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#### **OUTCOME OF PROCEEDINGS**

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From: General Secretariat of the Council  
To: Delegations

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Subject: Common Provisions Regulation (Annex III)  
- Partial mandate for negotiations with the European Parliament

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Delegations will find in annex the partial mandate for negotiations with the European Parliament on the Common Provisions Regulation (Annex III), as agreed by Coreper on 5 June 2019.

ANNEX III<sup>1</sup>**Horizontal enabling conditions – Article 11(1)**

<b>Applicable to all specific objectives<sup>2</sup></b>	
<b>Name of enabling conditions</b>	<b>Fulfilment criteria</b>
Effective monitoring mechanisms of the public procurement market	<p>Monitoring mechanisms are in place that cover all public contracts and their procurement under the Funds in line with EU procurement legislation. This requirement includes:</p> <ol style="list-style-type: none"> <li>1. Arrangements to ensure compilation of effective and reliable data on public procurement procedures above the EU thresholds in accordance with reporting obligations under Article 83 and 84 of Directive 2014/24/EU and article 99 and 100 of Directive 2014/25/EU.</li> <li>2. Arrangements to ensure the data cover at least the following elements: <ol style="list-style-type: none"> <li>a. Quality and intensity of competition: names of winning bidder, number of initial bidders and contractual value;</li> <li>b. Information on final price after completion and on participation of SMEs as direct bidders, where national systems provide such information;</li> </ol> </li> </ol>

<sup>1</sup> The content of this annex is without prejudice to possible additional conditionalities to be debated at political level, including on the European Pillar of Social Rights.

<sup>2</sup> *A new sub-paragraph will be added to Article 11(1) CPR: "The enabling condition regarding the tools and capacity for effective application of State aid rules is not applicable to programmes supported by the AMIF, the BMVI and the ISF".*

<p>Tools and capacity for effective application of State aid rules</p>	<p>Managing authorities have the tools and capacity to verify compliance with State aid rules:</p> <ol style="list-style-type: none"> <li>1. For undertakings in difficulty and undertakings under a recovery requirement.</li> <li>2. Through access to expert advice and guidance on State aid matters, provided by State aid experts of local or national bodies.</li> </ol>
<p>Effective application and implementation of the EU Charter of Fundamental Rights</p>	<p>Effective mechanisms are in place to ensure compliance with the EU Charter of Fundamental Rights which include:</p> <ol style="list-style-type: none"> <li>1. Arrangements to ensure compliance of the programmes supported by the Funds and their implementation with the relevant provisions of the Charter.</li> <li>2. Reporting arrangements to the monitoring committee on the cases regarding non-compliance of operations supported by the Funds with the Charter.</li> </ol>
<p>Implementation and application of the United Nations Convention on the rights of persons with disabilities (UNCRPD) in accordance with Council Decision 2010/48/EC</p>	<p>A national framework to ensure implementation of the UNCRPD is in place that includes:</p> <ol style="list-style-type: none"> <li>1. Objectives with measurable goals, data collection and monitoring mechanisms.</li> <li>2. Arrangements to ensure that accessibility policy, legislation and standards are properly reflected in the preparation and implementation of the programmes.</li> </ol>