



Brussels, 5 December 2019
(OR. en)

14785/19

MAP 21
MI 831
COMPET 787
POLARM 9
IND 300
COARM 215
CFSP/PESC 924
DELECT 218

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	ST 13692/19
Subject:	Commission Delegated Regulation (EU) .../... of 30.10.2019 amending Directive 2009/81/EC of the European Parliament and of the Council in respect of the thresholds for supply, service and works contracts - Intention not to raise objections to a Delegated Act

1. On 30 October 2019, the Commission submitted the above delegated act to the Council in accordance with Article 290 TFEU, Article 47(2) of the Treaty establishing the European Community, and Article 66b for use of urgency procedure and realignment with Directive 2014/25/EU, and Article 68(1) for revision of thresholds as set out in Directive 2009/81/EC¹.

¹ Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts, and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC - OJ L 216, 20.8.2009, p. 76–136. Latest consolidated version dates 26/07/2019;

2. The delegated act is based on Article 6 of Directive 2014/24/EU² for the mechanism of recalculation. The Council has until 30 December 2019 to object to it.
 3. The Working Party on Public Procurement examined the delegated act by silent procedure, and by 2 December 2019 concluded that there are no grounds for the Council to object to it.
 4. Against this background, the Permanent Representatives Committee could invite the Council to confirm that the Council has no intention to object to the delegated act, and that the Commission and the European Parliament are to be informed thereof. This implies that unless the European Parliament objects to it, the delegated act as set out in document ST 13692/19 shall be published and enter into force on 1 January 2020 in accordance with Article 74 of Directive 2009/81/EC.
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² OJ L 94, 28.3.2014, p. 65–242;