



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 8 February 2013**

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ADD1**

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MI 88  
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**ADDENDUM TO THE NOTE**

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from:	General Secretariat
to:	Delegations
on:	13 February 2013
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 award of concession contracts - Consideration of IMCO amendments

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Delegations will find in Annex a four column document on the above proposal based on the general approach agreed by the Competitiveness Council on 10 December and showing the EP amendments as voted in IMCO Committee on 24 January in the second column.

To assist with identifying amendments, changes made by IMCO and Council to the original Commission proposal are highlighted in **bold**, deletions are marked [...].

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COMMISSION PROPOSAL	EP IMCO AMENDMENTS	COUNCIL GENERAL APPROACH
<i>Annex I</i>		
Annex I remains identical to the text in initial Commission proposal both in the position of the EP and of Council		
<i>Annex II</i>		
LIST OF EU LEGISLATION REFERRED TO IN ARTICLE 40 (3)	deleted	LIST OF INTERNATIONAL SOCIAL AND ENVIRONMENTAL CONVENTIONS REFERRED TO IN ARTICLE 36 (7)
1. Directive 2009/33/EC <sup>1</sup> .	deleted (See EP new Annex Xa)	<p>Convention 87 on Freedom of Association and the Protection of the Right to Organise;</p> <p>Convention 98 on the Right to Organise and Collective Bargaining;</p> <p>Convention 29 on Forced Labour;</p> <p>Convention 105 on the Abolition of Forced Labour;</p> <p>Convention 138 on Minimum Age;</p> <p>Convention 111 on Discrimination (Employment and Occupation);</p> <p>Convention 100 on Equal Remuneration;</p> <p>Convention 182 on Worst Forms of Child Labour;</p>

<sup>1</sup> OJL 120, 15.5.2009, p. 5.

		<p><b>Vienna Convention for the protection of the Ozone Layer and its Montreal Protocol on substances that deplete the Ozone Layer;</b></p> <p><b>Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention);</b></p> <p><b>Stockholm Convention on Persistent Organic Pollutants (Stockholm POPs Convention);</b></p> <p><b>Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (UNEP/FAO) (The PIC Convention) Rotterdam, 10/09/1998 and its 3 regional Protocols.]</b></p>
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<p><b>Annex III</b></p>	<p>ACTIVITIES EXERCISED BY CONTRACTING ENTITIES AS REFERRED TO IN ART. 4</p>	<p>as proposal</p>	<p>ACTIVITIES EXERCISED BY CONTRACTING ENTITIES AS REFERRED TO IN ART. 4</p>
<p>The provisions of this Directive governing concessions awarded by contracting entities shall apply to the following activities:</p> <p>1. As far as gas and heat are concerned:</p> <p>(a) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of gas or heat;</p> <p>(b) the supply of gas or heat to such networks.</p> <p>The supply of gas or heat to networks which provide a service to the public by a contracting entity referred to in paragraph 1 subparagraph 2 and subparagraph 3 of Article 4 shall not be considered a relevant activity within the meaning of paragraph 1 where all of the following conditions are met:</p> <p>(c) the production of gas or heat by the entity concerned is the unavoidable consequence of carrying out an activity</p>	<p>The provisions of this Directive governing concessions awarded by contracting entities shall apply to the following activities:</p> <p>1. As far as gas, <b>heating and cooling</b> are concerned:</p> <p>(a) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of gas, <b>heating and cooling</b>;</p> <p>(b) the supply of gas, <b>heating and cooling</b> to such networks.</p> <p>The supply of gas, <b>heating and cooling</b> to networks which provide a service to the public by a contracting entity referred to in paragraph 1 subparagraph 2 and subparagraph 3 of Article 4 shall not be considered a relevant activity within the meaning of paragraph 1 where all of the following conditions are met:</p> <p>(c) the production of gas, <b>heating and cooling</b> by the entity concerned is the unavoidable consequence of carrying out</p>	<p>The provisions of this Directive governing concessions awarded by contracting entities shall apply to the following activities:</p> <p>1. As far as gas and heat are concerned:</p> <p>(a) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of gas or heat;</p> <p>(b) the supply of gas or heat to such networks.</p> <p>The supply of gas or heat to networks which provide a service to the public by a contracting entity referred to in paragraph 1, <b>point (2) and point (3)</b> of Article 4 shall not be considered a relevant activity within the meaning of paragraph 1 where all of the following conditions are met:</p> <p>(c) the production of gas or heat by the entity concerned is the unavoidable consequence of carrying out an activity other than those referred to in this</p>	

<p>other than those referred to in this paragraph or in paragraphs 2 to 4 of this Annex;</p> <p>(d) the supply to the public network is aimed only at the economic exploitation of such production and amounts to not more than 20 % of the entity's turnover on the basis of the average for the preceding three years, including the current year.</p>	<p>an activity other than those referred to in this paragraph or in paragraphs 2 to 4 of this Annex;</p> <p>(d) the supply to the public network is aimed only at the economic exploitation of such production and amounts to not more than 20 % of the entity's turnover on the basis of the average for the preceding three years, including the current year.</p>	<p>paragraph or in paragraphs 2 to 4 of this Annex;</p> <p>(d) the supply to the public network is aimed only at the economic exploitation of such production and amounts to not more than 20 % of the entity's turnover on the basis of the average for the preceding three years, including the current year.</p>
<p>2. As far as electricity is concerned:</p> <p>(a) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of electricity;</p> <p>(b) the supply of electricity to such networks.</p> <p>For the purposes of this Directive, supply of electricity includes generation (production) and wholesale of electricity.</p> <p>The supply of electricity to networks which provide a service to the public by a contracting entity referred to in paragraph 1 subparagraph 2 and subparagraph 3 of Article 4 shall not be considered a relevant activity within the meaning of paragraph 1</p>	<p>2. As far as electricity is concerned:</p> <p>(a) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of electricity;</p> <p>(b) the supply of electricity to such networks.</p> <p>For the purposes of this Directive, supply of electricity includes generation (production) and <i>supply</i>.</p> <p>The supply of electricity to networks which provide a service to the public by a contracting entity referred to in paragraph 1 subparagraph 2 and subparagraph 3 of Article 4 shall not be considered a relevant activity within the meaning of paragraph 1</p>	<p>2. As far as electricity is concerned:</p> <p>(a) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of electricity;</p> <p>(b) the supply of electricity to such networks.</p> <p>For the purposes of this Directive, supply of electricity includes generation (production) and wholesale of electricity.</p> <p>The supply of electricity to networks which provide a service to the public by a contracting entity referred to in paragraph 1 <b>point (2)</b> and <b>point (3)</b> of Article 4 shall not be considered a relevant activity within the meaning of paragraph 1 where</p>

<p>where all of the following conditions are met:</p> <p>(a) the production of electricity by the entity concerned takes place because its consumption is necessary for carrying out an activity other than those referred to in this paragraph or in paragraphs 1, 3 and 4 of this Annex</p> <p>(b) supply to the public network depends only on the entity's own consumption and has not exceeded 30% of the entity's total production of energy, on the basis of the average for the preceding three years, including the current year.</p>	<p>where all of the following conditions are met:</p> <p>(a) the production of electricity by the entity concerned takes place because its consumption is necessary for carrying out an activity other than those referred to in this paragraph or in paragraphs 1, 3 and 4 of this Annex</p> <p>(b) supply to the public network depends only on the entity's own consumption and has not exceeded 30% of the entity's total production of energy, on the basis of the average for the preceding three years, including the current year.</p>	<p>all of the following conditions are met:</p> <p>(a) the production of electricity by the entity concerned takes place because its consumption is necessary for carrying out an activity other than those referred to in this paragraph or in paragraphs 1, 3 and 4 of this Annex</p> <p>(b) supply to the public network depends only on the entity's own consumption and has not exceeded 30% of the entity's total production of energy, on the basis of the average for the preceding three years, including the current year.</p>
<p>3. As far as water is concerned:</p> <p>(a) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of drinking water;</p> <p>(b) the supply of drinking water to such networks.</p> <p>This Directive shall also apply to concessions awarded or organised by entities which pursue an activity referred to above and which are connected with</p>	<p>as proposal</p>	<p>3. As far as water is concerned:</p> <p>(a) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of drinking water;</p> <p>(b) the supply of drinking water to such networks.</p> <p>This Directive shall also apply to concessions awarded or organised by entities which pursue an activity referred to above and which are connected with</p>

one of the following:

(a) hydraulic engineering projects, irrigation or land drainage, provided that the volume of water to be used for the supply of drinking water represents more than 20 % of the total volume of water made available by such projects or irrigation or drainage installations, or

(b) the disposal or treatment of sewage.

The supply of drinking water to networks which provide a service to the public by a contracting entity referred to in paragraph 1 subparagraph 1 and paragraph 2 of Article 4 shall not be considered a relevant activity within the meaning of subparagraph 1 where all of the following conditions are met:

(a) the production of drinking water by the entity concerned takes place because its consumption is necessary for carrying out an activity other than those referred to in paragraphs 1 to 4 of this Annex;

(b) the supply to the public network depends only on the entity's own consumption and has not exceeded 30 % of the entity's total production of drinking water, on the basis of the average for the preceding three years, including the

one of the following:

(a) hydraulic engineering projects, irrigation or land drainage, provided that the volume of water to be used for the supply of drinking water represents more than 20 % of the total volume of water made available by such projects or irrigation or drainage installations, or

(b) the disposal or treatment of sewage.

The supply of drinking water to networks which provide a service to the public by a contracting entity referred to in paragraph 1 **point (2)** and **(3)** of Article 4 shall not be considered a relevant activity within the meaning of subparagraph 1 where all of the following conditions are met:

(a) the production of drinking water by the entity concerned takes place because its consumption is necessary for carrying out an activity other than those referred to in paragraphs 1 to 4 of this Annex;

(b) the supply to the public network depends only on the entity's own consumption and has not exceeded 30 % of the entity's total production of drinking water, on the basis of the average for the preceding three years, including the

current year.		current year.
<p>4. Activities relating to the provision or operation of networks providing a service to the public in the field of transport by railway, automated systems, tramway, trolley bus, bus or cable.</p> <p>As regards transport services, a network shall be considered to exist where the service is provided under operating conditions laid down by a competent authority of a Member State, such as conditions on the routes to be served, the capacity to be made available or the frequency of the service.</p>	as proposal	<p>4. Activities relating to the provision or operation of networks providing a service to the public in the field of transport by railway, automated systems, tramway, trolley bus, bus or cable.</p> <p>As regards transport services, a network shall be considered to exist where the service is provided under operating conditions laid down by a competent authority of a Member State, such as conditions on the routes to be served, the capacity to be made available or the frequency of the service.</p> <p><b>This Directive shall not apply to entities providing bus transport services to the public the exhaustive list of which, together with the geographical areas concerned is set out in Annex IIA of [Directive 2004/17/EC].</b></p>
<p>5. Activities relating to the exploitation of a geographical area for the purpose of the provision of airports and maritime or inland ports or other terminal facilities to carriers by air, sea or inland waterway.</p>	<p>5. Activities relating to the exploitation of a geographical area for the purpose of the provision of airports and maritime or inland ports or other <b>general infrastructure</b> to carriers by air, sea or inland waterway.</p>	<p>5. Activities relating to the exploitation of a geographical area for the purpose of the provision of airports and maritime or inland ports or other terminal facilities to carriers by air, sea or inland waterway.</p>



<p>6. Activities relating to the provision of:</p> <p>(a) postal services; on the conditions set out in point (c),</p> <p>(b) other services than postal services, on condition that such services are provided by an entity which also provides postal services within the meaning of point (b) of subparagraph 2 and provided that the conditions set out in Article 27(1) of Directive [replacing 2004/17/EC] are not satisfied in respect of the services falling within point (b) of subparagraph 2.</p> <p>For the purpose of this Directive and without prejudice to Directive 97/67/EC:</p> <p>"postal item": means an item addressed in the final form in which it is to be carried, irrespective of weight. In addition to items of correspondence, such items also include for instance books, catalogues, newspapers, periodicals and postal packages containing merchandise with or without commercial value, irrespective of weight;</p> <p>(a) "postal services": means services consisting of the clearance, sorting, routing and delivery of postal items. This</p>	<p>as proposal</p>	<p>6. Activities relating to the provision of:</p> <p>(a) postal services; on the conditions set out in point (c),</p> <p>(b) other services than postal services, on condition that such services are provided by an entity which also provides postal services within the meaning of point (b) of subparagraph 2 and provided that the conditions set out in Article 27(1) of Directive [replacing 2004/17/EC] are not satisfied in respect of the services falling within point (b) of subparagraph 2.</p> <p>For the purpose of this Directive and without prejudice to Directive 97/67/EC:</p> <p>"postal item": means an item addressed in the final form in which it is to be carried, irrespective of weight. In addition to items of correspondence, such items also include for instance books, catalogues, newspapers, periodicals and postal packages containing merchandise with or without commercial value, irrespective of weight;</p> <p>(a) "postal services": means services consisting of the clearance, sorting, routing and delivery of postal items. This</p>
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<p>shall include both services falling within as well as services falling outside the scope of the universal service set up in conformity with Directive 97/67/EC;</p> <p>(b) "other services than postal services": means services provided in the following areas:</p> <p>(1) mail service management services (services both preceding and subsequent to despatch, including "mailroom management services"),</p> <p>(2) added-value services linked to and provided entirely by electronic means (including the secure transmission of coded documents by electronic means, address management services and transmission of registered electronic mail),</p> <p>(3) services concerning postal items not included in point (a), such as direct mail bearing no address,</p> <p>(4) financial services, as defined in the CPV under the reference numbers from 66100000-1 to 66720000-3 and in Article 8 (5)(d) and including in particular postal money orders and postal giro transfers,</p> <p>(5) philatelic services,</p>		<p>shall include both services falling within as well as services falling outside the scope of the universal service set up in conformity with Directive 97/67/EC;</p> <p>(b) "other services than postal services": means services provided in the following areas:</p> <p>(1) mail service management services (services both preceding and subsequent to despatch, including "mailroom management services"),</p> <p>[...]</p> <p>(3) services concerning postal items not included in point (a), such as direct mail bearing no address,</p> <p>[...]</p> <p>[...]</p>
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<p>(6) logistics services (services combining physical delivery and/or warehousing with other non-postal functions),</p>		<p>[...]</p>
<p>7. Activities relating to the exploitation of a geographical area for the purpose of:</p> <p>(a) extracting oil or gas,</p> <p>(b) exploring for or extracting coal or other solid fuels.</p>	<p>as proposal</p>	<p>7. Activities relating to the exploitation of a geographical area for the purpose of:</p> <p>(a) extracting oil or gas,</p> <p>(b) exploring for or extracting coal or other solid fuels.</p>

<i>Annex IV</i>		
INFORMATION TO BE INCLUDED IN CONCESSION NOTICES	as proposal	<b>INFORMATION TO BE INCLUDED IN CONCESSION NOTICES</b>
<p>1. Name, identification number (where provided for in national legislation), address including NUTS code, telephone, fax number, email and internet address of the contracting authority or entity and, where different, of the service from which additional information may be obtained.</p>	as proposal	<p>1. Name, identification number (where provided for in national legislation), address including NUTS code, telephone, fax number, email and internet address of the contracting authority or entity and, where different, of the service from which additional information may be obtained.</p>
<p>2. Type of contracting authority or entity and main activity exercised.</p>	as proposal	deleted
<p>3. If the applications are to contain tenders, email or internet address at which the specifications and any supporting documents will be available for unrestricted and full direct access, free of charge.</p>	as proposal	<p>3. If the applications are to contain tenders, email or internet address at which the <b>concession</b> documents will be available for unrestricted and full direct access, free of charge. <b>Where unrestricted and full direct access, free of charge, is not available in cases referred to in the second subparagraph of Article 30 (1), an indication of how the procurement documents can be accessed.</b></p>

<p>4. Description of the procurement: nature and extent of works, nature and extent of services. [...]</p> <p>4. Description of the procurement: nature and extent of works <b>or services</b>, nature and quantity of supplies, <b>where possible, duration of the contract</b>. Where the concession is divided into lots, this information shall be provided for each lot. Where appropriate, description of any options.</p>	<p>4. Description of the <b>contract</b>: nature and extent of works, nature and extent of services. [...]</p>	<p>4. Description of the procurement: nature and extent of works <b>or services</b>, nature and quantity of supplies, <b>where possible, duration of the contract</b>. Where the concession is divided into lots, this information shall be provided for each lot. Where appropriate, description of any options.</p>
<p>5. CPV Nomenclature reference No(s). Where the concession is divided into lots, this information shall be provided for each lot.</p>	<p>5. CPV Nomenclature reference No(s). [...]</p>	<p>5. CPV Nomenclature reference No(s). Where the concession is divided into lots, this information shall be provided for each lot.</p>
<p>6. NUTS code for the main location of works in case of works concessions or NUTS code for the main place of performance service concessions; where the concession is divided into lots, this information shall be provided for each lot.</p>	<p>6. NUTS code for the main location of works in case of works concessions or NUTS code for the main place of performance service concessions. [...]</p>	<p>6. NUTS code for the main location of works in case of works concessions or NUTS code for the main place of performance service concessions; where the concession is divided into lots, this information shall be provided for each lot.</p>
<p>7. Estimated total value of concession(s); where the concession is divided into lots, this information shall be provided for each lot, together with detailed method of calculation of the estimated total value of the concession, in accordance with Art. 6</p>	<p>7. Estimated total value of concession(s). [...]</p>	<p><b>deleted</b></p>

<p>8. Where the concession is to be subdivided into lots, indication of the possibility of tendering for one, for several or for all of the lots; indication of any possible limitation of the number of lots that may be awarded to any one tenderer.</p>	<p><b>deleted</b></p>	<p><b>deleted</b></p>
<p>9. Time-frame for delivery or provision of supplies, works or services and, as far as possible, duration of the concession.</p>	<p>9. Time frame for <i>implementation of the concession</i>; duration of the concession.</p>	<p><b>deleted</b></p>
<p>10. Conditions for participation, including:</p> <p>(a) where appropriate, indication whether the concession is restricted to sheltered workshops, or whether its execution is restricted to the framework of protected job programmes,</p> <p>(b) where appropriate, indication whether the provision of the service is reserved by law, regulation or administrative provision to a particular profession; reference to the relevant law, regulation or administrative provision,</p> <p>(c) a list and brief description of selection criteria; minimum level(s) of standards possibly required; indication of required information (self-declarations, documentation).</p>	<p>10. Conditions for participation, including:</p> <p>(a) where appropriate, indication whether the concession is restricted to sheltered workshops, or whether its execution is restricted to the framework of protected job programmes,</p> <p>[...]</p> <p>(c) a list and brief description of selection criteria; minimum level(s) of standards possibly required; indication of required information (self-declarations, documentation).</p>	<p>10. Conditions for participation, including:</p> <p>(a) where appropriate, indication whether the concession is restricted to sheltered workshops, or whether its execution is restricted to the framework of protected job programmes,</p> <p>(b) where appropriate, indication whether the provision of the service is reserved by law, regulation or administrative provision to a particular profession; reference to the relevant law, regulation or administrative provision,</p> <p>(c) a list and brief description of selection criteria <b>where applicable</b>; minimum level(s) of standards possibly required; indication of required</p>

documentation).		information (self-declarations, documentation).
<p>11. Description of award procedure used, if the procedure is to be conducted in stages, number of candidates to be admitted to a given stage or to be invited to submit tenders and objective criteria to be used to choose the candidates in question.</p> <p>(a) Time limit for the submission of applications</p> <p>(b) Address to which they must be sent</p> <p>(c) Language(s) in which they must be written</p>	<p>11. Description of award procedure used[...]:</p> <p>a) Time limit for the submission of applications <b>or receipt of tenders;</b></p> <p>(b) Address to which they must be sent</p> <p>(c) Language(s) in which they must be written</p>	<p>11. <b>Indication whether</b> the procedure is to be conducted in stages and objective criteria to be used to choose the candidates in question.</p> <p>(a) Time limit for the submission of applications</p> <p>(b) Address to which they must be sent</p> <p>(c) Language(s) in which they must be written</p>
<p>12. Criteria which will be applied in the award of the concession</p>	<p>as proposal</p>	<p>12. Criteria which will be applied in the award of the concession <b>where they do not appear in the concession documents</b></p>
<p>13. Date of dispatch of the notice</p>	<p>as proposal</p>	<p>13. Date of dispatch of the notice</p>

<p>14. Name and address of the body responsible for appeal and, where appropriate, mediation procedures. Precise information concerning the deadline for lodging appeals or, if need be, the name, address, telephone number, fax number and email address of the service from which this information may be obtained.</p>	<p>14. Name and address of the <i>competent national authorities and of the</i> body responsible for appeal and, where appropriate, mediation procedures. Precise information concerning the deadline for lodging appeals or, if need be, the name, address, telephone number, fax number and email address of the service from which this information may be obtained.</p>	<p>14. Name and address of the body responsible for appeal and, where appropriate, mediation procedures. Precise information concerning the deadline for lodging appeals or, if need be, the name, address, telephone number, fax number and email address of the service from which this information may be obtained.</p>
<p>15. Where appropriate, particular conditions to which performance of the concession is subject.</p>	<p>as proposal</p>	<p>15. Where appropriate, particular conditions to which performance of the concession is subject.</p>
<p>16. Address where applications or tenders shall be transmitted.</p>	<p>as proposal</p>	<p>16. Address where applications or tenders shall be transmitted.</p>
<p>17. In case of one-stage procedures:</p> <p>(a) Time limit for receipt of tenders, if different from the time limit the submission of applications</p> <p>(b) time frame during which the tenderer must maintain its tender,</p> <p>(c) date, time and place for the opening of tenders,</p> <p>(d) persons authorised to be present at such opening.</p>	<p><b>deleted</b></p>	<p>17. In case of one-stage procedures:</p> <p>(a) Time limit for receipt of tenders, if different from the time limit the submission of applications</p> <p>(b) [...] date, time and place for the opening of tenders,</p> <p>[...]</p> <p>[...]</p>



<p>18. Where appropriate, indication of requirements and conditions related to the use of electronic means of communication</p>	<p>as proposal</p>	<p>18. Where appropriate, indication of requirements and conditions related to the use of electronic means of communication.</p>
<p>19. Information whether the concession is related to a project and /or programme financed by European Union funds.</p>	<p>as proposal</p>	<p>19. Information whether the concession is related to a project and /or programme financed by European Union funds.</p>

<i>Annex V</i>		
INFORMATION TO BE INCLUDED IN CONCESSION AWARD NOTICES	as proposal	INFORMATION TO BE INCLUDED IN CONCESSION AWARD NOTICES
I INFORMATION TO BE INCLUDED IN CONCESSION AWARD NOTICES PUBLISHED IN ACCORDANCE WITH ARTICLE 27 (1)	as proposal	[..] INFORMATION TO BE INCLUDED IN CONCESSION AWARD NOTICES PUBLISHED IN ACCORDANCE WITH ARTICLE 27 (1)
1. Name, identification number (where provided for in national legislation), address including NUTS code, telephone, fax number, email and internet address of the contracting authority or entity and, where different, of the service from which additional information may be obtained.	as proposal	1. Name, identification number (where provided for in national legislation), address including NUTS code, telephone, fax number, email and internet address of the contracting authority or entity and, where different, of the service from which additional information may be obtained.
2. Type of contracting authority or entity and main activity exercised.	as proposal	<b>deleted</b>
3. CPV Nomenclature reference No(s).	as proposal	3. CPV Nomenclature reference No(s).

<p>4. NUTS code for the main location of works in case of works concessions or NUTS code for the main place of performance in case of service concessions;</p> <p>5. Description of the procurement: nature and extent of works, nature and quantity or value of supplies, nature and extent of services. Where the concession is divided into lots, this information shall be provided for each lot. Where appropriate, description of any options.</p>	<p>as proposal</p> <p>5. Description of the <b>contract</b>: nature and extent of works, nature and extent of services. [...]</p>	<p>4. NUTS code for the main location of works in case of works concessions or NUTS code for the main place of performance in case of service concessions;</p> <p>5. Description of the procurement: nature and extent of works or <u>services</u>, nature and quantity [...]of supplies, nature and extent of services. Where the concession is divided into lots, this information shall be provided for each lot. Where appropriate, description of any options.</p>
<p>6. Description of award procedure used, in the case of award without prior publication, justification.</p> <p>7. Criteria referred to in Article 39 which were used for award of the concession or concessions.</p> <p>8. Date of concession award decision or decisions;</p>	<p>as proposal</p> <p>7. Criteria referred to in Article <b>38b</b> which were used for award of the concession or concessions.</p> <p>as proposal</p>	<p>6. Description of award procedure used, in the case of award without prior publication, justification.</p> <p>7. Criteria referred to in Article 39 which were used for award of the concession or concessions.</p> <p>8. Date of concession award decision or decisions;</p>

<p>9. Number of tenders received with respect of each award, including:</p> <p>(a) number of tenders received from economic operators which are small and medium enterprises,</p> <p>(b) number of tenders received from abroad,</p> <p>(c) number of tenders received electronically.</p>	<p><b>deleted</b></p>	<p>9. Number of tenders received with respect of each award, including:</p> <p>(a) number of tenders received from economic operators which are small and medium enterprises,</p> <p>(b) number of tenders received from another Member State or from a third country,</p> <p>(c) number of tenders received electronically.</p>
<p>10. For each award, name, address including NUTS code, telephone, fax number, email address and internet address of the successful tenderer(s) including</p> <p>(a) information whether the successful tenderer is small and medium enterprise,</p> <p>(b) information whether the concession was awarded to a consortium.</p>	<p>10. For each award, name, address including NUTS code, telephone, fax number, email address and internet address of the successful tenderer(s).</p> <p>[...]</p> <p>[...]</p>	<p>10. For each award, name, address including NUTS code [...] of the successful tenderer(s) including</p> <p>(a) information whether the successful tenderer is small and medium enterprise,</p> <p>(b) information whether the concession was awarded to a consortium.</p>
<p>11. Value and main financial terms of the awarded concession, including fees and prices.</p>	<p>11. Value and main financial terms of the awarded concession. [...]</p>	<p>11. Value [...] of the <u>successful tender</u>, including fees and prices.</p>

<p>12. Where appropriate, for each award, value and proportion of concession likely to be subcontracted to third parties.</p>	<p><b>deleted</b></p>	<p><b>deleted</b></p>
<p>13. Information whether the concession is related to a project and /or programme financed by European Union funds.</p>	<p>as proposal</p>	<p>13. Information whether the concession is related to a project and /or programme financed by European Union funds.</p>
<p>14. Name and address of the oversight body and the body responsible for review and, where appropriate, mediation procedures. Precise information concerning the deadline for review procedures, or if need be, the name, address, telephone number, fax number and email address of the service from which this information may be obtained</p>	<p>14. Name and address of the <i>competent national authorities and of the</i> body responsible for review and, where appropriate, mediation procedures. Precise information concerning the deadline for review procedures, or if need be, the name, address, telephone number, fax number and email address of the service from which this information may be obtained.</p>	<p>14. Name and address of [...] the body responsible for review and, where appropriate, mediation procedures. Precise information concerning the deadline for review procedures, or if need be, the name, address, telephone number, fax number and email address of the service from which this information may be obtained</p>
<p>15. Date(s) and reference(s) of previous publications in the Official Journal of the European Union relevant to the concession(s) advertised in this notice.</p>	<p>as proposal</p>	<p>15. Date(s) and reference(s) of previous publications in the Official Journal of the European Union relevant to the concession(s) advertised in this notice.</p>
<p>16. Date of dispatch of the notice.</p>	<p>as proposal</p>	<p>16. Date of dispatch of the notice.</p>
<p>17. Detailed method of calculation of the estimated total value of the concession, in accordance with Article 6.</p>	<p><b>deleted</b></p>	<p>17. <b>Optionally</b>, method <b>used to calculate</b> the estimated [...] value of the concession, in accordance with Article 6.</p>

18. Any other relevant information.	as proposal	18. Any other relevant information.
<p><b>II. INFORMATION TO BE INCLUDED IN CONCESSION AWARD NOTICES PUBLISHED IN ACCORDANCE WITH ARTICLE 27(2)</b></p>	<b>deleted</b>	<b>deleted</b>
<ol style="list-style-type: none"> <li>1. Name, identification number (where provided for in national legislation), address including NUTS code, telephone, fax number, email and internet address of the contracting authority or entity and, where different, of the service from which additional information may be obtained.</li> <li>2. Description of the procurement: nature and extent of works, nature and quantity or value of supplies, nature and extent of services, Where the concession is divided into lots, this information shall be provided for each lot. Where appropriate, description of any options.</li> <li>3. CPV Nomenclature reference No(s).</li> <li>4. Type of contracting authority or entity and main activity exercised.</li> </ol>	<b>deleted</b>	<b>deleted</b>

<p>5. Date of concession award decision or decisions;</p> <p>6. For each award, name, address including NUTS code, telephone, fax number, email address and internet address of the economic operators to which the concession has been awarded.</p> <p>7. Value and main financial terms of the award, including fees and prices.</p> <p>8. Detailed method of calculation of the estimated total value of the concession, in accordance with Article 6.</p>		
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<i>Annex VI</i>		
INFORMATION TO BE INCLUDED IN CONCESSION AWARD NOTICES CONCERNING CONCESSIONS FOR SOCIAL AND OTHER SPECIFIC SERVICES (ARTICLE 27 (1))	as proposal	INFORMATION TO BE INCLUDED IN CONCESSION AWARD NOTICES CONCERNING CONCESSIONS FOR SOCIAL AND OTHER SPECIFIC SERVICES (ARTICLE 27 (1))
1. Name, identification number (where provided for in national legislation), address including NUTS code, telephone, fax number, email and internet address of the contracting authority or entity and, where different, of the service from which additional information may be obtained.	as proposal	1. Name, identification number (where provided for in national legislation), address including NUTS code, telephone, fax number, email and internet address of the contracting authority or entity and, where different, of the service from which additional information may be obtained.
2. Type of contracting authority or entity and main activity exercised.	as proposal	<b>deleted</b>
3. CPV Nomenclature reference No(s); where the contract is divided into lots, this information shall be provided for each lot.	3. CPV Nomenclature reference No(s). [...]	3. CPV Nomenclature reference No(s); where the contract is divided into lots, this information shall be provided for each lot.
4. At least a summary indication of the nature and quantity of the services and if applicable, works and supplies provided.	4. [...]Summary indication of the <i>subject of the concession</i> .	4. At least a summary indication of the nature and quantity of the services and if applicable, works and supplies provided.
5. Number of tenders received.	as proposal	5. Number of tenders received.



6. Value and main financial terms of the award, including fees and prices.	6. Value and main financial terms of the award. [...]	6. Value [...] of the <b>successful tender</b> , including fees and prices.
7. Name and address including NUTS code, telephone, fax number, email address and internet address of the successful economic operator(s).	as proposal	7. Name and address including NUTS code, telephone, fax number, email address and internet address of the successful economic operator(s).
8. Any other relevant information.	as proposal	8. Any other relevant information.

<i>Annex VII</i>		
INFORMATION TO BE INCLUDED IN NOTICES OF MODIFICATIONS OF A CONCESSION DURING ITS TERM ACCORDING TO ARTICLE 42	as proposal	INFORMATION TO BE INCLUDED IN NOTICES OF MODIFICATIONS OF A CONCESSION DURING ITS TERM ACCORDING TO ARTICLE 42
1. Name, identification number (where provided for in national legislation), address including NUTS code, telephone, fax number, email and internet address of the contracting authority or entity and, where different, of the service from which additional information may be obtained.	as proposal	1. Name, identification number (where provided for in national legislation), address including NUTS code, telephone, fax number, email and internet address of the contracting authority or entity and, where different, of the service from which additional information may be obtained.
2. CPV Nomenclature reference No(s);	as proposal	<b>deleted</b>
3. NUTS code for the main location of works in case of public works concessions or works concessions or NUTS code for the main place of delivery or performance in service concessions;	3. NUTS code for the main location of works in case of [...]works concessions or NUTS code for the main place of [...] performance in service concessions;	<b>deleted</b>
4. Description of the concession before and after the modification: nature and extent of the works, nature and quantity or value of supplies, nature and extent of services.	4. Description of the concession before and after the modification: nature and extent of the works, [...] nature and extent of services.	4. Description of the concession before and after the modification: nature and extent of the works, nature and quantity or value of supplies, nature and extent of services.

<p>5. Where applicable, modification of financial terms of the concession, including increase in prices or fees caused by the modification.</p> <p>6. Description of the circumstances which have rendered necessary the modification.</p> <p>7. Date of concession award decision.</p> <p>8. Where applicable, the name, address including NUTS code, telephone, fax number, email address and internet address of the new economic operator or operators.</p> <p>9. Information whether the concession is related to a project and /or programme financed by European Union funds.</p> <p>10. Name and address of the oversight body and the body responsible for review and, where appropriate, mediation procedures. Precise information concerning the deadline for review procedures, or if need be, the name, address, telephone number, fax number and email address of the service from which this information may be obtained.</p>	<p>5. Where applicable, modification of financial terms of the concession. [...]</p> <p>as proposal</p> <p>as proposal</p> <p>as proposal</p> <p>as proposal</p> <p>as proposal</p> <p>10. Name and address of the <i>competent national authorities</i> and <i>of</i> the body responsible for review and, where appropriate, mediation procedures. Precise information concerning the deadline for review procedures, or if need be, the name, address, telephone number, fax number and email address of the service from which this information may be obtained.</p>	<p>5. Where applicable, modification of <b>value</b> of the concession, including increase in prices or fees caused by the modification.</p> <p>6. Description of the circumstances which have rendered necessary the modification.</p> <p>7. Date of concession award decision.</p> <p>8. Where applicable, the name, address including NUTS code [...] of the new economic operator or operators.</p> <p><b>deleted</b></p> <p>10. Name and address of [...] the body responsible for review and, where appropriate, mediation procedures. Precise information concerning the deadline for review procedures, or if need be, the name, address, telephone number, fax number and email address of the service from which this information may be obtained.</p>
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<p>11. Date(s) and reference(s) of previous publications in the Official Journal of the European Union relevant to the contract(s) concerned by this notice.</p>	<p>as proposal</p>	<p>11. Date(s) and reference(s) of previous publications in the Official Journal of the European Union relevant to the contract(s) concerned by this notice.</p>
<p>12. Date of dispatch of the notice.</p>	<p>as proposal</p>	<p>12. Date of dispatch of the notice.</p>
<p>13. Any other relevant information.</p>	<p>as proposal</p>	<p>13. Any other relevant information.</p>

<i>Annex VIII</i>		
DEFINITION OF CERTAIN TECHNICAL SPECIFICATIONS	<b>deleted</b>	DEFINITION OF CERTAIN TECHNICAL SPECIFICATIONS
<p>For the purposes of this Directive:</p> <p>1. technical specification", " means one of the following:</p> <p>(a) in the case of public works concessions or works concessions, the totality of the technical prescriptions contained in particular in the concession award documents, defining the characteristics required of a material, product or supply, so that it fulfils the use for which it is intended by the contracting authority or entity. Those characteristics include levels of environmental and climate performance, design for all requirements (including accessibility for disabled persons) and conformity assessment, performance, safety or dimensions, including the procedures concerning quality assurance, terminology, symbols, testing and test methods, packaging, marking and labelling, user instructions and production processes and methods at any stage of the life cycle of the works; those characteristics also include rules relating to design and costing, the test, inspection and acceptance conditions for works and methods or</p>	<b>deleted</b>	<p>For the purposes of this Directive:</p> <p>"technical specification", " means one of the following:</p> <p>(a) in the case of public works concessions or works concessions, the totality of the technical prescriptions contained in particular in the concession award documents, defining the characteristics required of a material, product or supply, so that it fulfils the use for which it is intended by the contracting authority or entity. Those characteristics include levels of environmental and climate performance, design for all requirements (including accessibility for disabled persons) and conformity assessment, performance, safety or dimensions, including the procedures concerning quality assurance, terminology, symbols, testing and test methods, packaging, marking and labelling, user instructions and production processes and methods at any stage of the life cycle of the works; those characteristics also include rules relating to design and costing, the test, inspection and acceptance conditions for works and methods or</p>

<p>conditions for works and methods or techniques of construction and all other technical conditions which the contracting authority or entity is in a position to prescribe, under general or specific regulations, in relation to the finished works and to the materials or parts which they involve;</p> <p>(b) in the case of service concessions, a specification in a document defining the required characteristics of a product or a service, such as quality levels, environmental and climate performance levels, design for all requirements (including accessibility for disabled persons) and conformity assessment, performance, use of the product, safety or dimensions, including requirements relevant to the product as regards the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking and labelling, user instructions, production processes and methods at any stage of the life cycle of the supply or service and conformity assessment procedures;</p> <p>2. "standard" means a technical specification approved by a recognised standardising body for repeated or continuous application, compliance with which is not compulsory and which falls</p>		<p>techniques of construction and all other technical conditions which the contracting authority or entity is in a position to prescribe, under general or specific regulations, in relation to the finished works and to the materials or parts which they involve;</p> <p>(b) in the case of service concessions, a specification in a document defining the required characteristics of a product or a service, such as quality levels, environmental and climate performance levels, design for all requirements (including accessibility for disabled persons) and conformity assessment, performance, use of the product, safety or dimensions, including requirements relevant to the product as regards the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking and labelling, user instructions, production processes and methods at any stage of the life cycle of the supply or service and conformity assessment procedures;</p> <p>[...]</p>
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<p>into one of the following categories:</p> <p>(a) international standard: a standard adapted by an international standards organisation and made available to the general public,</p> <p>(b) European standard: a standard adopted by a European standards organisation and made available to the general public,</p> <p>(c) national standard: a standard adopted by a national standards organisation and made available to the general public;</p>		
<p>3. "European technical approval" means a favourable technical assessment of the fitness for use of a product for a particular purpose, based on the fulfilment of the essential requirements for building works, by means of the inherent characteristics of the product and the defined conditions of application and use. European technical approvals are issued by an approval body designated for this purpose by the Member State;</p>		
<p>4. "Common technical specification" means a technical specification laid down in accordance with a procedure recognised by the Member States which has been published in the Official Journal of the</p>		

<p>European Union;</p> <p>5. "Technical reference" means any deliverable produced by European standardisation bodies, other than European standards, according to procedures adapted to the development of market needs.</p>		
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<i>Annex IX</i>		
FEATURES CONCERNING PUBLICATION	as proposal	FEATURES CONCERNING PUBLICATION
<p>1. Publication of notices</p> <p>The notices referred to in Articles 26 and 27 must be sent by the contracting authorities or entities to the Publications Office of the European Union and published in accordance with the following rules:.</p> <p>Notices referred to in Articles 26 and 27 shall be published by the Publications Office of the European Union</p> <p>The Publications Office of the European Union will give the contracting authority or entity the confirmation referred to in Article 28 (5).</p> <p>2. Publication of complementary or additional information</p> <p>Contracting authorities and contracting entities shall publish the specifications and the additional documents in their entirety on the Internet.</p>	<p>1. Publication of notices</p> <p>The notices referred to in Articles 26 and 27 must be sent by the contracting authorities or entities to the Publications Office of the European Union and published in accordance with the following rules:.</p> <p>Notices referred to in Articles 26 and 27 shall be published by the Publications Office of the European Union</p> <p>– The Publications Office of the European Union will give the contracting authority or entity the confirmation referred to in Article 28(2).</p> <p>as proposal</p>	<p>1. Publication of notices</p> <p>The notices referred to in Articles 26 and 27 must be sent by the contracting authorities or entities to the Publications Office of the European Union and published in accordance with the following rules:.</p> <p>Notices referred to in Articles 26 and 27 shall be published by the Publications Office of the European Union</p> <p>The Publications Office of the European Union will give the contracting authority or entity the confirmation referred to in Article 28 (5).</p> <p><b>deleted</b></p>

<p>3. Format and procedures for sending notices electronically</p> <p>The format and procedure for sending notices electronically as established by the Commission are made accessible at the Internet address 'http://simap.europa.eu'.</p>	<p>as proposal</p>	<p>3. Format and procedures for sending notices electronically</p> <p>The format and procedure for sending notices electronically as established by the Commission are made accessible at the Internet address 'http://simap.europa.eu'.</p>
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<i>Annex X</i>		SERVICES REFERRED TO IN ARTICLE 17	
CPV Code	Description	CPV Code	Description
7511000-4 and from 85000000-9 to 85323000-9 (except 85321000-5 and 85322000-2)	Health and social services	as proposal	
		CPV Code	Description
		79611000-0 and from 85000000-9 to 85323000-9 (except 85321000-5 and 85322000-2)	
		75121000-0, 75122000-7, 75124000-1; from 79995000-5 to 79995200-7; from 80100000-5 to 80660000-8 (except 80533000-9, 80533100-0, 80533200-1); from 92000000-1 to 92700000-8 (except 92230000-2, 92231000-9 92232000-6)	
		[...] 79611000-0; 75200000-8; 75231200-6; 75231240-8; 79622000-0 [Supply services of domestic help personnel]; 79624000-4 [Supply services of nursing personnel] and 79625000-1 [Supply services of medical personnel] from 85000000-9 to 85323000-9; 98133100-5, 98133000-4 and 98200000-5 and 98500000-8 [Private households with employed persons] and	Health, social and related services

				<p>98513000-2 to 98514000-9  [Manpower services for households, Agency staff services for households, Clerical staff services for households, Temporary staff for households, Home-help services and Domestic services],</p>	
<p>75121000-0, 75122000-7, 75124000-1</p>	<p>Administrative educational, healthcare and cultural services</p>	<p>as proposal</p>	<p>as proposal</p>	<p>85321000-5 and 85322000-2, 75000000-6 [Administration, defence and social security services], 75121000-0, 75122000-7, 75124000-1; from 79995000-5 to 79995200-7; from 80000000-4 Education and training services to 80660000-8;</p>	<p>Administrative, social, educational, healthcare and cultural services</p>

					<p>from 92000000-1 to 92342200-2; <u>from 92360000-2</u> to 92700000-8; 79950000-8 <i>[Exhibition, fair and congress organisation services],</i> 79951000-5 <i>[Seminar organisation services],</i> 79952000-2 <i>[Event services],</i> 79952100-3 <i>[Cultural event organisation services],</i> 79953000-9 <i>[Festival organisation services],</i> 79954000-6 <i>[Party organisation services],</i> 79955000-3 <i>[Fashion shows organisation services],</i> 79956000-0 <i>[Fair and exhibition</i></p>
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75300000-9	Compulsory social security services	as proposal	as proposal	<i>organisation services/</i>	Compulsory social security services <sup>2</sup>
75310000-2, 75311000-9, 75312000-6, 75313000-3, 75313100-4, 75314000-0, 75320000-5, 75330000-8, 75340000-1	Benefit services	as proposal	as proposal	75310000-2, 75311000-9, 75312000-6, 75313000-3, 75313100-4, 75314000-0, 75320000-5, 75330000-8, 75340000-1	Benefit services
98000000-3	Other community, social and personal services	as proposal	as proposal	98000000-3; <b>98120000-0;</b> <b>98132000-7;</b> <b>98133110-8 and</b> <b>98130000-3</b>	Other community, social and personal services <b>including services furnished by trade unions, political organisations, youth associations and other membership organisation</b>

<sup>2</sup> These services are not covered by the present Directive where they are organised as non-economic services of general interest. Member States are free to organise the provision of compulsory social services or of other services as services of general interest or as non-economic services of general interest.

							services. deleted
98120000-0	Services furnished by trade unions	as proposal	as proposal				
98131000-0	Religious services	as proposal	as proposal			98131000-0 5510000-1 to 55410000-7; 55521000-8 to 55521200-0 [55521000-8 Catering services for private households, 55521100-9 Meals-on-wheels services, 55521200-0 Meal delivery service]. 55520000-1 Catering services, 55522000-5 Catering services for transport enterprises, 55523000-2 Catering services for other enterprises or other institutions,	Religious services  <b>Hotel and restaurant services</b>

					<b>5524000-9</b> <b>School catering services</b> <b>5510000-8</b> <b>Canteen services,</b> <b>5511000-5</b> <b>Canteen and other restricted-clientele cafeteria services,</b> <b>5512000-2</b> <b>Canteen management services,</b> <b>5523100-3</b> <b>School-meal services</b>				
					<b>7910000-5 to</b> <b>7914000-7;</b> <b>7523100-5;</b>				<b>Legal services, to the extent not excluded pursuant to Article 10(ca)</b>
					<b>7510000-7 to</b> <b>7512000-3;</b> <b>7512300-4;</b> <b>7512500-8 to</b> <b>7513100-3</b>				<b>Other administrative services and government services</b>
					<b>7520000-8 to</b> <b>7523100-4</b>				<b>Provision of services to the community</b>



				75231210-9 to 75231230-5; 75240000-0 to 75252000-7; 794300000-7; 98113100-9	Prison related services, public security and rescue services
				79700000-1 to 79721000-4 [Investigation and security services, Security services, Alarm- monitoring services, Guard services, Surveillance services, Tracing system services, Absconder- tracing services, Patrol services, Identification badge release services, Investigation services and Detective agency services] 79722000-	Investigation and security services

				<i>1/Graphology services], 79723000-8 /Waste analysis services]</i>	
				<i>64000000-6 /Postal and telecommunications services], 64100000-7 [Post and courier services], 64110000-0 /Postal services], 64111000-7 /Postal services related to newspapers and periodicals], 64112000-4 /Postal services related to letters], 64113000-1 /Postal services related to parcels], 64114000-8 [Post office counter services], 64115000-5</i>	<i>Postal Services</i>

					<p><i>[Mailbox rental], 64116000-2 [Post-restante services], 64122000-7 [Internal office mail and messenger services]</i></p>	
					<p><i>50116510-9 [Tyre- remoulding services], 71550000-8 [Blacksmith services]</i></p>	<p><i>Miscellaneous services</i></p>
					<p><b>98900000-2</b> [Services provided by extra-territorial organisations and bodies] and 98910000-5 [Services specific to international organisations and bodies]</p>	<p><b>International services</b></p>

<i>Annex X a</i>	<p><b>LIST OF INTERNATIONAL SOCIAL AND ENVIRONMENTAL CONVENTIONS REFERRED TO IN ARTICLE -26a(3)</b></p>	
	<ul style="list-style-type: none"> <li>- ILO Convention 87 on Freedom of Association and the Protection of the Right to Organise;</li> <li>- ILO Convention 98 on the Right to Organise and Collective Bargaining;</li> <li>- ILO Convention 29 on Forced Labour;</li> <li>- ILO Convention 105 on the Abolition of Forced Labour;</li> <li>- ILO Convention 138 on Minimum Age;</li> <li>- ILO Convention 111 on Discrimination (Employment and Occupation);</li> <li>- ILO Convention 100 on Equal Remuneration;</li> <li>- ILO Convention 182 on Worst Forms of Child Labour;</li> <li>- Vienna Convention for the protection of the Ozone Layer and its Montreal</li> </ul>	<p>(Note: see Council Annex II)</p>

	<p><b>Protocol on substances that deplete the Ozone Layer;</b></p> <ul style="list-style-type: none"> <li>- <b>Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention);</b></li> <li>- <b>Stockholm Convention on Persistent Organic Pollutants (Stockholm POPs Convention);</b></li> <li>- <b>Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (The PIC Convention) and its three regional Protocols.</b></li> </ul>	
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<i>Annex XI</i>		
LIST OF EUROPEAN UNION LEGISLATION REFERRED TO IN ARTICLE 4 (3) (b)	deleted	LIST OF EUROPEAN UNION LEGISLATION REFERRED TO IN ARTICLE 4 (4) (b)
<p>Rights which have been granted by means of a procedure in which adequate publicity has been ensured and where the granting of those rights was based on objective criteria shall not constitute "special or exclusive rights" within the meaning of this Directive. The following lists procedures, ensuring adequate prior transparency, for granting authorisations on the basis of other legislative acts of the European Union which do not constitute "special or exclusive rights" within the meaning of this Directive:</p> <p>(a) Granting authorisation to operate natural gas installations in accordance with the procedures laid down in Article 4 of Directive 98/30/EC.</p> <p>(b) Authorisation or an invitation to tender for the construction of new electricity production installations in accordance with the provisions of Directive 96/92/EC.</p> <p>(c) The granting in accordance with the procedures laid down in Article 9 of</p>	deleted	<p>Rights which have been granted by means of a procedure in which adequate publicity has been ensured and where the granting of those rights was based on objective criteria shall not constitute "special or exclusive rights" within the meaning of this Directive. The following lists procedures, ensuring adequate prior transparency, for granting authorisations on the basis of other legislative acts of the European Union which do not constitute "special or exclusive rights" within the meaning of this Directive:</p> <p>(a) Granting authorisation to operate natural gas installations in accordance with the procedures laid down in Article 4 of Directive 2009/73/EC.</p> <p>(b) Authorisation or an invitation to tender for the construction of new electricity production installations in accordance with [...]Directive 2009/73/EC.</p> <p>(c) The granting in accordance with the procedures laid down in Article 9 of</p>

<p>Directive 97/67/EC of authorisations in relation to a postal service which is not or shall not be reserved.</p> <p>(d) A procedure for granting an authorisation to carry on an activity involving the exploitation of hydrocarbons in accordance with Directive 94/22/EC.</p> <p>(e) Public service contracts within the meaning of Regulation (EC) No 1370/2007 which have been awarded on the basis of a competitive tendering procedure in accordance with its Article 5(3).</p>		<p>Directive 97/67/EC of authorisations in relation to a postal service which is not or shall not be reserved.</p> <p>(d) A procedure for granting an authorisation to carry on an activity involving the exploitation of hydrocarbons in accordance with Directive 94/22/EC.</p> <p>(e) Public service contracts within the meaning of Regulation (EC) No 1370/2007 <b>for the provision of public passenger transport services by bus, tramway, rail or metro</b>, which have been awarded on the basis of a competitive tendering procedure in accordance with its Article 5(3), <b>provided that its length is in conformity with Article 4(3) or 4(4) of the Regulation.</b></p>
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<p><i>Annex XII</i></p>		
<p>REQUIREMENTS RELATING TO DEVICES FOR THE ELECTRONIC RECEIPT OF TENDERS, AND APPLICATIONS</p>	<p><b>deleted</b></p>	<p><b>deleted</b></p>
<p>1. Devices for the electronic receipt of tenders and applications must at least guarantee, through technical means and appropriate procedures, that:</p> <ul style="list-style-type: none"> <li>(a) the exact time and date of the receipt of tenders and applications can be determined precisely;</li> <li>(b) it may be reasonably ensured that, before the time limits laid down, no-one can have access to data transmitted under these requirements;</li> <li>(c) where that access prohibition is infringed, it may be reasonably ensured that the infringement is clearly detectable;</li> <li>(d) only authorised persons may set or change the dates for opening data received;</li> <li>(e) during the different stages of the concession award procedure access</li> </ul>	<p><b>deleted</b></p>	<p><b>deleted</b></p>



<p>to all data submitted, or to part thereof, must be possible only through simultaneous action by authorised persons;</p> <p>(f) simultaneous action by authorised persons must give access to data transmitted only after the prescribed date;</p> <p>(g) data received and opened in accordance with these requirements must remain accessible only to persons authorised to acquaint themselves therewith, and</p> <p>(h) authentication of tenders must conform to the requirements set out in this Annex.</p>		
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<i>Annex XIII</i>		
<p>INFORMATION TO BE INCLUDED IN PRIOR INFORMATION NOTICES CONCERNING CONCESSIONS FOR SOCIAL AND OTHER SPECIFIC SERVICES (as referred to in Article 26(3))x</p>	<p><b>deleted</b></p>	<p>INFORMATION TO BE INCLUDED IN PRIOR INFORMATION NOTICES CONCERNING CONCESSIONS FOR SOCIAL AND OTHER SPECIFIC SERVICES (as referred to in Article 26(3))</p>
<ol style="list-style-type: none"> <li>1. Name, identification number (where provided for in national legislation), address including NUTS code, telephone, fax number, email and internet address of the contracting authority or contracting entity and, where different, of the service from which additional information may be obtained.</li> <li>2. Where appropriate, email or internet address at which the specifications and any supporting documents will be available.</li> <li>3. Type of contracting authority or contracting entity and main activity exercised.</li> <li>4. CPV Nomenclature reference No(s); where the contract is divided into lots, this information</li> </ol>	<p><b>deleted</b></p>	<ol style="list-style-type: none"> <li>1. Name, identification number (where provided for in national legislation), address including NUTS code, telephone, fax number, email and internet address of the contracting authority or contracting entity and, where different, of the service from which additional information may be obtained.</li> <li>2. Where appropriate, email or internet address at which the specifications and any supporting documents will be available.</li> <li>[...]</li> <li>4. CPV Nomenclature reference No(s); where the contract is divided into lots, this information</li> </ol>

<p>shall be provided for each lot.</p> <ol style="list-style-type: none"> <li>5. NUTS code for the main place of delivery or performance of service concessions</li> <li>6. Description of the services and where applicable, incidental works and supplies to be procured</li> <li>7. Estimated total value of concession(s); where the concession is divided into lots, this information shall be provided for each lot.</li> <li>8. Conditions for participation.</li> <li>9. Where applicable, time limit(s) for contacting the contracting authority or contracting entity in view of participation.</li> <li>10. Where applicable, brief description of the main features of the award procedure to be applied.</li> <li>11. Any other relevant information.</li> </ol>		<p>shall be provided for each lot.</p> <ol style="list-style-type: none"> <li>5. NUTS code for the main place of delivery or performance of service concessions</li> <li>6. Description of the services and where applicable, incidental works and supplies to be procured</li> <li>[...]</li> <li>8. Conditions for participation.</li> <li>9. Where applicable, time limit(s) for contacting the contracting authority or contracting entity in view of participation.</li> <li>10. Where applicable, brief description of the main features of the award procedure to be applied.</li> <li>11. Any other relevant information.</li> </ol>
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