

# EUROPEAN PARLIAMENT

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**A6-0270/2005**

20.9.2005

**\*\*\*I**

## **REPORT**

on the proposal for a directive of the European Parliament and of the Council  
correcting Directive 2004/18/EC on the coordination of procedures for the  
award of public works contracts, public supply contracts and public service  
contracts

(COM(2005)0214 – C6-0155/2005 – 2005/0100(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Stefano Zappalà

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position*  
*majority of Parliament's component Members, to reject or amend the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position*  
*majority of Parliament's component Members, to reject or amend the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission.)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the proposal for a directive of the European Parliament and of the Council correcting Directive 2004/18/EC on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (COM(2005)0214 – C6-0155/2005 – 2005/0100(COD))**

**(Codecision procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2005)0214)<sup>1</sup>,
  - having regard to Article 251(2) and Articles 47(2), 55 and 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0155/2005),
  - having regard to Rule 51 of its Rules of Procedure,
  - having regard to the report of the Committee on the Internal Market and Consumer Protection (A6-0270/2005),
1. Approves the Commission proposal;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council and Commission.

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<sup>1</sup> Not yet published in OJ.

## **EXPLANATORY STATEMENT**

Directive 2004/18/EC of 31 March 2004 regulates the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts. It consolidates the earlier directives in this field, modifying their content and simplifying the legal framework. In defining its own scope, the directive sets a number of thresholds, expressed in EUR, below which it is not to apply, and lays down for a procedure for their periodic realignment.

Article 78 of the directive allows the Commission, where necessary, to adapt the thresholds to exchange rate fluctuations. However, in the event of revision their level should essentially remain identical.

The directive also applies to contracts which are awarded by bodies that are not awarding authorities but are subsidised by such authorities at a rate of over 50%. The Commission proposal for a directive was not intended to alter the EUR 249 000 threshold (as laid down in Article 8b) applying in the case of public service and supply contracts where the awarding authority providing the subsidy is not one of those listed in Annex IV to the directive (i.e. it is not a central government authority).

Thanks to a clerical error, however, Article 78 of the directive refers to realignment on the basis of a lower threshold, i.e. EUR 162 000, or that applying to service and supply contracts awarded by central government authorities.

The purpose of the proposal for a directive is simply to correct that clerical error and thus re-establish the necessary consistency between the threshold laid down in Article 8 (regarding the scope of the directive) and the revision procedure referred to in Article 78.

The proposal for a directive needs to be approved as a matter of urgency, in view of the realignment of the thresholds which is due to take place in November 2005.

## PROCEDURE

<b>Title</b>	Proposal for a directive of the European Parliament and of the Council correcting Directive 2004/18/EC on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts			
<b>References</b>	COM(2005)0214 – C6-0155/2005 – 2005/0100(COD)			
<b>Legal basis</b>	Articles 251(2), 47 (2e), 55 and 95 EC			
<b>Basis in Rules of Procedure</b>	Rule 51			
<b>Date submitted to Parliament</b>	26.5.2005			
<b>Committee responsible</b> Date announced in plenary	IMCO 7.6.2005			
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	ECON 7.6.2005	EMPL 7.6.2005	ENVI 7.6.2005	ITRE 7.6.2005
<b>Not delivering opinion(s)</b> Date of decision	ECON 25.8.2005	EMPL 14.6.2005	ENVI 21.6.2005	ITRE 13.9.2005
<b>Enhanced cooperation</b> Date announced in plenary				
<b>Rapporteur(s)</b> Date appointed	Stefano Zappalà 4.7.2005			
<b>Previous rapporteur(s)</b>				
<b>Simplified procedure</b> Date of decision	Rule 43(1) / Rule 43(2) 0.0.0000			
<b>Legal basis disputed</b> Date of JURI opinion	/			
<b>Financial endowment amended</b> Date of BUDG opinion	/			
<b>European Economic and Social Committee consulted</b> Date of decision in plenary	0.0.0000			
<b>Committee of the Regions consulted</b> Date of decision in plenary	0.0.0000			
<b>Discussed in committee</b>	14.9.2005	0.0.0000	0.0.0000	
<b>Date adopted</b>	14.9.2005			
<b>Result of final vote</b>	for:	28		
	against:	0		
	abstentions:	0		
<b>Members present for the final vote</b>	Bert Doorn, Małgorzata Handzlik, Malcolm Harbour, Kurt Lechner, Zita Pleštinská, Guido Podestà, Zuzana Roithová, Luisa Fernanda Rudi Ubeda, Andreas Schwab, Marianne Thyssen, Jacques Toubon, Joachim Wuermeling, Evelyne Gebhardt, Anna Hedh, Henrik Dam Kristensen, Bernadette Vergnaud, Barbara Weiler, Phillip Whitehead, Janelly Fourtou, Anneli Jäätteenmäki, Toine Manders, Pierre Jonckheer, Heide Rühle, Giovanni Rivera, Leopold Józef Rutowicz,			
<b>Substitutes present for the final vote</b>	Charlotte Cederschiöld, Stefano Zappalà, Gisela Kallenbach, Guntars Krasts			

<b>Substitutes under Rule 178(2) present for the final vote</b>		
<b>Date tabled – A6</b>	20.9.2005	A6-0270/2005
<b>Comments</b>	...	