INFORMATION ON IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT

Note Received from the Delegation of the European Communities

In accordance with the decision of the Committee on Government Procurement at its first meeting on 15 January 1981, that each Party would describe the main elements of its legislation in a Note, and in response to the checklist subsequently issued for this purpose in GPR/4, the delegation of the European Communities has submitted the Note which is reproduced hereunder.

ITALY

1(a) The decision by the Council of the EEC under Articles 113 and 189 of the Treaty regarding approval of the Agreement under reference is mandatory in Italy's domestic legislation in all its elements. By circular No. 2 of the Ministry of the Treasury dated 26 January 1981, issued at the request of the Presidency of the Council of Ministers, the text of the Agreement was communicated to all authorities concerned, underlining the most significant aspects.

1(b) The provisions of Article V regarding procedures are directly applicable in accordance with the provisions of the above-mentioned circular.

1(c) The principles of non-discrimination set forth in Article II:1 of the Agreement are applicable in respect of all suppliers in the States which negotiated the above-mentioned Agreement with the EEC.

1(d) The threshold is set at SDR 150,000 equivalent to EUA 140,000 and until 31 December 1981 to Lit 158,583,600. Notices of tenders are published in the Official Journal of the European Communities.

1(e) The authorities which maintain permanent lists of suppliers for selective tendering procedures are ready to include in those lists any qualified suppliers who so request.
1(f) As stated above, the Agreement has been communicated to all authorities concerned by the explanatory circular mentioned above, which has not been published.

2(a) Because the procurement system is decentralized in Italy, the appropriate office of the authority opening the tender acts as an information centre.

2(b) The nature and scope of technical assistance to developing countries and least-developed countries will be determined on the basis of requests received.

2(c) Authorities which maintain permanent lists of qualified suppliers are required to publish each year in the relevant official publications a notice containing: existing lists in relation to the product to be purchased on the basis of the lists, the conditions to be fulfilled by suppliers in order to be included in those lists and modalities for verifying those conditions, the period of validity of the lists and possibilities of renewing them.

2(d) The authority opening the tendering procedure indicates in the notice the address to be contacted in accordance with the Agreement.

2(e) Italy's legislation provides for appeals procedures which vary according to the nature of the rights and interests injured. According to the case, a complaint can therefore be addressed to the purchasing entity, the regular jurisdiction or the administrative jurisdiction.

2(f) Entities not covered by the Agreement will be informed in accordance with Article 1:2 of the Agreement.

2(g) The first publication was in the Official Journal of the European Communities, Supplement "S" of 2 May 1981.