



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 21 February 2012

Interinstitutional files:

2011/0438 (COD)

2011/0439 (COD)

2011/0437 (COD)

6748/12

MAP 16

MI 117

CODEC 439

"I" ITEM NOTE

from : General Secretariat
to : Permanent Representatives Committee

No. Cion prop. : 18966/11 MAP 10 MI 686
18964/11 MAP 9 MI 685
18960/11 MAP 8 MI 684

Subject : - Proposal for a Directive of the European Parliament and of the Council on public procurement
- Proposal for a Directive of the European Parliament and of the Council on procurement by entities operating in the water, energy, transport and postal services sectors
- Proposal for a Directive of the European Parliament and of the Council on the award of concession contracts
- Optional consultation of the Committee of the Regions¹

1. On 21 December 2011 the Commission submitted to the Council the Proposal for a Directive of the European Parliament and of the Council on public procurement², the Proposal for a Directive of the European Parliament and of the Council on procurement by entities operating in the water, energy, transport and postal services sectors³ and the Proposal for a Directive of the European Parliament and of the Council on the award of concession contracts⁴.

¹ The sole purpose of this note is to decide on the consultation of another institution/body and not on the substance.

² 18966/11.

³ 18964/11.

⁴ 18960/11.

2. The three proposals are based on the Articles 53(1), 62 and 114 of the Treaty on the Functioning of the European Union (TFEU).
3. Article 114 TFEU provides for the European Parliament and for the Council to act in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee. Thus, the Opinion of the Committee of the Regions is not required. However, it may be recalled that the Committee of the Regions was consulted concerning DIRECTIVE 2004/17/EC and DIRECTIVE 2004/18/EC⁵. For the sake of consistency and given the nature of the issues covered by the proposals, it therefore appears appropriate to also consult the Committee of the Regions on the present proposals.
4. The Permanent Representatives Committee is therefore invited to decide, in accordance with Article 19(7)(h) of the Council's Rules of Procedure, to consult the Committee of the Regions on the above three proposals and to request it to give its opinion as soon as possible.

⁵ OJ C 144, 16.5.2001, p. 23.