

# On the impact of the UK withdrawal (Brexit) on public procurement

Published: 12.03.2021.

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The withdrawal of the United Kingdom from the European Union (EU) by 1 January 2021 will also affect the field of public procurement.

Within the framework of future relations between the United Kingdom and the EU on 30 December 2020 the leadership of the European Commission and the European Council and the Prime Minister of the United Kingdom signed a Trade and Cooperation Agreement between the EU and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (hereinafter referred to as the Agreement).

Part Two "Trade, Transport, Fisheries and Other Measures" of the first title "Trade" in section VI "Public Procurement" of the Agreement, lays down the obligations and rights of each party in the field of procurement, including provision of guarantees to suppliers of both parties of possibility to participate in public procurement procedures under this Agreement and the World Trade Organisation's Agreement on Government Procurement (GPA), as well as the widest possible use of electronic means in procurement and the possibility for tenderers to defend their interests.

The European Commission's notice "*Notice to Stakeholders Withdrawal of the United Kingdom and EU Rules in the Field of Public Procurement*" was also adopted on 25 January 2021.

*The EU companies will be able, under the same conditions as the UK companies, to participate in the procurement covered by the Agreement and vice versa.*

The Agreement also provides that EU companies that work in the United Kingdom's market (and vice versa) should not be discriminated in small-value procurement, e.g. below the threshold set by the European Union (from EUR 139,000 /EUR 438,000 for goods and services (depending on the contractor) and EUR 5,350,000 for works).

The thresholds for the EU procurement contracts are not changed. Further on the information on public procurement announced in the United Kingdom above the EU contract price threshold can be obtained and the tenderer can register in the system [Find a Tender](#), while the below-threshold procurement is available on [Contracts Finder](#).

At the same time, as of 1 January 2021 procurement notices from the UK contracting authorities and contracting entities will not be published anymore on the electronic supplement *Tenders Electronic Daily* (TED) of the Official Journal of the EU as the EU rules on public procurement will cease to apply to and in the United Kingdom. Procurement notices in relation to procedures published by 31 December 2020 will still be published on TED as there is an obligation on the UK contracting authorities and contracting entities to still apply the EU law to on-going procedures (i.e. those published by 31 December 2020) and, therefore, an obligation to send their relevant notices (e.g. corrigenda notices, contract award notices, contract modification notices) to TED. More information <https://ted.europa.eu/TED/misc/news.do>.

Article 77 of the withdrawal agreement provides that public procurement procedures continuing after 31 December 2020 shall continue to apply the review procedures provided for in the EU public procurement legislation.

[Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community](#)

[Communication from the European Commission of 25 January 2021 entitled "Notice to Stakeholders Withdrawal of the United Kingdom and EU Rules in the Field of Public Procurement" on the accessibility of the public procurement market and the application of rules in the field of public procurement](#)

[Trade and Cooperation Agreement between the EU and the European Atomic Energy Community, of the one part, and the](#)

[United Kingdom of Great Britain and Northern Ireland, of the other part](#)

- [Questions/Answers on the Agreement](#)

Additional information on the Agreement:

[Website of the European Commission](#) (in the form of a presentation)

[Statements by the European Commission on all areas related to withdrawal](#)

[website of Ministry of Foreign Affairs](#)

<https://www.iub.gov.lv/en/article/impact-uk-withdrawal-brexit-public-procurement>