



Promoting Social Considerations into Public Procurement Procedures for Social Economy Enterprises

Matrix explaining how social considerations have been embedded in the Hungarian law transposing Directive 24/2014/EU

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Article 18(2) of the Directive ► Article X of ... (national transposition law)			
Text of the article	National implementing provisions (if relevant)	What the article means	Interaction with other national laws
	The Public Procurement Act does not include a general rule to comply with relevant environmental, social and labour law requirements.		
Open questions			
Example of application from the national level (where applicable)			

Article 20 of the Directive ► Article 33-34 of PPA

Text of the article	National implementing provisions (if relevant)	What the article means	Interaction with other national laws
<p>Reserved Public Contracts Article 33</p> <p>1. Contracting authorities may or, if the Government so provides, shall reserve the right to participate in a public procurement procedure for organisations qualifying as sheltered places of employment, provided more than 30 % of their employees are disadvantaged or disabled workers, furthermore, for developmental employers, provided more than 30 % of their employees are involved in developmental employment. Contracting authorities may or, if the Government so provides, shall require that the public contract be performed in the framework of a job creation programme, provided at least 30 % of the people employed in the course of the performance of the contract are disadvantaged, disabled or handicapped workers (sheltered employment programmes). Contracting authorities shall refer to this fact in the contract notice launching the procedure.</p> <p>2. In the case of contracts that are reserved according to Paragraph 1, contracting authorities shall ensure equal rights, where more than 30 % of the employees of an economic operator established within the European Union are disadvantaged, handicapped or disabled workers.</p> <p>Article 34</p> <p>1. Contracting authorities may reserve the right for economic operators to participate in procedures for the award of public contracts exclusively for those health, social and cultural services referred to in Annex 3, which are covered by CPV codes 75121000-0, 75122000-7, 75123000-4, 79622000-0, 79624000-4, 79625000-1, 80110000-8, 80300000-7, 80420000-4, 80430000-7, 80511000-9, 80520000-5,</p>	<p>PPA Art. 3. 11. 'disadvantaged workers': is the term defined by the Act on Job Assistance and Unemployment Benefits;</p> <p>PPA Art. 3. 38. 'developmental employer': an organisation under Article 99/D (1) of the Act on Social Governance and Social Benefits;</p> <p>PPA Art. 3. 41. 'sheltered place of employment': employment by an accredited employer on condition that the employer ensures a transit or permanent employment and as a minimum 30 % of its employees are deemed to be persons with reduced ability to work pursuant to Article 22 of Act CXCI of 2011 on the benefits of persons with reduced ability to work and on the amendment of certain acts and, in addition, employers which were established with the aim of employing disadvantaged workers.</p>	<p>There are two kinds of organisations having reserved right to participate in a public procurement procedure depending on the decision of the contracting authority:</p> <ul style="list-style-type: none"> - sheltered place of employment - developmental employer. 	<p>PPA Art 3. 11. 'disadvantaged workers': the term defined by the Act on Job Assistance and Unemployment Benefits;</p> <p>The notion of an employee in disadvantageous circumstances is interpreted in accordance with Act IV of 1991 on job assistance and unemployment benefits. Article 57(b)</p> <p>1. The employee, who</p> <ol style="list-style-type: none"> a) has not been in a relationship of employment or other legal relationship aimed at the performance work over the previous six months, or b) has not completed secondary school or obtained job qualifications (ISCED 3), or c) is above the age of 50, or d) is an adult alone responsible for one or more dependants, or e) works in a sector or profession of a Member State, in which the gender disequilibrium is greater than 25 % of the average disequilibrium characteristic of all the economic sectors of this Member State, and he or she belongs to this underrepresented gender group, or f) belongs to an ethnic group in a Member State, who needs to have his/her vocational or language training or professional experience reinforced in order to improve the chances of finding employment in a secure workplace; <p>is considered being in disadvantaged circumstances.</p> <p>3. Disabled worker who is permanently or permanently suffering from sensory, communication, physical, mental, psychosocial damage, and any accumulation thereof, which interferes with, or hinders, effective, equal social participation in interacting with environmental, social and other major obstacles ;</p>

<p>80590000-6, from 85000000-9 to 85323000-9, 92500000-6, 92600000-7, 981330004, 98133110-8, provided that the economic operators in question fulfil all of the following conditions:</p> <p>a) their objective is the pursuit of a public service mission linked to the delivery of those health, social and cultural services referred to in this paragraph; b) they are non-profit-making organisations, in which profits are reinvested with a view to enhance the performance of their public tasks or, where profits are distributed or redistributed, this should be based on participatory considerations; c) the structures of management or ownership of the organisation ensure the active participation of employees in the management or require the active participation of employees or stakeholders in the pursuit of the public task; and d) on the basis of this paragraph, they have not been awarded a contract, having a subject-matter subject to this paragraph, by the contracting authority concerned, within the past three years.</p> <p>2. The contract specified in Paragraph 1 shall be limited in time and its maximum duration shall not be longer than three years.</p> <p>3. The call for competition shall make reference to the reservation of the right of participation in the procurement procedure under this Article.</p>			<p>38. 'developmental employer': an organisation under Article 99/D (1) of the Act on Social Governance and Social Benefits; 1993 III. Law on Social Administration and Social Benefits * 99 / D. § * (1) Employment relationship or development relationship with the developer</p> <p>a. (2) (2), with an institution, service provider, provider or provider of social services, care, or</p> <p>(b) other organisations registered as providers of services to develop a service provider register may exist.</p> <p>PPA Art. 3. 41. 'sheltered place of employment': employment by an accredited employer on condition that the employer ensures a transit or permanent employment and as a minimum 30 % of its employees are deemed to be persons with reduced ability to work pursuant to Article 22 of Act CXCI of 2011 on the benefits of persons with reduced ability to work and on the amendment of certain acts and, in addition, employers which were established with the aim of employing disadvantaged workers.</p> <p>2011 CXCI. Law on the treatment of persons with disabilities and amending certain laws *</p> <p>Article 22: Articles 23-24 §, for the purposes of this Article, a person with a disability shall be regarded as</p> <p>a) whose health status is 60 per cent or less, based on the complex qualification of the rehabilitation authority</p> <p>b) who has at least 40 per cent of health damage, expert advice, professional opinion, authority certificate, rating,</p> <p>(c) whose incapacity for work is between 50 and 100 per cent during the period covered by the relevant expert advice, or</p> <p>d) who receive disability allowance or personal allowance for the blind and the daily working time of the contract is 4 hours.</p>
<p>Open questions</p>	<p>As many social enterprises cannot be fitted into this framework, contracting authorities make use of the possibility of the reserved contract sparingly.</p>		
<p>Example of application from the national level (where applicable)</p>			

Article 40 of the Directive ► Article 28(4) of PPA

Text of the article	National implementing provisions (if relevant)	What the article means	Interaction with other national laws
<p>PPA. 28(4). Before launching the procurement procedure, preliminary market consultations may be held by the contracting authority with independent experts, public authorities and market participants in order to prepare the procurement procedure and to provide economic operators with information on the planned public procurement and the requirements thereof. Contracting authorities shall take all necessary measures, in particular concerning the disclosure of all the relevant information in the procurement documents as well as the establishment of the suitable time limit for the submission of tenders, to ensure compliance with the principles of fair competition, equal opportunities and equal treatment of economic operators.</p>		<p>The regulations are fully in line with the Directive's rules.</p>	
Open questions			
Example of application from the national level (where applicable)	<p>Preliminary market consultation is typically used for public procurements of more valuable, complex procurement items. The solution has not spread, so it is not yet relevant for social purchases.</p>		

Article 42(1) of the Directive ► Article 48(2) of 321/2015. (X. 30.) Gov. Decree

Text of the article	National implementing provisions (if relevant)	What the article means	Interaction with other national laws
<p>321/2015. (X. 30.) Government Decree on how public procurement procedures can be used to verify eligibility and grounds for exclusion and to define technical specifications for public procurement.</p> <p>Art 48 (2) The technical specifications may in particular include the level of impact on the environment and climate, the design, performance, safety and dimensions of all requirements, in particular equal access to services for persons with disabilities, including: requirements for the production processes and methods applied to the subject of public procurement, in terms of terminology, signals, testing and testing methods, packaging, marking, labeling, instructions for use, the entire life cycle of goods, services or works.</p>	<p>321/2015. (X. 30.) Government Decree on how public procurement procedures can be used to verify eligibility and grounds for exclusion and to define technical specifications for public procurement</p> <p>Article 47 (1) The public procurement specifications shall be defined for all users, including those subject to public procurement, taking into account the aspect of equal access to services for disabled people.</p> <p>(2) For all supplies intended for use by natural persons, whether for public use or employed by the contracting authority, except where warranted, the technical specification shall be defined so as to take account of the needs of persons with disabilities, accessibility and design suitable for all users, as well as the 2007 Universal Design Principles of the Second Article of the Convention on the Rights of Persons with Disabilities, promulgated by law.</p> <p>3. Where mandatory accessibility requirements are adopted in an EU legislative act, the technical specification, where accessibility for disabled persons or design for all users is concerned, shall be established by reference to this legislative act.</p>	<p>The content of the technical specification for the disabled is quoted in Gov. Decree included in the matrix. One of the most interesting aspects of this is the introduction of the "universal design", which makes it compulsory for disabled people to be taken into account when defining technical specifications.</p>	<p>The PPA Art. 58. csak a legszükségesebb elemeket tartalmazza a műszaki leírásról, valójában az esetünkben fontos tartalom az idézett 321/2015. Gov. Decree része</p> <p>The PPA Art. 58 contains only the most essential elements of the technical specification, the relevant part regarding social aspects are in the 321/2015 Gov Decree.</p>
Open questions			
Example of application from the national level (where applicable)			

Article 43 of the Directive ► Article 59-60of PPA

Text of the article	National implementing provisions (if relevant)	What the article means	Interaction with other national laws
<p>Requirement of labels and certification</p> <p>Article 59</p> <p>1. Where contracting authorities intend to purchase works, supplies or services with specific environmental, social or other characteristics or intend to take those characteristics into account in the evaluation, they may, in the technical specifications, the contract performance conditions or the award criteria, require a specific label, provided that all of the following conditions are fulfilled:</p> <p>a) the label requirements only concern criteria which are linked to the subject-matter of the contract and are appropriate to define characteristics of the subject-matter of the contract; b) the label requirements are based on objectively verifiable and non-discriminatory criteria; c) the labels are established in an open and transparent procedure in which all relevant stakeholders, including government bodies, consumers, social partners, manufacturers, distributors and non-governmental organisations may participate; d) the labels are accessible to all interested parties; e) the label requirements are set by a third party over which the economic operator applying for the label cannot exercise a decisive influence.</p> <p>2. Where contracting authorities do not require the works, supplies or services to meet all of the label requirements, they shall indicate those label requirements which shall be met or are taken into account in the evaluation.</p> <p>3. Contracting authorities shall accept as proof of compliance all labels that confirm that the works, supplies or services meet equivalent label requirements. Where an economic operator demonstrates that he had no possibility of obtaining the specific label indicated by the contracting authority or an equivalent label within the time limit for the submission of tenders, for reasons that are not attributable to that economic operator, the contracting authority shall accept other appropriate means of proof, in particular a technical dossier from the manufacturer, provided that the economic operator concerned proves that the works, supplies or services to be provided by it fulfil the requirements of the specific label or, in the case set out in Paragraph 2, the specific requirements indicated by the contracting authority.</p> <p>4. Where a label fulfils the conditions provided in points (b), (c), (d) and (e) of Paragraph 1 but also sets out requirements not linked to the subject-matter of the contract, contracting authorities shall not require the label as such but may define the technical specification by reference to those of the detailed specifications of that label or, where necessary, parts thereof, that are linked to the subject-matter of the contract and are appropriate to define characteristics of this subject-matter.</p> <p>Article 60</p>		<p>The regulations are fully in line with the Directive's rules.</p>	

<p>1. Contracting authorities may require that economic operators provide a test report from a conformity assessment body or a certificate issued by such a body as means of proof of conformity with requirements or criteria set out in the technical specifications, the award criteria or the contract performance conditions. Where contracting authorities require the submission of certificates drawn up by a specific conformity assessment body, certificates from equivalent other conformity assessment bodies shall also be accepted by contracting authorities.</p> <p>2. For the purposes of Paragraph 1, a conformity assessment body shall be a body that performs conformity assessment activities including calibration, testing, certification and inspection accredited in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93.</p> <p>3. Contracting authorities shall accept other appropriate means of proof than those referred to in Paragraph 1, such as a technical dossier of the manufacturer, where the economic operator concerned demonstrates that he or she had no possibility of obtaining the certificates or test reports drawn up by the body indicated by the contracting authority – or obtaining an equivalent certificate - within the relevant time limit for submission, provided that the lack of access is not attributable to the economic operator concerned. In such cases, the economic operator concerned shall prove that the works, supplies or services to be provided by it meet the requirements or criteria set out by the contracting authority.</p>			
<p>Open questions</p>			
<p>Example of application from the national level (where applicable)</p>	<p>Despite their detailed regulation (Art. 59-60 of PPA), labels are in fact not employed from a social point of view in Hungary as shown by experience. Contracting authorities prefer to avoid risk and they are not aware of the relevant rulings of the European Court of Justice. Hungarian practice concerning legal remedy with respect to this is not known.</p>		

Article 46 of the Directive ► Article 61(4)-(6) of PPA

Text of the article	National implementing provisions (if relevant)	What the article means	Interaction with other national laws
<p>PPA Art. 61(4). The contracting authority shall verify whether the nature of the subject-matter of the procurement and the other circumstances linked to the contract allow division into lots. If the contracting authority does not allow the division of the contract into lots, it shall give the justification for doing so in the notice launching the procedure.</p> <p>61(5). In case of division into lots, the notice launching the procedure shall stipulate which elements of the subject-matter of the public procurement may be divided into lots for the submission of tenders or requests to participate. If the contracting authority allows the division of the public procurement into lots, the estimated value, the subject-matter and the quantity of the procurement shall be defined separately for each lot.</p> <p>61(6). Contracting authorities shall indicate in the notice launching the procedure, whether tenders (requests to participate) may be submitted for one, several or all of the lots. Contracting authorities may, even where tenders may be submitted for several or all lots, limit the number of lots that may be awarded to one tenderer, provided that the maximum number of lots per tenderer is stated in the notice launching the procedure. In this case contracting authorities shall indicate in the procurement documents the objective and non-discriminatory criteria they intend to apply for determining which lots will be awarded where the application of the award criteria would result in one tenderer being awarded more lots than the maximum number. Where a given lot shall not be awarded to a tenderer, the tenderer whose offer was ranked second shall be the winning tenderer.</p>			
Open questions			
Example of application from the national level (where applicable)	The general rules are enforced also when the subject matter of procurement is broken down into lots as contracting authorities attach importance to economies of scale when they decide on specifying the subject matter of procurement.		

Article 56 of the Directive ► Article 73(4) of PPA

Text of the article	National implementing provisions (if relevant)	What the article means	Interaction with other national laws
<p>Invalidity of the tender and the request to participate Article 73</p> <p>1. The tender or the request to participate shall be deemed invalid, if</p> <p>e) it does not comply in any other way with the conditions stipulated in the contract notice, the invitation to tender or the invitation to participate and the procurement documents and by law, with the exception of formal requirements for tenders and requests to participate set out by the contracting authority; f) furthermore, (fa) an information is classified as a business secret by the tenderer or the candidate in contravention of Article 44(2)-(3) and this situation is not remedied, even after the contracting authority's request for supply of missing information; or (fb) the justification pursuant to Article 44(1) is not sufficient, even after the supply of missing information.</p> <p>73(4). According to Paragraph 1(e), the tender shall be deemed invalid, in particular, if it does not comply with the environmental, social and labour requirements laid down by legislation or mandatory collective agreement or the provisions on environmental, social and labour requirements listed in Annex 4. On the basis of the data made available each year by the minister responsible for employment policy, the Public Procurement Authority shall publish on its website information relating to the lowest wages applicable in each sector in Hungary.</p>	<p>It is an obligation for the Contracting Authority to consider the tender as invalid, in particular, if it does not comply with the environmental, social and labour requirements laid down by legislation or mandatory collective agreement or the provisions on environmental, social and labour requirements.</p>		
Open questions	Because of the general wording of the reason for invalidity, this rule is rarely used in practice.		
Example of application from the national level (where applicable)			

Article 57 of the Directive ► Article 62(1)b and 63(1)a of PPA

Text of the article	National implementing provisions (if relevant)	What the article means	Interaction with other national laws
<p>Grounds for exclusion</p> <p>Article 62</p> <p>1. The following economic operators shall be excluded from participating in the procedure as a tenderer, candidate, subcontractor or an organisation participating in the certification of suitability:</p> <p>b) who or which is in breach of its obligations relating to the payment of their tax, customs duty or social security contribution for more than a year, unless they have paid the debt, including, where applicable, any interest accrued or fines by the time of the submission of the tender or the request to participate, or they were granted a permission for deferred payment of the debt.</p> <p>Article 63</p> <p>1. The contracting authority may stipulate in the notice launching the procedure that the following economic operators shall be excluded from participating in the procedure as a tenderer, candidate, subcontractor, and shall not contribute to the certification of suitability:</p> <p>a) who seriously infringed the requirements of environmental, social and labour law referred to in Article 73(4) and such infringement was established by a final and binding judicial decision, administrative decision or, in case of a review of the latter, a final and binding judicial decision issued within the previous three years.</p>		<p>In Hungarian law, a mandatory and an optional reason for exclusion contains a social provision. One is the payment of social security contributions (Art. 62(1)b), the other is infringement of the requirements of environmental, social and labour law (Art. 63(1)a).</p>	
<p>Open questions</p>			
<p>Example of application from the national level (where applicable)</p>	<p>The most frequent reasons for exclusion include the infringement of the environmental, social and labour law requirements according to Article 63(1) a) of PPA, including labour law fines. This also calls attention to the fact that an exceedingly low and non-recurrent labour law fine also results in exclusion, in other words, when this reason for exclusion is applied, economic operators who may have committed negligible irregularities will also be excluded.</p>		

Article 67 of the Directive ► Article 76(1)-(3) of PPA

Text of the article	National implementing provisions (if relevant)	What the article means	Interaction with other national laws
<p>Selection of the winning tenderer</p> <p>Article 76</p> <p>1. In the notice launching the procedure, the contracting authority shall specify the criterion or criteria on the basis of which they shall select the tender that they consider to be the most economically advantageous tender, also as regards social, societal and environmental issues, where appropriate (hereinafter referred to as 'award criteria').</p> <p>2. Award criteria may be</p> <p>a) the lowest price,</p> <p>b) the lowest cost to be calculated using the cost-efficiency method determined by the contracting authority or</p> <p>c) criteria representing the best price-quality ratio, in particular qualitative, environmental, social criteria, which include price or cost.</p> <p>3. Criteria representing the best price-quality ratio, in particular, relate to</p> <p>a) quality, technical merit, aesthetic and functional characteristics, accessibility for all users, employment of disabled workers and other social, environmental and innovative characteristics, distribution arrangements, after-sale service and technical assistance, supply of spare parts, securing stocks, delivery date or period;</p> <p>b) the organisation, qualification and experience of the staff participating in the performance of the contract, where the quality of the staff may significantly affect the quality of the performance of the contract.</p>		<p>The Regulation (Art. 76 (3)) mentions criteria related to the employment of disabled workers and other social aspects representing the best price-quality ratio.</p>	
<p>Open questions</p>	<p>In the Hungarian practice, the employment of unemployed people is used primarily as an evaluation criterion, however, it does not contain the statutory provisions regarding their contractual control.</p>		
<p>Example of application from the national level (where applicable)</p>			

Article 69 of the Directive ► Article 72(1)-(4) of PPA

Text of the article	National implementing provisions (if relevant)	What the article means	Interaction with other national laws
<p>Abnormally low price and other disproportionate commitments</p> <p>Article 72</p> <p>1. If as regards the price or cost which was taken into consideration as an award criterion or any element thereof to be evaluated individually a tender contains an amount appearing to be abnormally low in light of the subject-matter of the contract to be concluded, the contracting authority shall request in writing the basic data determining the contents of the tender elements that are relevant for the assessment as well as an explanation, and shall notify the other tenderers of such request at the same time in writing.</p> <p>The contracting authority may take into consideration objective explanations relating in particular to a) the cost-efficiency of the manufacturing process, the public works or the provision of services, b) the technical solutions chosen, c) the exceptionally favourable conditions of performance for the tenderer, d) the originality of the goods, works, or services offered by the tenderer, e) compliance with the environmental, social and labour requirements specified in Article 73(4) or f) the possibilities that the tenderer possesses for obtaining State aid.</p> <p>3. If there is doubt as to acceptability of the explanation, the contracting authority shall have the right to request supplementary explanation from the tenderer, notifying at the same time all the other tenderers, with the aim of assessing whether or not the explanation is acceptable. It is incumbent upon the tenderer to make all facts, data and calculations concerning the nature of the consideration available to the contracting authority so as to make it possible for the contracting authority to decide, after due deliberation, whether the consideration is well-founded. The contracting authority shall declare the tender invalid, if the information supplied do not properly confirm that the contract may be executed at the given price or cost.</p> <p>4. In particular, the explanation may not be considered as proper, if it is established that the tender contains an abnormally low price or cost due to the fact that it does not comply with the environmental, social and labour requirements specified in Article 73(4). For the purposes of the consideration of the well-founded nature of the tender, the contracting authority may request information from the tenderer about the standard wages applicable in the given sector.</p>	<p>Although the invalidity criterion also refers to invalidation due to excessively low wages, contracting authorities tend to apply the rule of abnormally low price (Art. 72) rather than Art. 73 (4) below.</p> <p>“73(4). According to Paragraph 1(e), the tender shall be deemed invalid, in particular, if it does not comply with the environmental, social and labour requirements laid down by legislation or mandatory collective agreement or the provisions on environmental, social and labour requirements listed in Annex 4. On the basis of the data made available each year by the minister responsible for employment policy, the Public Procurement Authority shall publish on its website information relating to the lowest wages applicable in each sector in Hungary.”</p>		
Open questions			
Example of application from the national level (where applicable)			

Article 70 of the Directive ► Article 132 of PPA

Text of the article	National implementing provisions (if relevant)	What the article means	Interaction with other national laws
<p>Special conditions for the performance of the contract</p> <p>Article 132</p> <p>1. The contracting authority may set special conditions for the performance of the contract, in particular, conditions related to social and environmental considerations as well as incentives for innovation. Reference to such contract terms shall be made in the notice launching the procedure and detailed conditions thereof may be included in the procurement documents.</p> <p>2. Those special conditions shall be related to the subject-matter of the contract [Article 76(7)] and may not result in the violation of the principles laid down in Article 2(2)-(3) and (5).</p> <p>3. For the purposes of the application of Paragraph 1 a social criterion, in particular, shall be</p> <p>a) involvement in the fulfilment of the relevant contract of an organisation specified in Article 33 or, according to the legal provisions of another Member State of the European Union an organisation specified in Article 20 of Directive 2014/24/EU;</p> <p>b) employment of job-seekers, disabled workers, unemployed people or prisoners;</p> <p>c) employment of persons in part-time jobs, who are recipients of any childcare benefit set out in the act on family benefits during the receipt of such payments or subsequent to the ending of such payments, and employment of persons who are recipients of maternity care benefit and childcare fee after the end of such payment;</p> <p>d) stipulation of measures for ensuring the implementation of the principle of equal treatment;</p> <p>e) in the framework of the performance of the given contract, provision of training in the skills needed for the performance for unemployed or young people participating in the performance.</p>	<p>It calls the attention of Contracting Authorities to the importance of principles concerning social aspects within the performance phase.</p> <p>The definition of social conditions (Art. 132(3)) in the contract defines this scope considerably more broadly than the social aspects applicable to the procedure.</p>		
Open questions			
Example of application from the national level (where applicable)			

Article 71 of the Directive ► Article X of ... (national transposition law)			
Text of the article	National implementing provisions (if relevant)	What the article means	Interaction with other national laws
	This content rule was not specifically implemented. The consideration of 18 (2) also applies to the contracting partners and consequently to their subcontractors.		
Open questions			
Example of application from the national level (where applicable)			

Article 74-77 of the Directive ► Article 21 of PPA

Text of the article	National implementing provisions (if relevant)	What the article means	Interaction with other national laws
<p>Applicable procedures Article 21 2. For the purposes of procurement procedures concerning social and other services specified in Annex 3, excluding concession award procedures, Part Three shall be applied.</p>	<p>Annex 3 of PPA includes the list of social and other specific services.</p>	<p>For the purchase of social services exceeding the EU threshold, PPA Part III is applicable. This means that under the national regime, social services are not subject to public procurement (Art. 21 of PPA), while contracting authorities have to procure these services according to the national rules if they are above the EU value limit (Art. 15 of PPA). The concession procurement rules are similar (Art. 118 of PPA). However, despite the application of the relevant national procedural rules, the notices must be published on TED.</p>	<p>44/2015 (XI. 2) MvM Decree on the rules for submitting, monitoring and publishing notices and publicity notices, specimens of notices and certain content elements, and annual statistical summary. Article 31 (1) The Kbt. for the Third Part. In the case of contracting entities pursuant to Article 5, if the estimated value of social and other services under Annex 3 reaches the Union threshold, the pre-information notice and the call for tenders, the withdrawal of the notice, the ineffectiveness of the procedure, the refusal to conclude the contract, the outcome of the procedure or the framework agreement or dynamic agreement of the contract notice on contracts concluded under the procurement system is set out in Annex XVIII to the EU Notices Model Regulation. (2) The PPA for the Third Part, Kbt. 6-7. In the case of contracting authorities pursuant to §. The estimated value of social and other services in Annex 3 reaches the EU threshold, the periodic indicative notice, the pre-qualification notice or the invitation to tender and the call for expressions of interest, the withdrawal of the notice, the ineffectiveness of the procedure, the refusal to conclude the contract, the outcome of the procedure, or the model contract notice for contracts concluded under the framework agreement or the dynamic purchasing system is set out in Annex XIX to the EU Notices Model Regulation.</p>
<p>Open questions</p>	<p>There is a common misunderstanding about the acquisition of concession services, which is also regulated in PPA. Public procurement thresholds Article 15 4. As regards social and other specific services defined in Annex 3, no national threshold for service concessions shall be established and the contracting authority shall only apply this Act in case of service concessions the value of which is equal to or greater than the EU threshold. PART FOUR CONCESSION AWARD PROCEDURES CHAPTER XVIII THE RULES PERTAINING TO CONCESSION AWARD PROCEDURES The commencement of the procedure Article 118</p>		

1. The contracting authority shall proceed as indicated in this Part of the Act in the case of works or service concessions the value of which is equal to or greater than the national threshold or, in the case of social and other services specified in Annex 3, the value of which is equal or greater than the EU threshold.

CHAPTER XIX

SPECIAL RULES PERTAINING TO CONCESSIONS HAVING A PARTICULAR SUBJECT-MATTER

Rules pertaining to social and other services

Article 129

1. In the case of social and other services specified in Annex 3, the provisions set out in this Part shall be applied subject to the derogations laid down in this Article.

2. The publication of concession award procedures may also be made in a prior information notice. The prior information notice published shall have the contents specified in a separate act of legislation. The prior information notice announcing the procedure shall invite economic operators to express their interest by the time limit set therein. The data concerning the subject-matter of the concession shall be given in the prior information notice announcing the procedure in such a way as to make it possible for economic operators to assess whether they intend to participate in the procedure. In this case, the notice launching the concession award procedure shall be sent directly to economic operators who have expressed their interest in the procedure. A notice shall be dispatched, allowing an appropriate period, concerning any changes made to the data included in the prior information notice, while economic operators shall be notified directly of any modification in the notice launching the procedure, which was sent directly.

3. The contracting authority or contracting entity shall have the right to choose more than one winner with whom the service concession contract or contracts will be concluded. The contracting authority or contracting entity may derogate from Article 125 as required by the specific features of the given service and the organisation thereof, but in any case, it shall ensure that the evaluation is based on objective criteria known in advance to economic operators and the relative weight of each criterion is known in advance to economic operators.

4. The contracting authority or contracting entity may stipulate that the contract shall be performed in person by the tenderer and shall have the right to preclude involvement of other economic operators in the certification of suitability.

Example of application from the national level (where applicable)