1.01.)</p>	In order to increase the harmonization level with EU Directives before membership, aims at effectuating regulations in Public Procurement Law and Public Procurement Contracts Law, as well as ensuring implementations to be in line with EU practices, standards and principles.			Public Procurement Authority

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Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
05.1013.2.05	<p>Harmonization of legislation with the EU legislation regarding standard forms</p> <p>Shall be enacted following the adoption of the Public Procurement Law and the Public Procurement Contracts Law with reference number 05.0913.1.01.)</p>	Aims at ensuring synergy in implementation, facilitating the implementation, thereby improving transparency and competition.		Directive 2001/78/EC	Public Procurement Authority