



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 5 December 2012

16730/12

**Interinstitutional File:
2011/0437 (COD)**

**MAP 74
MI 776
CODEC 2799**

NOTE

From: Permanent Representatives Committee
To: Council

No. prev. doc.: 16412/12 MAP 69 MI 749 CODEC 2721

No. Cion prop.: 18960/11 MAP 8 MI 684 + ADD 1 + ADD 2

Subject: Proposal for a Directive of the European Parliament and of the Council on the award of concession contracts
- General approach

I. INTRODUCTION

1. On 21 December 2011, the Commission submitted to the Council and the European Parliament a public procurement package consisting of proposal for a Directive on public procurement¹ together with a proposal for a Directive on procurement by entities operating in the water, energy, transport and postal services sectors² and a proposal for a Directive on the award of concession contracts. The objective of the proposal for a Directive on the award of concession contracts is to offer legal certainty to the Member States on the award of this type of contracts and to ensure the opening up of national concession markets to EU undertakings.

¹ doc. 18966/11 MAP 10 MI 686

² doc. 18964/11 MAP 9 MI 685

³ doc. 18960/11 MAP 8 MI 684

2. The proposal has been identified as one of the twelve key levers of the Single Market Act, with the aim to be adopted by the end of 2012, which has been called for by the European Council as well.
3. European Economic and Social Committee delivered its opinion on 26 April and Committee of the Regions on 19 July 2012.
4. The vote in the IMCO Committee of the European Parliament is foreseen for 24 January 2013.
5. Working Party on Public Procurement discussed in depth the above proposal at 6 meetings during Danish and Cyprus Presidencies. Furthermore, some provisions of the Presidency's compromise proposal with regard to this Directive have been agreed in framework of discussions on the proposal for a Directive on public procurement.
6. The Permanent Representatives Committee, at its meeting of 28 November discussed the outstanding issues and endorsed the text as amended during the meeting.
7. In the light of these discussions, the Presidency drew up a compromise text which is reflected in document 16731/12.
8. Some delegations have not yet indicated whether they have lifted their reservations and are invited to do so by the Council meeting.

II. CONCLUSION

9. **The Council is invited to:**

- **confirm the agreement on the general approach on the basis of the Presidency compromise as set out in document 16731/12 and**
- **invite the Presidency to start negotiations with the European Parliament on the basis this general approach, with a view to reaching an agreement at first reading.**

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