

Chapter 5 – Public Procurement

The public procurement acquis is based on general principles derived from the EU treaties and the jurisprudence of the European Court of Justice, such as transparency, equal treatment, free competition, and non-discrimination. These principles also apply to procurement procedures, including those that fall outside the scope of the EU public procurement directives (e.g., those below the EU public procurement thresholds).

In the European Union, the rules on public procurement are established by the following Directives:

1. **Directive 2014/24/EU** on public procurement;
2. **Directive 2014/25/EU** on procurement by entities operating in the water, energy, transport, and postal services sectors;
3. **Directive 2014/23/EU** on the award of concession contracts;
4. **Directive 2009/81/EC** on the coordination of procedures for awarding certain contracts for works, goods, and services by contracting authorities or entities in the field of defense and security.

The legal framework of the Republic of Moldova regarding public procurement includes the following legal acts:

Law No. 131/2015 on public procurement, which transposes Directive 2014/24/EU of the European Parliament and of the Council of February 26, 2014, on public procurement, and repeals Directive 2004/18/EC (published in the Official Journal of the EU, L 94/65, March 28, 2014), with subsequent amendments, including Commission Regulation (EU) 2017/2365 of December 18, 2017, which amends Directive 2014/24/EU regarding the application thresholds of public contract award procedures, as well as Council Directive 89/665/EEC of December 21, 1989, on the coordination of legal acts and administrative provisions relating to the application of appeal procedures for awarding public contracts for goods and public works (published in the Official Journal of the EU, L 395/33, December 30, 1989);

Law No. 74/2020 on procurement in the energy, water, transport, and postal services sectors, which partially transposes Directive 2014/25/EU of the European Parliament and of the Council of February 26, 2014, on procurement by entities operating in the water, energy, transport, and postal services sectors, and repeals Directive 2004/17/EC (published in the Official Journal of the EU, L 94/243, March 28, 2014), as amended by Commission Regulation (EU) 2017/2364 of December 18, 2017, amending Directive 2014/25/EU regarding the application thresholds for procurement procedures.

In the context of fulfilling commitments under the EU accession process, joint efforts are required to align national practices with EU standards in the field of public procurement.