



**COUNCIL OF
THE EUROPEAN UNION**

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**MAP 1
MI 12**

NOTE

from:	General Secretariat
to:	Delegations
No Cion prop.:	18966/11 MAP 10 MI 686
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on public procurement

Delegations will find in the Annex a list of Clusters with the corresponding articles on the above proposal. This list will be explained in detail on the meeting of 17 January and will be a basis for conducting discussions on the text of the above proposal during the forthcoming meetings.

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Directive on public procurement replacing Directive 2004/18/EC - COM(2011)896 final

Subject "clusters"

Cluster 1: Flexibilisation of procedures	
Choice of procedures	Art. 24, 25, 26, 30
Competitive procedure with negotiation	Art. 27
New version of competitive dialogue	Art. 28
Innovation partnership	Art. 29
Cluster 2: Strategic use of public procurement	
Award criteria, notably production process and life-cycle costing	Art. 66, 67 + Annex XV
Contract performance clauses	Art. 70
Technical specifications	Art. 40, Annex VIII
Labels and certification	Art. 41, 42
Exclusions for violation of social and environmental obligations	Art. 54.2; Art. 55.3.a; Art. 69.4, 2 nd subpar.; Annex XI
Reserved contracts	Art. 17
Social services	Rec. 11; Art. 4(d), Art. 74 – 76, Annex XVI
Cluster 3: Reducing documentation requirements	
Selection and exclusion criteria	Art. 54, 55 (except for Art. 54.2, and Art. 55.3.a - to be dealt with under "Strategic use").
	Art. 56 (except for Art. 56.3 2 nd subpar. - to be dealt with under "SME Access")
Reliance on capacities of others	Art. 62
Means of proof, notably self-declarations and procurement passport	Art. 57-61, Annexes XII-XIV
Lists of approved economic operators	Art. 63
Reduction of numbers of candidates, tenders and solutions	Art. 64, 65
Cluster 4: E-Procurement	
Electronic communication	Art. 19, Annex IV
Electronic availability of procurement documents	Art. 51
Electronic auctions	Art. 33; Annex VII
Electronic catalogues	Art. 34

Cluster 5: SME Access	
Subdivision into lots	Art. 44
Direct payment for subcontractors	Art. 71
Turnover cap	Art. 56.3 2 nd subpar.
Cluster 6: Aggregation of demand	
Framework agreements	Art. 31
Dynamic purchasing systems	Art. 32
Central and ancillary purchasing systems	Art. 35-37
Joint procurement	Art. 38
Cluster 7: Other procedural requirements	
Publication/transparency and time limits	Art. 45-50, 52, 53; Annexes VI, IX and X
Variants	Art. 43
Design contests	Art. 77-82
Cluster 8: Sound procedures	
General rules	Art. 15, 16, 18
Conflicts of interest	Art. 21
Illicit conduct	Art. 22
Preliminary market consultation/ Prior involvement of candidates or tenderers	Art. 39
Impediments to award	Art. 68
Abnormally low tenders	Art. 69 (except for Art. 69.4, 2 nd subpar. - to be dealt with under "Strategic use")
Modification during contract execution	Art. 72
Termination of contracts	Art. 73
Cluster 9: Governance	
Enforcement and oversight	Art. 83, 84
Individual reports	Art. 85
National reporting	Art. 86
Assistance to contracting authorities and businesses	Art. 87
Administrative cooperation	Art. 88

Cluster 10: Scope/Basic provisions	
Concept of procurement	Art. 1
Definitions	Art. 2; Annexes I, II
Mixed procurement	Art. 3
Thresholds	Art. 4-6 (except for Art. 4(d). - to be dealt with under "strategic use"), 94, Annex III
Exclusions and specific situations, including public-public	Art. 7 – 14
Nomenclatures	Art. 20
International compliance	Art. 23, Annex V
Delegated powers, implementing powers and final provisions	Art. 89-93, 95, 96; Annex XVII

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