

V Bruseli 21. mája 2019
(OR. en)

9189/19

**Medziinštitucionálny spis:
2018/0138(COD)**

**TRANS 326
CODEC 1057**

SPRÁVA

Od:	Generálny sekretariát Rady
Komu:	Výbor stálych predstaviteľov/Rada
Č. predch. dok.:	8687/1/19 REV 1
Predmet:	Návrh nariadenia Európskeho parlamentu a Rady o zefektívnení opatrení na urýchlenie realizácie transeurópskej dopravnej siete – správa o pokroku

I. KONTEXT A OBSAH NÁVRHU

1. Komisia 17. mája 2018 predložila uvedený návrh Európskemu parlamentu a Rade v rámci tretieho balíka opatrení „Európa v pohybe“, ktorého cieľom je dosiahnuť, aby bola európska mobilita bezpečnejšia, ekologickejšia, efektívnejšia a dostupnejšia.
2. Hlavným cieľom návrhu je zjednodušiť pravidlá udeľovania povolení s cieľom uľahčiť dokončenie transeurópskej dopravnej siete (TEN-T). Okrem toho sa zameriava na zvýšenie zrozumiteľnosti procesov, podľa ktorých musia predkladatelia projektov postupovať, najmä pokiaľ ide o udeľovanie povolení, verejné obstarávanie a iné postupy.

3. Hlavný cieľ návrhu sa má dosiahnuť týmito opatreniami:
- zriadením jediného príslušného orgánu (jednotné kontaktné miesto), ktorý bude zodpovedný za celý proces a ktorý bude pôsobiť ako jednotné kontaktné miesto pre predkladateľov projektov a ostatných investorov;
 - zavedením integrovaných postupov vedúcich k jednému komplexnému rozhodnutiu;
 - stanovením termínov dvojstupňového procesu, ktoré nepresiahnu časový rámec troch rokov.

II. PRÁCA V OSTATNÝCH INŠTITÚCIÁCH

4. Gestorským výborom tohto spisu v Európskom parlamente je Výbor pre dopravu a cestovný ruch (TRAN) a spravodajcom Dominique Riquet (ALDE, FR). Parlament hlasoval o správe a prijal svoju pozíciu v prvom čítaní 13. februára 2019.
5. Európsky hospodársky a sociálny výbor prijal stanovisko na plenárnom zasadnutí 17. októbra 2018.
6. Výbor regiónov prijal stanovisko 7. februára 2019.

III. SÚČASNÝ STAV V RADE

7. Pracovná skupina pre dopravu – intermodálne otázky a siete začala o návrhu rokovať v júni 2018 všeobecnou prezentáciou návrhu a posúdením jeho vplyvu. Návrh bol preskúmaný na troch ďalších zasadnutiach pracovnej skupiny v období od júla do októbra 2018, čoho výsledkom bola správa o pokroku¹ predložená Rade 3. decembra 2018.
8. Predsedníctvo pokračovalo v práci a v období od februára do mája 2019 venovalo podrobnému preskúmaniu spisu na základe vyvíjajúcich sa kompromisných znení šesť schôdzí. Kompromisné znenia boli vo všeobecnosti zamerané na zvýšenie jasnosti a flexibility viacerých ustanovení s cieľom zabezpečiť, aby sa lepšie zohľadnili špecifiká vnútroštátnych postupov udeľovania povolení, ktoré sa v jednotlivých členských štátoch vo veľkej miere odlišujú.

¹ 14226/18.

9. Predsedníctvo v nadväznosti na výzvy všetkých delegácií predložilo na zasadnutí pracovnej skupiny 10. mája kompromis², ktorým sa mení právna povaha návrhu z nariadenia na smernicu. Týmto kompromisom sa zavádza výrazné zjednodušenie a flexibilita pre členské štáty, aby mohli využívať väčšinu svojich existujúcich vnútroštátnych postupov udeľovania povolení. Jediný príslušný orgán je určený ako hlavné kontaktné miesto pre predkladateľa projektu a v postupe udeľovania povolení bude vykonávať podpornú úlohu bez toho, aby bola dotknutá právomoc iných orgánov zapojených do tohto postupu. Kompromisom sa okrem toho zaviedla celková lehota štyroch rokov na dokončenie postupu vydávania povolení. Tento kompromis uznali všetky členské štáty ako veľký krok správnym smerom.
10. Existuje však viacero otázok, ktoré si budú vyžadovať ďalšiu prácu na technickej úrovni. **Kľúčové otázky** možno zhrnúť takto:

- a) **Rozsah pôsobnosti (článok 1)** V kompromise predsedníctva sa odkazuje na projekty týkajúce sa koridorov základnej siete TEN-T a stanovuje sa v ňom možnosť rozšírenia rozsahu pôsobnosti na ďalšie projekty základnej a súhrnnej siete. Zdá sa, že väčšina delegácií podporuje súčasnú formuláciu, ktorá umožňuje širšie uplatňovanie rozsahu pôsobnosti. Niektoré delegácie však uprednostnili obmedzenie rozsahu pôsobnosti len na projekty cezhraničnej povahy, zatiaľ čo niekoľko ďalších navrhlo iné riešenia.
- b) **Jediný príslušný orgán (článok 2 písm. d) a článok 5):** Podľa kompromisu predsedníctva je úlohou jediného príslušného orgánu byť „hlavným kontaktným miestom“ pre predkladateľa projektu, pričom tento orgán pôsobí v procese udeľovania povolení ako „sprostredkovateľ“. Niektoré delegácie požiadali o ďalšie objasnenie, najmä pokiaľ ide o postavenie, zodpovednosť a úlohy jediného príslušného orgánu.

² 8687/19 + REV 1.

- c) **Dĺžka trvania postupu udeľovania povolenia (článok 6):** Na dokončenie postupu udeľovania povolenia sa v návrhu predsedníctva stanovuje lehota štyroch rokov. Viaceré delegácie zdôraznili, že možnosť dodržať tento termín priamo závisí od otázky, ktoré povolenia sa majú získať v uvedenej štvorročnej lehote a ktoré sú mimo rozsahu pôsobnosti smernice. Niektoré členské štáty v tejto súvislosti jednoznačne podporili vylúčenie určitých postupov udeľovania povolení z rozsahu pôsobnosti, napríklad priestorové plánovanie a posudzovanie vplyvov na životné prostredie, pričom tvrdili, že ide o zložité a zdĺhavé postupy, ktoré s najväčšou pravdepodobnosťou spôsobia oneskorenia, a preto bude veľmi ťažké alebo dokonca nemožné dodržať navrhovanú lehotu.
- d) **Organizácia postupov udeľovania povolení (článok 6a):** Kompromis predsedníctva dáva členským štátom flexibilitu pri vykonávaní postupu udeľovania povolení podľa ich vnútroštátnych špecifik, zachováva však koncepciu podrobného opisu žiadosti, ktorú má vypracovať jediný príslušný orgán. Niektoré delegácie vyjadrili pochybnosti, pokiaľ ide o pridanú hodnotu podrobného opisu žiadosti, keďže vo vnútroštátnych právnych predpisoch sa v tejto súvislosti stanovujú pre predkladateľov jasné požiadavky.
- Okrem toho členské štáty požiadali o objasnenie v súvislosti so začiatkom konania a s dokumentmi, ktoré má predkladateľ predložiť v čase oznámenia projektu.
- e) **Ďalšie sporné body:**
- **Prioritný štatút (článok 3):** Niektoré delegácie vyjadrili obavy v súvislosti s uskutočniteľnosťou tohto ustanovenia.
 - **Ustanovenia o postupe udeľovania povolení (článok 4):** Pokiaľ ide o povinnosť orgánov členských štátov vykonávať posúdenia vplyvov na životné prostredie, ktorá vyplýva zároveň z príslušných právnych predpisov Únie, niekoľko delegácií zdôraznilo, že orgány členských štátov by okrem spoločných postupov mali mať možnosť uplatňovať aj koordinované postupy.

- **Európski koordinátori (článok 7):** Pokiaľ ide o úlohu európskych koordinátorov v procese udeľovania povolení pre projekty, do ktorých sú zapojené dva alebo viaceré členské štáty, niekoľko delegácií zdôraznilo, že toto ustanovenie musí byť v súlade s článkom 45 nariadenia o TEN-T³, a trvali na tom, aby sa zabránilo pridelovaniu nových úloh a zodpovedností európskym koordinátorom.
- **Transpozícia (článok 10a):** V kompromise predsedníctva sa stanovuje lehota na transpozíciu v trvaní 24 mesiacov. Zdá sa, že túto lehotu podporuje väčšina delegácií, hoci niekoľko z nich by uprednostnilo dlhšiu lehotu, t. j. 36 mesiacov.

IV. ZÁVERY

11. V tejto fáze si ponechávajú výhradu parlamentného preskúmania dve delegácie. Väčšina delegácií si ponecháva výhradu preskúmania k poslednému kompromisu predsedníctva, ktorý sa uvádza v prílohe k tejto správe.
12. Rokovania na technickej úrovni ukázali, že nadchádzajúce predsedníctvo sa bude musieť týmto sporným bodom venovať, ak sa má v rámci tohto spisu dosiahnuť ďalší pokrok a dohoda. Delegácie napriek tomu ocenili prácu predsedníctva a pokrok, ktorý dosiahlo v súvislosti s týmto spisom, a predsedníctvo sa domnieva, že kompromis predstavuje pevný základ pre budúcu prácu na tomto návrhu.
13. Vzhľadom na uvedené skutočnosti sa Výbor stálych predstaviteľov a Rada vyzývajú, aby vzali na vedomie pokrok dosiahnutý v súvislosti s preskúmaním návrhu.

³ Nariadenie Európskeho parlamentu a Rady (EÚ) č. 1315/2013 z 11. decembra 2013 o usmerneniach Únie pre rozvoj transeurópskej dopravnej siete a o zrušení rozhodnutia č. 661/2010/EÚ (Ú. v. EÚ L 348, 20.12.2013, s. 1).

*Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on streamlining measures for advancing the realisation of the trans-European transport
network**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 172 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee⁴,

Having regard to the opinion of the Committee of the Regions⁵,

Acting in accordance with the ordinary legislative procedure,

Whereas:

* This text is identical to the annex of doc. 8687/1/19 REV 1 presented to the intermodal WP on 17 May 2019.

⁴ OJ C , , p. .

⁵ OJ C , , p. .

(1) THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 172 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee⁶,

Having regard to the opinion of the Committee of the Regions⁷,

Acting in accordance with the ordinary legislative procedure,

Whereas:

(3) Priority treatment should be given to projects covered by this Directive. ~~In the legal frameworks of many Member States priority treatment is given to certain project categories based on their strategic importance for the economy. Priority treatment is characterised by~~**might provide for** shorter timelines, simultaneous procedures or limited timeframes for appeals while ensuring that the objectives of other horizontal policies are also reached. **In the legal frameworks of many Member States priority treatment is given to certain project categories based on their strategic importance for the economy.** When such a framework exists within a national legal framework, it should automatically apply to projects ~~on the core network corridors provided for under Regulation (EU) No 1315/2013~~ **within the scope of the directive.**

(4) In order to improve the effectiveness of the environmental assessments and streamline the decision-making process , where the obligation to carry out assessments related to environmental issues of core network projects arises simultaneously from Directive 2011/92/EU, as amended by Directive 2014/52/EU, and from other Union legislation such as Directive 92/43/EEC, Directive 2009/147/EC, Directive 2000/60/EC, Directive 2008/98/EC, Directive 2010/75/EU **and**, Directive 2012/18/EU ~~and Directive 2011/42/EC~~, Member States should ensure that a joint procedure fulfilling the requirements of these Directives is provided.

⁶ OJ C , , p. .

⁷ OJ C , , p. .

- (5) Projects on the core network corridors should be supported by efficient permit granting procedures to make clear management of the overall procedure possible and to provide a main entry point for ~~investors~~**project promoters**. Member States should designate a **single** competent authority in accordance with their national legal frameworks and administrative set-ups **and type of project**.
- (6) The ~~establishment~~**designation** of a single competent authority at national level acting as the main point of contact for the project promoter for all permit granting procedures should reduce the complexity, improve the efficiency and increase the transparency of the procedures. It should also enhance the cooperation between Member States where appropriate. The procedures should promote a real cooperation between ~~investors~~**project promoters** and the single competent authority.

- (6a) The single competent authority may also be entrusted with tasks related to the coordination and the authorisation, in compliance with Union and national legislation, of specific projects of common interest aiming at the reconstruction of infrastructure on the core network of the trans-European transport network in the case of natural or man-made disasters.
- (7) The procedure set out by this Directive should be without prejudice to the fulfilment of the requirements defined in the international and Union law, including provisions to protect the environment and human health.
- (8) Given the urgency to complete the TEN-T core network, the simplification of permit granting procedures should be accompanied by a time limit within which competent authorities responsible should take an authorising decision to build the transport infrastructure. This time limit should stimulate a more efficient handling of procedures and should, under no circumstances, compromise the Union's high standards for environmental protection and public participation.
- (9) Member States should endeavour to ensure that appeals challenging the substantive or procedural legality of an authorising decision are handled in the most efficient way possible.
- (10) ~~Cross-border~~ TEN-T infrastructure projects **that involve two or more Member States** face particular challenges as regards the coordination of permit granting procedures. The European Coordinators should be informed about these procedures in order to facilitate their synchronisation and completion.

- (11) Public procurement in cross-border projects of common interest should be conducted in accordance with the Treaty and Directives 2014/25/EU and/or 2014/24/EU. In order to ensure the efficient completion of the cross-border core network projects of common interest, public procurement carried out by a joint entity should be subject to a single national legislation. By way of derogation from the Union public procurement legislation, the applicable national rules should in principle be those of the Member State where the joint entity has its registered office. It should remain possible to define the applicable legislation in an intergovernmental agreement. For reasons of legal certainty, Member States participating in a joint entity set up before [entry into force of Directive] may jointly decide that current procurement strategies remain applicable for that joint entity. **For reasons of legal certainty, current procurement strategies should remain applicable for a joint entity set up before [entry into force of Directive] if the Member States concerned do not agree otherwise.**
- (12) The Commission is not systematically involved in the authorisation of individual projects. However, in some cases, certain aspects of the project preparation are subject to clearance at Union level. Where the Commission is involved in the procedures, it will give priority treatment to the Union projects of common interest and ensure certainty for project promoters. In some cases State aid approval might be required. In line with the Best Practice Code for the conduct of State aid control procedures, Member States may ask the Commission to deal with projects of the TEN-T they consider to be of priority with more predictable timelines under the case portfolio approach or the mutually agreed planning.
- (13) The implementation of infrastructure projects on the TEN-T core network should be also supported by Commission guidelines that bring more clarity as regards the implementation of certain types of projects while respecting the Union acquis. For example the Action Plan for nature, people and the economy⁸ foresees such guidance to bring more clarity in view of respecting the Birds and Habitats Directives. Direct support related to public procurement should be made available for projects of common interests to ensure the best value for public money⁹.

⁸ COM(2017) 198 final.

⁹ COM(2017) 573 final

- (14) Since the objectives of this Directive cannot be sufficiently achieved by the Member States and can therefore, by reason of the need for coordination of those objectives, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (15) For reasons of legal certainty, the permit granting procedures which started prior to the transposition of this Directive should not be subject to the provisions of this Directive.

HAVE ADOPTED THIS DIRECTIVE:

CHAPTER I - GENERAL PROVISIONS

Article 1

Subject matter and scope

1. This Directive shall apply to the permit granting procedures required in order to authorise the implementation of projects on the core network corridors of the trans-European transport network.
2. Member States may decide to extend the application of this Directive to other projects on the core and comprehensive network of the trans-European transport network.

Article 2

Definitions

For the purposes of this Directive, the following definitions shall apply:

- (a) "authorising decision" means the ~~final act which can be based on a~~ **decision or a set of decisions according to national legal and administrative systems that determines whether or not a project promoter is entitled to proceed with the project implementation, without prejudice to any decision taken in the context of an administrative appeal procedure; the decision or set of decisions may be taken** simultaneously or successively ~~taken by a Member State authority or authorities, not including courts or tribunals, adopted, according to national legal or administrative systems; the authorising decision determines whether or not a project promoter is entitled to proceed with the project implementation without prejudice to any decision taken in the context of an administrative appeal procedure;~~

- (b) "permit granting procedures" means any procedure ~~related to the individual project~~ that has to be followed or step that has to be taken **related to an individual project** as required by the authorities of a Member State, under Union or national law, before the project promoter can implement the project; **It shall** not includeing procedures for the award of public procurements **nor steps undertaken at strategic level and which are not project related, such as strategic environmental assessment, public budgetary planning as well as national or regional transport plans, and strategic land use planning**;
- (b)(i) "Project" means the construction, **adaptation** or modification of a defined section in the transport infrastructure, which leads to improvement of capacity, **safety** and efficiency of the infrastructure and whose implementation requires a permit granting procedure;
- (c) "Project promoter" means the applicant for authorisation of a project implementation or the public authority which initiates a project";
- (d) "single competent authority" means the authority, which is the main point of contact for the project promoter and is responsible for facilitating the permit granting procedures in accordance with this Directive;
- ~~(e) "Cross-border project of common interest" means a project of common interest covering a cross-border section as defined in Article 3 point (m) of Regulation (EU) No 1315/2013 which is managed and implemented by a joint entity established by the Member States concerned.~~

CHAPTER II – PERMIT GRANTING

Article 3

Priority status

Member States shall **endeavour** ~~take the necessary measures~~ to ensure that all authorities **concerned involved in the permit granting procedure, excluding courts and tribunals,** give priority to projects covered by this Directive.

Where specific permit granting procedures for priority projects exist under national law, Member States shall, without prejudice to the requirements and time-limits of this Directive, ensure that projects covered by this Directive are treated under these procedures.

This shall be without prejudice to budgetary decisions.

Article 4

Provision of a permit granting procedure

14. Member States shall provide for a permit granting procedure resulting in the authorising decision, in order to meet the time limit set out in Article 6.
15. In the case of projects for which the obligation to carry out assessments of the effects on the environment arises simultaneously from Directive 2011/92/EU of the European Parliament and of the Council and **Council Directive 92/43/EEC, Directive 2009/147/EC , and/or** other **relevant environmental** Union law ~~legislation~~, Member States shall ensure that joint procedures within the meaning of Article 2(3) of Directive 2011/92/EU are provided for.

Article 5a

Single Competent Authority

1. The Member State shall ensure that a single competent authority is responsible for facilitating the permit granting procedure for a project leading to the authorising decision.
2. The Member State shall designate a single competent authority at the appropriate administrative level. Member States may, where relevant, designate different authorities as the single competent authority per project or category of projects, **transport mode**, or per geographical area provided that **there is** only one **single competent** authority ~~is responsible~~ per project.
- ~~3. The Member States shall ensure that the single competent authority has at its disposal all the required personnel and material resources in order to perform its tasks.~~
4. The responsibilities of the single competent authority shall consist of the following principles:
 - (a) It is the main point of contact for the project promoter in the procedure leading to the Authorising decision for a given project;
 - (b) It provides the Detailed Application Outline to the project promoter, including the time-limits within the permit granting procedures, in line with the time limit set out in accordance with Article 6;
 - (c) It ~~assists~~ **advises** the project promoter in the submission of all relevant documents and information.

The responsibilities of the single competent authority are without prejudice to the competence of other authorities involved in the permit granting procedure.

- ~~5. When taking the authorising decision, the single competent authority shall ensure~~ **verify** that all the necessary permits, decisions and opinions **for the authorising decision** have been obtained ~~and shall duly justify its decision.~~

Article 6

Duration of the permit granting process

- 1a. The Member States shall set deadlines for the permit granting procedure not exceeding 4 years from the start of the permit granting procedure. The Member States may adopt the necessary measures in order to break down the available period in different steps and according to Union and national law.
- 2a. The period of 4 years shall be without prejudice to administrative appeal procedures and judicial remedies before a court and tribunal.
- 3a. The Member States shall adopt the necessary measures to ensure that in **duly justified** cases ~~or of~~ unforeseeable circumstances, an appropriate extension to the four-year period defined in this article may be granted. The single competent authority shall determine, on a case-by-case basis, the duration of the prolongation and shall duly justify its decision.
4. [deleted]
16. 5. [deleted]
17. 6. [deleted]
18. 7. [deleted]

19.

20. Article 6a

Organisation of the permit granting procedure

1. The notification of the project by the project promoter to the single competent authority shall serve as the start of the permit granting procedure.

- 1a. Member States may define the level of detail of information **and the relevant documents** to be provided by the project promoter when notifying a project, **in order to assess the maturity of the project.**

2. When a project promoter notifies the project to the single competent authority, the single competent authority shall draw up the Detailed Application Outline and communicate it to the project promoter, unless it considers that the project is not mature enough. In this latter case, the single competent authority shall reject the notification and justify its decision.

~~The notification by the project promoter to the competent authority shall serve as the start of the permit granting procedure.~~

3. The detailed application outline shall contain a schedule to prepare the project application file with at least the following points:
 - (a) The individual stages of the procedure and their **indicative** time limits;
 - (b) The material scope and level of detail of information to be submitted by the project promoter;
 - (c) List of necessary permits, decisions and opinions to be obtained **by the project promoter during the permit granting procedure**, in accordance with Union and national law;
 - (d) Authorities and stakeholders to be involved in relationship with the respective obligations, including during the formal phase of the public consultation.
4. The detailed application outline shall remain valid during the permit granting procedure. Any request by the single competent authority additional to what is identified in the detailed application outline shall be duly justified by exceptional and unforeseeable new circumstances.
5. When the project promoter has submitted the project application file, the single competent authority shall ensure that the file is in line with the detailed application outline and adopt the authorising decision within the time limit **set out** in accordance with **Article 6** ~~this directive~~. The single competent authority may only request additional information from the project promoter as regards the material scope and level of detail concerning the elements identified in the detailed application outline.

Article 7

Coordination of cross-border permit granting procedure

21. For projects that involve two or more Member States, Member States shall ensure that the single competent authorities of the Member States concerned **endeavour to** coordinate their timetables and agree on a joint schedule.
22. Member States shall take the necessary measures to ensure that in line with Article 45 of Regulation (EU) No 1315/2013, the European Coordinators receive information on the permit granting procedures and that they may facilitate contacts between the single competent authorities in the context of the permit granting procedures for projects that involve two or more Member States.
23. ~~Without prejudice to the time limits set out under this Directive,~~ Member States shall, if the time limit **set out in Article 6** ~~for the authorising decision~~ is not observed, provide information upon request to the European Coordinators concerned about the measures taken or planned to be taken to conclude the permit granting procedure with the least possible delay.

CHAPTER III - PUBLIC PROCUREMENT

Article 8

Public Procurement in cross-border projects

24. When the procurement procedures are conducted by a joint entity in a cross-border project, Member States shall take the necessary measures to ensure that the joint entity applies the national provisions of one Member State and, by way of derogation from Directives 2014/25/EU and 2014/24/EU, those provisions shall be the provisions determined in accordance with point (a) of Article 57(5) of Directive 2014/25/EU of the European Parliament and of the Council or point (a) of Article 39(5) of Directive 2014/24/EU of the European Parliament and of the Council, as applicable, unless an agreement between the participating Member States provides otherwise. Such an agreement shall in any case provide for the application of a single national legislation in case of the procurement procedures conducted by a joint entity.
- 25.

CHAPTER IV - TECHNICAL ASSISTANCE

Article 9

Technical assistance

[Deleted]

CHAPTER V - FINAL PROVISIONS

Article 10

Transitional provisions

This Directive shall not apply to the permit granting procedures which started before [24 months following the entry into force of this Directive].

Article ~~8~~⁹ shall only apply to such contracts for which the call for competition has been sent or, in cases where a call for competition is not foreseen, where the contracting authority or contracting entity has commenced the procurement procedure after [OJ: 24 months following the entry into force of this Directive force].

~~Member States participating in a joint entity set up before [entry into force of Directive] may jointly decide that Article 8 shall not apply to procurement procedures by that joint entity.~~

Article 8 shall not apply to a joint entity set up before [entry into force of Directive], provided that the procurement procedures of that entity continue to be governed by the legislation determined in accordance with an agreement concluded between the participating Member States prior to that date.

Article 10a

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [24 months following the entry into force of this Directive] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 11

Entry into force

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

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President
