



What does Brexit mean for the Public Contracts Regulations 2015, Utilities Contracts Regulations 2016 and Concession Contracts Regulations 2016?

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The UK Government has three main options in respect of the future of public and utilities procurement following Brexit.

1. Bespoke Free Trade Agreement

The Government has confirmed its intention to agree a bespoke free trade agreement with the EU. However, some commentators think this will be difficult to achieve in the two year negotiation period following the triggering of Article 50 on 29 March. The negotiation of a free trade agreement with the UK is likely to lead to minimal changes to current procurement rules, as the EU generally only permits access to the European Union market on the basis of procurement rules very similar to its own.

2. World Trade Organisation membership

If a bespoke free trade agreement cannot be agreed, it is likely that the UK will fall back on its membership of the World Trade Organisation and the Government Procurement Agreement (GPA), which requires more limited procurement regulation than the current regime. However, the UK is only a member of the GPA through the EU and it may have to negotiate its own accession following Brexit.

3. Going it alone

The third option available to the UK is to go it alone and re-write the rulebook on procurement. This option appears to be unlikely as the UK has previously gone above and beyond the requirements of the EU Procurement Directives.

The future is therefore unknown however, for the next two years at least, it is very much business as usual for public and utilities procurement.



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