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CORRIGENDUM TO THE NOTE

From: General Secretariat
To: Permanent Representatives Committee
No. prev. doc.: 11644/13 MAP 58 MI 589
No. Cion prop.: 18960/11 MAP 8 MI 684
Subject: Proposal for a Directive of the European Parliament and of the Council on the award of concession contracts (First reading)
- Approval of the final compromise text

In document ST 11748/13 INIT:

1. In article 26.5 (pg. 77), point c is inserted, Article 26.5 should therefore read:

"5. By way of derogation from paragraph 1, the contracting authorities and entity shall not be required to publish a concession notice where the works or services can be supplied only by a particular economic operator for any of the following reasons:

(a) the aim of the concession is the creation or acquisition of a unique work of art or artistic performance;

(b) the absence of competition for technical reasons;

(c) the existence of an exclusive right as defined in Article 2(12a);

(d) the protection of other exclusive rights including patents, copyrights or other intellectual property rights."
The exceptions set out in points (b), (c) and (d) only apply when no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the concession award."