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**Procurement Policy Note – Public Procurement after the Transition Period ends on 31 December 2020**

Information Note PPN 10/20

**Issue**

1. This Procurement Policy Note (PPN) provides information on how the public procurement regulations will be affected after the end of the Transition Period on 31 December 2020.

**Dissemination and Scope**

1. This PPN applies to all contracting authorities that come within the scope of the Public Contracts Regulations 2015, Utilities Contracts Regulations 2016 and Concession Contracts Regulations 2016 including Central Government Departments, Executive Agencies, Non-Departmental Public Bodies, wider public sector, local authority and NHS bodies, and utilities. Together, these are referred to in this PPN as ‘contracting authorities’. Please circulate this PPN within and to relevant organisations that you are responsible for, drawing it to the specific attention of those with a purchasing role.  
    **Timing**
2. Contracting authorities should be aware that the changes detailed in this PPN will apply from 23:00 on 31 December 2020.

**Action**

1. For contracting authorities to act as necessary on the changes to public procurement after the Transition Period ends. The Minister for the Cabinet Office has made a draft Statutory Instrument (SI) that fixes deficiencies in the public procurement regulations that are caused by the UK leaving the EU, and also implements the Withdrawal Agreement between the EU and the UK (which includes the Northern Ireland Protocol), the [EEA Separation Agreement](https://www.gov.uk/government/publications/eea-efta-separation-agreement-and-explainer) and the Swiss Citizens’ Rights Agreement. The SI replaces the [no-deal SI](https://www.legislation.gov.uk/uksi/2019/560/regulation/1/made) laid previously and [amended](https://www.legislation.gov.uk/uksi/2019/623/regulation/1/made). The SI can be viewed at the [Statutory Instrument pages on gov.uk](https://www.legislation.gov.uk/ukdsi/2020/9780348212952)\*.

1. The main change to the existing public procurement regulatory regime is that from 23:00 on 31 December 2020, new UK public procurement opportunities will need to be published on the UK e-notification service called Find a Tender service (FTS). The FTS means new UK opportunities will no longer be sent to the Official Journal of the European Union (OJEU) or Tenders Electronic Daily (TED).
2. However, for procurements that have been advertised in OJEU before 23:00 on 31 December, then any subsequent notices, such as award notices, will continue to be sent to OJEU for publication. See Annex A FAQ.

**Further Information**

1. Defence and security procurement is dealt with separately in the Defence and Security Public Contracts Regulations 2011, and will be similarly amended by a separate statutory instrument.
2. It is anticipated that the UK will accede to the World Trade Organisation Agreement on Government Procurement (GPA), as an independent member on 1 January 2021.
3. The UK has negotiated a number of international trade agreements with non-EU countries which largely replicate the UK's existing rights and obligations with those countries in respect of public procurement. Many of these will come into force on 1 January 2021.  For further information, see the Department for International Trade’s Transition guidance on [GOV.UK](https://www.gov.uk/government/collections/the-uks-trade-agreements).
4. The Government is considering further reforms to the public procurement regulations and will provide more information shortly.
5. For further information about the UK’s new e-notification scheme - Find a Tender, please see [PPN 08/20](https://www.gov.uk/government/publications/procurement-policy-note-0820-introduction-of-find-a-tender).

**Contact**

1. Enquiries about this PPN should be directed to the Crown Commercial Service Helpdesk on 0345 410 2222 or info@crowncommercial.gov.uk.