



2023/2884

21.12.2023

COMMISSION IMPLEMENTING REGULATION (EU) 2023/2884

of 20 December 2023

amending Implementing Regulation (EU) 2019/1780 establishing standard forms for the publication of notices in the field of public procurement

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities in the field of defence and security, and amending Directives 2004/17/EC and 2004/18/EC ⁽¹⁾, and in particular Article 32(1), Article 52(2) and Article 64 thereof,

Having regard to Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts ⁽²⁾, and in particular Article 33(1) thereof,

Having regard to Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC ⁽³⁾, and in particular Article 51(1), Article 75(3) and Article 79(3) thereof,

Having regard to Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC ⁽⁴⁾, and in particular Article 71(1), Article 92(3) and Article 96(2), first subparagraph, thereof,

Having regard to Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts ⁽⁵⁾, and in particular Article 3a thereof,

Having regard to Council Directive 92/13/EEC of 25 February 1992 coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors ⁽⁶⁾, and in particular Article 3a thereof,

After consulting the Advisory Committee on Public Procurement,

Whereas:

- (1) Commission Implementing Regulation (EU) 2019/1780 ⁽⁷⁾ establishes the standard forms (eForms) for the publication of notices in the field of public procurement. It replaced Commission Implementing Regulation (EU) 2015/1986 ⁽⁸⁾ in order to adapt the standard forms set out in that Implementing Regulation to the digital transformation. Implementing Regulation (EU) 2019/1780 was subsequently amended in 2022, to address requests from the Member States on several topics, including reporting requirements for Directive 2009/33/EC of the European Parliament and of the Council ⁽⁹⁾, Green Public Procurement and Innovative Procurement.

⁽¹⁾ OJ L 216, 20.8.2009, p. 76.

⁽²⁾ OJ L 94, 28.3.2014, p. 1.

⁽³⁾ OJ L 94, 28.3.2014, p. 65.

⁽⁴⁾ OJ L 94, 28.3.2014, p. 243.

⁽⁵⁾ OJ L 395, 30.12.1989, p. 33.

⁽⁶⁾ OJ L 76, 23.3.1992, p. 14.

⁽⁷⁾ Commission Implementing Regulation (EU) 2019/1780 of 23 September 2019 establishing standard forms for the publication of notices in the field of public procurement and repealing Implementing Regulation (EU) 2015/1986 (eForms) (OJ L 272, 25.10.2019, p. 7).

⁽⁸⁾ Commission Implementing Regulation (EU) 2015/1986 of 11 November 2015 establishing standard forms for the publication of notices in the field of public procurement and repealing Implementing Regulation (EU) No 842/2011 (OJ L 296, 12.11.2015, p. 1).

⁽⁹⁾ Directive 2009/33/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of clean road transport vehicles in support of low-emission mobility (OJ L 120, 15.5.2009, p. 5).

- (2) To ensure policy alignment of the standard forms with Union objectives, in the interest of clarity and consistency of reporting, fields for Regulation (EU) 2022/1031 of the European Parliament and of the Council ⁽¹⁰⁾, Regulation (EU) 2022/2560 of the European Parliament and of the Council ⁽¹¹⁾ and Directive (EU) 2023/1791 of the European Parliament and of the Council ⁽¹²⁾ should be added.
- (3) Considering the needs of the Member States and the Union to have standardised format and procedures for publishing notices that are not subject to the publication requirements laid down in the Directives 2014/23/EU, 2014/24/EU, 2014/25/EU, and 2009/81/EC, six new forms should be added to enable contracting authorities to publish notices in the *Official Journal of the European Union*. Each new form should have a specific purpose, covering the planning phase (the pre-market-consultation notice, the prior information notice), the competition phase (the contract notice), the results phase (the award notice, the completion notice) and the publication of a contract modification notice.
- (4) To improve the readability of the Annex, Table 2, of the three different mandatory categories, the meaning and difference between mandatory (M), conditional mandatory (CM) and existing mandatory (EM) should be clarified. The 'mandatory' category refers to those fields that are required either technically or by the Directives 2014/23/EU, 2014/24/EU, 2014/25/EU, and 2009/81/EC, while 'conditional mandatory' refers to those fields that are required under certain conditions, such as the voluntary publication of information in optional fields with which the 'conditional mandatory' fields have a logical and technical connection. This includes the fields capturing detailed information on review requests and decisions (BT-784 – 798) that are conditionally mandatory because of their logical connection to the optional field relating to review requests and decisions (BT-783). The category of 'existing mandatory' means that if this information exists, even though the Commission is not able to verify this, a notice must contain this information.
- (5) In order to address the feedback by the Member States during the process leading to the adoption of Commission Implementing Regulation (EU) 2022/2303 ⁽¹³⁾, the standard forms should also be adjusted and improved as regards the description of certain business terms and the application of such terms, as laid out in the Annex, Table 2.
- (6) In order to ensure a smooth technical transition, it is necessary to allow early use of the fields related to Regulation (EU) 2022/1031 and Regulation (EU) 2022/2560 set out in Implementing Regulation (EU) 2019/1780 as amended by this Regulation in addition to the fields set out in the Annex to Implementing Regulation (EU) 2019/1780 as amended by Implementing Regulation (EU) 2022/2303 for the publication of notices in the *Official Journal of the European Union* once the Commission has published a notice on its webpage announcing that the formats and procedures for sending notices have been adapted for that purpose. For a transitional period, it should be possible to use both the forms including information set out in the Annex to Implementing Regulation (EU) 2019/1780 as amended by this Regulation and those set out in the Annex to Implementing Regulation (EU) 2019/1780 as amended by Implementing Regulation (EU) 2022/2303 for the publication of notices in the *Official Journal of the European Union*.
- (7) Implementing Regulation (EU) 2019/1780 should therefore be amended accordingly.
- (8) In order to allow the Member States and the Commission sufficient time to prepare for use of the new forms, the date of application of this Regulation should be deferred,

⁽¹⁰⁾ Regulation (EU) 2022/1031 of the European Parliament and of the Council of 23 June 2022 on the access of third-country economic operators, goods and services to the Union's public procurement and concession markets and procedures supporting negotiations on access of Union economic operators, goods and services to the public procurement and concession markets of third countries (OJ L 173, 30.6.2022, p. 1).

⁽¹¹⁾ Regulation (EU) 2022/2560 of the European Parliament and of the Council of 14 December 2022 on foreign subsidies distorting the internal market (OJ L 330, 23.12.2022, p. 1).

⁽¹²⁾ Directive (EU) 2023/1791 of the European Parliament and of the Council of 13 September 2023 on energy efficiency and amending Regulation (EU) 2023/955 (OJ L 231, 20.9.2023, p. 1).

⁽¹³⁾ Commission Implementing Regulation (EU) 2022/2303 of 24 November 2022 amending Implementing Regulation (EU) 2019/1780 establishing standard forms for the publication of notices in the field of public procurement (OJ L 305, 25.11.2022, p. 12).

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2019/1780 is amended as follows:

(1) the following Article 3b is inserted:

'Article 3b

Transitional provision for new forms and changes

From 1 June 2024 until 30 October 2024 the fields related to Regulation (EU) 2022/1031 of the European Parliament and of the Council (*) and Regulation (EU) 2022/2560 of the European Parliament and of the Council (**) set out in the Annex to this Regulation as amended by Commission Implementing Regulation (EU) 2023/2884 (***) may be used in addition to the fields set out in the Annex to this Regulation as amended by Implementing Regulation (EU) 2022/2303 for the publication of notices in the *Official Journal of the European Union* once the Commission has published a notice on its webpage announcing that the formats and procedures for sending notices electronically as referred to in point 2 of Annex IX to Directive 2014/23/EU, in point 3 of Annex VIII to Directive 2014/24/EU and in point 3 of Annex IX to Directive 2014/25/EU have been adapted for that purpose.

From 1 November 2024 until 28 February 2025, both the forms including information set out in the Annex to this Regulation and those set out in the Annex to Implementing Regulation (EU) 2019/1780 as amended by Implementing Regulation (EU) 2022/2303 may be used for the publication of notices in the *Official Journal of the European Union*.

(*) Regulation (EU) 2022/1031 of the European Parliament and of the Council of 23 June 2022 on the access of third-country economic operators, goods and services to the Union's public procurement and concession markets and procedures supporting negotiations on access of Union economic operators, goods and services to the public procurement and concession markets of third countries (OJ L 173, 30.6.2022, p. 1).

(**) Regulation (EU) 2022/2560 of the European Parliament and of the Council of 14 December 2022 on foreign subsidies distorting the internal market (OJ L 330, 23.12.2022, p. 1).

(***) Commission Implementing Regulation (EU) 2023/2884 of 20 December 2023 amending Implementing Regulation (EU) 2019/1780 establishing standard forms for the publication of notices in the field of public procurement (OJ L, 2023/2884, 21.12.2023, ELI: http://data.europa.eu/eli/reg_impl/2023/2884/oj);

(2) the Annex is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 June 2024. However, Article 1, point (2), shall apply from 1 November 2024.

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

Done at Brussels, 20 December 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In the Annex to Implementing Regulation (EU) 2019/1780, Tables 1 and 2 are replaced by the following:

‘Table 1

1	2	3	4
The standard form:	shall contain the fields listed in:	when used for the publication of notices referred to in:	(Notice description)
Planning	Table 2, column 1	Article 48(1) of Directive 2014/24/EU	Notice of the publication of a prior information notice on a buyer profile – general directive
	Table 2, column 2	Article 67(1) of Directive 2014/25/EU	Notice of the publication of a periodic indicative notice on a buyer profile – sectoral directive
	Table 2, column 3	Article 30(1) third subparagraph of Directive 2009/81/EC	Notice of the publication of a prior information notice on a buyer profile – defence directive
	Table 2, column 4	Article 48(1) of Directive 2014/24/EU	Prior information notice used only for information – general directive
	Table 2, column 5	Article 67(1) of Directive 2014/25/EU	Periodic indicative notice used only for information – sectoral directive
	Table 2, column 6	Article 30(1) of Directive 2009/81/EC	Prior information notice used only for information – defence directive
	Table 2, column 7	Article 27(2) of Directive 2014/24/EU, Article 28(3) of Directive 2014/24/EU	Prior information notice used to shorten time limits for receipt of tenders – general directive
	Table 2, column 8	Article 45(2) of Directive 2014/25/EU	Periodic indicative notice used to shorten time limits for receipt of tenders – sectoral directive
	Table 2, column 9	Article 33(3) of Directive 2009/81/EC	Prior information notice used to shorten time limits for receipt of tenders – defence directive
Competition	Table 2, column 10	Article 48(2) of Directive 2014/24/EU	Prior information notice used as a call for competition – general directive, standard regime
	Table 2, column 11	Article 67(2) of Directive 2014/25/EU	Periodic indicative notice used as a call for competition – sectoral directive, standard regime
	Table 2, column 12	Article 75(1)(b) of Directive 2014/24/EU	Prior information notice used as a call for competition – general directive, light regime
	Table 2, column 13	Article 92(1)(b) of Directive 2014/25/EU	Periodic indicative notice used as a call for competition – sectoral directive, light regime

	Table 2, column 14	Article 31(3) of Directive 2014/23/EU	Prior information notice used as a call for competition – concessions directive, light regime
	Table 2, column 15	Article 68 of Directive 2014/25/EU, Article 92(1)(c) of Directive 2014/25/EU	Notice on the existence of a qualification system – sectoral directive
	Table 2, column 16	Article 49 of Directive 2014/24/EU	Contract notice – general directive, standard regime
	Table 2, column 17	Article 69 of Directive 2014/25/EU	Contract notice – sectoral directive, standard regime
	Table 2, column 18	Article 30(2) of Directive 2009/81/EC	Contract notice – defence directive, standard regime
	Table 2, column 19	Article 31(1) of Directive 2014/23/EU	Concession notice – concessions directive, standard regime
	Table 2, column 20	Article 75(1)(a) of Directive 2014/24/EU	Contract notice – general directive, light regime
	Table 2, column 21	Article 92(1)(a) of Directive 2014/25/EU	Contract notice – sectoral directive, light regime
	Table 2, column 22	Article 52(1) of Directive 2009/81/EC	Subcontract notice – defence directive
	Table 2, column 23	Article 79(1) of Directive 2014/24/EU	Design contest notice – general directive, design
	Table 2, column 24	Article 96(1) first subparagraph of Directive 2014/25/EU	Design contest notice – sectoral directive, design
Direct award prenotification	Table 2, column 25	Article 3a of Directive 89/665/EEC	Voluntary <i>ex ante</i> transparency notice – general directive
	Table 2, column 26	Article 3a of Directive 92/13/EEC	Voluntary <i>ex ante</i> transparency notice – sectoral directive
	Table 2, column 27	Article 64 of Directive 2009/81/EC	Voluntary <i>ex ante</i> transparency notice – defence directive
	Table 2, column 28	Article 3a of Directives 89/665/EEC and 92/13/EEC	Voluntary <i>ex ante</i> transparency notice – concession directive
Result	Table 2, column 29	Article 50 of Directive 2014/24/EU	Contract award notice – general directive, standard regime
	Table 2, column 30	Article 70 of Directive 2014/25/EU	Contract award notice – sectoral directive, standard regime
	Table 2, column 31	Article 30(3) of Directive 2009/81/EC	Contract award notice – defence directive, standard regime
	Table 2, column 32	Article 32(2) (reference to Annex VII) of Directive 2014/23/EU	Concession award notice – concession directive, standard regime
	Table 2, column 33	Article 75(2) of Directive 2014/24/EU	Contract award notice – general directive, light regime

	Table 2, column 34	Article 92(2) of Directive 2014/25/EU	Contract award notice – sectoral directive, light regime
	Table 2, column 35	Article 32(2) (reference to Annex VIII) of Directive 2014/23/EU	Concession award notice – concessions directive, light regime
	Table 2, column 36	Article 79(2) of Directive 2014/24/EU	Design contest result notice – general directive, design
	Table 2, column 37	Article 96(1) second subparagraph of Directive 2014/25/EU	Design contest result notice – sectoral directive, design
Contract modification	Table 2, column 38	Article 72(1) of Directive 2014/24/EU	Contract modification notice – general directive
	Table 2, column 39	Article 89(1) of Directive 2014/25/EU	Contract modification notice – sectoral directive
	Table 2, column 40	Article 43(1) of Directive 2014/23/EU	Contract modification notice – concessions directive
Change	any other standard form and the Notice and Change sections from Table 2	changing any of the notices listed above	Change notice
Voluntary Notices	Table 2, column E1	On a voluntary basis	Pre-market consultation notice
	Table 2, column E2	On a voluntary basis	Prior information notice
	Table 2, column E3	On a voluntary basis	Contract notice
	Table 2, column E4	On a voluntary basis	Award notice
	Table 2, column E5	On a voluntary basis	Completion notice
	Table 2, column E6	On a voluntary basis	Contract modification notice

INSTRUCTIONS FOR READING TABLE 2

The first column contains information about the nesting of the field or section. Each field or section with a level of “++”, “+++” and “++++” is nested within the nearest section placed above it that has a lower number of “+”.

The second column contains the ID of the field or section.

The third column contains the fields’ or sections’ names.

The fourth column describe, if the field or section can be repeated.

The fifth column contains the data type.

The sixth column contains the fields’ or sections’ description.

The remaining columns describe the different standard forms and notices.

LEGEND FOR READING TABLE 2

Fields on usage

“M”: A notice must contain this information to be published on TED.

“CM”: Under certain conditions (specified as business rules by the Publications Office of the European Union) a notice must contain this information to be published on TED.

“EM”: Under the condition that the information exists (which, in practice, cannot be verified by the Publications Office of the European Union), a notice must contain this information to be published on TED (e.g. FAX number, reference to a PIN about the procedure).

“O”: This information may optionally be included in a notice. If included, this information will be published on TED.

Fields on Directives

“D81”: This notice falls under Directive 2009/81/EC.

“D23”: This notice falls under Directive 2014/23/EU.

“D24”: This notice falls under Directive 2014/24/EU.

“D25”: This notice falls under Directive 2014/25/EU.

“ANY”: This notice can be used under any law.

“OT”: This notice can be used under any other law.

Fields on notice types

“PIN profile”: Notice of the publication of a prior information notice or a periodic indicative notice on a buyer profile.

“PIN only”: Prior information notice or a periodic information notice (not used as a call for competition, not used to shorten time limits for receipt of tenders).

“PIN time limit”: Prior information notice or a periodic information notice used to shorten time limits for receipt of tenders.

“PIN CFC”: General prior information notice or a periodic information notice (not about social or other specific services) used as a call for competition.

“PIN CFC social”: Prior information notice or a periodic information notice about social or other specific services used as a call for competition.

“QS”: Notice on the existence of a qualification system.

“CN general”: Contract notice (not about social or other specific services).

“CN social”: Contract notice for social or other specific services.

“Subc”: Subcontracting notice.

“Design”: Design contest notice or result of a design contest.

“VEAT”: Voluntary *ex ante* transparency notice.

“CAN general”: Contract award notice (not about social or other specific services).

“CAN social”: Contract award notice about social or other specific services.

“Compl” and “CC”: Contract completion notice.

