

PPP & Concessions - legal changes published in April 2019

Government Decision no. 209/2019 for the approval of the General Framework regarding the legal regime of concession contracts for the natural gas distribution public utility service, the procedures for concession granting, the framework content of the technical specifications was published in the Official Gazette, Part I no. 284 of 15 April 2019, in force from the same date.

According to GD no. 209/2019, the concession contract for the natural gas distribution public utility service shall be awarded through the open public procurement procedure organized by the local public administration authorities in the administrative-territorial units or associations thereof, through a representative. In case of an association between several local public administration authorities in the territorial-administrative units, they will materialize this in a document assumed by all the participating representatives of the association, and the document will include the designation of a representative thereof who will organize the tender and conclude the concession contract, and subsequently will monitor its performance.

The Decision contains detailed provisions on the stages of the procedure for the award of concession contracts for the public utility service for the distribution of natural gas:

- a) Initiation of the concession procedure;
- b) the authority's drafting of the substantiation study for the concession decision;
- c) approval of the concession of the natural gas distribution public utility service for one or more specific areas - administrative-territorial units: communes, towns and counties; under the law, some cities can be declared municipalities;
- d) preparation of the awarding documentation, according to the open tender framework documentation, as set out in Annex A (the framework content of the technical specifications being included in Annex B);
- e) organizing and conducting the public open tender;
- f) concluding the concession contract for the public utility service for distribution of natural gas (the model of which is included in Annex C of the Decision).

Since the entry into force of the GD no. 209/2019 takes, Government Decision no. 749/2014 for the approval of the Norms for the application of the provisions related to the awarding of concession contracts for the public

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News in Laws – Legal Monthly Newsletter
May 2019

service of natural gas distribution, published in the Official Gazette of Romania, Part I, no. 709 of September 29, 2014, is repealed.