



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 5 December 2012**

**16726/12**

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**Interinstitutional File:  
2011/0438 (COD)**

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**MAP 71  
MI 773  
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**NOTE**

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From: Permanent Representatives Committee  
To: Council

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No. prev. doc.: 16191/12 MAP 63 MI 726 CODEC 2657

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No. Cion prop.: 18966/11 MAP 10 MI 686 + ADD 1 + ADD 2

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Subject: Proposal for a Directive of the European Parliament and of the Council on public procurement  
- General approach

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**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 procurement<sup>1</sup> together with a proposal for a Directive on procurement by entities operating in the water, energy, transport and postal services sectors<sup>2</sup> and a proposal for a Directive on the award of concession contracts<sup>3</sup>. The above proposal for a Directive on public procurement aims at increasing the efficiency of public procurement by simplification and modernization of existing rules.

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<sup>1</sup> doc. 18966/11 MAP 10 MI 686

<sup>2</sup> doc. 18964/11 MAP 9 MI 685

<sup>3</sup> 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 9 October 2012.
4. The vote in the IMCO Committee of the European Parliament is foreseen for 18 December 2012.
5. Working Party on Public Procurement discussed in depth the above proposal at 19 meetings of the Working Party during Danish and Cyprus Presidencies.
6. The Competitiveness Council has provided guidance on four important issues, namely "Flexibility and dialogue" and "Lighter rules for certain services" on its meeting on 20 and 21 February, and "Electronic procurement" and "Governance" on its meeting on 30 and 31 May 2012.
7. The Permanent Representatives Committee, at its meeting of 21 November discussed the outstanding issues and endorsed the text as amended during the meeting.
8. Following the meeting of the Permanent Representatives Committee of 28 November 2012 on the two related files, the Presidency drew up a revised compromise text which is reflected in document 16725/12 REV1.
9. Some delegations have not yet indicated whether they have lifted their reservations and are invited to do so by the Council meeting.

## II. CONCLUSION

### 10. The Council is invited to:

- confirm the agreement on the general approach on the basis of the Presidency compromise as set out in document 16725/12 REV1 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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