

# Scottish Procurement Policy Note: SPPN 4/2022

**09 August 2022**

## **Public Procurement - Changes to Scottish procurement legislation to give effect to the Free Trade Agreement between the UK and Iceland, Liechtenstein & Norway**

### **Purpose**

The purpose of this Scottish Procurement Policy Note (SPPN) is to inform of changes to procurement legislation that have arisen from the passing of The Public Procurement (International Trade Agreements) (Amendment) Regulations 2022 (“the ITA Regulations 2022”).

### **Key points**

The key points are:

- the ITA Regulations 2022 have amended Scottish procurement legislation to implement obligations under the Free Trade Agreement between the UK and Iceland, Liechtenstein & Norway (“EFTA”)
- changes to the Scottish Regulations made by the ITA Regulations 2022 do not require a change to the way that procurement exercises are currently undertaken

### **Background**

The UK was previously bound by the procurement obligations applicable under EEA EFTA through its European Union membership.

The UK signed the EFTA agreement on 8 July 2021 as a party in its own right.

The ITA Regulations 2022 came into force on 27 June 2022 and updated the UK's procurement regulations, including Scottish regulations, to give effect to the procurement obligations within the EFTA agreement.

## **Summary of amendments**

The amendments under the ITA Regulations 2022 will give effect to the obligations contained within the procurement chapters of the EEA EFTA agreement. They specifically amend the Public Contracts (Scotland) Regulations 2015, the Utilities Contracts (Scotland) Regulations 2016 and the Concession Contracts (Scotland) Regulations 2016.

The effect of the agreement means that Scottish public bodies cannot give less favourable treatment to suppliers of the EFTA member countries. The same applies to public bodies of the EFTA member countries and Scottish suppliers.

The changes are largely technical in nature and do not impact on procurement procedures which remain fundamentally unchanged.

The coverage afforded under this agreement is largely similar to the previous EFTA agreement the UK was party to as a member of the European Union, with some exceptions including in respect of health services.

## **Dissemination**

Please bring this SPPN to the attention of all relevant staff, including those agencies, non-departmental public bodies and other sponsored public bodies within your area of responsibility.

## **Contact**

If you have any questions about this SPPN, please contact us at [scottishprocurement@gov.scot](mailto:scottishprocurement@gov.scot).