



European
Commission

Factsheet

Regulatory Aspects & Interpretation Report

October 2018

Background

The Regulatory Aspects & Interpretation (RAI) Report was produced by the Multi-Stakeholders Expert Group on eProcurement (EXEP), in 2016, to give advice to European key stakeholders in the process of adopting electronic public procurement. It provides for experiences, best practices and useful recommendations to support effective transition to digitalised public procurement. This report should be relevant to all the Member States (MS) and to key stakeholders including economic operators. The recommendations or lessons drawn from best practice can be assessed according to the specific needs of the MS.

Objectives

The Report reflects on the main issues faced by Member States in the transposition and implementation of the legal provisions in the 2014 European Union (EU) Directives that relate to eProcurement. It provides recommendations to support a transparent and effective transition to eProcurement.

Main Outputs

This report identified a number of topics concerning the implementation of eProcurement which may pose some challenges from a legal perspective. These topics are:

- Legal obligation to establish an eTendering system;
- eSignature;
- Personal data protection and European Single Procurement Document (ESPD);
- Trade secrets protection;
- Contract registers and alternatives;
- National restrictions to access the platform.

The report points out a regulatory divergence in some legal fields and different national approaches to these, which might have an impact on developing a common ground for finding appropriate solutions.

The Report contains *24 recommendations*. The issues relate, in particular, to differing national laws, differences in the implementation of data protection law, differences in the extent to which eSignature is required in the public procurement procedures by MS.

Links

The full version of the Report is available at: <https://ec.europa.eu/docsroom/documents/20842>

Keywords

eSignature; Trade secrets; Data protection; GDPR; ESPD.