

COMMISSION DELEGATED REGULATION (EU) 2021/1953**of 10 November 2021****amending Directive 2014/25/EU of the European Parliament and of the Council in respect of the thresholds for 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 2014/25/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 ⁽¹⁾, and in particular Article 17(4), 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 2014/25/EU is to allow the contracting entities, which apply that Directive to comply at the same time with the obligations laid down in the Agreement. In accordance with Article 17(1) of Directive 2014/25/EU, every 2 years the Commission is to verify that the thresholds for supply, service and works contracts, and design contests set out in Article 15, points (a) and (b), of that Directive correspond to the thresholds established in the Agreement. Given that the value of the thresholds calculated in accordance with Article 17(1) of Directive 2014/25/EU is different from the value of the thresholds set out in Article 15, points (a) and (b), of that Directive, it is necessary to revise these thresholds.
- (3) Article 17(1) of Directive 2014/25/EU requires that every two years the Commission revise the thresholds with the effect from 1 January. Hence, the thresholds for the years 2022-23 should apply as of 1 January 2022.
- (4) Directive 2014/25/EU should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Article 15 of Directive 2014/25/EU is amended as follows:

- (1) in point (a), 'EUR 428 000' is replaced by 'EUR 431 000';
- (2) in point (b), 'EUR 5 350 000' is replaced by 'EUR 5 382 000'.

*Article 2*This Regulation shall enter into force the twentieth day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 94, 28.3.2014, p. 243.

⁽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.

It shall apply from 1 January 2022.

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

Done at Brussels, 10 November 2021.

For the Commission
The President
Ursula VON DER LEYEN
