

檔		保存年限
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駐歐盟兼駐比利時代表處經濟組 函

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受文者：如受文單位

發文日期：中華民國 94 年 12 月 22 日

發文字號：比貿 字第 09400007230號

送別：普通件

密等及解密條件或保密期限：普通

附件：執委會 2005 年第 2083 號規章(ComReg2083-2005.pdf)

主旨：歐盟公告修訂政府採購程序調合指令中有關各類採購之門檻金額，請查照。

說明：

- 一、依本(2005)年 12 月 20 日刊行之第 L 333 期歐盟公報所刊載之歐盟執委會 2005 年第 2083 號規章(如附件，共 2 頁)辦理，相關文號：本組 93 年 2 月 16 日比貿字第 09300001100 號函。
- 二、查前揭本組函陳報之歐盟自來水、能源、交通及郵政服務事業採購程序調合指令草案及公共工程、物資及勞務採購合約決標程序調合指令草案已在 2004 年 3 月 31 日完成立法程序，並經上(2004)年 4 月 30 日之第 L 134 期歐盟公報公告後，自公告之日起生效，會員國則須在 2006 年 1 月 31 日前，遵照該兩項指令內容完成國內相關法律及行政法規之立法或修法後實施，查該兩項指令英文版名稱及法規代號分別為 Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors 及 Directive 2004/18/EC of the European Parliament and of the Council of



31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, 因其頁數甚多, 本函不予檢附, 請至歐盟法令入口網站 <http://europa.eu.int/eur-lex/en/index.html> 上查詢下載。

三、本案另查前述兩指令已依歐盟在 WTO 政府採購協定(GPA) 中所承諾之公開招標金額門檻, 訂定不同性質之事業或政府採購案必須依指令規定程序辦理公開招標之最低金額門檻, 或可不受該指令限制之最低門檻金額, 以供會員國遵循。惟經時間演進, 原在 GPA 協定中承諾之門檻金額, 其所代表之當時幣值與目前歐元之幣值間不免有差距, 為使會員國相關事業或政府單位在依本案兩項指令為國內立法、修法或辦理相關採購案時, 所依據之相關門檻金額能反映與 GPA 承諾門檻金額等值之幣值, 執委會爰制訂本規章, 修訂上述第 2004/17 及 2004/18 號兩項指令中所規定之相關門檻金額, 供會員國參考。本案規章將自 2006 年 1 月 1 日起生效, 經修訂後之門檻金額已反映直至 2007 年底之歐元幣值。

正本：行政院公共工程委員會、經濟部國際貿易局

副本：中華民國常駐世界貿易組織代表團

中華民國常駐世界貿易組織代表團經濟組

COMMISSION REGULATION (EC) No 2083/2005

of 19 December 2005

amending Directives 2004/17/EC and 2004/18/EC of the European Parliament and of the Council in respect of their application thresholds for the procedures for the award of contracts

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors ⁽¹⁾, and in particular Article 69 thereof,

Having regard to Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts ⁽²⁾, and in particular Article 78 thereof,

After consultation of the Advisory Committee for Public Contracts,

Whereas:

- (1) By Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986 to 1994) ⁽³⁾ the Council approved the Agreement on government procurement, hereinafter referred to as 'the Agreement', shown in Annex 4 to that Decision. Under the terms of the Agreement, the rules it lays down are to be complied with as soon as the contracts in question reach or surpass the amounts, hereinafter referred to as 'thresholds', set in the Agreement and expressed as special drawing rights.
- (2) Directives 2004/17/EC and 2004/18/EC have as one of their objectives the goal of allowing the contracting entities and the contracting authorities which apply them to comply at the same time with the obligations laid down in the Agreement. To achieve this, the Commission must check the thresholds laid down by the Directives to which the Agreement relates and, where necessary, revise them upwards or downwards

⁽¹⁾ OJ L 134, 30.4.2004, p. 1, corrected by OJ L 358, 3.12.2004. Directive as last amended by Commission Directive 2005/51/EC (OJ L 257, 1.10.2005, p. 127).

⁽²⁾ OJ L 134, 30.4.2004, p. 114, corrected by OJ L 351, 26.11.2004. Directive as last amended by Commission Directive 2005/75/EC (OJ L 323, 9.12.2005, p. 55).

⁽³⁾ OJ L 336, 23.12.1994, p. 1.

so as to ensure that they correspond to the euro equivalents, rounded down to the nearest thousand, of the thresholds set in the Agreement. The values of the thresholds under the Directives are not the same as the values of the thresholds under the Agreement, recalculated to cover the period from 1 January 2006 to 31 December 2007. They should therefore be revised.

- (3) Furthermore, in Directives 2004/17/EC and 2004/18/EC, in order to reduce the number of thresholds to be complied with, those thresholds which are independent of the Agreement have been aligned on those which result from it. It is therefore appropriate to revise them as well.
- (4) The amendments do not affect the national provisions implementing Directives 2004/17/EC and 2004/18/EC starting from lower thresholds than the thresholds specified in the Directives.
- (5) Directives 2004/17/EC and 2004/18/EC should therefore be modified accordingly.

HAS ADOPTED THIS REGULATION:

Article 1

Directive 2004/17/EC is amended as follows:

1. Article 16 is amended as follows:

- (a) in point (a), the amount 'EUR 473 000' is replaced by 'EUR 422 000';
- (b) in point (b), the amount 'EUR 5 923 000' is replaced by 'EUR 5 278 000'.

2. Article 61 is amended as follows:

- (a) in paragraph 1, the amount 'EUR 473 000' is replaced by 'EUR 422 000';
- (b) in paragraph 2, the amount 'EUR 473 000' is replaced by 'EUR 422 000'.

20.12.2005

EN

Official Journal of the European Union

L 333/29

Article 2

Directive 2004/18/EC is amended as follows:

1. Article 7 is amended as follows:

- (a) in point (a), the amount 'EUR 154 000' is replaced by 'EUR 137 000';
- (b) in point (b), the amount 'EUR 236 000' is replaced by 'EUR 211 000';
- (c) in point (c), the amount 'EUR 5 923 000' is replaced by 'EUR 5 278 000'.

2. The first paragraph of Article 8 is amended as follows:

- (a) in point (a), the amount 'EUR 5 923 000' is replaced by 'EUR 5 278 000';
- (b) in point (b) the amount 'EUR 154 000' is replaced by 'EUR 211 000'.

3. In Article 56, the amount 'EUR 5 923 000' is replaced by 'EUR 5 278 000'.

4. In the first subparagraph of Article 63(1), the amount 'EUR 5 923 000' is replaced by 'EUR 5 278 000'.

5. Article 67(1) is amended as follows:

- (a) in point (a), the amount 'EUR 154 000' is replaced by 'EUR 137 000';
- (b) in point (b), the amount 'EUR 236 000' is replaced by 'EUR 211 000';
- (c) in point (c), the amount 'EUR 236 000' is replaced by 'EUR 211 000'.

Article 3

Commission Regulation (EC) No 1874/2004 (1) shall hereby be repealed from 1 January 2006.

References to the repealed Regulation shall be construed as references to this Regulation.

Article 4

This Regulation shall enter into force on 1 January 2006.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 19 December 2005.

For the Commission
 Charlie McCREEVY
 Member of the Commission

(1) OJ L 326, 29.10.2004, p. 17.