

ACT

of 31 May 2008,

**modifying and amending Act No. 25/2006 Coll. on public procurement
and on the modification and amendment of certain acts, as amended,
and on the modification and amendment of certain acts**

The National Council of the Slovak Republic has resolved the following Act:

Section I

Act No. 25/2006 Coll. on public procurement and on the modification and amendment of certain acts, as amended by Act No. 282/2006 Coll. and Act No. 102/2007 Coll. shall be modified and amended as follows:

1. Article 1 (2) (a) shall read:

“a) a contract where the main purpose is to enable a contracting authority to provide or operate a public telecommunications network or to provide one or several public telecommunications services.”.

2. Article 1 (2) (b) shall read:

“b) a contract, the subject of which is formed by classified information or, where its performance must be accompanied by special safety measures in accordance with law or, where the protection of the security interests of the Slovak Republic so requires,”.

3. In Article 1 (2), letter (u) shall be deleted, including the footnote to reference 6a.

4. In Article 1 (3) (a), the comma at the paragraph end shall be deleted and the following text inserted: “and expert activities of a natural person or a legal entity for the purpose of state expert opinions under a special regulation,^{6aa)}”.

The footnote to reference 6aa shall read:

^{6aa)} Article 10 (5) of Act No. 254/1998 Coll. on public works, as amended by Act No. 260/2007 Coll.”.

5. Article 1 shall be extended by paragraph 4 which, including the footnote to reference 6a, shall read:

“(4) This Act does not apply to healthcare contracts concluded by a health insurance agency with health care providers under a special regulation.^{6a)}”.

The footnote to reference 6a shall read:

^{6a)} Article 7 (1) to (3) of Act No. 581/2004 on health insurance agencies, the supervision of health care and on the modification and amendment of certain acts, as amended.”.

6. In Article 4 (2) (a) and (c), the amount “EUR 154 000” shall be replaced by the amount “EUR 133 000”.

7. In Article 4 (3), the amount “SKK 2 000 000” shall be replaced by the amount “EUR 60 000” and the amount “SKK 12 000 000” shall be replaced by the amount “EUR 360 000”.

8. In Article 4 (4), the amount “SKK 1 000 000” shall be replaced by the amount “EUR 30 000” and the amount “SKK 4 000 000” shall be replaced by the amount “EUR 120 000”.

9. In Article 6 (2) (a), the word “or” shall be followed by the insertion “for the most part”.

10. In Article 7 (a) (2.), the amount “EUR 154 000” shall be replaced by the amount “EUR 206 000”.

11. In Article 7 (b), the amount “SKK 4 000 000” shall be replaced by the amount “EUR 120 000” and the amount “SKK 1 000 000” shall be replaced by the amount “EUR 30 000”.

12. In Article 8 (1) (b), the expression “the contracting entity pursuant to (a)” shall be replaced throughout the provision’s text by the expression “a contracting authority”.

13. In Article 18 (2), the word “encryption” shall be followed by the insertion “and encoding”.

14. In Article 18 (3), the expression “available in the electronic form” shall be replaced by the expression “issued in the electronic form”, and the expression “in writing” shall be replaced by the expression “in the documentary form”.

15. Article 25 (2) shall read as follows:

“(2) When awarding contracts for services listed in Annex 3 where

a) the estimated value of contract awarded by a contracting authority and a contracting entity equals to or exceeds SKK 200 000 000 and from the day of adoption of the euro currency in the Slovak Republic equals to or exceeds EUR 6 000 000, procedures for the award of contracts below the limit shall be applied; the contracting authority and contracting entity shall send a contract award notice to the Publications Office and the Office pursuant to Article 22 and Article 23,

b) the estimated value of contract awarded by a contracting authority is lower than the financial limit referred to in (a) and, at the same time, equals to or exceeds the financial limit referred to in Article 4 (2) (e), procedures for the award of contracts below the threshold shall be applied; the contracting authority shall determine the technical conditions pursuant to Article 34 and send the contract award notice to the Publications Office and the Office pursuant to Article 22 and Article 23,

c) the estimated value of contract awarded by a contracting entity is lower than the financial limit referred to in (a) and, at the same time, equals to or exceeds the financial limit referred to in Article 4 (2) (f), procedures for the award of contracts below the threshold shall be applied; the contracting entity shall determine the technical conditions pursuant to Article 34 and send the contract award notice to the Publications Office and the Office pursuant to Article 22 and Article 23.”.

16. In Article 26 (1) (a), the word “or” shall be replaced by a comma and the following expression shall be attached at its end: “or for the offence of establishing, plotting or supporting a terrorist group”.

17. In Article 26 (1), letter (g) shall be deleted. The existing letter (h) shall be renamed into letter (g).

18. Article 26 (1) (g) shall read:

“g) he has not been proven any grave professional misconduct over the preceding three years, which the contracting authority and contracting entity is able to prove.”.

19. In Article 26 (2) (b), the following expression is attached at its end: “not older than three months”.

20. In Article 26 (2), letter (f) shall be deleted.

21. Article 26 shall be extended by paragraphs 5 to 7 which, including the footnotes to references 9a and 9b shall read as follows:

“(5) For the purpose of this Act, grave professional misconduct shall mean in particular participation in an agreement restricting competition^{9a)} in public procurement and other a grave violation of law or a grave violation of obligations from a contract which can be proven by a final decision of the competent public authority. The period pursuant to paragraph 1(g) shall begin on the day on which the decision has become final.

(6) For the purpose of this Act, final decision of a competent public authority shall mean

a) a valid decision of a competent administration authority against which action cannot be lodged,

b) a valid decision of a competent administration authority against which no action has been lodged,

c) a valid decision of a court by which an action against a decision or a procedure by an administration authority has been rejected or proceedings discontinued or,

d) any other valid court judgement.

(7) The condition of participation concerning personal status pursuant to paragraph 1 (g) is also met by the one who has not been imposed a fine or who has been imposed a lower fine pursuant to a special regulation.^{9b)}”.

The footnotes to references 9a and 9b shall read:

^{9a)} Article 4 (3) (f) of Act No. 136/2001 Coll. on the protection of competition and on the modification and amendment of Act of the Slovak National Council No. 347/1990 Coll. on the structure of ministries and other central state administration authorities of the Slovak Republic, as amended, as amended by Act No. 465/2002 Coll.

^{9b)} Article 38 (11) and (12) of Act No. 136/2001 Coll., as amended.”.

22. In Article 28 (1) (a) (1.) and (b) (1.), the expression “other contracting authority” shall be replaced by the expression “this contracting authority”.

23. Article 35 shall be extended by paragraph 7 which reads:

“(7) The requirements intended to demonstrate the financial and economic standing and the technical or professional ability of a tenderer or candidate must not be a criterion for the evaluation of tenders either.”.

24. In Article 36 (1), last sentence, the following expression is attached at its end: “and from the day of adoption of the euro currency in the Slovak Republic must not exceed EUR 300 000”.

25. In Article 39, paragraphs 3 to 5 shall read:

“(3) An electronic tender must be submitted in the notified formats for document encryption and encoding and in communication formats. The content of a tender may be made available only upon the expiry of the tender submission period.

(4) A tender submitted upon the expiry of the tender submission period shall

a) be returned to the tenderer unopened if delivered in the documentary form,

b) not be made available if submitted in the electronic form.

(5) A tenderer may submit one tender only. In the same contract award procedure, a tenderer must not be a member of a supplier group submitting a tender. A contracting authority and contracting entity shall eliminate a tender submitted by a tenderer who is at the same time a member of a group of suppliers.”.

26. In Article 41, new paragraph 2 shall be inserted after paragraph 1, which reads:

“(2) If a tender is submitted by electronic means, opening of tenders shall mean making the tender available to the commission. Contracting authority and contracting entity shall exclude a tenderer failing to comply with the procedures pursuant to Article 39 (3) and the content of his tender cannot be made available.”.

Previous paragraph 2 shall be marked as paragraph 3.

27. In Article 42 (2), the last sentence shall read: “An explanation of a tender cannot lead to its change. Elimination of obvious misspellings and miscalculations shall not be considered a change of tender.”.

28. Article 42 (4) shall read as follows:

“(4) The commission shall take into consideration the explanation of tender or of the unusually low price and proofs provided by the tenderer .

The commission shall exclude a tender where

a) the tenderer fails to submit an explanation in writing within three working days from the day of the delivery of the request for explanation, unless the commission has determined a longer period or,

b) the explanation submitted fails to comply with the requirement pursuant to paragraph 2 or paragraph 3.”.

29. In footnote to reference 13, the following quotation is added:

“Article 4 (1) (d) and Article 6 (c) of Act No. 387/2002 Coll. on the governing of state in crises, outside wartime and war condition.”.

30. Article 91 shall be extended by paragraph 4 which reads:

“(4) Contracting authority may reserve the right to participate to candidates only with the status of a sheltered workshop or sheltered workplace.”.

31. In Article 97 (1), the amount “SKK 12 000 000” shall be replaced by the amount “EUR 360 000”.
32. In Article 98 (1), the amount “SKK 12 000 000” shall be replaced by the amount “EUR 360 000”.
33. Article 99 (3) shall read as follows:
“(3) The contracting authority shall publish the call for the submission of tenders on its web site. After such publication, the call for the submission of tenders must be sent to at least three selected candidates.”
34. In Article 104 (2) (a), the amount “EUR 154 000” shall be replaced by the amount “EUR 133 000”.
35. In Article 112, new letters (n) and (o) shall be inserted after letter (m), which read as follows:
“n) publish on its web site notices pursuant to Article 58 (2) and Article 88 (2),
o) publish on its web site information about entrepreneurs whose acting has been finally decided upon as an agreement restricting competition^{sa}) in public procurement, in cooperation with the Antimonopoly Office of the Slovak Republic,”. The existing letter (n) shall be marked as letter (p).
36. Article 113 shall be extended by paragraph 3 which reads:
“(3) The Office shall issue the Journal in the documentary form and in the electronic form. The issuer shall ensure compliance between the documentary form and the electronic form of the Journal. Where the two versions differs from one another, the documentary form of the Journal shall be binding.”.
37. In Article 125, paragraph 2 shall be extended by letter h) which reads:
“h) failed to participate in re-examination upon a call of the Office in writing without any justification.”.
38. In Article 127 (1), the last sentence shall read: “A professionally suitable person shall be obliged to participate in re-training and re-examination if invited by the Office to do so.”.
39. In Article 130 (3), the following expression is attached at its end: “paragraph 1”.
40. In Article 132 (3), the following expression is attached at its end: “and meets the conditions of participation in public procurement pursuant to Article 26 (1)”.
41. In Article 134 (2) (a), the following expression is attached at its end: “paragraph 1”.
42. In Article 136 (5), the last sentence shall read: “The right to file protests pursuant to Article 138 shall extinct where the request for remedy has not been delivered to the contracting authority, the contracting entity or the person pursuant to Article 7 within the time limit set out in paragraph 3.”.
43. Article 138 (8) shall read as follows:
“(8) The Supervised shall be obliged to deliver the Office a statement in writing regarding the protests lodged, stating the estimated contract value and complete original documentation within two working days from the date of delivery of the protests. In case of electronic communication, the delivery of complete original documentation to the Office shall mean making available the electronic form of documentation by means of instruments and equipment used for electronic communication. Where the Supervised fails to deliver the Office a statement in writing regarding the protests lodged, stating the estimated contract value and complete original documentation within the indicated time limit, the Office shall issue a decision about suspension of the protest action, in which the Supervised would be instructed to deliver the Office a statement in writing regarding the protests lodged, stating the estimated contract price and complete original documentation within an additional time limit set out by the Office. The protest action shall remain suspended until obstacles have been removed for which the proceedings were suspended. From the issuance of a decision to suspend the protest proceedings till the delivery of a statement in writing and complete original documentation, the time limit pursuant to Article 139 (5) shall not continue. The Supervised may consult the complete original documentation delivered to the Office for the purpose of performing his obligations in applying the review procedures.”.
44. In Article 138, new paragraph 12 shall be inserted after paragraph 11, which reads:

“(12) The suspension effect of protests on acting of the Supervised pursuant to paragraph 10 or paragraph 11 shall not have any effect on the obligations of the Supervised in applying the review procedures pursuant to this Act.”.

Previous paragraphs 12 to 18 shall be marked as paragraphs 13 to 19.

45. In Article 138 (17) (a), the amount “SKK 60 000” shall be replaced by the amount “EUR 1 800”, the amount “SKK 250 000” shall be replaced by the amount “EUR 7 500”, the amount “SKK 20 000” shall be replaced by the amount “EUR 600” and the amount “SKK 120 000” shall be replaced by the amount “EUR 3 600”.

46. In Article 138 (17) (b), the amount “EUR 20 000 000” shall be replaced by the amount “EUR 600 000”.

47. Article 138 (18) shall read as follows:

“(18) The bail shall be a state budget revenue by the date of the Office decision validity, by which the proponent's protests have been rejected, otherwise the Office shall return the bail not later than 30 days from the decision validity.”.

48. In Article 138, paragraph 19 shall be deleted.

49. In Article 139, paragraph 2 shall be extended by letter f) which reads:

“f) cancel a decision concerning the evaluation result of meeting the conditions of participation and, if necessary, also a decision of the Supervised to exclude a tenderer, candidate or participant, a decision of the Supervised concerning the selection of candidates or participants or a decision of the Supervised concerning the result of tender or design evaluation and, at the same time, order to re-evaluate the meeting of conditions of participation.”.

50. Article 139 (5) shall read as follows:

“(5) The Office shall decide on the protests pursuant to

a) paragraph 1 (a) to (c) and (e) to (g) within 14 days from the date of the protests delivery to the Office,

b) paragraph 1 (d) immediately,

c) paragraphs 2 to 4 within 30 days from the protests delivery to the Office.”.

51. Article 140 (1) shall read as follows:

“(1) Protests cannot be lodged

a) in the event of a contract award below the threshold except protests pursuant to Article 137 (2) (b),

b) in the event of awarding a small-value contract,

b) against the course of electronic auction and its automated evaluation of tenders.”.

52. In Article 140 (3), the word “delivery” shall be followed by the inserted expression “to the parties of the action”.

53. In Article 146, new paragraph 2 shall be inserted after paragraph 2, which reads:

“(3) Where the Office has issued a decision of preliminary ruling pursuant to Article 138 (11) during audit pursuant to paragraph 1 and has not followed Article 139, the Office shall cancel the decision of preliminary ruling.”.

Previous paragraphs 3 and 4 shall be marked as paragraphs 4 and 5.

54. In Article 147 (1), the full stop at its end shall be replaced by a semicolon and the following expression shall be added:

“this shall be without prejudice to the powers of the Office and other supervisory bodies.”.

55. In Article 149, the amounts “SKK 500 000” shall be replaced by the amounts “EUR 15 000” and the amount “SKK 10 000” shall be replaced by the amount “EUR 300”.

56. In Article 149 (4), the following sentence shall be added at the end: “The day on which the Office was made available the information on a law violation shall be considered the day on which the audit report was discussed.”.

57. Article 152 including its heading shall read:

„Article 152
Procedure in Assessing Activity pursuant to Article 8 (3) to (9)

(1) In the event there is a reasoned assumption that some of the activities set out in Article 8 (3) to (9) is directly exposed to competition on the market without a restricted access, the state administration authority having subject-matter jurisdiction, by means of the Office, or the contracting entity may file a request to the European Commission to decide on the matter.

(2) The request to decide pursuant to paragraph 1 must feature the prescribed elements²⁶⁾ and include all substantial facts concerning in particular legal regulations, decisions of administration authorities or agreements relating to the assessment whether the respective activity set out in Article 8 (3) to (9) is directly subject to competition on the market without restricted access.

(3) In the event of a request by a contracting entity pursuing any of the activities listed in Article 8 (3) to (9) or, in the event of a European Commission's request, the state administration authority having subject-matter jurisdiction shall be obliged to assess if there is a reasoned assumption pursuant to paragraph 1 for such activity.

(4) Where the request to decide is filed by a contracting entity, a copy of the request shall be sent both to the Office and to the state administration authority having subject-matter jurisdiction by the contracting entity.

(5) The contracting entity shall not follow this Act when awarding a contract relating to an activity pursuant to Article 8 (3) to (9) from the date of efficiency of the decision of the European Commission following which the activity pursuant to Article 8 (3) to (9) has been excluded from the scope of this Act or from the date following the expiry of the time limit set out to issue such decision where the European Commission failed to decide within the time limit.”.

The footnote to reference 26 shall read:

²⁶⁾ Commission Decision No. 2005/15/EC of 7 January 2005 on the detailed rules for the application of the procedure provided for in Article 30 of Directive 2004/17/EC of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (Official Journal of the EU, 11 January 2005, p. 7).”.

58. In Article 153, the expression “Article 130” shall be followed by the insertion “Article 132 (3),”.

59. After Article 155, Article 155a shall be inserted, which including its heading reads:

“Article 155a
Temporary provisions in force from 1 July 2008

(1) Open procedure, restricted procedure, negotiated procedure with a publication, competitive dialogue, design contest or concession called for by 30 June 2008 shall be completed pursuant to previous regulations.

(2) Negotiated procedure without a publication which demonstrably started by 30 June 2008 shall be completed pursuant to previous regulations.

(3) Proceedings started by the Office by 30 June 2008 shall continue pursuant to previous regulations.

(4) Proceedings started by the Office after 1 July 2008 which relate to public procurement pursuant to paragraphs 1 and 2 shall continue pursuant to previous regulations.

(5) Previous provisions concerning grave professional misconduct shall be used for cases committed by tenderers before 1 July 2008.”.

60. The amount “EUR 236 000” shall be replaced by the amount “EUR 206 000” throughout the text of the Act.

61. The amount “EUR 473 000” shall be replaced by the amount “EUR 412 000” throughout the text of the Act.

62. The amount “EUR 5 923 000” shall be replaced by the amount “EUR 5 150 000” throughout the text of the Act.

63. The table and text in Annex 1 shall be replaced by the table and text which read:

“CONSTRUCTION WORKS (DIVISION 45 OF THE PROCUREMENT VOCABULARY)

SECTION F			NACE ¹		CPV Code
Division	Group	Class	Subject	Notes	
45			Construction	This division includes construction of new buildings and engineering structures, restoring and common repairs	45000000
	45.1		Site preparation		45100000
		45.11	Demolition and wrecking of buildings; earthmoving work	<p>This class includes</p> <ul style="list-style-type: none"> - demolition of buildings and other structures - clearing of building sites - earth moving; excavation, landfill, levelling and grading of construction sites, trench digging, rock removal, blasting, etc. - site preparation for mining: - overburden removal and other development and preparation of mineral properties and sites <p>This class also includes</p> <ul style="list-style-type: none"> - building site drainage - drainage of agricultural or forestry land 	45110000
		45.12	Test drilling and boring	<p>This class includes</p> <ul style="list-style-type: none"> - test drilling, test boring and core sampling for construction, geophysical, geological or similar purposes <p>This class excludes</p> <ul style="list-style-type: none"> - drilling of production oil or gas wells, see 11.20 - water well drilling, see 45.25 - shaft sinking, see 45.25 - oil and gas field exploration, geophysical, geological and seismic surveying, see 74.20 	45120000

¹ In the event of any difference in the CPV and NACE interpretations, the NACE nomenclature shall prevail.

	45.2		Building of complete constructions or parts thereof; civil engineering		45200000
		45.21	General construction of buildings and civil engineering works	<p>This class includes</p> <ul style="list-style-type: none"> - construction of all types of buildings, construction of civil engineering constructions - bridges, including those for elevated highways, viaducts, tunnels and subways - long-distance pipelines, communication and power lines - urban pipelines, urban communication and power lines - ancillary urban works - assembly and erection of prefabricated constructions on the site <p>This class excludes</p> <ul style="list-style-type: none"> - service activities incidental to oil and gas extraction, see 11.20 - erection of complete prefabricated constructions from self-manufactured parts not of concrete, see divisions 20, 26 and 28 - construction work, other than buildings, for stadiums, swimming pools, gymnasiums, tennis courts, golf courses and other sports installations, see 45.23 - building installation, see 45.3 - building completion, see 45.4 - architectural and engineering activities, see 74.20 - project management for construction, see 74.20 	45210000 except - 45213361 45220000 45231000 45232000
		45.22	Erection of roof covering and frames	<p>This class includes</p> <ul style="list-style-type: none"> - erection of roofs - roof covering - waterproofing 	45261000
		45.23	Construction of highways, roads, airfields and sports facilities	<p>This class includes</p> <ul style="list-style-type: none"> - construction of highways, streets, roads, other vehicular and pedestrian ways - construction of railways - construction of airfield runways - construction work, other than buildings, for stadiums, swimming pools, gymnasiums, tennis courts, golf courses and other sports installations - painting of markings on road surfaces and car parks 	45212212 and DA03 except -45231000 - 45232000 - 45234115

				<p>This class excludes</p> <ul style="list-style-type: none"> - preliminary earth moving, see 45.11 	
		45.24	Construction of water projects	<p>This class includes construction of:</p> <ul style="list-style-type: none"> - waterways, harbour and river works, pleasure ports (marinas), locks, etc. - dams and dykes - dredging - subsurface work 	45240000
		45.25	Other construction work involving special trades	<p>This class includes</p> <ul style="list-style-type: none"> - construction activities specialising in one aspect common to different kinds of structures, requiring specialised skill or equipment: <ul style="list-style-type: none"> - construction of foundations, including pile driving - water well drilling and construction, shaft sinking - erection of non-self-manufactured steel elements - steel bending - bricklaying and stone setting - scaffolds and work platform erecting and dismantling, including renting of scaffolds and work platforms - erection of chimneys and industrial ovens <p>This class excludes</p> <ul style="list-style-type: none"> - renting of scaffolds without erection and dismantling, see 71.32 	45250000 45262000
	45.3		Building installation		45300000
		45.31	Installation of electrical wiring and fittings	<p>This class includes</p> <ul style="list-style-type: none"> - installation in buildings or other construction projects of: <ul style="list-style-type: none"> - electrical wiring and fittings - telecommunications systems - electrical heating systems - residential antennas and aerials - fire alarms - burglar alarm systems - lifts and escalators 	45213316 45310000 except -45316000

				- lightning conductors, etc.	
		45.32	Insulation work activities	<p>This class includes</p> <ul style="list-style-type: none"> - installation in buildings or other construction projects of thermal, sound or vibration insulation <p>This class excludes</p> <ul style="list-style-type: none"> - waterproofing, see 45.22 	45320000
		45.33	Plumbing	<p>This class includes</p> <ul style="list-style-type: none"> - installation in buildings or other construction projects of: <ul style="list-style-type: none"> - plumbing and sanitary equipment - gas fittings - heating, ventilation, refrigeration or air-conditioning equipment and ducts - sprinkler systems <p>This class excludes</p> <ul style="list-style-type: none"> - installation of electrical heating systems, see 45.31 	45330000
		45.34	Other building installation	<p>This class includes</p> <ul style="list-style-type: none"> - installation of illumination and signalling systems for roads, railways, airports and harbours - installation in buildings or other construction projects of fittings and fixtures n.e.c. 	45234115 45316000 45340000
	45.4		Building completion		45400000
		45.41	Plastering	<p>This class includes</p> <ul style="list-style-type: none"> - application in buildings or other construction projects of interior and exterior plaster or stucco, including related lathing materials 	45410000
		45.42	Joinery installation	<p>This class includes</p> <ul style="list-style-type: none"> - installation of non self-manufactured doors, windows, door and window frames, fitted kitchens, staircases, shop fittings and the like, of wood or other materials 	45420000

				<ul style="list-style-type: none"> - interior completion such as ceilings, wooden wall coverings, movable partitions, etc. <p>This class excludes</p> <ul style="list-style-type: none"> - laying of parquet and other wood floor coverings, see 45.43 	
		45.43	Floor and wall covering	<p>This class includes</p> <ul style="list-style-type: none"> - laying, tiling, hanging or fitting in buildings or other construction projects of: <ul style="list-style-type: none"> - ceramic, concrete or cut stone wall or floor tiles - parquet and other wood floor coverings - carpets and linoleum floor coverings, including of rubber or plastic - terrazzo, marble, granite or slate floor or wall coverings - wallpaper 	45430000
		45.44	Painting and glazing	<p>This class includes</p> <ul style="list-style-type: none"> - interior and exterior painting of buildings - painting of civil engineering structures - installation of glass, mirrors, etc. <p>This class excludes</p> <ul style="list-style-type: none"> - installation of windows, see 45.42 	45440000
		45.45	Other building completion	<p>This class includes</p> <ul style="list-style-type: none"> - installation of private swimming pools - steam cleaning, sand blasting and similar activities for building exteriors - other building completion and finishing work n.e.c. <p>This class excludes</p> <ul style="list-style-type: none"> - interior cleaning of buildings and other structures, see 74.70 	45212212 and DA04 45450000
	45.5		Renting of construction of demolition equipment with operator		45500000
		45.50	Renting of construction of demolition equipment with	<p>This class excludes</p> <ul style="list-style-type: none"> - renting of construction or demolition machinery and equipment without 	4550000

		operator	operators, see 71.32	
1) Council Regulation (EEC) No 3037/90 of 9 October 1990 on the statistical classification of economic activities in the European Community (OJ EC L 293, 24.10.1990, p. 1). Last amended by Commission Regulation (EEC) No 761/93 of 24 March 1993 (OJ EC L 83, 3.4.1993, p. 1).				

64. In Annex 02, the table and text shall be replaced by the table and text which read:

“PRIORITY SERVICES

Category No.	Subject	CPC ² reference No.	CPV reference No.
1	Maintenance and repair services	6112, 6122, 633, 886	From 50100000-6 to 50884000-5 (except 50310000-10 to 50324200-4 and 50116510-9, 50190000-3, 50229000-6, 50243000-0) and from 51000000-9 to 51900000-1
2	Land transport ² services including armoured car services, and courier services, except transport of mail	712 (except 71235), 7512, 87304	From 60100000-9 to 60183000-4 (except 601160000-7, 60161000-4, 60122200-6) and from 64120000-3 to 64121200-2
3	Air transport services of passengers and freight, except transport of mail	73 (except 7321)	From 60410000-5 to 60424120-3, (except 60411000-2, 60421000-5) and 60500000-3 from 60440000-4 to 60445000-9
4	Transport of mail ² by land and air	71235, 7321	60160000-7, 60161000-4, 60411000-2, 60421000-5
5	Telecommunication services	752	From 64200000-8 to 64228200-2, 72318000-7 and from 7270000-7 to 72722000-3
6	Financial services a) Insurance services b) Banking and investment services ³	ex 81, 812, 814	From 66100000-1 to 66720000-3 ³
7	Computer and related services	84	From 50310000-1 to 50324200-4 from 72000000-5 to 72920000-5

			(except 72318000-7 and from 72700000-7 to 72720000-3), 79342410-4
8	Research and development ⁴	85	From 73000000-2 to 73436000-7 (except 73200000-4, 73210000-7, 7322000-0)
9	Accounting, audit and bookkeeping services	862	From 79210000-9 to 79223000-3
10	Market research and public opinion polling services	864	From 79300000-7 to 79330000-6, and 79342310-9, 79342311-6
11	Management consultant services ⁵ and related services	865, 866	From 73200000-4 to 73220000-0, from 79400000-8 to 79421200-3 and 79342000-3, 79342100-4, 79342300-6, 79342320-2, 79342321-9, 79910000-6, 79991000-7, 98362000-8
12	Architectural services; engineering services and integrated engineering services; town and country planning and landscape architectural services; related scientific and technical consulting services; technical testing and analysis services	867	From 71000000-8 to 71900000-7 (except 71550000-8) and 79994000-8
13	Advertising services	871	From 79341000-6 to 79342200-5 except 79342000-3 and 79342100-4
14	Building cleaning and property management	874, 82201 to 82206	From 70300000-4 to 70340000-6, and from 74710000-9 to 74760000-4
15	Publishing and printing services on a fee or contract basis	88442	From 79800000-2 to 79824000-6 and from 79970000-6 to 79980000-7
16	Sewage and refuse disposal services; sanitation and similar services	94	From 90400000-1 to 90743200-9 (except 90712200-3 from 90910000-9 to 90920000-2 and 50190000-3, 50229000-6, 50243000-0)

1) CPC nomenclature (provisional version), used to define the scope of Directive 92/50/EEC.

2) Except for rail transport services covered by category 18.

3) Except for financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments, and

central bank services. Also excluded: purchase or rental contracts, by whatever funds, of land, existing buildings, or other immovable property or concerning rights thereon; nevertheless, contracts of financial services concluded at the same time as, before or after the purchase or rental contract, in whatever form, shall be subject to this Act.

- 4) Except research and development services other than those where the benefits accrues exclusively to the contracting authority and or contracting entity for its use in the conduct of its own affairs under the condition that the service provided is wholly remunerated by the contracting authority and/or contracting entity.
- 5) Except arbitration and conciliation services.

In the event of any difference in the CPV and CPC interpretations, the CPC classification shall prevail.”.

65. In Annex 3, the table and the text shall be replaced by a table and a text which read:

NON-PRIORITY SERVICES

Category No.	Subject	CPC ¹ reference No.	CPV reference No.
17	Hotel and restaurant services	64	From 55100000-1 to 55524000-9 and from 98340000-8 to 98341100-6
18	Rail transport services	711	From 60200000-0 to 60220000-6
19	Water transport services	72	From 60600000-4 to 60653000-0 and from 63727000-1 to 63727200-3
20	Supporting and auxiliary transport services	74	From 63000000-9 to 63734000-3 (except 63711200-8, 63712700-3, 63712710-3 and from 63727000-1 to 63727200-3) and 98361000-1
21	Legal services	861	From 79100000-5 to 79140000-7
22	Personnel placement and supply ² services	872	From 79600000-0 to 79635000-4 (except 79611000-0, 79632000-3, 79633000-0 and from 98500000-8 to 98514000-9
23	Investigation and security services, except armoured car services	873 (except 87304)	From 79700000-1 to 79723000-8-1
24	Education and vocational education services	92	From 80100000-5 to 80660000-8 (except 80533000-9, 80533100-0, 80533200-1
25	Health and social services	93	79611000-0 and from 85000000-9 to 85323000-96 (except 85321000-5 and 85322000-2
26	Recreational, cultural and sporting services ³	96	From 79995000-5 to 79995200-7, and from 92000000-1 to 92700000-8 (except 92230000-2, 92231000-9, 92232000-6
27	Other services		

(1) CPC nomenclature (provisional version), used to define the scope of Directive 92/50/EEC.

(2) Except employment contracts, agreements on works performed outside employment or a similar labor law relationship.

(3) Except contracts for the acquisition, development, production or co-production of programme materials intended for television or radio broadcasting and contracts for broadcasting time.

In the event of any difference in the CPV and CPC interpretation, the CPC classification shall prevail.”.

Section II

Act No. 581/2004 Coll. on health insurance agencies, supervision of health care and on the modification and amendment of certain acts, as amended by Act 719/2004 Coll., of Act No. 353/2005 Coll., of Act No. 538/2005 Coll., of Act No. 660/2005 Coll., of Act No. 25/2006 Coll., of Act No. 282/2006 Coll., of Act No. 522/2006 Coll., of Act No. 12/2007 Coll., of Act No. 215/2007 Coll., of Act No. 309/2007 Coll., of Act No. 330/2007 Coll., of Act No. 358/2007 Coll., of Act No. 530/2007 Coll. a of Act No. 594/2007 Coll. shall be modified as follows:

Article 86c shall read:

“Article 86c

Special regulations on public procurement⁹⁹⁾ shall not apply to healthcare contracts concluded by a health insurance agency and health care providers pursuant to Article 7 (1) to (3)”.

Section III

Act No. 639/2004 Coll. on the National Motorway Company and on the modification and amendment of Act No. 135/1961 Coll. on roads (the Road Traffic Act), as amended, as amended by Act No. 747/2004 Coll., by Act No. 664/2007 Coll. and by Act No. 86/2008 Coll. shall be modified and amended as follows:

1. In Article 2 (4), the second sentence shall read: “The Motorway Company in case of motorways and the state or concessionaire in case of concession roads may, on its own behalf, lease⁶⁾ motorway parts for a definite period not exceeding 30 years⁷⁾, on the basis of a concession contract under a special regulation^{2a)}, with an approval of the Ministry.”.

2. In Article 6 (3) and (4), the word “capital” shall be replaced by the word “assets”.

3. After Article 6, Article 6a shall be inserted, which including its heading reads:

“Article 6a

The immovable property owned by the state and managed by the Ministry to be used to fulfil the tasks of the Motorway Company pursuant to Article 12 (1) may be used as non-pecuniary contribution in the registered capital of the Motorway Company. In such case, the obligation of the Ministry as the manager of state-owned assets to enjoy those assets not less than five years from the day of their acquisition pursuant to a special regulation^{10a)} shall extinct on the day of the Ministry's decision to use those immovable properties as non-pecuniary contribution in the Motorway Company's registered capital.”.

The footnote to reference 10a shall read:

“10a) Article 8 (1) of Act of the National Council of the Slovak Republic No. 278/1993 Coll. on the management of state-owned assets, as amended.”.

Section IV

This Act shall come into effect on 1 July 2008 except items 7, 8, 11, 31, 32, 45, 46 and 55 which shall come into effect on the day of adoption of the euro in the Slovak Republic, and items 63 to 65 which shall come into effect on 15 September 2008.

Ivan Gašparovič m.p.

Pavol Paška m.p.

Robert Fico m.p.