



2023/2495

16.11.2023

COMMISSION DELEGATED REGULATION (EU) 2023/2495

of 15 November 2023

amending Directive 2014/24/EU of the European Parliament and of the Council in respect of the thresholds for public supply, service and works contracts, and design contests

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

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 ⁽¹⁾, and in particular Article 6(5), second subparagraph, thereof,

Whereas:

- (1) By Decision 2014/115/EU ⁽²⁾, the Council approved the Protocol amending the Agreement on Government Procurement ⁽³⁾ concluded in the framework of the World Trade Organization. The amended Agreement on Government Procurement ('the Agreement') is a plurilateral instrument and its purpose is to mutually open government procurement markets among its parties. The Agreement applies to any procurement contract with a value that reaches or exceeds the amounts set therein ('thresholds') and expressed as special drawing rights.
- (2) One of the objectives of Directive 2014/24/EU is to allow the contracting authorities which apply that Directive to comply at the same time with the obligations laid down in the Agreement. To ensure that the thresholds set in Article 4, points (a), (b) and (c), of Directive 2014/24/EU correspond to the thresholds established in the Agreement, it is necessary to revise the thresholds set out in that Directive. In accordance with Article 6(2) of Directive 2014/24/EU, the thresholds established in Article 13 of that Directive are to be aligned with the thresholds set out in Article 4, points (a) and (c), of that Directive.
- (3) Article 6(1) of Directive 2014/24/EU requires that every two years the Commission revise the thresholds with effect from 1 January. Hence, the thresholds for the years 2024–2025 should apply as of 1 January 2024.
- (4) The calculation of the thresholds cannot start earlier than 1 September, due to data availability. According to Article 6(4) of the Directive, the revised thresholds in euro and their corresponding values in other national currencies of EU Member States must be published by the Commission in the *Official Journal of the European Union* at the beginning of November. In view of the above, and in order to meet the above-mentioned deadline, the Commission makes recourse to the urgency procedure for adopting this regulation.
- (5) Directive 2014/24/EU should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Directive 2014/24/EU is amended as follows:

(1) Article 4 is amended as follows:

- (a) in point (a), 'EUR 5 382 000' is replaced by 'EUR 5 538 000';

⁽¹⁾ OJ L 94, 28.3.2014, p. 65.

⁽²⁾ Council Decision 2014/115/EU of 2 December 2013 on the conclusion of the Protocol Amending the Agreement on Government Procurement (OJ L 68, 7.3.2014, p. 1).

⁽³⁾ OJ L 68, 7.3.2014, p. 2.

- (b) in point (b), 'EUR 140 000' is replaced by 'EUR 143 000';
 - (c) in point (c), 'EUR 215 000' is replaced by 'EUR 221 000';
- (2) in Article 13, first paragraph is amended as follows:
- (a) in point (a), 'EUR 5 382 000' is replaced by 'EUR 5 538 000';
 - (b) in point (b), 'EUR 215 000' is replaced by 'EUR 221 000'.

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 January 2024.

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

Done at Brussels, 15 November 2023.

For the Commission
The President
Ursula VON DER LEYEN
