



Newsflash

Belgian parliament adopts law regarding concession contracts

Transposition of directive 2014/23/EU

On 26 May 2016, the Belgian parliament adopted a new law regarding concession contracts. This law transposes the EU directive 2014/23/EU into national law.

The law applies to concession agreements, regardless of whether they relate to works or services or a mixture of both works and services. However, the law does exclude a number of concession contracts from its scope of application, particularly a number of specific services and concessions in the water sector.

The law determines the general rules applicable to awarding all concession contracts. The contracting authority may choose the award procedure, while respecting the general rules set forth by this law.

This law quickly follows the Belgian parliament's adoption of the new law on public procurement on 12 May 2016 (More information can be found [here](#)).

Whether the law on concession contracts or the law on public procurement is applicable will be determined by whether or not an awarded contract includes a risk of exploitation.

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