

April 2016



Public Contracts - update

NEW PUBLIC CONTRACTS CODE FINALLY ENTERS INTO FORCE

On 15 April, the Council of Ministers (CoM) of the Republic of Italy has finally approved the Legislative Decree no 50/2016 concerning the new code of public contracts and concessions (the “**new Code**”) and implementing European Directives 2014/23/EU on the award of concession contracts, 2014/24/EU on public procurement and 2014/25/EU on procurement by entities operating in the water, energy, transport and postal services sectors.

The new Code, which basically confirms the framework of the preliminary text of 3 March 2016 according to the enabling act of 28 January 2016, no. 11 (in this regard please see our client alert of March 2016), takes into consideration the opinions of the Council of State, the Unified Conference State-Region and the competent parliamentary committees.

The new Code has been published in the Italian Official Gazette on 19 April 2016, and it has entered into force on the same date.

The new Code is comprised of 217 articles (in comparison with over 600 of the previous texts, including the implementing regulation) and it will be supplemented by guidelines to be adopted by the Ministry of Infrastructures and Transports in coordination with the National Anti-Corruption Authority (ANAC), to be issued by 31st December 2016.

Until the new guidelines are adopted, the implementing regulation of the old code (Presidential Decree no 207/2010) shall remain in force.

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