

GOVERNMENT DECREE

of 11 May 2016

on determination of thresholds and amounts for the purposes of the Act
on Public Procurement

Pursuant to Section 18 (3) a) and Section 25 of Act No. 134/2016 Coll., on Public Procurement, the government hereby decrees the following:

Section 1

Introductory provisions

This government decree implements the relevant legislation of the European Union¹, and, simultaneously, it follows to the directly applicable legislation of the European Union² and regulates

- a) thresholds for determination of above-threshold public contracts,
- b) amounts for the purposes of the possibility to set aside an individual part of the public contract which does not have to be awarded by procedures corresponding to the total estimated value of the public contract.

§Section 2

Threshold for determination of above-threshold public supply contract

(1) Unless stipulated in subsection (2) otherwise, the threshold for determination of an above-threshold public supply contract shall amount to

a) CZK 3,686,000 in respect of the contracting authorities specified in Section 4 (1) a) to c) of the Act on Public Procurement (hereinafter referred to as 'the Act'); this shall not apply to a contracting authority operating in the field of defence in cases listed in subparagraph 1 of paragraph b),

b) CZK 5,706,000 in respect of contracting authorities specified in

1. Section 4 (1) a) to c) of the Act operating in the field of defence, where the subject-matter of the public contract does not cover products listed in the Annex to this Decree,
2. Section 4 (1) d) and e) of the Act,
3. Section 4 (2) of the Act, or
4. Section 4 (5) of the Act.

(2) The threshold for determination of an above-threshold utilities public supply contract or for determination of an above-threshold public supply contract in the fields of defence and security shall amount to CZK 11,413,000.

Section 3

Threshold for determination of above-threshold public service contract

(1) Unless stipulated in subsections (2) to (4) otherwise, the threshold for determination of an above-threshold public service contract shall amount to

a) CZK 3,686,000 in respect of contracting authorities specified in Section 4 (1) a) to c) of the Act,

b) CZK 5,706,000 in respect of contracting authorities specified in

1. Section 4 (1) d) and e) of the Act,
2. Section 4 (2) of the Act, or
3. Section 4 (5) of the Act.

(2) The threshold for determination of an above-threshold public service contract in cases of a utilities public contract or a public contract in the fields of defence and security shall amount to CZK 11,413,000.

(3) The threshold for determination of an above-threshold public contract which is a services concession shall amount to CZK 142,668,000.

(4) The threshold for determination of an above-threshold public service contract being awarded in light regime shall amount to CZK 20,478,000, with the exception of

- a) a utilities public service contract, in which case the threshold shall amount to CZK 27,305,000,
- b) services concession, in which case the threshold shall amount to CZK 142,668,000.

Section 4

Threshold for determination of above-threshold public works contract

Threshold for determination of an above-threshold public works contract shall amount to CZK 142,668,000.

Section 5

The amount for the purposes of the possibility to set aside an individual part of the public contract

The amount for an individual part of the public contract which does not have to be awarded by procedures corresponding to the total estimated value of the public contract pursuant to Section 18 (3) of the Act, shall amount to

- a) CZK 2,184,000 in respect of supplies and services,
- b) CZK 27,305,000 in respect of works.

Section 6

Effect

This decree comes into effect on 1 October 2016.

Prime Minister:
Mgr. Sobotka, manu propria.

Minister of Regional Development:
Ing. Šlechtová, manu propria

Annex

List of products pursuant to Section 2 (1) b) 1.

Chapter 25:	Salt, sulphur, earths and stone, plastering materials, lime and cement
Chapter 26:	Metallic ores, slag and ash
Chapter 27:	Mineral fuels, mineral oils and products of their distillation, bituminous substances, mineral waxes except: 27.10: Special engine fuels
Chapter 28:	Inorganic chemicals, inorganic or organic compounds of precious metals, of rare-earth metals, of radioactive elements and of isotopes except: 28.09: explosives 28.13: explosives 28.14: tear gas 28.28: explosives 28.32: explosives 28.39: explosives 28.50: toxic products 28.51: toxic products 28.54: explosives
Chapter 29:	Organic chemicals except: 29.03: explosives 29.04: explosives 29.07: explosives 29.08: explosives 29.11: explosives 29.12: explosives 29.13: toxic products 29.14: toxic products 29.15: toxic products 29.21: toxic products 29.22: toxic products 29.23: toxic products 29.26: explosives 29.27: toxic products 29.29: explosives
Chapter 30:	Pharmaceutical products
Chapter 31:	Fertilizers
Chapter 32:	Tanning or dyeing extracts, tannins and their derivatives, dyes, colours, paints and varnishes, putty, fillers and stoppings, inks.
Chapter 33:	Essential oils and resinoids, perfumery, cosmetics and toilet preparations
Chapter 34:	Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing or scouring preparations, candles and similar articles, modelling pastes, 'dental waxes'
Chapter 35:	Albuminoidal substances, glues, enzymes
Chapter 37:	Photographic or cinematographic goods
Chapter 38:	Miscellaneous chemical products except: 38.19: toxic products
Chapter 39:	Artificial resins and plastic materials, cellulose ethers and esters, articles thereof, except: 39.03: explosives
Chapter 40:	Rubber, synthetic rubber, factice, and article thereof,

	except: 40.11: bullet-proof tires
Chapter 41:	Raw hides and skins (other than fur skins) and leather
Chapter 42:	Articles of leather, saddlery; and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk-worm gut)
Chapter 43:	Fur skins and artificial fur; manufactures thereof
Chapter 44:	Wood and articles of wood, wood charcoal
Chapter 45:	Cork and articles of cork
Chapter 46:	Manufactures of straw, of esparto and of other plaiting materials, basket ware and wickerwork
Chapter 47:	Paper-making material
Chapter 48:	Paper and paperboard, articles of paper pulp, of paper or of paperboard
Chapter 49:	Printed books, newspapers, pictures and other products of the printing industry, manuscripts, typescripts and plans
Chapter 65:	Headgear and parts thereof
Chapter 66:	Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof
Chapter 67:	Prepared feathers and down and articles made of feathers or of down, artificial flowers, articles of human hair
Chapter 68:	Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials
Chapter 69:	Ceramic products
Chapter 70:	Glass and glassware
Chapter 71:	Pearls, precious and semi-precious stones, precious metals, rolled precious metals and articles thereof, imitation jewellery
Chapter 73:	Iron and steel and articles thereof
Chapter 74:	Copper and articles thereof
Chapter 75:	Nickel and articles thereof
Chapter 76:	Aluminium and articles thereof
Chapter 77:	Magnesium and beryllium and articles thereof
Chapter 78:	Lead and articles thereof
Chapter 79:	Zinc and articles thereof
Chapter 80:	Tin and articles thereof
Chapter 81:	Other base metals employed in metallurgy and articles thereof
Chapter 82:	Tools, implements, cutlery, spoons and forks, of base metal; parts thereof, except: 82.05: tools 82.07: tool parts
Chapter 83:	Miscellaneous articles of base metal
Chapter 84:	Boilers, machinery and mechanical appliances, parts thereof, except: 84.06: engines 84.08: other engines 84.45: machine 84.53: automatic data-processing machines 84.55: parts of machines under heading No 84.53 84.59: nuclear reactors
Chapter 85:	Electrical machinery and equipment and parts thereof except: 85.13: telecommunication equipment 85.15: transmission apparatus
Chapter 86:	Railway or tramway locomotives, rolling-stock and parts

	thereof, railway or tramway track fixtures and fittings, traffic signalling equipment of all kinds (not electrically powered), except: 86.02: armored locomotives, electric 86.03: other armored locomotives 86.05: armored wagons 86.06: repair wagons 86.07: wagons
Chapter 87:	Vehicles, other than railway or tramway rolling-stock, and parts thereof, except: 87.08: tanks and other armored vehicles 87.01: tractors 87.02: military vehicles 87.03: breakdown lorries 87.09: motorcycles 87.14: trailers
Chapter 89:	Ships, boats and floating structures, except: 89.01 A: warships
Chapter 90:	Optical, photographic, cinematographic, measuring, checking, precision, medical or surgical instruments and apparatus, parts thereof, except: 90.05: Binoculars 90.13: miscellaneous instruments, lasers 90.14: telemetres 90.28: electrical and electronic measuring instruments 90.11: microscopes 90.17: medical instruments 90.18: mechano-therapy devices 90.19: orthopedic appliances 90.20: X-ray apparatus
Chapter 91:	Watches and clocks
Chapter 92:	Musical instruments, sound recorders or reproducers, television image and sound recorders or reproducers, parts and accessories of such articles
Chapter 94:	Furniture and parts thereof, bedding, mattresses, mattress supports, cushions and similar stuffed furnishings, except: 94.01 A: aircraft seats
Chapter 95:	Articles and manufactures of carving or moulding material
Chapter 96:	Brooms, brushes, powder-puffs and sieves
Chapter 98:	Miscellaneous manufactured articles

¹⁾Article 4 and 13 of Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/

Article 15 of 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

Article 8 of Directive 2014/23/EU of the European Parliament and of the Council of 26 February on the award of concession contracts.

Article 8 of Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC

Communication from the Commission – Corresponding values of the thresholds of Directives 2014/23/EU, 2014/24/EU a 2014/25/EU of the European Parliament and of the Council.

Communication from the Commission – Corresponding values of the thresholds of Directives 2004/17/ES, 2004/18/ES a 2009/81/EU of the European Parliament and of the Council.

²⁾Commission delegated regulation (EU) 2015/2170 of 24 November 2015, amending Directive 2014/24/EU of the European Parliament and of the Council in respect of the application thresholds for the procedures for the award of contracts

Commission delegated regulation (EU) 2015/2171 of 24 November 2015, amending Directive 2014/25/EU of the European Parliament and of the Council in respect of the application thresholds for the procedures for the award of contracts.

Commission delegated regulation (EU) 2015/2172 of 24 November 2015, amending Directive 2014/23/EU of the European Parliament and of the Council in respect of the application thresholds for the procedures for the award of contracts.

Commission delegated regulation (EU) 2015/2340 of 15 December 2015, amending Directive 2009/81/EC of EU of the European Parliament and of the Council in respect of the application thresholds for the procedures for the award of contracts.