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European Union

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**COEST 214**  
**WTO 245**

## **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: COUNCIL DECISION on the position to be adopted on behalf of the European Union within the Association Committee in Trade configuration established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other

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**COUNCIL DECISION (EU) 2016/...**

**of ...**

**on the position to be adopted on behalf of the European Union  
within the Association Committee in Trade configuration  
established by the Association Agreement  
between the European Union and the European Atomic Energy Community  
and their Member States, of the one part,  
and the Republic of Moldova, of the other**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first paragraph of Article 207(4) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Association Agreement between the European Union and the European Atomic Energy Community, and their Member States of the one part, and the Republic of Moldova, of the other part<sup>1</sup> ('the Agreement') entered into force on 1 July 2016.
- (2) In accordance with Article 173 of the Agreement the Republic of Moldova is to gradually achieve conformity with the relevant Union *acquis*, in accordance with the provisions of Annex XVI to the Agreement.
- (3) In accordance with Article 273 of the Agreement the Republic of Moldova is to ensure that its public procurement legislation is gradually made compatible with the relevant Union *acquis*, in line with the schedule provided in Annex XXIX to the Agreement.
- (4) Several Union acts listed in Annexes XVI and XXIX to the Agreement have been amended, recast or repealed and replaced by new Union acts since the initialling of the Agreement on 29 November 2013. Certain Union acts listed in Annex XVI to the Agreement are also listed in other Annexes. It is appropriate, in the interest of clarity of obligations, to align the deadlines for approximation applicable to those acts.

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<sup>1</sup> OJ L 260, 30.8.2014, p. 4.

- (5) In accordance with Article 269 of the Agreement the value thresholds for public procurement contracts provided for in Annex XXIX-A to the Agreement are to be revised regularly, beginning in the year of entry into force of the Agreement.
- (6) It is furthermore appropriate to take into account the progress made by the Republic of Moldova in the process of approximation to the Union *acquis* by amending certain deadlines.
- (7) It is therefore necessary to update Annexes XVI and XXIX in order to reflect the developments to the Union *acquis* listed therein, and revise the value thresholds for public procurement contracts provided for in Annex XXIX-A to the Agreement.
- (8) In accordance with Article 269 of the Agreement the revision of the thresholds provided for in Annex XXIX-A to the Agreement shall be adopted by decision of the Association Committee in Trade configuration.
- (9) In accordance with Article 436(3) of the Agreement the Association Council shall have the power to update or amend the Annexes to the Agreement.

- (10) Article 1 of the Association Council Decision No 3/2014 of 16 December 2014 delegates the power to update or amend the trade-related annexes to the Agreement to the Association Committee in Trade configuration, including Annex XVI pertaining to Chapter 3 (Technical Barriers to Trade, Standardisation, Metrology, Accreditation and Conformity Assessment) and Annex XXIX pertaining to Chapter 8 (Public Procurement) of Title V (Trade and trade-related matters) of the Agreement.
- (11) It is appropriate to establish the position to be adopted on the Union's behalf within the Association Committee in Trade configuration with regard to the update of Annexes XVI and XXIX to the Agreement,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be adopted on the Union's behalf within the Association Committee in Trade configuration established by Article 438 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, with regard to the update of Annexes XVI and XXIX to the Agreement shall be based on the draft Decisions of that Committee attached to this Decision.

Minor technical corrections to the draft Decisions may be agreed to by the representatives of the Union in the Association Committee in Trade configuration without further decision of the Council.

*Article 2*

This Decision shall enter into force on the day of its adoption.

Done at Brussels,

*For the Council*

*The President*

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DRAFT

**DECISION No 1/2016  
OF THE EU-REPUBLIC OF MOLDOVA ASSOCIATION COMMITTEE  
IN TRADE CONFIGURATION**

**of ...**

**updating Annex XVI to the Association Agreement**

THE ASSOCIATION COMMITTEE IN TRADE CONFIGURATION,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, and in particular Article 173 and Article 436 thereof,

Whereas:

- (1) The Association Agreement between the European Union and the European Atomic Energy Community and their Member States of the one part, and the Republic of Moldova, of the other part<sup>1</sup> ('the Agreement') entered into force on 1 July 2016.
- (2) In accordance with Article 173 of the Agreement the Republic of Moldova shall gradually achieve conformity with the relevant Union *acquis*, in accordance with the provisions of Annex XVI to the Agreement.
- (3) Several Union acts listed in Annex XVI to the Agreement have been amended, recast or repealed and replaced by new Union acts since the initialling of the Agreement on 29 November 2013. In particular, the Union adopted and notified to the Republic of Moldova the following acts:
  - (a) Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits<sup>2</sup>;

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<sup>1</sup> OJ EU L 260, 30.8.2014, p. 4.

<sup>2</sup> OJ EU L 96, 29.3.2014, p. 357.



- (b) Directive 2014/29/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of simple pressure vessels<sup>1</sup>;
- (c) Directive 2014/30/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to electromagnetic compatibility<sup>2</sup>;
- (d) Directive 2014/34/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres<sup>3</sup>;
- (e) Directive 2014/28/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market and supervision of explosives for civil uses<sup>4</sup>;

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<sup>1</sup> OJ EU L 96, 29.3.2014, p. 45.

<sup>2</sup> OJ EU L 96, 29.3.2014, p. 79.

<sup>3</sup> OJ EU L 96, 29.3.2014, p. 309.

<sup>4</sup> OJ EU L 96, 29.3.2014, p. 1.

- (f) Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts<sup>1</sup>;
- (g) Directive 2014/32/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of measuring instruments<sup>2</sup>;
- (h) Directive 2014/31/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of non-automatic weighing instruments<sup>3</sup>;
- (i) Directive 2014/68/EU of the European Parliament and of the Council of 15 May 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of pressure equipment<sup>4</sup>;

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<sup>1</sup> OJ EU L 96, 29.3.2014, p. 251.

<sup>2</sup> OJ EU L 96, 29.3.2014, p. 149.

<sup>3</sup> OJ EU L 96, 29.3.2014, p. 107.

<sup>4</sup> OJ EU L 189, 27.6.2014, p. 164.

- (j) Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC<sup>1</sup>;
- (k) Directive 2013/53/EU of the European Parliament and of the Council of 20 November 2013 on recreational craft and personal watercraft and repealing Directive 94/25/EC<sup>2</sup>;
- (l) Directive 2013/29/EU of the European Parliament and of the Council of 12 June 2013 on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles<sup>3</sup>;
- (m) Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC<sup>4</sup>;

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<sup>1</sup> OJ EU L 153, 22.5.2014, p. 62.

<sup>2</sup> OJ EU L 354, 28.12.2013, p. 90.

<sup>3</sup> OJ EU L 178, 28.6.2013, p. 27.

<sup>4</sup> OJ EU L 165, 30.6.2010, p. 1.

- (n) Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles<sup>1</sup>;
- (o) Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles<sup>2</sup>;
- (p) Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals<sup>3</sup>;
- (q) Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC<sup>4</sup>;
- (r) Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE)<sup>5</sup>.

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<sup>1</sup> OJ EU L 60, 2.3.2013, p. 52.

<sup>2</sup> OJ EU L 60, 2.3.2013, p. 1.

<sup>3</sup> OJ EU L 201, 27.7.2012, p. 60.

<sup>4</sup> OJ EU L 197, 24.7.2012, p. 1.

<sup>5</sup> OJ EU L 197, 24.7.2012, p. 38.

- (4) Certain Union acts listed in Annex XVI are also listed in Annex IV (Consumer Protection) and Annex XI (Environment) to the Agreement. In the interest of clarity, the applicable deadlines for approximation of those acts listed in Annex XVI should be aligned to the deadlines specified in Annex IV (Consumer Protection) and Annex XI (Environment) to the Agreement.
- (5) It is necessary to update Annex XVI to the Agreement in order to reflect the evolution of the Union legislation listed in that Annex, in accordance with Article 436(3) of the Agreement. In the interest of clarity, the sections of Annex XVI to the Agreement affected by the changes should be updated in their entirety.
- (6) The Republic of Moldova continues the process of approximating its legislation to the Union legislation, in accordance with the timetable and priorities set out in Annex XVI to the Agreement. It is therefore appropriate to ensure that the recent updates to the Union legislation are promptly and efficiently integrated in the ongoing process of approximation and take into account the progress already made by the Republic of Moldova.

- (7) It is appropriate to provide for transition periods to the Republic of Moldova in order to reflect the new Union acts in its national legislation and to provide an adaptation period to the manufacturers and importers. Accordingly, the deadlines for approximation of its national legislation to those new Union acts should be extended.
- (8) In accordance with Article 436(3) of the Agreement the EU-Republic of Moldova the Association Council shall have the power to update or amend the Annexes to the Agreement. The Association Council empowered the Association Committee in Trade configuration by Decision No 3/2014 of 16 December 2014 to update or amend certain trade-related annexes,

HAS ADOPTED THIS DECISION:

### *Article 1*

Section "Horizontal legislative framework for marketing of products", Section "Legislation based on the principles of the new approach which provide for CE marking", Section "Directives based on the principles of the New Approach or the Global Approach, but which do not provide for CE marking", Subsection 2 "Two- or three-wheel motor vehicles" and Subsection 3 "Wheeled agricultural or forestry tractors" of Section "Construction of motor vehicles", Subsection 1 "REACH and REACH implementation", Subsection 2 "Dangerous chemicals" and Subsection 3 "Classification, packaging and labelling" of Section "Chemicals" of Annex XVI to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, are replaced by the text appearing in the Annex to this Decision.

*Article 2*

This Decision shall enter into force on the day of its adoption.

Done at ...,

*For the Association Committee  
in Trade configuration  
The Chair*

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## ANNEX

### UPDATE OF ANNEX XVI TO THE AGREEMENT

Section "Horizontal legislative framework for marketing of products", Section "Legislation based on the principles of the new approach which provide for CE marking", Section "Directives based on the principles of the New Approach or the Global Approach, but which do not provide for CE marking", Subsection 2 "Two- or three-wheel motor vehicles" and Subsection 3 "Wheeled agricultural or forestry tractors" of Section "Construction of motor vehicles", Subsection 1 "REACH and REACH implementation", Subsection 2 "Dangerous chemicals" and Subsection 3 "Classification, packaging and labelling" of Section "Chemicals" of Annex XVI to the Agreement are replaced by the following:

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Union legislation	Deadline for approximation
<b>HORIZONTAL LEGISLATIVE FRAMEWORK FOR MARKETING OF PRODUCTS</b>	
Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93	Approximated on the date of entry into force of the Law No 235 of 1 December 2011
Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC	

Union legislation	Deadline for approximation
Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety	2016
Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products	2012
Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council	2015
Council Directive 80/181/EEC of 20 December 1979 on the approximation of the laws of the Member States relating to units of measurement and on the repeal of Directive 71/354/EEC, as amended by Directive 2009/3/EC of the European Parliament and of the Council	2015
<b>LEGISLATION BASED ON THE PRINCIPLES OF THE NEW APPROACH WHICH PROVIDE FOR CE MARKING</b>	
Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits	2017
Directive 2014/29/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of simple pressure vessels	2017
Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC	Full approximation: 2015

Union legislation	Deadline for approximation
Directive 2014/30/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to electromagnetic compatibility	2017
Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States relating to personal protective equipment	Review and full approximation: 2015
Directive 2009/142/EC of the European Parliament and of the Council of 30 November 2009 relating to appliances burning gaseous fuels	Review and full approximation: 2016
Directive 2000/9/EC of the European Parliament and of the Council of 20 March 2000 relating to cableway installations designed to carry persons	2015
Directive 2014/34/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres	2017
<p>Directive 2014/28/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market and supervision of explosives for civil uses</p> <p>Commission Decision 2004/388/EC of 15 April 2004 on an Intra-Community transfer of explosives document</p> <p>Commission Directive 2008/43/EC of 4 April 2008 setting up, pursuant to Council Directive 93/15/EEC, a system for the identification and traceability of explosives for civil uses</p>	2017

Union legislation	Deadline for approximation
Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts	2017
Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC	2015
Directive 2014/32/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of measuring instruments	2017
Council Directive 93/42/EEC of 14 June 1993 concerning medical devices Council Directive 90/385/EEC of 20 June 1990 on the approximation of the laws of the Member States relating to active implantable medical devices Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on <i>in vitro</i> diagnostic medical devices	Review and full approximation: 2015
Council Directive 92/42/EEC of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels	Full approximation: 2017
Directive 2014/31/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of non-automatic weighing instruments	2017
Directive 2014/68/EU of the European Parliament and of the Council of 15 May 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of pressure equipment	2017

Union legislation	Deadline for approximation
Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC	2017
Directive 2013/53/EU of the European Parliament and of the Council of 20 November 2013 on recreational craft and personal watercraft and repealing Directive 94/25/EC	2018
Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys	Review and full approximation: 2015
Directive 2013/29/EU of the European Parliament and of the Council of 12 June 2013 on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles	2017
<b>DIRECTIVES BASED ON THE PRINCIPLES OF THE NEW APPROACH OR THE GLOBAL APPROACH, BUT WHICH DO NOT PROVIDE FOR CE MARKING</b>	
European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste	2015
Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC	2017

Union legislation	Deadline for approximation
<b>CONSTRUCTION OF MOTOR VEHICLES</b>	
<b>2. Two- or Three-wheel motor vehicles</b>	
Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles	2017
<b>3. Wheeled agricultural or forestry tractors</b>	
Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles	2016
Directive 2008/2/EC of the European Parliament and of the Council of 15 January 2008 on the field of vision and windscreen wipers for wheeled agricultural or forestry tractors	2016
<b>CHEMICALS</b>	
<b>1. REACH and REACH implementation</b>	
Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC	2019
Commission Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)	2019

Union legislation	Deadline for approximation
<b>2. Dangerous chemicals</b>	
Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals	2017
Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC	2021
Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment	2014
Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE)	2016
Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC	2013-14
Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT)	Approximated in 2009
Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC	2013-14
<b>3. Classification, packaging and labelling</b>	
Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006	2021

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DRAFT

**DECISION No 2/2016**  
**OF THE EU-REPUBLIC OF MOLDOVA ASSOCIATION COMMITTEE**  
**IN TRADE CONFIGURATION**

**of ...**

**updating Annex XXIX to the Association Agreement**

THE ASSOCIATION COMMITTEE IN TRADE CONFIGURATION,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, and in particular Article 269, Article 273 and Article 436 thereof,



Whereas:

- (1) The Association Agreement between the European Union and the European Atomic Energy Community and their Member States of the one part, and the Republic of Moldova, of the other part<sup>1</sup> ('the Agreement') entered into force on 1 July 2016.
- (2) In accordance with Article 269(5) of the Agreement the value thresholds for public procurement contracts provided for in Annex XXIX-A are to be revised regularly every two years, beginning in the year of entry into force of the Agreement and such revision is to be adopted by decision of the Association Committee in Trade configuration, as set out in Article 438(4) of the Agreement.
- (3) In accordance with Article 273 of the Agreement the Republic of Moldova is to ensure that its public procurement legislation is gradually made compatible with the relevant Union *acquis*, in line with the schedule provided in Annex XXIX to the Agreement.

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<sup>1</sup> OJ EU L 260, 30.8.2014, p. 4.

- (4) Several Union acts listed in Annex XXIX to the Agreement have been amended, recast or repealed and replaced by new Union acts since the initialling of the Agreement on 29 November 2013. In particular, the Union adopted and notified to the Republic of Moldova the following acts:
- (a) Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts<sup>1</sup>;
  - (b) Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC<sup>2</sup>;
  - (c) Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC<sup>3</sup>.
- (5) The above-mentioned new Directives amended the value thresholds for public procurement contracts provided for in Annex XXIX-A.
- (6) It is therefore necessary to update Annex XXIX to the Agreement in order to reflect the changes made to the Union *acquis* listed in that Annex, in accordance with Article 269, Article 273 and Article 436 of the Agreement.

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<sup>1</sup> OJ EU L 94, 28.3.2014, p. 1.

<sup>2</sup> OJ EU L 94, 28.3.2014, p. 65.

<sup>3</sup> OJ EU L 94, 28.3.2014, p. 243.

- (7) The new Union *acquis* on public procurement has a new structure. It is appropriate to reflect this new structure in Annex XXIX. In the interest of clarity, Annex XXIX should be updated in its entirety and replaced by the text set out in the Annex to this Decision. It is furthermore appropriate to take into account the progress made by the Republic of Moldova in the process of approximation to the Union *acquis*.
- (8) In accordance with Article 436(3) of the Agreement the EU-Republic of Moldova Association Council shall have the power to update or amend the Annexes to the Agreement. The Association Council empowered the Association Committee in Trade configuration by Decision No 3/2014 of 16 December 2014 to update or amend certain trade-related annexes,

HAS ADOPTED THIS DECISION:

*Article 1*

Annex XXIX to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States of the one part, and the Republic of Moldova, of the other part, is replaced by the by the text appearing in the Annex to this Decision.

*Article 2*

This Decision shall enter into force on the day of its adoption.

Done at ...,

*For the Association Committee  
in Trade configuration  
The Chair*

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## **ANNEX**

Annex XXIX to the Agreement is replaced by the following:

"ANNEX XXIX

### **PUBLIC PROCUREMENT**

ANNEX XXIX-A

### **THRESHOLDS**

1. The value thresholds referred to in Article 269(3) of this Agreement shall be for both Parties:
  - (a) EUR 134 000 for public supply and service contracts awarded by central government authorities and design contests awarded by such authorities;
  - (b) EUR 207 000 in the case of public supply and public service contracts not covered by point (a);
  - (c) EUR 5 186 000 in the case of public works contracts;
  - (d) EUR 5 186 000 in the case of works contracts in the utilities sector;
  - (e) EUR 5 186 000 in the case of concessions;

- (f) EUR 414 000 in the case of supply and service contracts in the utilities sector;
- (g) EUR 750 000 for public service contracts for social and other specific services;
- (h) EUR 1 000 000 for service contracts for social and other specific services in the utilities sector.

2. The value thresholds referred to in paragraph 1 shall be adapted to reflect the thresholds applicable under Directives 2014/23/EU, 2014/24/EU and 2014/25/EU at the moment of the entry into force of this Agreement.

#### ANNEX XXIX-B

### INDICATIVE TIME SCHEDULE FOR INSTITUTIONAL REFORM, APPROXIMATION AND MARKET ACCESS

Phase		Indicative time schedule	Market access granted to the EU by the Republic of Moldova	Market access granted to the Republic of Moldova by the EU	
1	Implementation of Articles 270(2) and 271 of this Agreement  Agreement of the Reform Strategy set out in Article 272 of this Agreement	9 months after the entry into force of this Agreement	Supplies for central government authorities	Supplies for central government authorities	

Phase		Indicative time schedule	Market access granted to the EU by the Republic of Moldova	Market access granted to the Republic of Moldova by the EU	
2	Approximation and implementation of basic elements of Directive 2014/24/EU and of Directive 89/665/EEC	5 years after the entry into force of this Agreement	Supplies for state, regional and local authorities and bodies governed by public law	Supplies for state, regional and local authorities and bodies governed by public law	Annexes XXIX-C and XXIX-N
	Approximation and implementation of basic elements of Directive 2014/25/EU and of Directive 92/13/EEC	5 years after the entry into force of this Agreement	Supplies for all contracting entities in the utilities sector	Supplies for all contracting entities	Annexes XXIX-G and XXIX-Q
	Approximation and implementation of other elements of Directive 2014/24/EU	5 years after the entry into force of this Agreement	Service and works contracts for all contracting authorities	Service and works contracts for all contracting authorities	Annexes XXIX-D, XXIX-E, and XXIX-O

Phase		Indicative time schedule	Market access granted to the EU by the Republic of Moldova	Market access granted to the Republic of Moldova by the EU	
3	Approximation and implementation of Directive 2014/23/EU	6 years after the entry into force of this Agreement	Concessions for all contracting authorities	Concessions for all contracting authorities	Annexes XXIX-K and XXIX-L
4	Approximation and implementation of other elements of Directive 2014/25/EU	8 years after the entry into force of this Agreement	Service and works contracts for all contracting entities in the utilities sector	Service and works contracts for all contracting entities in the utilities sector	Annexes XXIX-H, XXIX-I and XXIX-R

ANNEX XXIX-C

**BASIC ELEMENTS OF DIRECTIVE 2014/24/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**of 26 February 2014**

**on public procurement and repealing Directive 2004/18/EC**

**(Phase 2)**

TITLE I            Scope, definitions and general principles

CHAPTER I        Scope and definitions

Section 1         Subject-matter and definitions

Article 1          Subject-matter and scope: paragraphs 1, 2, 5 and 6



Article 2	Definitions: points (1), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (18), (19), (20), (22), (23) and (24) of paragraph 1
Article 3	Mixed procurement
Section 2	Thresholds
Article 4	Threshold amounts
Article 5	Methods for calculating the estimated value of procurement
Section 3	Exclusions
Article 7	Contracts in the water, energy, transport and postal services sectors
Article 8	Specific exclusions in the field of electronic communications
Article 9	Public contracts awarded and design contests organised pursuant to international rules
Article 10	Specific exclusions for service contracts
Article 11	Service contracts awarded on the basis of an exclusive right
Article 12	Public contracts between entities within the public sector
Section 4	Specific situations
Subsection 1	Subsidised contracts and research and development services
Article 13	Contracts subsidised by contracting authorities
Article 14	Research and development services
Subsection 2	Procurement involving defence and security aspects
Article 15	Defence and security
Article 16	Mixed procurement involving defence or security aspects
Article 17	Public contracts and design contests involving defence or security aspects which are awarded or organised pursuant to international rules

CHAPTER II	General rules
Article 18	Principles of procurement
Article 19	Economic operators
Article 21	Confidentiality
Article 22	Rules applicable to communication: paragraphs 2-6
Article 23	Nomenclatures
Article 24	Conflicts of interest
TITLE II	Rules on public contracts
CHAPTER I	Procedures
Article 26	Choice of procedures: paragraphs 1, 2, point (a) of paragraph 4, paragraphs 5 and 6
Article 27	Open procedure
Article 28	Restricted procedure
Article 29	Competitive procedure with negotiation
Article 32	Use of the negotiated procedure without prior publication
CHAPTER III	Conduct of the procedure
Section 1	Preparation
Article 40	Preliminary market consultations
Article 41	Prior involvement of candidates or tenderers

Article 42	Technical specifications
Article 43	Labels
Article 44	Test reports, certification and other means of proof: paragraphs 1 and 2
Article 45	Variants
Article 46	Division of contracts into lots
Article 47	Setting time limits
Section 2	Publication and transparency
Article 48	Prior information notices
Article 49	Contract notices
Article 50	Contract award notices: paragraphs 1 and 4
Article 51	Form and manner of publication of notices: first subparagraph of paragraph 1 and first subparagraph of paragraph 5
Article 53	Electronic availability of procurement documents
Article 54	Invitations to candidates
Section 3	Choice of participants and award of contracts
Article 56	General principles
Subsection 1	Criteria for qualitative selection
Article 57	Exclusion grounds
Article 58	Selection criteria
Article 59	European Single Procurement Document: paragraph 1 <i>mutatis mutandis</i> and paragraph 4
Article 60	Means of proof

Article 62	Quality assurance standards and environmental management standards: paragraphs 1 and 2
Article 63	Reliance on the capacities of other entities
Subsection 2	Reduction of numbers of candidates, tenders and solutions
Article 65	Reduction of the number of otherwise qualified candidates to be invited to participate
Article 66	Reduction of the number of tenders and solutions
Subsection 3	Award of the contract
Article 67	Contract award criteria
Article 68	Life-cycle costing: paragraphs 1 and 2
Article 69	Abnormally low tenders: paragraphs 1-4
CHAPTER IV	Contract performance
Article 70	Conditions for performance of contracts
Article 71	Subcontracting
Article 72	Modification of contracts during their term
Article 73	Termination of contracts
TITLE III	Particular procurement regimes
CHAPTER I	Social and other specific services
Article 74	Award of contracts for social and other specific services
Article 75	Publication of notices
Article 76	Principles of awarding contracts

## ANNEXES

Annex II	List of the activities referred to in point (6)(a) of Article 2(1)
Annex III	List of products referred to in Article 4(b) with regard to contracts awarded contracting authorities in the field of defence
Annex IV	Requirements relating to tools and devices for the electronic receipt of tenders, requests for participation as well as plans and projects in design contests
Annex V	Information to be included in notices
Part A	Information to be included in notices of the publication of a prior information notice on a buyer profile
Part B	Information to be included in prior information notices (as referred to in Article 48)
Part C	Information to be included in contract notices (as referred to in Article 49)
Part D	Information to be included in contract award notices (as referred to in Article 50)
Part G	Information to be included in notices of modifications of a contract during its term (as referred to in Article 72(1))
Part H	Information to be included in contract notices concerning contracts for social and other specific services (as referred to in Article 75(1))
Part I	Information to be included in prior information notices for social and other specific services (as referred to in Article 75(1))
Part J	Information to be included in contract award notices concerning contracts for social and other specific services (as referred to in Article 75(2))

Annex VII	Definition of certain technical specifications
Annex IX	Contents of the invitations to submit a tender, to participate in the dialogue or to confirm interest provided for under Article 54
Annex X	List of international social and environmental conventions referred to in Article 18(2)
Annex XII	Means of proof of selection criteria
Annex XIV	Services referred to in Article 74
ANNEX XXIX-D	

## **OTHER MANDATORY ELEMENTS OF DIRECTIVE 2014/24/EU**

### **(Phase 2)**

TITLE I	Scope, definitions and general principles
CHAPTER I	
Section 1	Scope and definitions
Article 2	Subject-matter and definitions
Article 2	Definitions: point (21) of paragraph 1
Article 22	Rules applicable to communication: paragraph 1
TITLE II	
Rules on public contracts	
CHAPTER I	
Article 26	Procedures
Article 30	Choice of procedures: paragraph 3 and point (b) of paragraph 4
Article 31	Competitive dialogue
Article 31	Innovation partnership

CHAPTER II	Techniques and instruments for electronic and aggregated procurement
Article 33	Framework agreements
Article 34	Dynamic purchasing systems
Article 35	Electronic auctions
Article 36	Electronic catalogues
Article 38	Occasional joint procurement
CHAPTER III	Conduct of the procedure
Section 2	Publication and transparency
Article 50	Contract award notices: paragraphs 2 and 3
TITLE III	Particular procurement regimes
CHAPTER II	Rules governing design contests
Article 78	Scope
Article 79	Notices
Article 80	Rules on the organisation of design contests and the selection of participants
Article 81	Composition of the jury
Article 82	Decisions of the jury

## ANNEXES

Annex V	Information to be included in notices
Part E	Information to be included in design contest notices (as referred to in Article 79(1))
Part F	Information to be included in notices of the results of a contest (as referred to in Article 79(2))
Annex VI	Information to be included in the procurement documents relating to electronic auctions (Article 35(4))

## ANNEX XXIX-E

### **OTHER NON-MANDATORY ELEMENTS OF DIRECTIVE 2014/24/EU**

#### **(Phase 2)**

The elements of Directive 2014/24/EU set out in this Annex are not mandatory but recommended for approximation. The Republic of Moldova may approximate those elements within the time-frame set in Annex XXIX-B.

TITLE I	Scope, definitions and general principles
CHAPTER I	Scope and definitions
Section 1	Subject-matter and definitions
Article 2	Definitions: points (14) and (16) of paragraph 1
Article 20	Reserved contracts



CHAPTER II Techniques and instruments for electronic and aggregated procurement  
Article 37 Centralised purchasing activities and central purchasing bodies

CHAPTER III Conduct of the procedure  
Section 3 Choice of participants and award of contracts  
Article 64 Official lists of approved economic operators and certification by bodies established under public or private law

TITLE III Particular procurement regimes

CHAPTER I Social and other specific services  
Article 77 Reserved contracts for certain services

ANNEX XXIX-F

## **PROVISIONS OF DIRECTIVE 2014/24/EU OUTSIDE THE SCOPE OF APPROXIMATION**

The elements listed in this Annex are not subject to the process of approximation.

TITLE I Scope, definitions and general principles

CHAPTER I Scope and definitions  
Section 1 Subject-matter and definitions  
Article 1 Subject-matter and scope: paragraphs 3 and 4  
Article 2 Definitions: paragraph 2

Section 2	Thresholds
Article 6	Revision of the thresholds and of the list of central government authorities
TITLE II	Rules on public contracts
CHAPTER I	Procedures
Article 25	Conditions relating to the GPA and other international agreements
CHAPTER II	Techniques and instruments for electronic and aggregated procurement
Article 39	Procurement involving contracting authorities from different Member States
CHAPTER III	Conduct of the procedure
Section 1	Preparation
Article 44	Test reports, certification and other means of proof: paragraph 3
Section 2	Publication and transparency
Article 51	Form and manner of publication of notices: second subparagraph of paragraph 1, paragraphs 2, 3 and 4, second subparagraph of paragraph 5, paragraph 6
Article 52	Publication at national level
Section 3	Choice of participants and award of contracts
Article 61	Online repository of certificates (e-Certis)
Article 62	Quality assurance standards and environmental management standards: paragraph 3
Article 68	Life-cycle costing: paragraph 3
Article 69	Abnormally low tender: paragraph 5

TITLE IV	Governance
Article 83	Enforcement
Article 84	Individual reports on procedures for the award of contracts
Article 85	National reporting and statistical information
Article 86	Administrative cooperation
TITLE V	Delegated powers, implementing powers and final provisions
Article 87	Exercise of the delegation
Article 88	Urgency procedure
Article 89	Committee procedure
Article 90	Transposition and transitional provisions
Article 91	Repeals
Article 92	Review
Article 93	Entry into force
Article 94	Addressees
ANNEXES	
Annex I	Central government authorities
Annex VIII	Features concerning publication
Annex XI	Registers
Annex XIII	List of union legal acts referred to in Article 68(3)
Annex XV	Correlation table

**BASIC ELEMENTS OF DIRECTIVE 2014/25/EU OF THE EUROPEAN PARLIAMENT  
AND OF THE COUNCIL**

**of 26 February 2014**

**on procurement by entities operating in the water, energy, transport and postal services  
sectors and repealing Directive 2004/17/EC**

**(Phase 2)**

TITLE I	Scope, definitions and general principles
CHAPTER I	Subject-matter and definitions
Article 1	Subject-matter and scope: paragraphs 1, 2, 5 and 6
Article 2	Definitions: points (1)-(9), (13)-(16) and (18)-(20)
Article 3	Contracting authorities: paragraphs 1 and 4
Article 4	Contracting entities: paragraphs 1-3
Article 5	Mixed procurement covering the same activity
Article 6	Procurement covering several activities
CHAPTER II	Activities
Article 7	Common provisions
Article 8	Gas and heat

Article 9	Electricity
Article 10	Water
Article 11	Transport services
Article 12	Ports and airports
Article 13	Postal services
Article 14	Extraction of oil and gas and exploration for, or extraction of, coal or other solid fuels
CHAPTER III	Material scope
Section 1	Thresholds
Article 15	Threshold amounts
Article 16	Methods for calculating the estimated value of procurement: paragraphs 1-4 and 7-14
Section 2	Excluded contracts and design contests: special provisions for procurement involving defence and security aspects
Subsection 1	Exclusions applicable to all contracting entities and special exclusions for the water and energy sector
Article 18	Contracts awarded for purposes of resale or lease to third parties: paragraph 1
Article 20	Contracts awarded and design contests organised pursuant to international rules
Article 21	Specific exclusions for service contracts
Article 22	Service contracts awarded on the basis of an exclusive right
Article 23	Contracts awarded by certain contracting authorities for the purchase of water and for the supply of energy or of fuels for the production of energy

Subsection 2	Procurement involving defence and security aspects
Article 24	Defence and security
Article 25	Mixed procurement covering the same activity and involving defence or security aspects
Article 26	Procurement covering several activities and involving defence or security aspects
Article 27	Contracts and design contests involving defence or security aspects which are awarded or organised pursuant to international rules
Subsection 3	Special relations (cooperation, affiliated undertakings and joint ventures)
Article 28	Contracts between contracting authorities
Article 29	Contracts awarded to an affiliated undertaking
Article 30	Contracts awarded to a joint venture or to a contracting entity forming part of a joint venture
Subsection 4	Specific situations
Article 32	Research and development services
CHAPTER IV	General principles
Article 36	Principles of procurement
Article 37	Economic operators
Article 39	Confidentiality
Article 40	Rules applicable to communication
Article 41	Nomenclatures
Article 42	Conflicts of interest

TITLE II	Rules applicable to contracts
CHAPTER I	Procedures
Article 44	Choice of procedures: paragraphs 1, 2 and 4
Article 45	Open procedure
Article 46	Restricted procedure
Article 47	Negotiated procedure with prior call for competition
Article 50	Use of the negotiated procedure without prior call for competition: points (a)–(i)
CHAPTER III	Conduct of the procedure
Section 1	Preparation
Article 58	Preliminary market consultations
Article 59	Prior involvement of candidates or tenderers
Article 60	Technical specifications
Article 61	Labels
Article 62	Test reports, certification and other means of proof
Article 63	Communication of technical specifications
Article 64	Variants
Article 65	Division of contracts into lots
Article 66	Setting time limits
Section 2	Publication and Transparency
Article 67	Periodic indicative notices
Article 68	Notices on the existence of a qualification system

Article 69	Contract notices
Article 70	Contract award notices: paragraphs 1, 3 and 4
Article 71	Form and manner of publication of notices: paragraph 1 and first subparagraph of paragraph 5
Article 73	Electronic availability of procurement documents
Article 74	Invitations to candidates
Article 75	Informing applicants for qualification, candidates and tenderers
Section 3	Choice of participants and award of contract
Article 76	General principles
Subsection 1	Qualification and qualitative selection
Article 78	Criteria for qualitative selection
Article 79	Reliance on the capacities of other entities: paragraph 2
Article 80	Use of exclusion grounds and selection criteria provided for under Directive 2014/24/EU
Article 81	Quality assurance standards and environmental management standards: paragraphs 1 and 2
Subsection 2	Award of the contract
Article 82	Contract award criteria
Article 83	Life-cycle costing: paragraphs 1 and 2
Article 84	Abnormally low tenders: paragraphs 1-4



CHAPTER IV	Contract performance
Article 87	Conditions for performance of contracts
Article 88	Subcontracting
Article 89	Modification of contracts during their term
Article 90	Termination of contracts
TITLE III	Particular procurement regimes
CHAPTER I	Social and other specific services
Article 91	Award of contracts for social and other specific services
Article 92	Publication of notices
Article 93	Principles of awarding contracts
ANNEXES	
Annex I	List of activities as set out in point (a) of point 2 of Article 2
Annex V	Requirements relating to tools and devices for the electronic receipt of tenders, requests to participate, applications for qualification as well as plans and projects in contests
Annex VI part A	Information to be included in the periodic indicative notice (as referred to in Article 67)
Annex VI part B	Information to be included in notices of publication of a periodic indicative notice on a buyer profile not used as a means of calling for competition (as referred to in Article 67(1))

Annex VIII	Definition of certain technical specifications
Annex IX	Features concerning publication
Annex X	Information to be included in the notice on the existence of a qualification system (as referred to in point (b) of Article 44(4) and in Article 68)
Annex XI	Information to be included in contract notices (as referred to in Article 69)
Annex XII	Information to be included in the contract award notice (as referred to in Article 70)
Annex XIII	Contents of the invitation to submit a tender, to participate in the dialogue, to negotiate or to confirm interest provided for under Article 74
Annex XIV	List of International Social and Environmental Conventions referred to in Article 36(2)
Annex XVI	Information to be included in notices of modifications of a contract during its term (as referred to in Article 89(1))
Annex XVII	Services referred to in Article 91
Annex XVIII	Information to be included in notices concerning contracts for social and other specific services (as referred to in Article 92)
ANNEX XXIX-H	

## **OTHER MANDATORY ELEMENTS OF DIRECTIVE 2014/25/EU**

### **(Phase 4)**

TITLE I	Scope, definitions and general principles
CHAPTER I	Subject-matter and definitions
Article 2	Definitions: point (17)

CHAPTER III	Material scope
Section 1	Thresholds
Article 16	Methods for calculating the estimated value of procurement: paragraphs 5 and 6
TITLE II	Rules applicable to contracts
CHAPTER I	Procedures
Article 44	Choice of procedures: paragraph 3
Article 48	Competitive dialogue
Article 49	Innovation partnership
Article 50	Use of the negotiated procedure without prior call for competition: point (j)
CHAPTER II	Techniques and instruments for electronic and aggregated procurement
Article 51	Framework agreements
Article 52	Dynamic purchasing systems
Article 53	Electronic auctions
Article 54	Electronic catalogues
Article 56	Occasional joint procurement
CHAPTER III	Conduct of the procedure
Section 2	Publication and transparency
Article 70	Contract award notices: paragraph 2

Section 3	Choice of participants and award of contracts
Subsection 1	Qualification and qualitative selection
Article 77	Qualification systems
Article 79	Reliance on the capacities of other entities: paragraph 1
TITLE III	Particular procurement regimes
CHAPTER II	Rules governing design contests
Article 95	Scope
Article 96	Notices
Article 97	Rules on the organisation of design contests, the selection of participants and the jury
Article 98	Decision of the jury
ANNEXES	
Annex VII	Information to be included in the procurement documents relating to electronic auctions (Article 53(4))
Annex XIX	Information to be included in the design contest notice (as referred to in Article 96(1))
Annex XX	Information to be included in the results of design contest notices (as referred to in Article 96(1))

**OTHER NON-MANDATORY ELEMENTS OF DIRECTIVE 2014/25/EU**

**(Phase 4)**

The elements of Directive 2014/25/EU set out in this Annex are not mandatory but recommended for approximation. The Republic of Moldova may approximate those elements within the time-frame set in Annex XXIX-B.

TITLE I            Scope, definitions and general principles

CHAPTER I        Subject-matter and definitions

Article 2          Definitions: points (10)-(12)

CHAPTER IV      General principles

Article 38        Reserved contracts

TITLE II           Rules applicable to contracts

CHAPTER I        Procedures

Article 55        Centralised purchasing activities and central purchasing bodies

TITLE III          Particular procurement regimes

CHAPTER I        Social and other specific services

Article 94        Reserved contracts for certain services

**PROVISIONS OF DIRECTIVE 2014/25/EU OUTSIDE THE SCOPE OF APPROXIMATION**

The elements listed in this Annex are not subject to the process of approximation.

TITLE I	Scope, definitions and general principles
CHAPTER I	Subject-matter and definitions
Article 1	Subject matter and scope: paragraphs 3 and 4
Article 3	Contracting authorities: paragraphs 2 and 3
Article 4	Contracting entities: paragraph 4
CHAPTER III	Material scope
Section 1	Thresholds
Article 17	Revision of the thresholds
Section 2	Excluded contracts and design contests: special provisions for procurement involving defence and security aspects
Subsection 1	Exclusions applicable to all contracting entities and special exclusions for the water and energy sector
Article 18	Contracts awarded for purposes of resale or lease to third parties: paragraph 2
Article 19	Contracts and design contests awarded or organised for purposes other than the pursuit of a covered activity or for the pursuit of such an activity in a third country: paragraph 2

Subsection 3	Special relations (cooperation, affiliated undertakings and joint ventures)
Article 31	Notification of information
Subsection 4	Specific situations
Article 33	Contracts subject to special arrangements
Subsection 5	Activities directly exposed to competition and procedural provisions relating thereto
Article 34	Activities directly exposed to competition
Article 35	Procedure for establishing whether Article 34 is applicable
TITLE II	Rules applicable to contracts
CHAPTER I	Procedures
Article 43	Conditions relating to the GPA and other international agreements
CHAPTER II	Techniques and instruments for electronic and aggregated procurement
Article 57	Procurement involving contracting entities from different Member States
CHAPTER III	Conduct of the procedure
Section 2	Publication and transparency
Article 71	Form and manner of publication of notices: paragraphs 2, 3, 4, second subparagraph of paragraph 5, paragraph 6
Article 72	Publication at national level

Section 3	Choice of participants and award of contract
Article 81	Quality assurance standards and environmental management standards: paragraph 3
Article 83	Life-cycle costing: paragraph 3
Section 4	Tenders comprising products originating in third countries and relations with those countries
Article 85	Tenders comprising products originating in third countries
Article 86	Relations with third countries as regards works, supplies and service contracts
TITLE IV	Governance
Article 99	Enforcement
Article 100	Individual reports on procedures for the award of contracts
Article 101	National reporting and statistical information
Article 102	Administrative cooperation
TITLE V	Delegated powers, implementing powers and final provisions
Article 103	Exercise of the delegation
Article 104	Urgency procedure
Article 105	Committee procedure
Article 106	Transposition and transitional provisions
Article 107	Repeal
Article 108	Review
Article 109	Entry into force
Article 110	Addressees



## ANNEXES

Annex II	List of Union legal acts referred to in Article 4(3)
Annex III	List of Union legal acts referred to in Article 34(3)
Annex IV	Deadlines for the adoption of the implementing acts referred to in Article 35
Annex XV	List of Union legal acts referred to in Article 83(3)

## ANNEX XXIX-K

# **BASIC ELEMENTS OF DIRECTIVE 2014/23/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**of 26 February 2014**

**on the award of concession contracts**

**(Phase 3)**

TITLE I            Subject-matter, scope, principles and definitions

CHAPTER I        Scope, general principles and definitions

Section I          Subject-matter, scope, general principles, definitions and threshold

Article 1           Subject-matter and scope: paragraphs 1, 2 and 4

Article 2           Principle of free administration by public authorities

Article 3           Principle of equal treatment, non-discrimination and transparency

Article 4           Freedom to define services of general economic interest

Article 5           Definitions

Article 6	Contracting authorities: paragraphs 1 and 4
Article 7	Contracting entities
Article 8	Threshold and methods for calculating the estimated value of concessions
Section II	Exclusions
Article 10	Exclusions applicable to concessions awarded by contracting authorities and contracting entities
Article 11	Specific exclusions in the field of electronic communications
Article 12	Specific exclusions in the field of water
Article 13	Concessions awarded to an affiliated undertaking
Article 14	Concessions awarded to a joint venture or to a contracting entity forming part of a joint venture
Article 17	Concessions between entities within the public sector
Section III	General provisions
Article 18	Duration of the concession
Article 19	Social and other specific services
Article 20	Mixed contracts
Article 21	Mixed procurement contracts involving defence or security aspects
Article 22	Contracts covering both activities referred to in Annex II and other activities
Article 23	Concessions covering both activities referred to in Annex II and activities involving defence or security aspects
Article 25	Research and development services

CHAPTER II	Principles
Article 26	Economic operators
Article 27	Nomenclatures
Article 28	Confidentiality
Article 29	Rules applicable to communication
TITLE II	Rules on the award of concessions: general principles and procedural guarantees
CHAPTER I	General principles
Article 30	General principles: paragraphs 1, 2 and 3
Article 31	Concession notices
Article 32	Concession award notices
Article 33	Form and manner of publication of notices: first subparagraph of paragraph 1
Article 34	Electronic availability of concession documents
Article 35	Combating corruption and preventing conflicts of interest
CHAPTER II	Procedural guarantees
Article 36	Technical and functional requirements
Article 37	Procedural guarantees
Article 38	Selection of and qualitative assessment of candidates
Article 39	Time limits for receipt of applications and tenders for the concession
Article 40	Provision of information to candidates and tenderers
Article 41	Award criteria

TITLE III	Rules on performance of concessions
Article 42	Subcontracting
Article 43	Modification of contracts during their term
Article 44	Termination of concessions
Article 45	Monitoring and reporting
ANNEXES	
Annex I	List of the activities referred to in point (7) of Article 5
Annex II	Activities exercised by contracting entities as referred to in Article 7
Annex III	List of legal acts of the union referred to in point (b) of Article 7(2)
Annex IV	Services referred to in Article 19
Annex V	Information to be included in concession notices referred to in Article 31
Annex VI	Information to be included in prior information notices concerning concessions for social and other specific services, as referred to in Article 31(3)
Annex VII	Information to be included in concession award notices, as referred to in Article 32
Annex VIII	Information to be included in concession award notices concerning concessions for social and other specific services, as referred to in Article 32
Annex IX	Features concerning publication
Annex X	List of international social and environmental conventions referred to in Article 30(3)
Annex XI	Information to be included in notices of modifications of a concession during its term according to Article 43

**OTHER NON-MANDATORY ELEMENTS OF DIRECTIVE 2014/23/EU**

**(Phase 3)**

The elements of Directive 2014/23/EU set out in this Annex are not mandatory but recommended for approximation. The Republic of Moldova may approximate those elements within the time-frame set in Annex XXIX-B.

TITLE I            Subject-matter, scope, principles and definitions

CHAPTER I        Scope, general principles and definitions

Section IV        Specific situations

Article 24        Reserved concessions

**PROVISIONS OF DIRECTIVE 2014/23/EU OUTSIDE THE SCOPE OF APPROXIMATION**

The elements listed in this Annex are not subject to the process of approximation.

TITLE I	Subject-matter, scope, principles and definitions
CHAPTER I	Scope, general principles and definitions
Section I	Subject-matter, scope, general principles, definitions and threshold
Article 1	Subject-matter and scope: paragraph 3
Article 6	Contracting authorities: paragraphs 2 and 3
Article 9	Revision of the threshold
Section II	Exclusions
Article 15	Notification of information by contracting entities
Article 16	Exclusion of activities which are directly exposed to competition
TITLE II	Rules on the award of concessions: general principles and procedural guarantees
CHAPTER I	General principles
Article 30	General principles: paragraph 4
Article 33	Form and manner of publication of notices: second subparagraph of paragraph 1, paragraphs 2, 3 and 4

TITLE IV	Amendments to Directive 89/665/EEC and 92/13/EEC
Article 46	Amendments to Directive 89/665/EEC
Article 47	Amendments to Directive 92/13/EEC
TITLE V	Delegated powers, implementing powers and final provisions
Article 48	Exercise of the delegation
Article 49	Urgency procedure
Article 50	Committee procedure
Article 51	Transposition
Article 52	Transitional provisions
Article 53	Monitoring and reporting
Article 54	Entry into force
Article 55	Addressees

**BASIC ELEMENTS OF COUNCIL DIRECTIVE 89/665/EEC**

**of 21 December 1989**

**on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts as amended by Directive 2007/66/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directives 89/665/EEC and No 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts and by Directive 2014/23/EU**

**(Phase 2)**

Article 1	Scope and availability of review procedures
Article 2	Requirements for review procedures
Article 2a	Standstill period
Article 2b	Derogations from the standstill period: point (b) of the first paragraph
Article 2c	Time limits for applying for review
Article 2d	Ineffectiveness: point (b) of paragraph 1, paragraphs 2 and 3
Article 2e	Infringements of this Directive and alternative penalties
Article 2f	Time limits



## ANNEX XXIX-O

### **OTHER ELEMENTS OF DIRECTIVE 89/665/EEC**

#### **(Phase 2)**

Article 2b Derogations from the standstill period: point (c) of the first paragraph

Article 2d Ineffectiveness: point (c) of the first paragraph, paragraph 5

## ANNEX XXIX-P

### **PROVISIONS OF DIRECTIVE 89/665/EEC OUTSIDE THE SCOPE OF APPROXIMATION**

The elements listed in this Annex are not subject to the process of approximation.

Article 2b Derogations from the standstill period: point (a) of the first paragraph

Article 2d Ineffectiveness: point (a) of the first paragraph, paragraph 4

Article 3 Corrective mechanism

Article 3a Content of the notice for voluntary ex ante transparency

Article 3b Committee procedure

Article 4 Implementation

Article 4a Review

**BASIC ELEMENTS OF COUNCIL DIRECTIVE 92/13/EEC**

**of 25 February 1992**

**coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors as amended by Directive 2007/66/EC and Directive 2014/23/EU**

**(Phase 2)**

Article 1	Scope and availability of review procedures
Article 2	Requirements for review procedures
Article 2a	Standstill period
Article 2b	Derogations from the standstill period: point (b) of the first paragraph
Article 2c	Time limits for applying for review
Article 2d	Ineffectiveness: point (b) of paragraph 1, paragraphs 2 and 3
Article 2e	Infringements of this Directive and alternative penalties
Article 2f	Time limits

## ANNEX XXIX-R

### OTHER ELEMENTS OF DIRECTIVE 92/13/EEC

#### (Phase 4)

Article 2b Derogations from the standstill period: point (c) of the first paragraph, paragraph 5

## ANNEX XXIX-S

### PROVISIONS OF DIRECTIVE 92/13/EEC OUTSIDE THE SCOPE OF APPROXIMATION

The elements listed in this Annex are not subject to the process of approximation.

Article 2b Derogations from the standstill period: point (a) of the first paragraph

Article 2d Ineffectiveness: point (a) of the first paragraph, paragraph 4

Article 3a Content of the notice for voluntary ex ante transparency

Article 3b Committee procedure

Article 8 Corrective mechanism

Article 12 Implementation

Article 12a Review

**THE REPUBLIC OF MOLDOVA: INDICATIVE LIST OF ISSUES FOR COOPERATION**

1. Training, in the Union and the Republic of Moldova, of officials of the Republic of Moldova from government bodies engaged in public procurement.
2. Training of suppliers interested in participating in public procurement.
3. Exchange of information and experience on best practice and regulatory rules in the field of public procurement.
4. Enhancement of the functionality of the public procurement website and establishment of a system of public procurement monitoring.
5. Consultations and methodological assistance from the Union in application of modern electronic technologies in the field of public procurement.
6. Strengthening the bodies charged with guaranteeing a coherent policy in all areas related to public procurement and the independent and impartial consideration (review) of contracting authorities' decisions (see Article 270 of this Agreement).".

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