



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 16 July 2013**

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2011/0437 (COD)**

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**LIMITE**

**MAP 61  
MI 596  
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**CORRIGENDUM TO THE NOTE**

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From: General Secretariat  
To: Permanent Representatives Committee

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No. prev. doc.: 11644/13 MAP 58 MI 589

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No. Cion prop.: 18960/11 MAP 8 MI 684

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Subject: Proposal for a Directive of the European Parliament and of the Council on the award of concession contracts (First reading)  
- Approval of the final compromise text

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**In document ST 11748/13 INIT:**

**1. Recital 13aa, last sentence (pg. 19) should read:**

"That exclusion is justified by the granting of an exclusive right to an economic operator, making a competitive procedure inapplicable, as well as by the need to retain the possibility for Member States, in compliance with the EU law, to regulate the gambling sector at national level, in view of their obligations in terms of protecting public and social order."

**2. In article Article 44 (pg. 100):**

- **Paragraph 1 (a) second subparagraph** reference to Article 9a is to be included:

" This Directive also applies to concessions awarded by contracting authorities, referred to in Directive [on the award of concessions] unless such concessions are excluded in accordance with Articles 8, 9, 9a, 15 and 21 of that Directive."

**- Paragraph 1 (a) third subparagraph:**

reference to "public works concession" should read "works concession"

**- Paragraph 5 (a):**

reference to " Articles 26 and 27 of Directive [on Concessions]" should read "Articles 27 and 28 of Directive [on Concessions]"

**3. In article Article 45 (pg. 103):**

**- Paragraph 1 (a) second subparagraph** reference to Article 10 is deleted and it should read:

"This Directive also applies to concessions awarded by contracting entities, referred to in Directive [on Concessions] unless such contracts are excluded in accordance with Articles 8, ~~10~~, 11, 12, 14, 15 and 21 of that Directive.' ;"

**- Paragraph 6:**

reference to " Articles 26 and 27 of Directive [on Concessions]" should read "Articles 27 and 28 of Directive [on Concessions]"

**4. In Article 46 (pg. 107) the following paragraphs are to be included:**

"2. The delegation of power referred to in Articles 4, 6a, 21, 23, and -26a shall be conferred on the Commission for an indeterminate period of time from the [date of entry into force of the present Directive].

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3. The delegation of power referred to in Articles 4, 6a, 21, 23, and -26a may be revoked at any time by the European Parliament or by the Council. A revocation decision shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force."

**5. In Article 51 (pg. 109) the reference to “works concessions” is to be included:**

“In the event of any change to the threshold amounts applicable to works concessions under the Agreement, the report shall, where appropriate, be followed by a legislative proposal amending the thresholds set out in this Directive”.

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