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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Information relating to the date of the entry into force of the Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) between the European Community and its Member States, of the one part, and the Republic of Korea, of the other part

The Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) between the European Community and its Member States, of the one part, and the Republic of Korea, of the other part ⁽¹⁾, signed in Brussels on 9 September 2006, entered into force on 1 July 2016, in accordance with its Article 18(1).

⁽¹⁾ OJ L 288, 19.10.2006, p. 31.

Information relating to the date of the entry into force of the Cooperation Agreement on a civil Global Navigation Satellite System (GNSS) between the European Community and its Member States and Ukraine

The Cooperation Agreement on a civil Global Navigation Satellite System (GNSS) between the European Community and its Member States and Ukraine ⁽¹⁾, signed in Kiev on 1 December 2005, entered into force on 1 December 2013, in accordance with its Article 17(1).

⁽¹⁾ OJ L 125, 26.4.2014, p. 3.

Information relating to the date of the entry into force of the Agreement on the promotion, provision and use of Galileo and GPS satellite-based navigation systems and related applications between the European Community and its Member States, of the one part, and the United States of America, of the other part

Agreement on the promotion, provision and use of Galileo and GPS satellite-based navigation systems and related applications ⁽¹⁾ between the European Community and its Member States, of the one part, and the United States of America, of the other part, signed in Brussels on 26 June 2004, entered into force on 12 December 2011, in accordance with its Article 20(1).

⁽¹⁾ OJ L 348, 31.12.2011, p. 3.

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2016/2020

of 26 May 2016

supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards on criteria for determining whether derivatives subject to the clearing obligation should be subject to the trading obligation

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 ⁽¹⁾, and in particular Article 32(6) thereof,

Whereas:

- (1) This Regulation contributes to the specification of the criteria for the determination of sufficient third-party buying and selling interest in a class of derivatives or a relevant subset of a class of derivatives. Where the European Securities and Markets Authority (ESMA) has established that a class of derivatives should be subject to the clearing obligation under Regulation (EU) No 648/2012 of the European Parliament and of the Council ⁽²⁾ and that the derivatives are admitted to trading or traded on a trading venue, ESMA should follow the criteria in this Regulation to determine whether the derivatives or subset thereof are considered sufficiently liquid to trade exclusively on trading venues.
- (2) Regulation (EU) No 648/2012 sets out that derivatives are considered to be executed on an OTC basis when they are not traded on, or not subject to the rules of, a regulated market, whereas the definition of derivatives executed over-the-counter (OTC) under Directive 2014/65/EU of the European Parliament and of the Council ⁽³⁾ is narrower, comprising derivatives not traded on, or not subject to the rules of, a regulated market, multilateral trading facility (MTF) or organised trading facility (OTF). ESMA should therefore assess the extent to which trades are executed already on trading venues in a class of derivatives or a relevant subset thereof and compare this to the level of trading not executed on a trading venue. The prevalence of trading outside a trading venue should not, however, automatically establish that a class of derivatives or a relevant subset thereof is not suitable for the trading obligation. ESMA should have regard also to the anticipated impact of the trading obligation considering both the possibility to promote liquidity and market integrity through increased transparency and availability of the financial instruments, as well as the potential negative consequences of such a decision.
- (3) Given the similarity of the definition of a liquid market for non-equities under point 17(a) of Article 2(1) of Regulation (EU) No 600/2014 to the criteria for determining whether a class of derivatives or subset thereof is sufficiently liquid under Article 32(3) of that Regulation, the assessment undertaken for one should be taken into consideration for the other to promote consistency in the treatment of instruments. However, a class of derivatives or subset thereof deemed to have a liquid market for transparency purposes should not be deemed

⁽¹⁾ OJ L 173, 12.6.2014, p. 84.

⁽²⁾ Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1)

⁽³⁾ Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).

automatically to be sufficiently liquid for the trading obligation. The quantitative thresholds and qualitative weightings may differ, taking into account the different objectives of the assessments.

- (4) Given the wide range of instruments potentially affected by the trading obligation for derivatives and their specific characteristics, the constant evolution of financial markets and the variety of national markets involved, it is not possible to determine for each and every derivative type an exhaustive list specifying the elements relevant to an assessment of third-party buying and selling interest or the weighting to be given to any particular element.
- (5) However, a degree of clarity should be provided for the determination of a class of derivatives or relevant subset thereof which is sufficiently liquid, in particular, through specifying the criteria with respect to average frequency of trades, average size of trades, number and type of active market participants and average size of spreads, which together indicate the level of third-party buying and selling interest.
- (6) The observation period for determining whether a class of derivatives or relevant subset thereof is sufficiently liquid to trade exclusively on trading venues should vary depending on the class of derivatives or relevant subset thereof concerned. It should be sufficiently long to ensure that the data collected is not skewed by any type of events that may cause unusual trading patterns. In any circumstance the observation period should not be shorter than three months.
- (7) The criteria described in this Regulation should be designed so that the assessment of one derivative or classes of derivatives may be compared with other derivatives or classes of derivatives with similar characteristics. The identification of classes of derivatives with similar characteristics may include a number of elements such as the currency in which they are traded, maturity dates, the starting term of the contracts' tenor, whether they follow a standard convention or not, and whether they are on-the-run contracts.
- (8) ESMA should refer to historical data indicating shifts in liquidity to determine both whether the class of derivatives or subset thereof is sufficiently liquid to trade only on venues and whether it is only sufficiently liquid in transactions below a certain size. The thresholds for these assessments may vary between classes of derivatives or subsets thereof where the characteristics and the notional size of the classes or subsets vary. In its assessment of spreads, ESMA should have regard to both the average size and the availability of spreads, balancing the consideration that a lack of or wide spreads indicate insufficient liquidity against the possibility that spreads may become narrower through increased transparency and the availability of the financial instruments if the trading obligation is introduced.
- (9) In its assessment, ESMA should remove from its calculations those trades which are clearly identifiable as post-trade risk reduction trades which reduce non-market risks in derivatives portfolios. To include such transactions in the assessment for the trading obligation may otherwise result in an inflated view of the level of third party buying and selling interest.
- (10) ESMA should also take into consideration the need or otherwise to permit package transactions during its assessment. Investment firms often conduct, on their own account or on behalf of clients, transactions in derivatives and other financial instruments that comprise a number of interlinked trades which are contingent on one another. Given that package transactions enable investment firms and their clients to manage their risks and improve the resiliency of financial markets, it may be desirable to continue to permit the execution of some package transactions which comprise one or more derivatives subject to the trading obligation to be executed, on a bilateral basis, outside a trading venue.
- (11) Criteria should also be set out to enable ESMA to determine whether an existing trading obligation for a class of derivatives or a relevant subset thereof should be amended, suspended or revoked, unless the class of derivatives or a relevant subset thereof is no longer traded on at least one trading venue.

- (12) For reasons of consistency and legal certainty, it is necessary that the provisions of this Regulation and the provisions laid down in Directive 2014/65/EU and Regulation (EU) No 600/2014 apply from the same date.
- (13) This Regulation is based on the draft regulatory technical standards submitted by the ESMA to the Commission.
- (14) ESMA has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Securities and Markets Stakeholder Group established by Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council ⁽¹⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Sufficient third party buying and selling interest

When establishing whether a class of derivatives or relevant subset thereof has sufficient third-party buying and selling interest to be considered sufficiently liquid for the trading obligation, ESMA shall apply the criteria in Article 32(3) of Regulation (EU) No 600/2014, as further specified in Articles 2 to 5 below.

Article 2

Average frequency of trades

1. In relation to the average frequency of trades, ESMA shall take into consideration the following elements:
 - (a) the number of days on which trading took place;
 - (b) the number of trades.
2. ESMA analysis of the criteria in paragraph 1 shall take into account the distribution of trading executed on trading venues and executed OTC. ESMA shall assess these criteria over a period of time of sufficient length to determine whether the liquidity of each class of derivatives or a relevant subset thereof is subject to seasonal or structural factors. ESMA shall also consider whether trades are concentrated at certain points in time and over certain sizes over the period assessed and determine to what extent such concentration constitutes predictable patterns.

Article 3

Average size of trades

1. In relation to the average size of trades, ESMA shall take into consideration the following elements:
 - (a) the average daily turnover whereby the notional size of all trades combined shall be divided by the number of trading days;
 - (b) the average value of trades whereby the notional size of all trades combined shall be divided by the number of trades.
2. ESMA analysis of the criteria in paragraph 1 shall take into account the factors specified in Article 2(2).

⁽¹⁾ Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

*Article 4***Number and type of active market participants**

1. In relation to the number and type of active market participants, ESMA shall take into consideration the following elements:
 - (a) the total number of market participants trading in that class of derivatives or relevant subset thereof is not lower than two;
 - (b) the number of trading venues that have admitted to trading or are trading the class of derivatives or a relevant subset thereof;
 - (c) the number of market makers and other market participants under a binding written agreement or an obligation to provide liquidity.
2. ESMA analysis shall compare the ratio of market participants to the findings in the data obtained for the analyses of average size of trades and the average frequency of trades.

*Article 5***Average size of spreads**

1. In relation to the average size of spreads, ESMA shall take into consideration the following elements:
 - (a) the size of weighted spreads, including volume weighted spreads, over different periods of time;
 - (b) spreads at different points in time of trading sessions.
2. Where information on spreads is not available, ESMA shall take into consideration a proxy for the assessment of this criterion.

*Article 6***Entry into force and application**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from the date referred to in the second paragraph of Article 55 of Regulation (EU) No 600/2014.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 26 May 2016.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION DELEGATED REGULATION (EU) 2016/2021**of 2 June 2016****supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards on access in respect of benchmarks****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 ⁽¹⁾, and in particular the third subparagraph of Article 37(4) thereof,

Whereas:

- (1) Regulation (EU) No 600/2014 provides for the non-discriminatory access for clearing and trading between central counterparties (CCPs) and trading venues, including access to licences of and information relating to benchmarks which are used to determine the value of some financial instruments for trading and clearing purposes. Given the variety of benchmarks, the information CCPs and trading venues need for clearing or trading purposes may vary depending on a number of factors, including the relevant financial instrument being traded or cleared and the type of benchmark that the financial instrument references. Therefore, CCPs and trading venues should be allowed to request access to any information, provided it is required for clearing or trading purposes.
- (2) The diversity of benchmarks and the different uses identified render a one size fits all approach inappropriate and a high degree of harmonisation on the content of licence agreements unsuitable. Limiting the conditions under which access is granted on predetermined and exhaustive terms might therefore be detrimental to all parties.
- (3) A person with proprietary rights to a benchmark should be able to set different conditions for different categories of CCPs and trading venues to access its benchmark only where objectively justified, such as in terms of the quantity, scope or field of use demanded and applied in a proportionate manner. The different categories and the criteria defining the various categories of CCPs and trading venues should be made publicly available.
- (4) The way a benchmark is assessed as new or not will vary on a case by case basis. The person with proprietary rights to a benchmark should therefore demonstrate in what way that benchmark is new, if that is invoked as the reason for denying immediate access. Each assessment of a declared new benchmark should consider a combination of various factors and their appropriate weightings and not rely on a single factor to assess whether or not the benchmark meets the criteria specified in Regulation (EU) No 600/2014.
- (5) Although the values of two benchmarks could be highly correlated, particularly in the short run, their compositions or methodology could be fundamentally different. The long run correlation and similarities in the composition and the methodology of each of the benchmarks should therefore be taken into account for assessing whether a benchmark is new. Considering the heterogeneity of benchmarks, in addition to the factors laid down in this Regulation, a person with proprietary rights to a benchmark should also take into account additional factors, considering standards in use, that are specific to the type of benchmark concerned. For commodity benchmarks other factors should be assessed, including whether the relevant benchmarks are based on different underlying commodities and different delivery locations.
- (6) New series of benchmarks are released on a periodic basis, such as credit default swaps benchmarks. In those cases, the newly released benchmark is a continuation of the previous series and should therefore not be considered a new benchmark.
- (7) For reasons of consistency and in order to ensure the smooth functioning of the financial markets, it is necessary that the provisions laid down in this Regulation and the provisions laid down in Regulation (EU) No 600/2014 apply from the same date.

⁽¹⁾ OJ L 173, 12.6.2014, p. 84.

- (8) This Regulation is based on the draft regulatory technical standards submitted by the European Securities and Markets Authority (ESMA) to the Commission.
- (9) ESMA has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Securities and Markets Stakeholder Group established by Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council ⁽¹⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Information to be made available to CCPs and trading venues

1. A person with proprietary rights to a benchmark shall, upon request, make available to central counterparties (CCPs) and trading venues the information necessary for performing their clearing or trading functions, as appropriate to the specific type of benchmark to which access is sought and to the relevant financial instrument to be traded or cleared.
2. A CCP or trading venue shall in its request explain why such information is required for clearing or trading purposes.
3. For the purposes of paragraph 1, relevant trading and clearing functions shall at least include the following:
 - (a) for a trading venue:
 - (i) the initial assessment of the characteristics of the benchmark;
 - (ii) the marketing of the relevant product;
 - (iii) the support of the price formation process for the contracts admitted or being admitted to trading;
 - (iv) the on-going market surveillance activities;
 - (b) for a CCP:
 - (i) appropriate risk management of relevant open positions in exchange-traded derivatives, including netting;
 - (ii) compliance with relevant obligations set out in Regulation (EU) No 648/2012 of the European Parliament and of the Council ⁽²⁾.
4. Relevant information in respect of price and data feeds referred to in Article 37(1)(a) of Regulation (EU) No 600/2014 shall at least include:
 - (a) a feed of the benchmark's values;
 - (b) prompt notification of any inaccuracy in the calculation of the benchmark values and of the updated or corrected benchmark values;
 - (c) historical benchmark values where the person with proprietary rights to the benchmark maintains such information.
5. In respect of composition, methodology and pricing, the information provided shall allow CCPs and trading venues to understand how each benchmark value is created, and the actual methodology used to make the benchmark values. Relevant information in respect of composition, methodology and pricing shall at least include:
 - (a) the definitions for all key terms used in relation to the benchmark;
 - (b) the rationale for adopting a methodology and procedures for the review and approval of the methodology;

⁽¹⁾ Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

⁽²⁾ Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1).

- (c) the criteria and procedures used to determine the benchmark, including a description of the input data, the priority given to different types of input data, the use of any models or methods of extrapolation and any procedure for rebalancing the constituents of a benchmark;
- (d) the controls and rules that govern any exercise of discretion or judgement, to ensure consistency in the use of such discretion or judgment;
- (e) the procedures which govern benchmark determination in periods of stress, or periods where transaction data sources may be insufficient, inaccurate or unreliable and the potential limitations of the benchmark in such periods;
- (f) the hours during which the benchmark is calculated;
- (g) the procedures which govern the benchmark's rebalancing methodology and the resulting weightings of the constituents of the benchmark;
- (h) the procedures for dealing with errors in input data, or the benchmark determination, including when a re-determination of the benchmark may be required;
- (i) information regarding the frequency for any internal reviews and approvals of the composition and methodology and, where applicable, information regarding the procedures and frequency for external review of the composition and methodology.

Article 2

General conditions for the information through licensing to be provided to CCPs and trading venues

1. A person with proprietary rights to a benchmark shall make available all relevant information referred to in Article 1 requested by CCPs and trading venues through licensing without undue delay, either on a one-off basis, including amendments to previously provided information, or on a continuous or periodic basis, depending on the type of information concerned.
2. A person with proprietary rights to a benchmark shall provide all relevant information referred to in Article 1 to all CCPs and trading venues through licensing on the same timescales and under the same conditions, unless different conditions can be objectively justified.
3. The requirements in paragraphs 1 and 2 do not apply if, and for as long as, a person with proprietary rights to a benchmark can demonstrate that certain information is available publicly or through other commercial means to CCPs and trading venues, if such information is reliable and timely.

Article 3

Differentiation and non-discrimination

1. Where a person with proprietary rights to a benchmark sets, in accordance with Article 37(1) of Regulation (EU) No 600/2014, different conditions, including fees and their payment conditions, those conditions shall apply in a manner specific to each category of licensees.
2. A person with proprietary rights to a benchmark shall set the same rights and obligations for the licensees within the same category.
3. A person with proprietary rights to a benchmark shall make the criteria defining the different categories of licensees publicly available.
4. A person with proprietary rights to a benchmark shall, on request, provide to any CCP or trading venue for free the conditions applying to the category to which that CCP or trading venue belongs.
5. A person with proprietary rights to a benchmark shall make available to all licensees within the same category any additions to or modifications of the conditions for licensing agreements agreed with a licensee within that category under the same conditions.

*Article 4***Other conditions under which access is granted**

1. A person with proprietary rights to a benchmark shall set the conditions for licensing agreements and make them available to CCPs and trading venues upon request free of charge. The conditions shall include the following:
 - (a) the scope of use and content of information for each use under the licensing agreements, clearly identifying in each case confidential information;
 - (b) the conditions for redistribution, if allowed, of information by CCPs and trading venues;
 - (c) the technical requirements for the delivery of the service;
 - (d) the fees and the conditions for paying them;
 - (e) the conditions under which the agreement expires taking into consideration the lifespan of financial instruments that reference the benchmark;
 - (f) the contingency circumstances and the relevant measures to regulate the continuation, transitional periods and interruption of the service during a contingency period, which:
 - (i) allow for termination in an orderly manner;
 - (ii) ensure that termination is not triggered by minor breaches of the contract and that the relevant party is given a reasonable amount of time to remedy any breach that does not give rise to immediate termination;
 - (g) the governing law and allocation of liabilities.
2. The licensing agreement shall require that CCPs, trading venues and persons with proprietary rights to a benchmark establish adequate policies, procedures and systems to ensure the following:
 - (a) implementation of the service without undue delay according to a prearranged schedule;
 - (b) keeping up to date all information provided by the parties throughout the duration of the access arrangement, including information that could have a reputational impact;
 - (c) a communication channel between the parties that is timely, reliable and secure during the lifetime of the licence agreement;
 - (d) consultation where any change to either entity's operations is likely to have a material impact on the licence agreement or on the risks to which the other entity is exposed and notification within a reasonable notice period before any change to either entity's operation is implemented;
 - (e) the provision of information and the relevant instructions to transmit and use it through the technical means agreed;
 - (f) the provision of up-to-date information to persons with proprietary rights to a benchmark regarding the redistribution, if allowed, of information to clearing members of CCPs and members or participants of trading venues;
 - (g) resolution of disputes and termination of the agreement occurs in an orderly manner according to the identified circumstances.

*Article 5***Standards guiding how a benchmark may be proven to be new**

1. When establishing whether a new benchmark meets the criteria set out in points (a) and (b) of Article 37(2) of Regulation (EU) No 600/2014, a person with proprietary rights to a benchmark shall take the following standards into account:
 - (a) whether contracts based on the more recent benchmark are not capable of being netted nor substantially offset with contracts based on the relevant existing benchmark by a CCP;
 - (b) whether the regions and industry sectors covered by the relevant benchmarks are not the same, nor similar;

- (c) whether the values of the relevant benchmarks are not highly correlated;
 - (d) whether composition of the relevant benchmarks, having regard to the number of constituents, the actual constituents, their values and their weightings are not the same, nor similar;
 - (e) whether the methodologies of each relevant benchmark are not the same, nor similar.
2. For commodity benchmarks, in addition to the standards specified in paragraph 1, the following additional standards shall be taken into account:
- (a) whether the relevant benchmarks are not based on the same underlying commodities;
 - (b) whether the delivery locations of the underlying commodities are not the same.
3. In addition to the standards specified in paragraphs 1 and 2, a person with proprietary rights to a benchmark shall take into account further standards in use specific to the types of benchmarks being assessed, as appropriate.
4. A newly released series of a benchmark shall not constitute a new benchmark.

Article 6

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from the date referred to in the fourth paragraph of Article 55 of Regulation (EU) No 600/2014.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 2 June 2016.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION DELEGATED REGULATION (EU) 2016/2022**of 14 July 2016****supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council with regard to regulatory technical standards concerning the information for registration of third-country firms and the format of information to be provided to the clients****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 ⁽¹⁾, and in particular Article 46(7) thereof,

Whereas:

- (1) Regulation (EU) No 600/2014 sets out a harmonised framework for the treatment of third-country firms accessing the Union to provide investment services and activities to eligible counterparties and to professional clients.
- (2) It is appropriate to set out the information that a third-country firm applying for the provision of investment services or performance of activities throughout the Union should provide to the European Securities and Markets Authority (ESMA) and the format in which the information to clients as referred to in Article 46(5) of Regulation (EU) No 600/2014 should be provided in order to establish uniform requirements relating to third-country firms and to benefit from the possibility to provide services throughout the Union.
- (3) In order to enable ESMA to correctly identify and register the third-country firms, ESMA should be provided with their contact details, their national and international identification codes and proof of their authorisation to provide investment services in the country where the firm is established.
- (4) Attention should be paid to the language and layout used to provide information to clients by third-country firms, in order to ensure that the information is understandable and clear.
- (5) The application of this Regulation should be deferred in order to be aligned with the date of application of Regulation (EU) No 600/2014.
- (6) This Regulation is based on the draft regulatory technical standards submitted by ESMA to the Commission.
- (7) ESMA has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Securities and Markets Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council ⁽²⁾,

HAS ADOPTED THIS REGULATION:

*Article 1***Information necessary for the registration**

A third-country firm applying for the provision of investment services or performance of activities throughout the Union in accordance with the second subparagraph of Article 46(4) of Regulation (EU) No 600/2014 shall submit the following information to ESMA:

- (a) full name of the firm, including its legal name and any other trading name to be used by the firm;
- (b) contact details of the firm, including the head office address, telephone number and email address;

⁽¹⁾ OJ L 173, 12.6.2014, p. 84.

⁽²⁾ Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

- (c) contact details of the person in charge of the application, including telephone number and email address;
- (d) website, where available;
- (e) national identification number of the firm, where available;
- (f) legal entity identifier (LEI) of the firm, where available;
- (g) Business Identifier Code (BIC) of the firm, where available;
- (h) name and address of the competent authority of the third country that is responsible for the supervision of the firm; where more than one authority is responsible for supervision, the details of the respective areas of competence shall be provided;
- (i) the link to the register of each competent authority of the third country, where available;
- (j) information on which investment services, activities, and ancillary services it is authorised to provide in the country where the firm is established;
- (k) the investment services to be provided and activities to be performed in the Union, together with any ancillary services.

Article 2

Information submission requirements

1. The third-country firm shall inform ESMA, within 30 days, of any change of the information provided under Article 1(a) to (g), (j) and (k).
2. Information provided to ESMA under Article 1(j) shall be provided through a written declaration issued by a competent authority of the third country.
3. The information provided to ESMA under Article 1 shall be in English, using the Latin alphabet. Any accompanying documents provided to ESMA under Article 1 and in paragraph 2 of this Article shall be in English or, where they have been written in a different language, a certified English translation shall also be provided.

Article 3

Information concerning type of clients in the Union

1. A third-country firm shall provide the information referred to in Article 46(5) of Regulation (EU) No 600/2014 to the clients in a durable medium.
2. The information referred to in Article 46(5) of Regulation (EU) No 600/2014, shall be:
 - (a) provided in English or in the official language, or one of the official languages, of the Member State where the services are to be provided;
 - (b) presented and laid out in a way that is easy to read, using characters of readable size;
 - (c) without using colours that may diminish the comprehensibility of the information.

*Article 4***Entry into force and application**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from the date referred to in the second paragraph of Article 55 of Regulation (EU) No 600/2014.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 July 2016.

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2023**of 18 November 2016****concerning the authorisation of sodium benzoate, potassium sorbate, formic acid and sodium formate as feed additives for all animal species****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation. Article 10(7) of Regulation (EC) No 1831/2003 in conjunction with Article 10(1) to (4) thereof sets out specific provisions for the evaluation of products used in the Union as silage additives.
- (2) In accordance with Article 10(1)(b) of Regulation (EC) No 1831/2003, sodium benzoate was entered in the Register of Feed Additives as existing product belonging to the functional group of silage additives, for all animal species.
- (3) In accordance with Article 10(2) of Regulation (EC) No 1831/2003 in conjunction with Article 7 thereof, application was submitted for the authorisation of sodium benzoate and in accordance with Article 7 of Regulation (EC) No 1831/2003 applications were submitted for the authorisations of potassium sorbate, formic acid and sodium formate. Those applications were accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (4) Those applications concern the authorisations of sodium benzoate, potassium sorbate, formic acid and sodium formate as feed additives for all animal species to be classified in the category 'technological additives'.
- (5) The European Food Safety Authority ('the Authority') concluded in its opinion of 13 June 2012 ⁽²⁾ that, under the proposed conditions of use, sodium benzoate does not have an adverse effect on animal health, human health or the environment; however it was considered as a potential sensitizer and a risk for inhalation cannot be excluded. The Authority also concluded that the additive has a potential to improve the production of silage by reducing the pH and increasing the preservation of dry matter in easy, moderate difficult and difficult to ensile material.
- (6) The Authority concluded in its opinion of 18 June 2013 ⁽³⁾ that, under the proposed conditions of use, potassium sorbate does not have an adverse effect on animal health, human health or the environment; however it was considered irritant for skin and eyes and potential irritant to respiratory tract. The Authority also concluded that the additive has a potential to improve the aerobic stability of silage in easy and moderate difficult to ensile material.
- (7) The Authority concluded in its opinion of 11 September 2014 ⁽⁴⁾ that, under the proposed conditions of use, formic acid does not have an adverse effect on animal health, human health or the environment; however it was considered corrosive for skin and eyes and respiratory tract. The Authority also concluded that the additive has a potential to improve the ensiling process and the quality of the silage in aerobic stability of silage in easy, in moderate difficult and difficult to ensile material.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ EFSA Journal 2012;10(7):2779.

⁽³⁾ EFSA Journal 2013;11(7):3283.

⁽⁴⁾ EFSA Journal 2014;1(10):3827.

- (8) The Authority concluded in its opinion of 11 March 2015 ⁽¹⁾ that, under the proposed conditions of use, sodium formate does not have an adverse effect on animal health, human health or the environment; however the liquid form was considered corrosive for skin and eyes and to respiratory tract. The Authority also concluded that the additive has a potential to improve the preservation of nutrients by reducing the dry matter loss in easy, moderate and difficult to ensile material.
- (9) For sodium benzoate, potassium sorbate, formic acid and sodium formate, the Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additives in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (10) The assessments of sodium benzoate, potassium sorbate, formic acid and sodium formate show that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of those additives should be authorised as specified in the Annex to this Regulation.
- (11) Since safety reasons do not require the immediate application of the modifications to the conditions of authorisation of sodium benzoate, it is appropriate to allow a transitional period for interested parties to prepare themselves to meet the new requirements resulting from the authorisation.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Authorisation

The additives specified in the Annex, belonging to the additive category 'technological additives' and to the functional group 'silage additives', are authorised as additives in animal nutrition, subject to the conditions laid down in that Annex.

Article 2

Transitional measures

The sodium benzoate specified in the Annex and feed containing it, which are produced and labelled before 9 June 2017 in accordance with the rules applicable before 9 December 2016 may continue to be placed on the market and used until the existing stocks are exhausted.

Article 3

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ EFSA Journal 2015;13(5):4056.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 November 2016.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						mg/kg of complete feeding-stuff with a moisture content of 12 %			

Category of technological additives. Functional group: silage additives

1k301	—	Sodium benzoate	<i>Additive composition</i> Sodium benzoate ≥ 99,5 % Solid form <i>Characterisation of the active substance</i> Sodium benzoate ≥ 99,5 % $C_7H_5NaO_2$ CAS no 532-32-1 Produced by chemical synthesis <i>Analytical method ⁽¹⁾</i> For the determination of sodium benzoate: titrimetric method (01/2008:0123 of European Pharmacopoeia).	All animal species	—		2 400	1. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from its use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including breathing protection, safety glasses and gloves. 2. The mixture of different sources of sodium benzoate shall not exceed the permitted maximum contents.	9 December 2026
1k202	—	Potassium sorbate	<i>Additive composition</i> Potassium sorbate ≥ 99 % Solid form <i>Characterisation of the active substance</i> Potassium sorbate ≥ 99 % $C_6H_7KO_2$	All animal species			300	1. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from its use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including breathing protection, safety glasses and gloves.	9 December 2026

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						mg/kg of complete feeding-stuff with a moisture content of 12 %			
			CAS no 24634-61-5 Produced by chemical synthesis <i>Analytical method</i> ⁽¹⁾ For the determination of potassium sorbate in feed additive: titration with perchloric acid (European Pharmacopoeia, monographs 6.0 method 01/2008:0618). For the determination of potassium sorbate in premixture and feedingstuffs: ion exclusion High Performance Liquid Chromatography with UV detection (HPLC-UV).					2. The additive shall be used in easy and moderate difficult to ensile materials. ⁽²⁾	
1k236	—	Formic acid	<i>Additive composition</i> Formic acid (≥ 84,5 %) Liquid form <i>Characterisation of the active substance</i> Formic acid ≥ 84,5 % H ₂ CO ₂ CAS no 64-18-6	All animal species	—		10 000	1. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from its use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including breathing protection, safety glasses and gloves	9 December 2026

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						mg/kg of complete feeding-stuff with a moisture content of 12 %			
			<i>Analytical method ⁽¹⁾</i> For the determination of formic acid: ion chromatography method equipped with electrical conductivity detection (IC-ECD).					2. The mixture of different sources of formic acid shall not exceed the permitted maximum content in complete feedingstuffs.	
1k237	—	Sodium formate	<i>Additive composition</i> Solid form Sodium formate ≥ 98 % Liquid form Sodium formate ≥ 15 % Formic acid ≤ 75 % Water ≤ 25 % <i>Characterisation of the active substance</i> Sodium formate ≥ 98 % (solid form) NaHCO ₂ CAS no 141-53-7 formaldehyde ≤ 6,2 mg/kg acetaldehyde ≤ 5 mg/kg butylaldehyde ≤ 25 mg/kg Sodium formate ≥ 15 % (liquid form) Formic acid ≤ 75 % Produced by chemical synthesis	All animal species	—		10 000 (formic acid equivalent)	1. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from its use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including breathing protection, safety glasses and gloves. 2. The mixture of different sources of formic acid shall not exceed the permitted maximum contents in complete feedingstuffs.	9 December 2026

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						mg/kg of complete feeding-stuff with a moisture content of 12 %			
			<i>Analytical method ⁽¹⁾</i> Determination of sodium in feed additives: EN ISO 6869: atomic absorption spectrometry (AAS) or EN 15510: inductively coupled plasma atomic emission spectrometry, (ICP-AES). Determination of total formate in feed additives: EN 15909 reverse phase HPLC with UV detection (RP-HPLC-UV). Determination of total formate in premixtures and feeding-stuffs: Ion-exclusion high performance liquid chromatography with UV or with refractive index detection (HPLC-UV/RI) or Ion chromatography method equipped with electrical conductivity detection (IC-ECD).						

⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

⁽²⁾ Easy to ensile forage: > 3 % soluble carbohydrates in fresh materials. Moderately difficult to ensile forage: 1,5-3,0 % soluble carbohydrates in fresh materials. Commission Regulation (EC) No 429/2008 (OJ L 133, 22.5.2008, p. 1).

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2024**of 18 November 2016****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 November 2016.

*For the Commission,
On behalf of the President,*

Jerzy PLEWA
Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	78,0
	TR	102,4
	ZZ	90,2
0707 00 05	TR	146,6
	ZZ	146,6
0709 93 10	MA	99,2
	TR	142,1
	ZZ	120,7
0805 20 10	MA	74,6
	ZZ	74,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	JM	98,8
	MA	98,3
	PE	116,9
	TR	75,5
	ZZ	97,4
	TR	79,8
	ZZ	79,8
0806 10 10	BR	298,5
	IN	166,9
	LB	214,0
	PE	312,2
	TR	155,5
	US	362,7
	ZZ	251,6
0808 10 80	CL	213,0
	NZ	153,2
	ZA	167,7
	ZZ	178,0
0808 30 90	CN	77,8
	TR	126,8
	ZZ	102,3

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COUNCIL DECISION (EU) 2016/2025

of 8 November 2016

appointing three members and two alternate members, proposed by the Republic of Poland of the Committee of the Regions

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the Polish Government,

Whereas:

- (1) On 26 January 2015, 5 February 2015 and 23 June 2015, the Council adopted Decisions (EU) 2015/116 ⁽¹⁾, (EU) 2015/190 ⁽²⁾ and (EU) 2015/994 ⁽³⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020.
- (2) Three members' seats on the Committee of the Regions have become vacant following the end of the terms of office of Mr Jacek PROTAS, Mr Marek SOWA and Mr Jerzy ZAJĄKAŁA.
- (3) An alternate member's seat has become vacant following the end of the term of office of Mr Krzysztof PASZYK.
- (4) An alternate member's seat has become vacant following the appointment of Mr Władysław ORTYL as a member of the Committee of the Regions,

HAS ADOPTED THIS DECISION:

Article 1

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2020:

(a) as members:

- Gustaw Marek BRZEZIN, *marszałek województwa warmińsko-mazurskiego*,
- Władysław ORTYL, *marszałek województwa podkarpackiego*,
- Dariusz Antoni STRUGAŁA, *burmistrz miasta i gminy Jaraczewo*;

and

(b) as alternate members:

- Jacek KRUPA, *marszałek województwa małopolskiego*,
- Wojciech SAŁUGA, *marszałek województwa śląskiego*.

⁽¹⁾ Council Decision (EU) 2015/116 of 26 January 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 20, 27.1.2015, p. 42).

⁽²⁾ Council Decision (EU) 2015/190 of 5 February 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 31, 7.2.2015, p. 25).

⁽³⁾ Council Decision (EU) 2015/994 of 23 June 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 159, 25.6.2015, p. 70).

Article 2

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

Done at Brussels, 8 November 2016.

For the Council
The President
P. KAŽIMÍR

COUNCIL DECISION (EU) 2016/2026**of 15 November 2016****on the financial contributions to be paid by Member States to finance the European Development Fund, including the ceiling for 2018, the annual amount for 2017, the first instalment for 2017 and an indicative and non-binding forecast for the expected annual amounts for the years 2019 and 2020**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and to the Treaty on the Functioning of the European Union,

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 ⁽¹⁾, as last amended ('ACP-EU Partnership Agreement'),

Having regard to the Internal Agreement between the Representatives of the Governments of the Member States of the European Union, meeting within the Council, on the financing of European Union aid under the multiannual financial framework for the period 2014 to 2020, in accordance with the ACP-EU Partnership Agreement, and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the Treaty on the Functioning of the European Union applies ⁽²⁾ ('the Internal Agreement') and in particular Article 7(2) thereof,

Having regard to the Council Regulation (EU) 2015/323 of 2 March 2015 on the financial regulation applicable to the 11th European Development Fund ⁽³⁾ ('the 11th EDF Financial Regulation'), and in particular Article 21(2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In accordance with the procedure laid down in Article 21(2) of the 11th EDF Financial Regulation, the Commission presented a proposal by 15 October 2016 specifying (a) the ceiling for the annual amount of the contribution for 2018; (b) the annual amount of the contribution for 2017; (c) the amount of the first instalment of the contribution for 2017; and (d) an indicative, non-binding forecast for the expected annual amounts of contributions for the years 2019 to 2020.
- (2) In accordance with Article 52 of the 11th EDF Financial Regulation, the European Investment Bank (EIB) sent on 28 July 2016 to the Commission its updated estimates of commitments and payments under the instruments it manages.
- (3) Article 22(1) of the 11th EDF Financial Regulation provides that calls for contributions first use up the amounts provided for in previous European Development Funds (EDFs). Therefore a call for funds under the 10th EDF should be made.
- (4) By means of Decision (EU) 2015/2288 ⁽⁴⁾, the Council has adopted on the 30 November 2015, on a proposal by the Commission, the Decision to set the ceiling for Member States' EDF contributions for 2017 at EUR 3 850 000 000 for the Commission, and at EUR 150 000 000 for the EIB.
- (5) By means of Decision 2013/759/EU, ⁽⁵⁾ the Council has adopted the creation of a Bridging Facility on 12 December 2013 regarding transitional EDF management measures from 1 January 2014 until the entry into force of the 11th European Development Fund ('the Bridging Facility'),

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ OJ L 210, 6.8.2013, p. 1.

⁽³⁾ OJ L 58, 3.3.2015, p. 17.

⁽⁴⁾ Council Decision (EU) 2015/2288 of 30 November 2015 on the financial contributions to be paid by Member States to finance the European Development Fund, including the ceiling for 2017, the amount for 2016, the first instalment for 2016 and an indicative and non-binding forecast for the expected annual amounts for the years 2018 and 2019 (OJ L 323, 9.12.2015, p. 8).

⁽⁵⁾ Council Decision 2013/759/EU of 12 December 2013 regarding transitional EDF management measures from 1 January 2014 until the entry into force of the 11th European Development Fund (OJ L 335, 14.12.2013, p. 48).

HAS ADOPTED THIS DECISION:

Article 1

The ceiling for the annual amount of the Member States' EDF contributions for 2018 is hereby set at EUR 4 550 000 000 for the Commission, and at EUR 250 000 000 for the EIB.

Article 2

The annual amount of the Member States' EDF contributions for 2017 is hereby set at EUR 4 000 000 000. It shall be divided into EUR 3 850 000 000 for the Commission, and EUR 150 000 000 for the EIB.

Article 3

The individual EDF contributions to be paid by Member States to the Commission and the EIB as the first instalment for 2017 are set out in the table in the Annex to this Decision.

Payments of those contributions may be combined with adjustments under the implementation of the deduction of the funds committed under the Bridging Facility, following an adjustment plan communicated by each Member State to the Commission at the adoption of the third instalment 2015.

Article 4

The indicative non-binding forecast for the expected annual amount of contributions for 2019 is hereby set at EUR 4 500 000 000 for the Commission, and at EUR 300 000 000 for the EIB, and that for 2020 at EUR 4 500 000 000 for the Commission, and at EUR 300 000 000 for the EIB.

Article 5

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

Done at Brussels, 15 November 2016.

For the Council
The President
I. KORČOK

ANNEX

Member States	Key 10th EDF %	First instalment 2017 (EUR)		
		paid to EIB 10th EDF	paid to Commission 10th EDF	Total
Austria	2,41	2 410 000,00	40 970 000,00	43 380 000,00
Belgium	3,53	3 530 000,00	60 010 000,00	63 540 000,00
Bulgaria	0,14	140 000,00	2 380 000,00	2 520 000,00
Cyprus	0,09	90 000,00	1 530 000,00	1 620 000,00
Czech Republic	0,51	510 000,00	8 670 000,00	9 180 000,00
Denmark	2,00	2 000 000,00	34 000 000,00	36 000 000,00
Estonia	0,05	50 000,00	850 000,00	900 000,00
Finland	1,47	1 470 000,00	24 990 000,00	26 460 000,00
France	19,55	19 550 000,00	332 350 000,00	351 900 000,00
Germany	20,50	20 500 000,00	348 500 000,00	369 000 000,00
Greece	1,47	1 470 000,00	24 990 000,00	26 460 000,00
Hungary	0,55	550 000,00	9 350 000,00	9 900 000,00
Ireland	0,91	910 000,00	15 470 000,00	16 380 000,00
Italy	12,86	12 860 000,00	218 620 000,00	231 480 000,00
Latvia	0,07	70 000,00	1 190 000,00	1 260 000,00
Lithuania	0,12	120 000,00	2 040 000,00	2 160 000,00
Luxembourg	0,27	270 000,00	4 590 000,00	4 860 000,00
Malta	0,03	30 000,00	510 000,00	540 000,00
Netherlands	4,85	4 850 000,00	82 450 000,00	87 300 000,00
Poland	1,30	1 300 000,00	22 100 000,00	23 400 000,00
Portugal	1,15	1 150 000,00	19 550 000,00	20 700 000,00
Romania	0,37	370 000,00	6 290 000,00	6 660 000,00
Slovakia	0,21	210 000,00	3 570 000,00	3 780 000,00
Slovenia	0,18	180 000,00	3 060 000,00	3 240 000,00
Spain	7,85	7 850 000,00	133 450 000,00	141 300 000,00
Sweden	2,74	2 740 000,00	46 580 000,00	49 320 000,00
United Kingdom	14,82	14 820 000,00	251 940 000,00	266 760 000,00
Total EU-27	100,00	100 000 000,00	1 700 000 000,00	1 800 000 000,00

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

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

of 19 October 2016

updating Annex XVI to the Association Agreement [2016/2027]

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 ⁽¹⁾ ('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 ⁽²⁾;
 - (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 ⁽³⁾;
 - (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 ⁽⁴⁾;
 - (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 ⁽⁵⁾;
 - (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 ⁽⁶⁾;
 - (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 ⁽⁷⁾;

⁽¹⁾ OJ L 260, 30.8.2014, p. 4.

⁽²⁾ OJ L 96, 29.3.2014, p. 357.

⁽³⁾ OJ L 96, 29.3.2014, p. 45.

⁽⁴⁾ OJ L 96, 29.3.2014, p. 79.

⁽⁵⁾ OJ L 96, 29.3.2014, p. 309.

⁽⁶⁾ OJ L 96, 29.3.2014, p. 1.

⁽⁷⁾ OJ L 96, 29.3.2014, p. 251.

- (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 ⁽¹⁾;
 - (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 ⁽²⁾;
 - (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 ⁽³⁾;
 - (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 ⁽⁴⁾;
 - (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 ⁽⁵⁾;
 - (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 ⁽⁶⁾;
 - (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 ⁽⁷⁾;
 - (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 ⁽⁸⁾;
 - (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 ⁽⁹⁾;
 - (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 ⁽¹⁰⁾;
 - (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 ⁽¹¹⁾;
 - (r) Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) ⁽¹²⁾.
- (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.

⁽¹⁾ OJ L 96, 29.3.2014, p. 149.

⁽²⁾ OJ L 96, 29.3.2014, p. 107.

⁽³⁾ OJ L 189, 27.6.2014, p. 164.

⁽⁴⁾ OJ L 153, 22.5.2014, p. 62.

⁽⁵⁾ OJ L 354, 28.12.2013, p. 90.

⁽⁶⁾ OJ L 178, 28.6.2013, p. 27.

⁽⁷⁾ OJ L 165, 30.6.2010, p. 1.

⁽⁸⁾ OJ L 60, 2.3.2013, p. 52.

⁽⁹⁾ OJ L 60, 2.3.2013, p. 1.

⁽¹⁰⁾ OJ L 201, 27.7.2012, p. 60.

⁽¹¹⁾ OJ L 197, 24.7.2012, p. 1.

⁽¹²⁾ OJ L 197, 24.7.2012, p. 38.

- (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 Brussels, 19 October 2016.

*For the Association Committee in Trade
configuration*
P. SOURMELIS
The Chair

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:

'Union legislation	Deadline for approximation
HORIZONTAL LEGISLATIVE FRAMEWORK FOR MARKETING OF PRODUCTS	
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 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	Approximated on the date of entry into force of the Law No 235 of 1 December 2011
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
LEGISLATION BASED ON THE PRINCIPLES OF THE NEW APPROACH WHICH PROVIDE FOR CE MARKING	
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
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
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 Commission Decision 2004/388/EC of 15 April 2004 on an Intra-Community transfer of explosives document 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	2017
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
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

DIRECTIVES BASED ON THE PRINCIPLES OF THE NEW APPROACH OR THE GLOBAL APPROACH, BUT WHICH DO NOT PROVIDE FOR CE MARKING

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

CONSTRUCTION OF MOTOR VEHICLES

2. Two- or three-wheel motor vehicles

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
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3. Wheeled agricultural or forestry tractors

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

CHEMICALS

1. REACH and REACH implementation

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

2. Dangerous chemicals

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
3. Classification, packaging and labelling	
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'

**DECISION No 2/2016 OF THE EU-REPUBLIC OF MOLDOVA ASSOCIATION COMMITTEE IN
TRADE CONFIGURATION****of 19 October 2016****updating Annex XXIX to the Association Agreement [2016/2028]**

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 Articles 269, 273 and 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 ⁽¹⁾ ('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.
- (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 ⁽²⁾;
 - (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 ⁽³⁾;
 - (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 ⁽⁴⁾.
- (5) The abovementioned 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 Articles 269, 273 and 436 of the Agreement.
- (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,

⁽¹⁾ OJ L 260, 30.8.2014, p. 4.

⁽²⁾ OJ L 94, 28.3.2014, p. 1.

⁽³⁾ OJ L 94, 28.3.2014, p. 65.

⁽⁴⁾ OJ L 94, 28.3.2014, p. 243.

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 Brussels, 19 October 2016.

*For the Association Committee in Trade
configuration*

P. SOURMELIS

The Chair

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	
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

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	
	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
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	Scope and definitions
Section 1	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	Procedures
Article 26	Choice of procedures: paragraph 3 and point (b) of paragraph 4
Article 30	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

ANNEX XXIX-G

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))

ANNEX XXIX-I

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

ANNEX XXIX-J

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

ANNEX XXIX-L

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

ANNEX XXIX-M

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

ANNEX XXIX-N

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
-

ANNEX XXIX-Q

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

ANNEX XXIX-T

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).'

