

S.I. No. 37/1992 - European Communities (Award of Public Supply Contracts) Regulations, 1992.

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EUROPEAN COMMUNITIES (AWARD OF PUBLIC SUPPLY CONTRACTS) REGULATIONS, 1992.

I, BERTIE AHERN, Minister for Finance, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), and for the purpose of giving effect to Council Directive No. 77/62/EEC¹, Council Directive No. 80/767/EEC² and Council Directive No. 88/295/EEC³, hereby make the following Regulations:

¹ O.J. No. L13/1, 15.1.77.

² O.J. No. L215/1, 18.8.80.

³ O.J. No. L127/1, 20.5.88

1. These Regulations may be cited as the European Communities (Award of Public Supply Contracts) Regulations, 1992.

2. (1) In these Regulations—

"the Council Directive" means Council Directive No. 77/62/EEC, Council Directive No. 80/767/EEC and Council Directive No. 88/295/EEC.

(2) A word or expression that is used in these Regulations and is also used in the Council Directives has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Council Directives.

3. These Regulations shall apply to public supply contracts to which the Council Directives apply.

4. In awarding public supply contracts a Contracting Authority, where appropriate, shall comply with the Council Directives and shall follow the relevant procedures, if any, set out in the said Council Directives.

5. (1) Subject to paragraph (2) of this Regulation, unless such specifications are justified by the subject of the contract, there is hereby prohibited in respect of contracts to which these Regulations apply, the introduction into the contractual clauses relating to a given contract of technical specifications which mention goods of a specific make or source or of a particular process and which, therefore, have the effect of favouring or eliminating certain undertakings or products, in particular, the indication of trade marks, patents, types or of a specific origin or production.