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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directives 2009/43/EC and 2009/81/EC, as regards the simplification of intra-EU transfers of defence-related products and the simplification of security and defence procurement - 4-column table

Delegations will find in the Annex, for information, the four-column table on the above-mentioned proposal.

**Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending
Directives 2009/43/EC and 2009/81/EC, as regards the simplification of intra-EU transfers of defence-
related products and the simplification of security and defence procurement
2025/0177(COD)**

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Formula				
1	2025/0177 (COD)	2025/0177 (COD)	2025/0177 (COD)	
Document Stage				
2	Proposal for a	Proposal for a	Proposal for a	
Document Type				
3	DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	
Document Purpose				
4	amending Directives 2009/43/EC and 2009/81/EC, as regards the simplification of intra-EU transfers of defence-related products and the simplification of security and defence procurement	amending Directives 2009/43/EC and 2009/81/EC, as regards the simplification of intra-EU transfers of defence-related products and the simplification of security and defence procurement	amending Directives 2009/43/EC and 2009/81/EC, as regards the simplification of intra-EU transfers of defence-related products and the simplification of security and defence procurement	
Formula				
5	THE EUROPEAN PARLIAMENT AND THE	THE EUROPEAN PARLIAMENT AND THE	THE EUROPEAN PARLIAMENT AND THE	

	CLEAN Commission Proposal	vs.EC EP Mandate	vs.EC Council Mandate	vs.EC Draft Agreement
	COUNCIL OF THE EUROPEAN UNION,	COUNCIL OF THE EUROPEAN UNION,	COUNCIL OF THE EUROPEAN UNION,	
Citation 1				
6	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 53(2), Article 62, and Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 53(2), Article 62, and Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 53(2), Article 62, and Article 114 thereof,	
Citation 2				
7	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
Citation 3				
8	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	
Citation 4				
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
Formula				
10	Whereas:	Whereas:	Whereas:	
Recital 1				
11	(1) The Union is facing an acute and growing threat, as underscored in the White Paper on European Defence Readiness 2030 ¹ , linked in particular to the return of full-scale conflict in	(1) The Union is facing an acute and growing threat, as underscored in the White Paper on European Defence Readiness 2030 ¹ , linked in particular to the return of full-scale conflict in	(1) The Union is facing an acute and growing threat, as underscored in the White Paper on European Defence Readiness 2030 ¹ , linked in particular to the return of full-scale conflict in	

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	<p>Europe. In response to the escalating security challenges, it is imperative that the Union takes decisive action to bolster its defence capabilities. A crucial aspect of this effort is the need to ramp up the Union's defence production capacity in the Union, enabling it to respond effectively to emerging security demands. There is urgency to ramp up European defence readiness to ensure that the Union has a strong and sufficient European defence posture by 2030 at the latest.</p> <p>1. JOIN(2025) 120 final, 19 March 2025.</p>	<p>Europe <u>and to the hybrid threats posed by Russia as well as the destabilisation strategies it employs against its neighbours and EU Member States</u>. In response to the escalating security challenges <u>and to strengthen its strategic autonomy and resilience</u>, it is imperative that the Union takes decisive action to bolster its defence capabilities <u>and remains steadfast in its support of Ukraine in face of Russia's war of aggression</u>. A crucial aspect of this effort is the need to ramp up the Union's defence production capacity in the Union, <u>improve its security of supply and accelerate the integration of the EU defence industry with the aim of achieving a genuine EU internal market for defence-related products and services</u>, enabling the <u>the Union</u> to respond effectively to emerging security demands. There is urgency to ramp up European defence readiness to ensure that the Union has <u>and its Member States have</u> a strong and sufficient European defence posture <u>in close cooperation with NATO</u> by 2030 at the latest.</p>	<p>Europe. In response to the escalating security challenges, it is imperative that the Union takes decisive action to bolster its defence capabilities. A crucial aspect of this effort is the need to ramp up the Union's defence production capacity in the Union, enabling it to respond effectively to emerging security demands. There is urgency to ramp up European defence readiness to ensure that the Union has a strong and sufficient European defence posture by 2030 at the latest.</p> <p>1. JOIN(2025) 120 final, 19 March 2025.</p>	

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		1. JOIN(2025) 120 final, 19 March 2025.		
Recital 2				
12	<p>(2) To achieve the goal of increasing the defence readiness of the Member States and the Union, regulatory simplification and harmonisation are essential. By streamlining and aligning regulatory frameworks, the Union can create a more conducive environment for defence industries to operate, innovate, and produce the necessary capabilities to ensure European security and defence readiness. The Joint White Paper on European Defence Readiness 2030¹ outlined the objectives for this simplification of legislation impacting the defence readiness.</p> <p>1. Joint White Paper for European Defence Readiness 2030: JOIN/2025/120 final, 19.03.2025.</p>	<p>(2) To achieve the goal<u>goals</u> of increasing the defence readiness of the Member States and the Union, <u>improving the functioning of the internal market</u>, regulatory simplification and harmonisation, <u>fostering EU's strategic autonomy, transparency, accountability, due diligence and oversight, fair and decent working conditions, as well as preventing and tackling abuse, fraud, criminal infiltration, corruption and labour exploitation</u> are essential, <u>including in relation to certification and export control</u>. By streamlining and aligning regulatory frameworks, the Union can create a more conducive environment for defence industries, <u>including small and medium-sized enterprises and mid-caps</u>, to operate, <u>scale</u>, innovate <u>in line with the Union's values</u>, and produce the necessary capabilities to ensure European security and defence readiness. The Joint White Paper on</p>	<p>(2) To achieve the goal of increasing the defence readiness of the Member States and the Union, regulatory simplification and harmonisation are essential. By streamlining and aligning regulatory frameworks, the Union can create a more conducive environment for defence industries to operate, innovate, and produce the necessary capabilities to ensure European security and defence readiness. The Joint White Paper on European Defence Readiness 2030¹ outlined the objectives for this simplification of legislation impacting the defence readiness.</p> <p>The streamlining and harmonizing measures should take into account the specificities of the defence sector national licencing regimes and should not affect the discretion of the Member States regarding policy on the export of defence-related products.</p>	

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		<p>European Defence Readiness 2030¹ outlined the objectives for this simplification of legislation impacting the defence readiness.</p> <p><u>At the same time, by the end of 2026, the Union must lay down a unified framework in line with relevant NATO standardisation agreements, in order to avoid duplication, promote interoperability and reduce the total number of weapons systems that are available and in use in the EU. Reference should also be made to the targets set out in the European Defence Industrial Strategy (EDIS), which aim to make EU-level cooperation the norm in the European defence industrial sector, notably through concrete objectives of at least 40 % of common procurement by 2030, at least 35 % of intra-EU trade by 2030, and at least 50 % of procurement of EU-made defence products by 2030 and 60 % by 2035.</u></p> <p><small>1. Joint White Paper for European Defence Readiness 2030: JOIN/2025/120 final, 19.03.2025.</small></p>	<p>1. Joint White Paper for European Defence Readiness 2030: JOIN/2025/120 final, 19.03.2025.</p>	
Recital 3				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
13	<p>(3) Transfers of defence-related products within the Union are subject to prior authorisation through general, global or individual transfer licences granted or published by the Member State from whose territory the supplier wishes to transfer defence-related products. Member States may exempt transfers of defence-related products from the obligation of prior authorisation in specific cases listed in Directive 2009/43/EC of the European Parliament and of the Council¹. Taking into account the developments in the security situation and the introduction of Union defence industrial programmes, aimed in particular at reinforcing cross-border cooperation within the Union, it is appropriate to extend the list of cases in which Member States may exempt transfers from prior authorisation. In particular, such possibility should be provided in relation to transfers necessary for the implementation of projects funded by Union defence industrial programmes, transfers in</p>	<p>(3) Transfers of defence-related products within the Union are subject to prior authorisation through general, global or individual transfer licences granted or published by the Member State from whose territory the supplier wishes to transfer defence-related <u>products</u>. <u>The security situation requires to consistently establish approval and certification procedures regulated at EU level for new production facilities and export licenses for defence</u> products. Member States may exempt transfers of defence-related products from the obligation of prior authorisation in specific cases listed in Directive 2009/43/EC of the European Parliament and of the Council¹. Taking into account the developments in the security situation, <u>the establishment of an EU internal market for defence-related products and services</u>, and the introduction <u>or continuation of European collaborative defence projects such as under the framework of the Permanent Structured Cooperation</u></p>	<p>(3) Transfers of defence-related products within the Union are subject to prior authorisation through general, global or individual transfer licences granted or published by the Member State from whose territory the supplier wishes to transfer defence-related products. Member States may exempt transfers of defence-related products from the obligation of prior authorisation in specific cases listed in Directive 2009/43/EC of the European Parliament and of the Council¹. Taking into account the developments in the security situation and the introduction of Union defence industrial programmes, aimed in particular at reinforcing cross-border cooperation within the Union, it is appropriate to extend the list of cases in which Member States may exempt transfers from prior authorisation. In particular, such possibility should be provided in relation to transfers necessary for the implementation of projects funded by Union defence industrial programmes, transfers in</p>	

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	<p>the framework of structured cross-border industrial partnerships, transfers to Union institutions and bodies and to the European Defence Agency, transfers in case of an emergency resulting from a crisis and transfers linked to military and defence assistance resulting from Union actions under Article 28 of the Treaty on the European Union. .</p> <p>1. Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community (OJ L 146, 10.6.2009, p. 1, ELI: http://data.europa.eu/eli/dir/2009/43/oj).</p>	<p><i><u>(PESCO), which include the creation or revitalisation of regional defence-industry clusters, strengthening local industrial capacities, promoting technology transfer, synergies and industrial scaling, and reinforcing critical supply chains while extending benefits across Member States, projects funded under</u></i> of Union defence industrial programmes, <i><u>European Defence Projects of Common Interest or collaborative armament programmes between Member States (Co-Rapporteurs), including under Structures for European Armament Programmes (SEAPs)</u></i> aimed in particular at reinforcing cross-border cooperation within the Union, it is appropriate to extend the list of cases in which Member States may exempt transfers from prior authorisation. <i><u>Exemptions should facilitate timely availability of capabilities and predictable conditions for industry, including SMEs and small mid-caps, across the EU internal market.</u></i> In particular, such possibility <i><u>exemptions</u></i> should</p>	<p>the framework of structured cross-border intra-EU industrial partnerships, transfers to Union institutions and bodies and to the European Defence Agency, transfers in case of an emergency resulting from a crisis and transfers linked to military and defence assistance resulting from Union actions under Article 28 of the Treaty on the European Union. =</p> <p>1. Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community (OJ L 146, 10.6.2009, p. 1, ELI: http://data.europa.eu/eli/dir/2009/43/oj).</p>	

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		<p>be provided in relation to transfers necessary for the implementation of <u>European collaborative defence projects, such as under the framework of PESCO</u>, projects funded by Union defence industrial programmes, <u>European Defence Projects of Common Interest or collaborative armament programmes between Member States including under SEAPs</u>, transfers in the framework of structured <u>European strategic</u> cross-border industrial partnerships, transfers to Union institutions and bodies and to the European Defence Agency, transfers in case of an emergency resulting from a crisis <u>or in a situation where the EU's mutual assistance clause provided for in Article 42(7) TEU is activated by one or several Member States</u> and transfers linked to military and defence assistance resulting from Union actions under Article 28 of the Treaty on the European Union.</p> <p>1. Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products</p>		

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		within the Community (OJ L 146, 10.6.2009, p. 1, ELI: http://data.europa.eu/eli/dir/2009/43/oj).		
Recital 3a				
13a			(3a) Considering that intra-EU industrial partnerships play a crucial role in enhancing the competitiveness, innovation, and resilience of the Union's defence industry by fostering cooperation across national borders within the Union, transfers of defence-related products within such partnerships should be facilitated. Such partnerships, characterised by their stability over time and shared objectives, contribute to the development of secure and interoperable EU defence capabilities, aligning with the Union's strategic interests. To facilitate their operational efficiency and ensure flexibility in supply chains, it is appropriate to empower Member States to exempt transfers within intra-EU industrial partnerships from the obligation of prior authorisation. Such exemptions should be applied on a case-by-	

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			case basis to specific instances of structured intra-EU partnerships such as a particular consortium, joint venture, or corporate group and should not be used as a general exclusion applicable to all entities engaging in intra-EU industrial partnerships. This approach ensures Member States retain visibility and oversight over which entities benefit from this exemption, enabling them to verify compliance with the criteria set out in this Directive.	
Recital 4				
14	(4) A well-functioning transfer system across Member States is a prerequisite of a Union-wide market for defence. The quickly evolving security landscape requires additional flexibility allowing the Commission and Member States to react in a targeted and agile way. Therefore, the Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European	(4) A well-functioning transfer system across Member States is a prerequisite of a Union-wide market for defence, <u>fostering cross-border cooperation between economic entities operating in the field of defence, enhancing knowledge transfer across entities from all over the Union, encouraging innovation and deepening the EU internal market.</u> The quickly evolving security landscape requires additional flexibility allowing the	(4) A well-functioning transfer system across Member States is a prerequisite of a Union-wide market for defence. The quickly evolving security landscape requires additional flexibility allowing the Commission and Member States to react in a targeted and agile way. Therefore, the Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European	

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	<p>Union to define certain non-essential elements of the transfer framework. Such delegated acts could define a harmonized approach for the implementation of Article 4(8), such as by defining ‘sensitive’ components or by introducing a de minimis rule. Furthermore, it is appropriate to empower the Commission, either upon request of a Member State or on its own initiative, to add new cases where Member States would be enabled to introduce exemptions from the obligation of prior authorisation, thereby allowing for increased flexibility and potential for simplified and accelerated intra-Union transfers of defence-related products.</p>	<p>Commission and Member States to react in a targeted and agile way. Therefore, the Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union to define certain non-essential elements of the transfer framework. Such delegated acts could<u>should</u> define a harmonized approach for the implementation of Article 4(8), such as by defining ‘sensitive’ components or by introducing a de minimis rule. Furthermore, it is appropriate to empower the Commission, either upon request of a Member State or on its own initiative, to add new cases where Member States would be enabled to introduce exemptions from the obligation of prior authorisation, thereby allowing for increased flexibility and potential for simplified and accelerated intra-Union transfers of defence-related products.</p>	<p>Union to define certain non-essential elements of the transfer framework. Such delegated acts could define a harmonized approach for the implementation of Article 4(8), such as by defining ‘sensitive’ components or by introducing a de minimis rule. Furthermore, it is appropriate to empower the Commission, either upon request of a Member State or on its own initiative, to add new cases where Member States would be enabled to introduce exemptions from the obligation of prior authorisation, thereby allowing for increased flexibility and potential for simplified and accelerated intra-Union transfers of defence-related products.</p>	
Recital 4a				
14a			(4a) In order to improve the implementation of the Directive, and in light of the objectives for	

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			<p>establishing defence readiness, a coordination group on Intra-EU transfer of defence-related products (the ‘Coordination Group’) should be established in a purely technical and consultative role. The group should be chaired by the Commission and should work on updating current recommendations and on developing further recommendations in close consultation with Member States on the basis of identified difficulties. The Coordination Group should facilitate the exchange of best practices between licensing and enforcement authorities, and should examine issues and exchange best practices on the implementation and practical application of this Directive. The Coordination Group should be convened at the request of the Commission or a Member State. The data reported by the Member States according to Article 13(6) can be aggregated at the appropriate level which would allow for the effective</p>	

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			monitoring of their implementation of the Directive.	
Recital 5				
15	(5) Furthermore, for the same reasons as those set out in recital 4, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to define harmonised conditions for the Member States to determine which type of transfer licence should be applied to specific defence-related products or categories of defence-related products.	(5) Furthermore, for the same reasons as those set out in recital 4, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to define harmonised conditions for the Member States to determine which type of transfer licence should be applied to specific defence-related products or categories of defence-related products.	<i>deleted</i>	
Recital 6				
16	(6) To ensure the effective and efficient functioning of the intra-Union transfer regime, Member States should ensure that all suppliers wishing to transfer defence-related products from their territory may use general transfer licences or apply for global or individual transfer licences. Any pre-conditions that may be imposed by Member States should be based only on criteria of direct relevance for the	(6) To ensure the effective and efficient functioning of the intra-Union transfer regime, Member States should ensure that all suppliers wishing to transfer defence-related products from their territory may use general transfer licences or apply for global or individual transfer licences. Any pre-conditions that may be imposed by Member States should be based only on criteria of direct relevance for the	(6) To ensure the effective and efficient functioning of the intra-Union transfer regime, Member States should ensure that all suppliers wishing to transfer defence-related products from their territory may use general transfer licences or apply for global or individual transfer licences. Any pre-conditions that may be imposed by Member States should be based only on criteria of direct relevance for the	

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	suppliers' ability to respect the legislation in the field of transfer and export control. Criteria, such as the suppliers' legal form or status, cannot deny the possibility for some categories of suppliers to use general transfer licences or to apply for global or individual transfer licences.	suppliers' ability to respect the legislation in the field of transfer and export control. Criteria, such as the suppliers' legal form or status, cannot deny the possibility for some categories of suppliers to use general transfer licences or to apply for global or individual transfer licences.	suppliers' ability to respect the legislation in the field of transfer and export control. Criteria, such as the suppliers' legal form or status, cannot deny the possibility for some categories of suppliers to use general transfer licences or to apply for global or individual transfer licences.	
Recital 7				
17	(7) To foster the uptake of certification by recipients and to facilitate cross-border collaboration and openness of supply chains within the Union, it is appropriate to extend the general transfer licence for transfers to certified recipients so that it also covers transfers by certified entities. Such undertakings have demonstrated strong capacity to comply with transfer and export control rules and have also supported important costs to achieve certification. They should be allowed to benefit from simplified and less burdensome possibilities to perform intra-Union transfers.	(7) To foster the uptake of certification by recipients and to facilitate cross-border collaboration and , openness <u>and the participation of SMEs and small mid-caps in defence</u> of supply chains within the Union, it is appropriate to extend the general transfer licence for transfers to certified recipients so that it also covers transfers by certified entities. Such undertakings have demonstrated strong capacity to comply with transfer and export control rules and have also supported important costs to achieve certification. They should be allowed to benefit from simplified and less burdensome possibilities to perform intra-Union transfers. <u>Moreover, with</u>	<i>deleted</i>	

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		<u><i>the objective of supporting innovation and SMEs in the Union, the general transfer licence should also be extended to transfers that aim to support disruptive technologies or innovative industrial processes or address critical readiness.</i></u>		
<i>Recital 8</i>				
18	(8) As stipulated in Article 1(2) of Directive 2009/43/EC, that Directive does not affect the discretion of Member States as regards policy on the export of defence-related products.	(8) As stipulated in Article 1(2) of Directive 2009/43/EC, that Directive does not affect the discretion of Member States as regards policy on the export of defence-related products.	<i>deleted</i>	
<i>Recital 9</i>				
19	(9) Directive 2009/43/EC provides that Member States may introduce general transfer licences other than those listed in Article 5(2) of that Directive. However, that possibility may be hampered by national rules limiting flexibility and the capacity of national controlling authorities to take full advantage of the instruments introduced by Directive 2009/43/EC. For instance, additional types of general transfer licences could concern transfers necessary for the	(9) Directive 2009/43/EC provides that Member States may introduce general transfer licences other than those listed in Article 5(2) of that Directive. However, that possibility may be hampered by national rules limiting flexibility and the capacity of national controlling authorities to take full advantage of the instruments introduced by Directive 2009/43/EC. For instance, additional types of general transfer licences could concern transfers necessary for the	(9) Directive 2009/43/EC provides that Member States may introduce general transfer licences other than those listed in Article 5(2) of that Directive. However, that possibility may be hampered by national rules limiting flexibility and the capacity of national controlling authorities to take full advantage of the instruments introduced by Directive 2009/43/EC. For instance, additional types of general transfer licences could concern transfers necessary for the	

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	implementation of projects funded by Union defence industrial programmes, intra-group transfers or transfers in case of urgency resulting from a crisis. It is thus appropriate to require Member States to enable, in their national legislation, the introduction of general transfer licences other than those listed in Article 5(2) of Directive 2009/43/EC.	implementation of projects funded by Union defence industrial programmes, intra-group transfers or transfers in case of urgency <i>resulting from</i> a crisis. It is thus appropriate to require Member States to enable, in their national legislation, the introduction of general transfer licences other than those listed in Article 5(2) of Directive 2009/43/EC.	implementation of projects funded by Union defence industrial programmes, intra-group transfers or transfers in case of urgency resulting from a crisis. It is thus appropriate to require Member States to enable, in their national legislation, the introduction of general transfer licences other than those listed in Article 5(2) of Directive 2009/43/EC.	
Recital 10				
20	(10) The implementation of Union defence industrial programmes, such as the EDF, is often hindered by significant delays in the transfer of defence-related products, due to the lengthy and complex processes of obtaining transfer licences by Member States. Those delays can have a detrimental impact on the overall efficiency and effectiveness of these programmes and can undermine the ability of the Union and its Member States to develop and acquire the defence capabilities they need in a timely and cost-effective manner. To address this issue, it is necessary to introduce general transfer	(10) The implementation of Union defence industrial programmes, such as the EDF, is often hindered by significant delays in the transfer of defence-related products, due to the lengthy and complex processes of obtaining transfer licences by Member States. <u>SMEs in particular are disproportionately affected by these delays, which means that they suffer competitive disadvantages compared to larger market players.</u> Those delays can have a detrimental impact on the overall efficiency and effectiveness of these programmes and can undermine the ability of the Union	(10) The implementation of Union defence industrial programmes, such as the EDF, is often hindered by significant delays in the transfer of defence-related products, due to the lengthy and complex processes of obtaining transfer licences by Member States. Those delays can have a detrimental impact on the overall efficiency and effectiveness of these programmes and can undermine the ability of the Union and its Member States to develop and acquire the defence capabilities they need in a timely and cost-effective manner. To address this issue, it is necessary to introduce general transfer	

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	<p>licences for these programmes. The scope of these general transfer licences should cover all defence-related products set out in the Annex to Directive 2009/43/EC and should also cover all the transfers, whether tangible or intangible, that the supplier has to perform for the implementation of the project. Member States could also provide that such licences could apply to the entire life cycle of the product developed in a given project, including production, maintenance and upgrade phases. The introduction of such general transfer licences would reduce delays, increase efficiency and facilitate collaboration between undertakings participating in these projects, thereby supporting the development of a strong and competitive Union defence industry. The terminology used in that context should be understood to be identical with that of a Model Grant Agreement¹ for Union defence programmes.</p> <p><small>1. The EDF Model Grant Agreement is available on the Commission website: https://ec.europa.eu/info/funding-</small></p>	<p>and its Member States to develop and acquire the defence capabilities they need in a timely and cost-effective manner. To address this issue, it is necessary to introduce general transfer licences for these programmes <u>and for those carried out in the context of Structures for European Armament Programme (SEAPs)</u>. The scope of these general transfer licences should cover all defence-related products set out in the Annex to Directive 2009/43/EC and should also cover all the transfers, whether tangible or intangible, that the supplier has to perform for the implementation of the project, <u>along the entire supply chain</u>. Member States could<u>should</u> also provide that such licences could apply to the entire life cycle of the product developed in a given project, including production, maintenance and upgrade phases. The introduction of such general transfer licences would reduce delays, increase efficiency and facilitate collaboration between undertakings participating in these projects, thereby supporting the</p>	<p>licences for these programmes. The scope of these general transfer licences should cover all defence-related products set out in the Annex to Directive 2009/43/EC and should also cover all the apply to all transfers, whether tangible or intangible, that the supplier has to perform for the implementation of the project. Those licences should cover the defence-related products set out in the Annex to Directive 2009/43/EC and should apply only to the transfers necessary for the implementation of projects. These general transfer licences should only cover intra-EU transfers of defence-related products; in case where an entity established in a third country also participates in a project funded by a Union defence industrial programme, the control of exports to such a third country entity should not be influenced by the provisions of the Directive and should remain subject to Member States' policy on export control. Member States could also provide that such licences could apply to</p>	

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	tenders/opportunities/docs/2021-2027/edf/agr-contr/mga_edf_v1.0-01052023_en.pdf	<p>development of a strong and competitive Union defence industry. The terminology used in that context should be understood to be identical with that of a Model Grant Agreement¹ for Union defence programmes.</p> <p>1. The EDF Model Grant Agreement is available on the Commission website: https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/edf/agr-contr/mga_edf_v1.0-01052023_en.pdf</p>	<p>the entire life cycle of the product developed in a given project, including production, maintenance and upgrade phases. The introduction of such general transfer licences would reduce delays, increase efficiency and facilitate collaboration between undertakings participating in these projects, thereby supporting the development of a strong and competitive Union defence industry. The terminology used in that context should be understood to be identical with that of a Model Grant Agreement¹ for Union defence programmes.</p> <p>1. The EDF Model Grant Agreement is available on the Commission website: https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/edf/agr-contr/mga_edf_v1.0-01052023_en.pdf</p>	
Recital 11				
21	(11) Additionally, taking account of the technological evolution, it is necessary to adapt the rules on the information to be provided by suppliers of defence-related products, as the current provisions may prove burdensome in case of non-tangible technology	(11) Additionally, taking account of the technological evolution, it is necessary to adapt the rules on the information to be provided by suppliers of defence-related products, as the current provisions may prove burdensome in case of non-tangible technology	(11) Additionally, taking account of the technological evolution, it is necessary to adapt the rules on the information to be provided by suppliers of defence-related products, as the current provisions may prove burdensome in case of non-tangible technology	

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	transfers. It is appropriate to provide suppliers with the required flexibility while maintaining transparency and control, in order to facilitate the efficient and effective transfer of defence products within the Union. The need for the modification of the information requirement for non-tangible technology transfers requires a case-by-case assessment. Therefore, Member States should be given the possibility to apply such information requirements only as far as their application does not result in overly burdensome reporting obligations for the suppliers.	transfers. It is appropriate to provide suppliers with the required flexibility while maintaining <u>accountability</u> , transparency and control, in order to facilitate the efficient and effective transfer of defence products within the Union. The need for the modification of the information requirement for non-tangible technology transfers requires a case-by-case assessment. Therefore, Member States should be given the possibility to apply such information requirements only as far as their application does not result in overly burdensome reporting obligations for the suppliers.	transfers. It is appropriate to provide suppliers Member States with the required flexibility while maintaining transparency and control, in order to facilitate the efficient and effective transfer of defence products within the Union. The need for the modification of the information requirement for non-tangible technology transfers requires a case-by-case assessment. Therefore, Member States should be given the possibility to apply such information requirements only as far as their application does not result in overly burdensome reporting obligations for the suppliers. The information requirements should be proportionate to the control objectives of Member States and adapted as necessary to monitor transfer activity without imposing undue obligations on suppliers.	
Recital 12				
22	(12) It is of particular importance that the Commission carries out appropriate consultations during its	(12) It is of particular importance that the Commission carries out appropriate consultations during its	(12) It is of particular importance that the Commission carries out appropriate consultations during its	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	<p>preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>¹. OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinstit/2016/512/oj.</p>	<p>preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>¹. OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinstit/2016/512/oj.</p>	<p>preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>¹. OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinstit/2016/512/oj.</p>	
Recital 13				
23	(13) To the extent that this Directive amends Directive 2009/43/EC, the appropriate legal basis, in so far as those amendments are concerned, is Article 114 of the Treaty.	(13) To the extent that this Directive amends Directive 2009/43/EC, the appropriate legal basis, in so far as those amendments are concerned, is Article 114 of the Treaty.	(13) To the extent that this Directive amends Directive 2009/43/EC, the appropriate legal basis, in so far as those amendments are concerned, is Article 114 of the Treaty.	
Recital 14				
24	(14) To develop the necessary capabilities and military readiness	(14) To develop the necessary capabilities and military readiness	(14) To develop the necessary capabilities and military readiness	

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	<p>to credibly deter armed aggression and secure the Union's future, a massive increase in European defence investment is needed. Based on projections of gradual take-up, defence investment could reach at least EUR 800bn over the next four years, including the expenditure financed by the EUR 150bn from the Security and Action for Europe (SAFE) instrument established by Council Regulation (EU) 2025/1106¹. Those significant investments in defence by Member States involve substantial public procurement. It is therefore appropriate to simplify certain provisions of Directive 2009/81/EC of the European Parliament and of the Council², which governs the procurement of defence and sensitive security works, goods and services, while maintaining a well-functioning Union-wide market for defence. Member States should be provided with both the flexibility to rapidly replenish their stocks and the ability to do so in a sustainable manner, which can best be achieved by fully exploiting the potential of the internal market. By</p>	<p>to credibly deter armed aggression and secure<u>strengthen</u> the Union's future, a massive<u>security and strategic autonomy, a significant</u> increase in <u>national and collective</u> European defence investment is needed. <u>At the same time, fundamental structural reforms are essential to ensure that increased spending also leads to increased capabilities</u>. Based on projections of gradual take-up, defence investment could reach at least EUR 800bn over the next four years, including the expenditure financed by the EUR 150bn from the Security and Action for Europe (SAFE) instrument established by Council Regulation (EU) 2025/1106¹, <u>which may prove inadequate</u>. Those significant investments in defence by Member States involve substantial public procurement. It is therefore appropriate to simplify certain provisions of Directive 2009/81/EC of the European Parliament and of the Council², which governs the procurement of defence and sensitive security works, goods and services, while maintaining a well-functioning</p>	<p>to credibly deter armed aggression and secure the Union's future, a massive increase in European defence investment is needed. Based on projections of gradual take-up, defence investment could reach at least EUR 800bn over the next four years, including the expenditure financed by the EUR 150bn from the Security and Action for Europe (SAFE) instrument established by Council Regulation (EU) 2025/1106¹. Those significant investments in defence by Member States involve substantial public procurement. It is therefore appropriate to simplify certain provisions of Directive 2009/81/EC of the European Parliament and of the Council², which governs the procurement of defence and sensitive security works, goods and services, while maintaining a well-functioning Union-wide market for defence. Member States should be provided with both the flexibility to rapidly replenish their stocks and the ability to do so in a sustainable manner, which can best be achieved by fully exploiting the potential of the internal market. By</p>	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	<p>streamlining the defence procurement rules in the Union, Member States should have the necessary agility to respond to emerging security needs, while also promoting a competitive and integrated European defence market to support their long-term defence capabilities.</p> <p>1. Council Regulation (EU) 2025/1106 of 27 May 2025 establishing the Security Action for Europe (SAFE) through the Reinforcement of the European Defence Industry Instrument (OJ L, 2025/1106, 28.5.2025, ELI: http://data.europa.eu/eli/reg/2025/1106/oj)</p> <p>2. Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC (OJ L 216, 20.8.2009, p. 76, ELI: http://data.europa.eu/eli/dir/2009/81/oj).</p>	<p>Union-wide market for defence. Member States should be provided with both the flexibility to rapidly replenish their stocks and the ability to do so in a sustainable manner, which can best be achieved by fully exploiting the potential of the internal market. By streamlining the defence procurement rules in the Union, Member States should have the necessary agility to respond to emerging security needs, while also promoting a competitive and integrated European defence market to support their long-term defence capabilities.</p> <p>1. Council Regulation (EU) 2025/1106 of 27 May 2025 establishing the Security Action for Europe (SAFE) through the Reinforcement of the European Defence Industry Instrument (OJ L, 2025/1106, 28.5.2025, ELI: http://data.europa.eu/eli/reg/2025/1106/oj)</p> <p>2. Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC (OJ L 216, 20.8.2009, p. 76,</p>	<p>streamlining the defence procurement rules in the Union, Member States should have the necessary agility to respond to emerging security needs, while also promoting a competitive and integrated European defence market to support their long-term defence capabilities.</p> <p>1. Council Regulation (EU) 2025/1106 of 27 May 2025 establishing the Security Action for Europe (SAFE) through the Reinforcement of the European Defence Industry Instrument (OJ L, 2025/1106, 28.5.2025, ELI: http://data.europa.eu/eli/reg/2025/1106/oj)</p> <p>2. Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC (OJ L 216, 20.8.2009, p. 76, ELI: http://data.europa.eu/eli/dir/2009/81/oj).</p>	

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		ELI: http://data.europa.eu/eli/dir/2009/81/oj).		
Recital 15				
25	(15) To achieve that goal, it is necessary to raise the threshold amounts for contracts covered by Directive 2009/81/EC. This adjustment would enable Member States to focus their resources on the most critical contracts, allowing for more effective allocation of their procurement budgets. At the same time, it would ease the administrative burden on the industry for smaller procurement procedures, which will help to reduce the regulatory complexity and costs associated with those contracts.	(15) To achieve that goal, it is necessary to raise the threshold amounts for contracts covered by Directive 2009/81/EC. This adjustment would enable Member States to focus their resources on the most critical contracts, allowing for more effective allocation of their procurement budgets. At the same time, <u>while</u> it would ease the administrative burden on the industry for smaller procurement procedures, which will help to reduce the regulatory complexity and costs associated with those contracts, <u>while also fostering greater participation of new market entrants, in particular start-ups and scale-ups, in smaller and more accessible procurement opportunities. However, even where a contract does not reach the thresholds amounts, contracting authorities/entities should ensure compliance with the general principles of public procurement under EU law, including transparency, non-</u>	(15) To achieve that goal, it is necessary to raise the threshold amounts for contracts covered by Directive 2009/81/EC. This adjustment would enable Member States to focus their resources on the most critical contracts, allowing for more effective allocation of their procurement budgets. At the same time, it would ease the administrative burden on the industry for smaller procurement procedures, which will help to reduce the regulatory complexity and costs associated with those contracts.	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u>discrimination and equality of treatment, and proportionality.</u>		
Recital 16				
26	<p>(16) Furthermore, Member States should be given the flexibility to profit from all available tools related to public procurement. In order to increase the number of ways contracting authorities/entities can carry out public procurement, the possibility to use the open procedure and the dynamic purchasing system should be added. Those two procedures are based on the ones provided for in Directive 2014/24/EU of the European Parliament and of the Council¹.</p> <p>1. 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 (OJ L 94, 28.3.2014, p. 65–242, ELI: http://data.europa.eu/eli/dir/2014/24/oj).</p>	<p>(16) Furthermore, Member States should be given the flexibility to profit from all available tools related to public procurement. In order to increase the number of ways contracting authorities/entities can carry out public procurement, the possibility to use the open procedure and the dynamic purchasing system should be added. Those two procedures are based on the ones provided for in Directive 2014/24/EU of the European Parliament and of the Council¹. <u>Contracting authorities should use more quality-price criteria whenever possible when resorting to a dynamic purchasing system.</u></p> <p>1. 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 (OJ L 94, 28.3.2014, p. 65–242, ELI: http://data.europa.eu/eli/dir/2014/24/oj).</p>	<p>(16) Furthermore, Member States should be given the flexibility to profit from all available tools related to public procurement. In order to increase the number of ways contracting authorities/entities can carry out public procurement, the possibility to use the open procedure and the dynamic purchasing system should be added. Those two procedures are based on the ones provided for in Directive 2014/24/EU of the European Parliament and of the Council¹.</p> <p>1. 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 (OJ L 94, 28.3.2014, p. 65–242, ELI: http://data.europa.eu/eli/dir/2014/24/oj).</p>	
Recital 17				
27	<p>(17) There is urgency for the Union to mobilise its overall</p>	<p>(17) There is urgency for the Union to mobilise its overall</p>	<p>(17) There is urgency for the Union to mobilise its overall</p>	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	<p>innovation capacity and direct significant investments to regaining edge and prevent being technologically dependent. Directive 2009/81/EC should also be adapted to better support the procurement of innovation, to ensure that the significant investments made by Member States to increase their defence readiness is future-proof and yields long-term benefits. By facilitating the procurement of innovative defence solutions, the Union could encourage the development of cutting-edge technologies and capabilities, ultimately transforming defence through disruptive innovation and enhancing the effectiveness and resilience of its defence systems. To better support the procurement of research and development and innovative solutions a modified and more flexible innovation partnership procedure based on Directive 2014/24/EU, should be introduced in Directive 2009/81/EC. A simplified procedure for direct procurement of innovative products and services resulting from</p>	<p>innovation capacity and direct significant investments to regaining edge and prevent being technologically dependent. Directive 2009/81/EC should also be adapted to better support the procurement of innovation, to ensure that the significant investments made by Member States to increase their defence readiness is<u>are</u> future-proof and yields<u>yield</u> long-term benefits. By facilitating the procurement of innovative defence solutions, the Union could encourage the development of cutting-edge technologies and capabilities, ultimately transforming defence through disruptive innovation and enhancing the effectiveness and resilience of its defence systems. <u><i>This applies above all to the area of cybersecurity: the Union needs a protection architecture against hybrid threats.</i></u> To better support the procurement of research and development and innovative solutions, a modified and more flexible innovation partnership procedure based on Directive 2014/24/EU, should be introduced in Directive 2009/81/EC. A</p>	<p>innovation capacity and direct significant investments to regaining edge and prevent being technologically dependent. Directive 2009/81/EC should also be adapted to better support the procurement of innovation, to ensure that the significant investments made by Member States to increase their defence readiness is future-proof and yields long-term benefits. By facilitating the procurement of innovative defence solutions, the Union could encourage the development of cutting-edge technologies and capabilities, ultimately transforming defence through disruptive innovation and enhancing the effectiveness and resilience of its defence systems. To better support the procurement of research and development and innovative solutions a modified and more flexible innovation partnership procedure based on Directive 2014/24/EU, should be introduced in Directive 2009/81/EC. A simplified procedure for direct procurement of innovative products and services resulting from</p>	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	competitive parallel research and development projects should also be added. That would allow Member States to stay at the forefront of defence technology, while also promoting collaboration and competition among indFustry partners. The benefits of this approach include faster access to innovative solutions, reduced development risks and increased cost-effectiveness, ultimately leading to enhanced defence capabilities and a more competitive European Defence Technological and Industrial Base (EDTIB).	simplified procedure for direct procurement of innovative products and services resulting from competitive parallel research and development projects should also be added. That would allow Member States to stay at the forefront of defence technology <u>in line with European values</u> , while also promoting collaboration and competition among indFustry <u>industry</u> partners. The benefits of this approach include faster access to innovative solutions, reduced development risks and increased cost-effectiveness, ultimately leading to enhanced defence capabilities and a more competitive European Defence Technological and Industrial Base (EDTIB).	competitive parallel research and development projects should also be added. That would allow Member States to stay at the forefront of defence technology, while also promoting collaboration and competition among indFustry <u>industry</u> partners. The benefits of this approach include faster access to innovative solutions, reduced development risks and increased cost-effectiveness, ultimately leading to enhanced defence capabilities and a more competitive European Defence Technological and Industrial Base (EDTIB). For this purpose, simple, predictable procurement rules are needed. To avoid detrimental effects on competition, the estimated value of the contract for which such direct procurement procedure can be applied should not be disproportionate to the value of the investments made for the development of the innovative product or service in question. On an indicative basis, an estimated value which does not exceed 50 times the value of the initial research and development	

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			contract should not be considered disproportionate.	
Recital 17a				
27a			(17a) Directive 2009/81/EC sets out specific rules applicable in cases of urgency resulting from a crisis, such as shortening periods for the receipt of tenders and the possibility to use the negotiated procedure without prior publication of a contract notice. In that context it is important to underline the dynamic nature of the term crisis, to clarify that it includes emergency situations arising from the evolution of prolonged crises situations, including development of the geopolitical situation. Furthermore, it should be noted that the duration of a crisis, is not strictly linked with the duration of the harmful event that triggered it. The definition of a crisis under Article 1(10) of Directive 2009/81 is not limited by the temporal scope of the underlying event. This definition acknowledges that crises can persist and evolve over time,	

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			thereby justifying the continued application of the special rules laid down in the Directive.	
Recital 18				
28	(18) To provide Member States with the necessary flexibility in responding to emerging security challenges, it is essential to introduce a limited in time possibility to use the negotiated procedure without prior publication for common procurements, including off-the-shelf procurement. That temporary derogation would enable Member States to quickly acquire the defence capabilities they need, while also allowing for a degree of flexibility in procurement procedures, thereby supporting the rapid replenishment of their stocks and the enhancement of their defence readiness. Furthermore, allowing Member States to procure identical defence products or products subject only to minor modifications, including common maintenance, contributes to deepening the interoperability and interchangeability of Member States' armed forces' equipment,	(18) To provide Member States with the necessary flexibility in responding to emerging security challenges, it is essential to introduce a limited in time possibility to use the negotiated procedure without prior publication for common procurements, including off-the-shelf procurement. That temporary derogation would enable Member States to quickly acquire the defence capabilities they need, while also allowing for a degree of flexibility in procurement procedures, thereby supporting the rapid replenishment of their stocks and the enhancement of their defence readiness. Furthermore, allowing Member States to procure identical defence products or products subject only to minor modifications, including common maintenance, contributes to deepening the interoperability and interchangeability of Member States' armed forces' equipment,	(18) To provide Member States with the necessary flexibility in responding to emerging security challenges, it is essential to introduce a limited in time possibility to use the negotiated procedure without prior publication for common procurements, including off-the-shelf procurement. That temporary derogation would enable Member States to quickly acquire the defence capabilities they need, while also allowing for a degree of flexibility in procurement procedures, thereby supporting the rapid replenishment of their stocks and the enhancement of their defence readiness. Furthermore, allowing Member States to procure identical defence products or products military or sensitive equipment or equipment subject only to minor modifications, including common maintenance, contributes to deepening the interoperability and	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	further strengthening the Union's defence readiness and enhancing the security of supply.	further strengthening the Union's defence readiness and enhancing the security of supply. <u><i>The immediate readiness of the Member States to replenish their stocks through an accelerated procedure would also send a message to the industry to invest and increase its production capacity, which is a major challenge in the current situation, in which production capacity lags significantly behind demand.</i></u>	interchangeability of Member States' armed forces' equipment, further strengthening the Union's defence readiness and enhancing the security of supply.	
Recital 18a				
28a		<u><i>(18a) In such cases of common procurement of military equipment through the negotiated procedure without prior publication, the use of components originating outside the Union and EEA EFTA states should be limited, in order to preserve and foster the strategic autonomy and the defence industry of the Union; in such cases, therefore, the cost of components originating outside the Union, the EEA EFTA States and Ukraine should not be higher than 35 % of the estimated cost of the components of the end</i></u>		

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u><i>product. However, such limitation should not apply to components originating from Albania, Canada, Japan, Moldova, North Macedonia, Norway, South Korea and the United Kingdom, because the Union has signed a Security and Defence Partnership with each of these countries.</i></u>		
Recital 19				
29	(19) There is a need for more and better collaborative investment, from research to development of complex systems, through commercialisation to procurement, with a view to increasing the Union's technological sovereignty. Common procurement by Member States is key to improve efficiency, effectiveness and interoperability of defence capabilities, thereby contributing to a stronger and more cohesive European defence. Building on the 2019 Commission notice on guidance on cooperative procurement in the fields of defence and security ¹ , it is necessary to lay down provisions related to Member States joining	(19) There is a need for more and better collaborative investment, from research to development of complex systems, through commercialisation to procurement, with a view to increasing the Union's technological sovereignty. Common procurement by Member States is key to improve efficiency, effectiveness and interoperability of defence capabilities, thereby contributing to a stronger and more cohesive European defence. Building on the 2019 Commission notice on guidance on cooperative procurement in the fields of defence and security ¹ , it is necessary to lay down provisions related to Member States joining	(19) There is a need for more and better collaborative investment, from research to development of complex systems, through commercialisation to procurement, with a view to increasing the Union's technological sovereignty. Common procurement by Member States is key to improve efficiency, effectiveness and interoperability of defence capabilities, thereby contributing to a stronger and more cohesive European defence. Building on the 2019 Commission notice on guidance on cooperative procurement in the fields of defence and security ¹ , it is necessary to lay down provisions related to Member States joining	

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	<p>cooperative programmes based on research and development after the end of the research and development phase for the later phases of the life cycle. In addition, and in order to support the later phases of the life cycle of Union-funded defence research and development programmes, it is necessary to clarify that Member States can benefit from the exclusion for cooperative programmes based on research and development under the same conditions also for projects funded under defence research and development programmes, such as the EDF. This would provide the necessary legal certainty and ensure that the flexibility enabled through the exclusion will support the continuation of EDF projects under a cooperative framework even after the completion of the research and development phase. It would also clarify that Member States joining after the research and development phase as genuine participants in the cooperative programme will also benefit from the exclusion.</p> <p>_____</p>	<p>cooperative programmes based on research and development after the end of the research and development phase for the later phases of the life cycle. In addition, and in order to support the later phases of the life cycle of Union-funded defence research and development programmes, it is necessary to clarify that Member States can benefit from the exclusion for cooperative programmes based on research and development under the same conditions also for projects funded under defence research and development programmes, such as the EDF. This would provide the necessary legal certainty and ensure that the flexibility enabled through the exclusion will support the continuation of EDF projects under a cooperative framework even after the completion of the research and development phase. It would also clarify that Member States joining after the research and development phase as genuine participants in the cooperative programme will also benefit from the exclusion. <u>In order to ramp-up the EDTIB, EEA EFTA States</u></p> <p>_____</p>	<p>cooperative programmes based on research and development after the end of the research and development phase for the later phases of the life cycle. In addition, and in order to support the later phases of the life cycle of Union-funded defence research and development programmes, it is necessary to clarify that Member States can benefit from the exclusion for cooperative programmes based on research and development under the same conditions also for projects funded under defence research and development programmes, such as the EDF. This would provide the necessary legal certainty and ensure that the flexibility enabled through the exclusion will support the continuation of EDF projects under a cooperative framework even after the completion of the research and development phase. It would also clarify that Member States joining after the research and development phase as genuine participants in the cooperative programme will also benefit from the exclusion.</p> <p>_____</p>	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	1. Commission notice on guidance on cooperative procurement in the fields of defence and security (OJ C 157, 8.5.2019, p. 1–9).	<u><i>and Ukraine should be involved as partners for European projects for security and defence that receive Union funding.</i></u> 1. Commission notice on guidance on cooperative procurement in the fields of defence and security (OJ C 157, 8.5.2019, p. 1–9).	1. Commission notice on guidance on cooperative procurement in the fields of defence and security (OJ C 157, 8.5.2019, p. 1–9).	
Recital 20				
30	(20) To further support the common procurement and ensure legal certainty, it is necessary to lay down rules in Directive 2009/81/EC on procurement involving contracting authorities/entities from different Member States.	(20) To further support the common procurement and ensure legal certainty, it is necessary to lay down rules in Directive 2009/81/EC on procurement involving contracting authorities/entities from different Member States.	(20) To further support the common procurement and ensure legal certainty, it is necessary to lay down rules in Directive 2009/81/EC on procurement involving contracting authorities/entities from different Member States.	
Recital 20a				
30a		<u><i>(20a) To facilitate common procurement among Member States, and to take account of differing renewal cycles and life spans of defence equipment, contracting authorities/entities should be able to allow counterparts from other Member States to join an existing framework agreement during its term. Allowing such access can enhance efficiency, avoid</i></u>		

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<i><u>duplication of procedures, and promote cross-border cooperation and economies of scale. Any such participation should be subject to the conditions provided for in the original procurement documents or subsequent agreement of the parties, without resulting in substantial modifications to its essential terms, and should respect the general principles governing procurement under this Directive.</u></i>		
Recital 21				
31	(21) To provide Member States with greater predictability and stability in their defence procurement planning, it is necessary to modify the rules governing framework agreements. Notably, to reflect the specificities of the defence sector, it is necessary to extend the maximum possible duration of framework agreements to ten years, allowing Member States to establish longer-term partnerships with industry and plan their defence procurement needs with greater certainty, while also ensuring that the Union's defence procurement	(21) To provide Member States with greater predictability and stability in their defence procurement planning, it is necessary to modify the rules governing framework agreements. Notably, to reflect the specificities of the defence sector, it is necessary to extend the maximum possible duration of framework agreements to ten years, allowing Member States to establish longer-term partnerships with industry and plan their defence procurement needs with greater certainty, while also ensuring that the Union's defence procurement	(21) To provide Member States with greater predictability and stability in their defence procurement planning, it is necessary to modify the rules governing framework agreements. Notably, to reflect the specificities of the defence sector, it is necessary to extend the maximum possible duration of framework agreements to ten years, allowing Member States to establish longer-term partnerships with industry and plan their defence procurement needs with greater certainty, while also ensuring that the Union's defence procurement	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	rules remain flexible and adapted to the specific needs of the defence sector.	rules remain flexible and adapted to the specific needs of the defence sector.	rules remain flexible and adapted to the specific needs of the defence sector.	
Recital 22				
32	(22) Directive 2009/81/EC should also reflect relevant case law of the Court of Justice of the European Union and align with the provisions of Directive 2014/24/EU regarding the modification of contracts. In particular, the rules on the modification of the framework agreement should be applied in the same way in Directive 2009/81/EC as in Directive 2014/24/EU.	(22) Directive 2009/81/EC should also reflect relevant case law of the Court of Justice of the European Union and align with the provisions of Directive 2014/24/EU regarding the modification of contracts. In particular, the rules on the modification of the framework agreement should be applied in the same way in Directive 2009/81/EC as in Directive 2014/24/EU.	(22) Directive 2009/81/EC should also reflect relevant case law of the Court of Justice of the European Union and align with the provisions of Directive 2014/24/EU regarding the modification of contracts. In particular, the rules on the modification of the framework agreement should be applied in the same way in Directive 2009/81/EC as in Directive 2014/24/EU.	
Recital 22a				
32a		<i><u>(22a) Where possible, contracting authorities should structure framework agreements, dynamic purchasing systems and innovation partnerships in a manner that facilitates the participation of small and medium-sized enterprises, including through the use of lots, proportionate selection criteria, and non-discriminatory technical specifications such as the access of dual-use technology providers and companies operating in both</u></i>		

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u>civilian and defence sectors, including local innovative companies.</u>		
Recital 23				
33	(23) To reduce the administrative burden on Member States, the statistical reporting obligations related to defence procurement should be decreased, allowing national authorities to focus on the implementation of their defence policies and the efficient use of their resources. To the extent that this Directive amends Directive 2009/81/EC the appropriate legal basis, in so far as those amendments are concerned, is Article 53(2), Article 62 and Article 114 of the Treaty.	(23) To reduce the administrative burden on Member States, the <u>some</u> statistical reporting obligations related to defence procurement should be decreased <u>where appropriate in order not to jeopardise transparency and accountability,</u> <u>while</u> allowing national authorities to focus on the implementation of their defence policies and the efficient use of their resources. To the extent that this Directive amends Directive 2009/81/EC the appropriate legal basis, in so far as those amendments are concerned, is Article 53(2), Article 62 and Article 114 of the Treaty.	(23) To reduce the administrative burden on Member States, the statistical reporting obligations related to defence procurement should be decreased, allowing national authorities to focus on the implementation of their defence policies and the efficient use of their resources. To the extent that this Directive amends Directive 2009/81/EC the appropriate legal basis, in so far as those amendments are concerned, is Article 53(2), Article 62 and Article 114 of the Treaty.	
Recital 24				
34	(24) Directives 2009/43/EC and 2009/81/EC should therefore be amended accordingly,	(24) Directives 2009/43/EC and 2009/81/EC should therefore be amended accordingly,	(24) Directives 2009/43/EC and 2009/81/EC should therefore be amended accordingly,	
Formula				
35	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 1				
36	Article 1 Amendments to Directive 2009/43/EC	Article 1 Amendments to Directive 2009/43/EC	Article 1 Amendments to Directive 2009/43/EC	
Article 1, first paragraph				
37	Directive 2009/43/EC is amended as follows:	Directive 2009/43/EC is amended as follows:	Directive 2009/43/EC is amended as follows:	
Article 1, first paragraph, point (1)				
38	(1) in Article 3, the following point 8 is added:	(1) in Article 3, the following point 8 is <u>points 8 and 8a are</u> added:	(1) in Article 3, the following point 8 is added:	
Article 1, first paragraph, point (1), amending provision, numbered paragraph (8), first subparagraph				
39	‘ 8. ‘crisis’ means crisis as defined in Article 1, point (10) of Directive 2009/81/EC of the European Parliament and of the Council*’;	‘ 8. ‘crisis’ means crisis as defined in Article 1, point (10) of Directive 2009/81/EC of the European Parliament and of the Council*’;	‘ 8. ‘crisis’ means crisis as defined in Article 1, point (10) of Directive 2009/81/EC of the European Parliament and of the Council*’;	
Article 1, first paragraph, point (1), amending provision, numbered paragraph (8a), first subparagraph				
39a			8a. ‘structured intra-EU industrial partnership’ means a stable and lasting collaboration arrangement between two or more entities established in different Member States, where such entities form part of a common corporate group, consortium, joint venture, or other similarly structured entity,	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			and are engaged in the joint design, production, assembly, supply, or marketing of a defence-related product	
Article 1, first paragraph, point (1), amending provision, numbered paragraph (8), second subparagraph				
40				
Article 1, first paragraph, point (1), amending provision, numbered paragraph (8), third subparagraph				
41	*Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC (OJ L 216, 20.8.2009, p. 76, ELI: http://data.europa.eu/eli/dir/2009/81/oj).’;	*Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC (OJ L 216, 20.8.2009, p. 76, ELI: http://data.europa.eu/eli/dir/2009/81/oj).’;	*Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC (OJ L 216, 20.8.2009, p. 76, ELI: http://data.europa.eu/eli/dir/2009/81/oj).’;	
Article 1, first paragraph, point (1), amending provision, numbered paragraph (8a),				
41a		<u>8a. ‘European strategic cross-border partnership’ means a strategic collaboration arrangement between two or more entities established in different Member States, where</u>		

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u>such entities repeatedly engage in joint development, production, assembly, supply, marketing, or life-cycle support of a defence-related product, such as European collaborative defence projects, defence-related projects funded under a Union programme, a European Defence Project of Common Interest (EDPCI), a project under Permanent Structured Cooperation (PESCO) or a collaborative armament programme between Member States, such as a Structure for a European Armament Programme (SEAP).’ ;</u>		
Article 1, first paragraph, point (2)				
42	(2) Article 4 is amended as follows	(2) Article 4 is amended as follows	(2) Article 4 is amended as follows	
Article 1, first paragraph, point (2)(a)				
43	(a) paragraph 2 is replaced by the following:	(a) paragraph 2 is replaced by the following:	(a) paragraph 2 is replaced by the following:	
Article 1, first paragraph, point (2)(a), amending provision, numbered paragraph (2)				
44	2. Notwithstanding paragraph 1, Member States may	2. Notwithstanding paragraph 1, Member States	2. Notwithstanding paragraph 1, Member States may	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	exempt transfers of defence-related products from the obligation of prior authorisation set out in that paragraph in one of the following cases:	may <u>shall</u> exempt transfers of defence-related products from the obligation of prior authorisation set out in that paragraph in one <u>or more</u> of the following cases:	exempt transfers of defence-related products from the obligation of prior authorisation set out in that paragraph in one of the following cases:	
Article 1, first paragraph, point (2)(a), amending provision, numbered paragraph (2), point (a)				
45	(a) the supplier or the recipient is a governmental body or part of the armed forces;	(a) the supplier or the recipient is a governmental body or part of the armed forces <u>or another national security authority</u> ;	(a) the supplier or the recipient is a governmental body or part of the armed forces;	
Article 1, first paragraph, point (2)(a), amending provision, numbered paragraph (2), point (aa)				
46	(aa) the recipient is a Union institution, Union body, or the European Defence Agency;	(aa) the recipient is a Union institution, Union body, or the European Defence Agency;	(aa) the recipient is a Union institution, Union body, or the European Defence Agency;	
Article 1, first paragraph, point (2)(a), amending provision, numbered paragraph (2), point (b)				
47	(b) supplies are made by the Union, NATO, IAEA or other intergovernmental organisations for the performance of their tasks;	(b) supplies are made by the Union, NATO, IAEA or other intergovernmental organisations for the performance of their tasks;	(b) supplies are made by the Union, NATO, IAEA or other intergovernmental organisations for the performance of their tasks;	
Article 1, first paragraph, point (2)(a), amending provision, numbered paragraph (2), point (c)				
48	(c) the transfer is necessary for the implementation of a collaborative armament programme between Member States;	<i>deleted</i>	(c) the transfer is necessary for the implementation of a collaborative armament programme between Member States;	
Article 1, first paragraph, point (2)(a), amending provision, numbered paragraph (2), point (ca)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
49	(ca) the transfer is necessary for the implementation of a project funded under a Union defence industrial programme;	<i>deleted</i>	(ca) the transfer is necessary for the implementation of a project funded under a Union defence industrial programme;	
Article 1, first paragraph, point (2)(a), amending provision, numbered paragraph (2), point (cb)				
50	(cb) the transfer takes place in the framework of a structured cross-border industrial partnership;	(cb) the transfer takes place in the framework of a structured <u>European strategic</u> cross-border industrial partnership;	(cb) the transfer takes place in the framework of a structured cross-border intra-EU industrial partnership. The use of this exemption is subject to prior approval by the licensing Member State;	
Article 1, first paragraph, point (2)(a), amending provision, numbered paragraph (2), point (cc)				
51	(cc) the transfer takes place in an urgency resulting from a crisis;	(cc) the transfer takes place in an urgency resulting from a crisis, <u>or in a situation where the EU's mutual assistance clause provided for in Article 42(7) TEU has been activated by one or several Member States;</u>	(cc) the transfer takes place in an urgency resulting from a crisis;	
Article 1, first paragraph, point (2)(a), amending provision, numbered paragraph (2), point (d)				
52	(d) the transfer is linked to humanitarian aid in the case of disaster or as a donation in an emergency;	(d) the transfer is linked to humanitarian aid in the case of disaster or as a donation in an emergency;	(d) the transfer is linked to humanitarian aid in the case of disaster or as a donation in an emergency;	
Article 1, first paragraph, point (2)(a), amending provision, numbered paragraph (2), point (da)				
53	(da) the transfer is linked to military and defence assistance resulting from Union actions under	(da) the transfer is linked to military and defence assistance resulting from Union actions under	(da) the transfer is linked to military and defence assistance resulting from Union actions under	

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	Article 28 of the Treaty on the European Union where the Council decides unanimously, pursuant to Article 41(2) of the Treaty on the European Union;	Article 28 of the Treaty on the European Union where the Council decides unanimously, pursuant to Article 41(2) of the Treaty on the European Union;	Article 28 of the Treaty on the European Union where the Council decides unanimously, pursuant to Article 41(2) of the Treaty on the European Union;	
Article 1, first paragraph, point (2)(a), amending provision, numbered paragraph (2), point (e)				
54	(e) the transfer is necessary for or after repair, maintenance, exhibition or demonstration.;	(e) the transfer is necessary for or after repair, maintenance, exhibition or demonstration.;	(e) the transfer is necessary for or after repair, maintenance, exhibition or demonstration.;	
Article 1, first paragraph, point – point 2 – point a a (new), amending provision, numbered paragraph (2a)				
54a		<u>(aa) the following paragraph is inserted:</u> <u>'2a. Notwithstanding paragraph 1, Member States may exempt transfers of defence related non-tangible technologies from the obligation of prior authorisation set out in that paragraph where the supplier and the recipient belong to the same company or group of companies.'</u>		
Article 1, first paragraph, point (2)(b)				
55	(b) paragraph 3 is replaced by the following:	(b) paragraph 3 is replaced by the following:	(b) In paragraph 3 is replaced by , the following point (d) is inserted:	
Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3)				
56	'	'		

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	3. The Commission is empowered to adopt delegated acts to supplement this Directive in accordance with Article 13a, at the request of a Member State or on its own initiative, amending paragraph 2, in order to include additional cases where :	3. The Commission is empowered to adopt delegated acts to supplement this Directive in accordance with Article 13a, at the request of a Member State or on its own initiative, amending paragraph 2, in order to include <u>any of the following</u> additional cases where :	<i>deleted</i>	
<i>Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), point (a)</i>				
57	(a) the transfer takes place under conditions which do not affect public policy or public security;	(a) the transfer takes place under conditions which do not affect public policy or public security;	<i>deleted</i>	
<i>Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), point (b)</i>				
58	(b) the obligation of prior authorisation has become incompatible with international commitments of the Member States subsequent to the adoption of this Directive;	(b) the obligation of prior authorisation has become incompatible with international commitments of the Member States subsequent to the adoption of this Directive;	<i>deleted</i>	
<i>Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), point (c)</i>				
59	(c) it is necessary for intergovernmental cooperation, as referred to in Article 1(4);	(c) #the transfer is necessary for intergovernmental cooperation, as referred to in Article 1(4);	<i>deleted</i>	
<i>Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), point (d)</i>				
60	(d) the transfer is necessary for cross-border cooperation;	(d) the transfer is necessary for cross-border cooperation;		

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			(d) the transfer is necessary for cross-border intra-EU cooperation;	
Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), point (da)				
60a		<u>(da) the transfer is necessary to strengthen the internal market for defence;</u>		
Article 1, first paragraph, point (2)(c)				
61	(c) paragraph 4 is replaced by the following:	(c) paragraph 4 is replaced by the following:	(c) paragraph 4 is replaced by the following:	
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (4)				
62	4. Member States shall ensure that suppliers wishing to transfer defence-related products from their territory may use general transfer licences or apply for global or individual transfer licences in accordance with Articles 5, 6 and 7. No pre-conditions shall be imposed, that would have the effect of preventing suppliers from using general transfer licences or applying for global or individual transfer licences, on the basis of	4. Member States shall ensure that suppliers wishing to transfer defence-related products from their territory may use general transfer licences or apply for global or individual transfer licences in accordance with Articles 5, 6 and 7. No pre-conditions shall be imposed, that would have the effect of preventing suppliers from using general transfer licences or applying for global or individual transfer licences, on the basis of	4. Member States shall ensure that suppliers wishing to transfer defence-related products from their territory may use general transfer licences or apply for global or individual transfer licences in accordance with Articles 5, 6 and 7. No pre-conditions shall be imposed, that would have the effect of preventing suppliers from using general transfer licences or applying for global or individual transfer licences, on the basis of	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	criteria that are not connected to their capacity to perform their obligations in the fields of transfer and export control.	criteria that are not connected to their capacity to perform their obligations in the fields of transfer and export control.	criteria that are not connected to their capacity to perform their obligations in the fields of transfer and export control. This is without prejudice to Article 5, 6, 7 and 8 of this Directive. Member States may provide that suppliers only use general transfer licences if the intended transfer falls within the scope of a general transfer licence.	
Article 1, first paragraph, point (2)(d)				
63	(d) the following paragraph 8a is inserted:	(d) the following paragraph 8a is inserted:	<i>deleted</i>	
Article 1, first paragraph, point (2)(d), amending provision, numbered paragraph (8a)				
64	8a. The Commission is empowered to adopt delegated acts in accordance with Article 13a, at the request of a Member State or on its own initiative, in order to determine harmonised conditions for the application of paragraphs 5 and 8 of this Article.	8a. The Commission is empowered to adopt delegated acts in accordance with Article 13a, at the request of a Member State or on its own initiative, in order to determine harmonised conditions for the application of paragraphs 5 and 8 of this Article.	<i>deleted</i>	
Article 1, first paragraph, point (3)				

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65	(3) Article 5 is amended as follows:	(3) Article 5 is amended as follows:	(3) Article 5 is amended as follows:	
Article 1, first paragraph, point (3)(a)				
66	(a) paragraph 2 is amended as follows:	(a) paragraph 2 is amended as follows:	(a) paragraph 2 is amended as follows:	
Article 1, first paragraph, point (3)(a)(i)				
67	(i) point (b) is replaced by the following:	(i) point (b) is replaced by the following:	<i>deleted</i>	
Article 1, first paragraph, point (3)(a)(i), amending provision, numbered paragraph (b)				
68	(b) the recipient or the supplier is an undertaking certified in accordance with Article 9;;	(b) the recipient or the supplier is an undertaking certified in accordance with Article 9;;	<i>deleted</i>	
Article 1, first paragraph, point (3)(a)(ii)				
69	(ii) the following point (e) is inserted:	(ii) the following point (e) <u>is points (e) and (ea) are</u> inserted:	(ii) the following point (e) is inserted:	
Article 1, first paragraph, point (3)(a)(ii), amending provision, numbered paragraph (e)				
70	(e) the publication is required by Article 5a.;	(e) the publication is required by Article 5a.;	(e) the publication is required by Article 5a.;	
Article 1, first paragraph, point (3)(a)(ii), amending provision, numbered paragraph (ea)				

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70a		<u>(ea) the transfer aims to develop Union-based disruptive technologies or innovative industrial processes or to address critical readiness gaps’;</u>		
Article 1, first paragraph, point (3)(b)				
71	(b) the following paragraphs 2a and 2b are inserted:	(b) the following paragraphs 2a and 2b are inserted:	(b) the following paragraphs 2a and 2b are inserted: paragraph 2a is	
Article 1, first paragraph, point (3)(b), amending provision, numbered paragraph (2a)				
72	2a. Member States shall provide in their legislation the possibility to introduce general transfer licences other than those referred to in Article 5(2).	2a. Member States shall provide in their legislation the possibility to introduce general transfer licences other than those referred to in Article 5(2).	2a. Member States shall provide in their legislation the possibility to introduce general transfer licences other than those referred to in Article 5(2).	
Article 1, first paragraph, point (3)(b), amending provision, numbered paragraph (2b)				
73	2b. The Commission is empowered to adopt delegated acts to supplement this Directive in accordance with the procedure laid down at Article 13a, in order to harmonise the minimum scope of the general transfer licences referred to in Article 5(2).;	2b. The Commission is empowered to adopt delegated acts to supplement this Directive in accordance with the procedure laid down at Article 13a, in order to harmonise the minimum scope of the general transfer licences referred to in Article 5(2).;	<i>deleted</i>	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 1, first paragraph, point (4)				
74	(4) the following Article 5a is inserted:	(4) the following Article 5a is inserted:	(4) the following Article 5a is inserted:	
Article 1, first paragraph, point (4), amending provision, first paragraph				
75	Article 5a	Article 5a	Article 5a	
Article 1, first paragraph, point (4), amending provision, second paragraph				
76	Licences for transfers necessary for the implementation of projects funded under Union defence industrial programmes	Licences for transfers necessary for the implementation of projects funded under Union defence industrial programmes <u>European strategic cross-border partnerships</u>	Licences for transfers necessary for the implementation of projects funded under Union defence industrial programmes	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (1)				
77	1. Member States shall publish general transfer licences for transfers necessary for the implementation of projects funded under a Union defence industrial programme. Those licences shall apply to all defence-related products and shall cover all transfers necessary for the implementation of the project.	1. Member States shall publish general transfer licences for transfers necessary for the implementation of projects funded under a Union defence industrial programme <u>European strategic cross border partnerships</u> . Those licences shall apply to all defence-related products and shall cover all transfers necessary for the implementation of the project.	1. Member States shall publish general transfer licences for covering all transfers necessary for the implementation of projects funded under a Union defence industrial programme. Those licences shall apply to all cover the defence-related products set out in the annex and shall cover apply only to the transfers necessary for the implementation of the projects specific projects .	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
78	2. Member States may provide that the licencing system referred to in paragraph 1 applies also to the later phases of the life cycle of the projects occurring after the stages funded under a Union defence industrial programme.	2. Member States may provide shall ensure that the licencing system referred to in paragraph 1 applies also to the later phases of the life cycle of the projects occurring after the stages funded under a Union defence industrial programme.	2. Member States may provide that the licencing system referred to in paragraph 1 applies also to the later phases of the life cycle of the projects occurring after the stages funded under a Union defence industrial programme.	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (3)				
79	3. Member States shall not require any additional commitment, such as certificates related to end-use or limitations to the export of the defence-related products, if a funding agreement or contract concluded under a Union defence industrial programme contains a commitment that the defence-related products linked to the implementation of a given project will not be shared without authorisation, beyond the participants to the funding agreement or parties to the contract in question, the funding or contracting authority, or where relevant, the Commission when it is not the funding or contracting authority and the Court of	3. Member States shall not require any additional commitment, such as certificates related to end-use or limitations to the export of the defence-related products, if a funding agreement or contract concluded under a Union defence industrial programme contains a commitment that the defence-related products linked to the implementation of a given project will not be shared without authorisation, beyond the participants to the funding agreement or parties to the contract in question, the funding or contracting authority, or where relevant, the Commission when it is not the funding or contracting authority and the Court of	3. Member States shall not require any additional commitment, such as certificates related to end-use or limitations to the export of the defence-related products, if a funding agreement or contract concluded under a Union defence industrial programme contains a commitment that the defence-related products linked to the implementation of or resulting from a given project will not be shared without authorisation, beyond the participants to the funding agreement or parties to the contract in question, the funding or contracting authority, or where relevant, the Commission when it is not the funding or contracting authority and the Court of	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	Auditors as referred to in paragraph 4.	Auditors as referred to in paragraph 4.	Auditors as referred to in paragraph 4.	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (4)				
80	4. The funding agreement or contract may define the modalities under which the defence-related products linked to the implementation of a given project can be transferred to the Court of Auditors when the participants, the funding or contracting authorities, or where relevant, the Commission when it is not the funding or contracting authority are legally required to do so.’;	4. The funding agreement or contract may define the modalities under which the defence-related products linked to the implementation of a given project can be transferred to the Court of Auditors when the participants, the funding or contracting authorities, or where relevant, the Commission when it is not the funding or contracting authority are legally required to do so.’;	4. The funding agreement or contract may define the modalities under which the defence-related products linked to the implementation of a given project can be transferred to the Court of Auditors when the participants, the funding or contracting authorities, or where relevant, the Commission when it is not the funding or contracting authority are legally required to do so.’;	
Article 1, first paragraph, point (5)				
81	(5) in Article 8, the following paragraph 3a is inserted:	(5) in Article 8, the following paragraph 3a is inserted:	(5) in Article 8, the following paragraph 3a is inserted:	
Article 1, first paragraph, point (5), amending provision, numbered paragraph (3a)				
82	3a. The provisions of this Article, in particular Article 8(3), points (b) and (c), accordingly, shall apply to non-tangible technology transfers only as far as their application does not result in disproportionate reporting obligations for the suppliers.;	3a. The provisions of this Article, in particular Article 8(3), points (b) and (c), accordingly, shall apply to non-tangible technology transfers only as far as their application does not result in disproportionate reporting obligations for the suppliers.;	3a. Member States may decide that the provisions of this Article, in particular Article 8(3), points (b) and (c), accordingly, shall apply as necessary for monitoring transfer activity related to non-tangible technology transfers and software only as far	

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	,	,	as their application does not result in disproportionate reporting obligations for the suppliers.;	,
Article 1, first paragraph, point (6)				
83	(6) Article 13a is amended as follows:	(6) Article 13a is amended as follows:	<i>deleted</i>	
Article 1, first paragraph, point (6)(a)				
84	(a) the following paragraph 2a is inserted:	(a) the following paragraph 2a is inserted:	<i>deleted</i>	
Article 1, first paragraph, point (6)(a), amending provision, numbered paragraph (2a)				
85	2a. The power to adopt delegated acts referred to in Article 4(8a) shall be conferred on the Commission for a period of five years from [date of the adoption of the amending directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such	2a. The power to adopt delegated acts referred to in Article 4(8a) shall be conferred on the Commission for a period of five years from [date of the adoption of the amending directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such	<i>deleted</i>	

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	extension not later than three months before the end of each period.;	extension not later than three months before the end of each period.;		
<i>Article 1, first paragraph, point (6)(b)</i>				
86	(b) paragraph 3 is replaced by the following:	(b) paragraph 3 is replaced by the following:	<i>deleted</i>	
<i>Article 1, first paragraph, point (6)(b), amending provision, numbered paragraph (3)</i>				
87	3. The delegation of power referred to in Article 4(3), Article 4(8a) or Article 13 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.;	3. The delegation of power referred to in Article 4(3), Article 4(8a) or Article 13 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.;	<i>deleted</i>	
<i>Article 1, first paragraph, point (6)(c)</i>				

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88	(c) paragraph 6 is replaced by the following:	(c) paragraph 6 is replaced by the following:	<i>deleted</i>	
<i>Article 1, first paragraph, point (6)(c), amending provision, numbered paragraph (6)</i>				
89	6. A delegated act adopted pursuant to Article 4(3), Article 4(8a) or Article 13 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of three months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council..	6. A delegated act adopted pursuant to Article 4(3), Article 4(8a) or Article 13 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of three months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council..	<i>deleted</i>	
<i>Article 1, first paragraph, point (6a)</i>				
89a			(6a) The following Article 13c is inserted:	
<i>Article 1, first paragraph, point (6a), amending provision, Article</i>				
89b			Article 13c	

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			‘ Coordination Group	
Article 1, first paragraph, point (6a), amending provision, Article, first paragraph				
89c			1. An Intra-EU transfer of defence-related products coordination group (the ‘Coordination Group’), composed of one representative of each Member State and chaired by a representative of the Commission, is hereby established. Each Member State shall appoint one representative, and may appoint up to two alternates, to the Coordination Group. The Group may be convened at the request of the Commission or a Member State.	
Article 1, first paragraph, point (6a), amending provision, Article, second paragraph				
89d			2. The Coordination Group shall examine issues related to the implementation and practical application of this Directive as well as exchange views and best practices on the application of this Directive. It shall contribute to a common approach to the implementation of this Directive, including on national licensing systems in the	

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			light of the recommendations adopted by the Commission.	
Article 1, first paragraph, point (6a), amending provision, Article, third paragraph				
89e			3. Whenever it considers it appropriate, the Coordination Group shall consult suppliers, recipients and other relevant stakeholders affected by this Directive.	
Article 1, first paragraph, point (6a), amending provision, Article, fourth paragraph				
89f			4. The Coordination Group shall, where necessary, set up technical expert groups composed of experts from Member States to examine specific issues relating to the implementation of this Directive. Technical expert groups may also consult suppliers, recipients and other relevant stakeholders affected by this Directive.	
Article 1, first paragraph, point (6a), amending provision, Article, fifth paragraph				
89g			5. The Coordination Group shall also facilitate the exchange of best practices between licensing and enforcement authorities, as well as the discussion of challenges and other relevant information related to the implementation	

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			and enforcement of this Directive.	
Article 1, first paragraph, point (6a), amending provision, Article, sixth paragraph				
89h			<p>6. In accordance with the objectives of this article, Member States shall provide a yearly report to the Coordination Group on their implementation of this directive and on the way they have taken account of the recommendations adopted by the Commission. The reports shall be submitted to the Coordination Group by no later than 30 June of the following year. The report shall include data necessary for the assessment of the implementation of the Directive and of the way the recommendations adopted by the Commission have been taken into account. This reporting obligation is without prejudice to Member States need to protect classified information or sensitive information if required for the protection of their national security interest.</p>	

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Article 1, first paragraph, point 6 a (new), amending provision, Article 17				
89i		<u>(6a) Article 17 is replaced by the following:</u>		
Article 1, first paragraph, point (6b), amending provision, Article				
89j		<u>Article 17</u> <u>Review and reporting</u>		
Article 1, first paragraph, point (6b), amending provision, Article, first paragraph				
89k		<u>By 1 January 2029, the Commission shall review the implementation of this Directive against the background of improving Europe's defence readiness by 2030, as requested by the European Parliament and the European Council in March 2025 and report thereon to the European Parliament and the Council. It shall evaluate, in particular, whether and to what extent, the objectives of this Directive have been achieved, with regard, inter alia, to the functioning of the internal market and to the aim of defence readiness by 2030. In its report, the Commission shall include in its review inter alia the</u>		

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		<u><i>application of Articles 5, 5 a, 9 to 12 and Article 15 of this Directive, and shall evaluate how this Directive has strengthened the supply of European defence and security products, having regard, inter alia, to the success of the overall ramp up to a level that can credibly deter any risk of armed aggression and the situation of small, mid-cap and medium-sized enterprises. If appropriate, the report shall be accompanied by a legislative proposal.</i></u>		
Article 2				
90	Article 2 Amendments to Directive 2009/81/EC	Article 2 Amendments to Directive 2009/81/EC	Article 2 Amendments to Directive 2009/81/EC	
Article 2, first paragraph				
91	Directive 2009/81/EC is amended as follows:	Directive 2009/81/EC is amended as follows:	Directive 2009/81/EC is amended as follows:	
Article 2, first paragraph, point (1)				
92	(1) Article 1 is amended as follows:	(1) Article 1 is amended as follows:	(1) Article 1 is amended as follows:	
Article 2, first paragraph, point (1)(a)				

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93	(a) points 15 and 16 are replaced by the following:	(a) points 15 and 16 are replaced by the following:	(a) points 15 and 16 are replaced by the following:	
Article 2, first paragraph, point (1)(a), amending provision, numbered paragraph (15)				
94	15. 'Candidate' means an economic operator which has sought an invitation to take part in a restricted or negotiated procedure, competitive dialogue, or an innovation partnership;	15. 'Candidate' means an economic operator which has sought an invitation <u>to take part or has been invited</u> to take part in a restricted or negotiated procedure, competitive dialogue, or an innovation partnership;	15. 'Candidate' means an economic operator which has sought an invitation to take part in a restricted or negotiated procedure, competitive dialogue, or an innovation partnership;	
Article 2, first paragraph, point (1)(a), amending provision, numbered paragraph (16)				
95	16. 'Tenderer' means an economic operator which has submitted a tender under an open procedure, a restricted or negotiated procedure, competitive dialogue, or an innovation partnership;;	16. 'Tenderer' means an economic operator which has submitted a tender under an open procedure, a restricted or negotiated procedure, competitive dialogue, or an innovation partnership;;	16. 'Tenderer' means an economic operator which that has submitted a tender under an open procedure, a restricted or negotiated procedure, competitive dialogue, or an innovation partnership;;	
Article 2, first paragraph, point (1)(b)				
96	(b) the following points 17a and 17b are inserted:	(b) the following points 17a and 17b are inserted:	(b) the following points 17a and 17b are inserted:	
Article 2, first paragraph, point (1)(b), amending provision, numbered paragraph (17a)				
97	17a. 'Centralised purchasing activities' means activities	17a. 'Centralised purchasing activities' means activities	17a. 'Centralised purchasing activities' means activities	

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	conducted on a permanent basis, in one of the following forms:	conducted on a permanent basis, in one of the following forms:	conducted on a permanent basis , in one of the following forms:	
Article 2, first paragraph, point (1)(b), amending provision, numbered paragraph (17a), point (a)				
98	(a) the acquisition of supplies and/or services intended for contracting authorities/entities,	(a) the acquisition of supplies and/or services intended for contracting authorities/entities,	(a) the acquisition of supplies and/or services intended for contracting authorities/entities,	
Article 2, first paragraph, point (1)(b), amending provision, numbered paragraph (17a), point (b)				
99	(b) the award of public contracts or the conclusion of framework agreements for works, supplies or services intended for contracting authorities/entities;’	(b) the award of public contracts or the conclusion of framework agreements for works, supplies or services intended for contracting authorities/entities;’	(b) the award of public contracts or the conclusion of framework agreements for works, supplies or services intended for contracting authorities/entities;’	
Article 2, first paragraph, point (1)(b), amending provision, numbered paragraph (17b)				
100	17b. ‘Ancillary purchasing activities’ means activities consisting in the provision of support to purchasing activities, in particular in the following forms:	17b. ‘Ancillary purchasing activities’ means activities consisting in the provision of support to purchasing activities, in particular in the following forms:	17b. ‘Ancillary purchasing activities’ means activities consisting in the provision of support to purchasing activities, in particular in the following forms:	
Article 2, first paragraph, point (1)(b), amending provision, numbered paragraph (17b), point (a)				
101	(a) technical infrastructure enabling contracting authorities/entities to award public contracts or to conclude framework agreements for works, supplies or services;	(a) technical infrastructure enabling contracting authorities/entities to award public contracts or to conclude framework agreements for works, supplies or services;	(a) technical infrastructure enabling contracting authorities/entities to award public contracts or to conclude framework agreements for works, supplies or services;	
Article 2, first paragraph, point (1)(b), amending provision, numbered paragraph (17b), point (b)				

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102	(b) advice on the conduct or design of public procurement procedures;	(b) advice on the conduct or design of public procurement procedures;	(b) advice on the conduct or design of public procurement procedures;	
Article 2, first paragraph, point (1)(b), amending provision, numbered paragraph (17b), point (c)				
103	(c) preparation and management of procurement procedures on behalf and for the account of the contracting authority/entity concerned;’,	(c) preparation and management of procurement procedures on behalf and for the account of the contracting authority/entity concerned;’,	(c) preparation and management of procurement procedures on behalf and for the account of the contracting authority/entity concerned;’,	
Article 2, first paragraph, point (1)(c)				
104	(c) point 18 is replaced by the following:	(c) point 18 is replaced by the following:	(c) point 18 is replaced by the following:	
Article 2, first paragraph, point (1)(c), amending provision, numbered paragraph (18)				
105	, 18. ‘Central purchasing body’ means a contracting authority/entity providing centralised purchasing activities and, possibly, ancillary purchasing activities;;	, 18. ‘Central purchasing body’ means a contracting authority/entity providing centralised purchasing activities and, possibly, ancillary purchasing activities;;	, 18. ‘Central purchasing body’ means a contracting authority/entity or a European public body providing centralised purchasing activities and, possibly, ancillary purchasing activities;;	
Article 2, first paragraph, point (1)(d)				
106	(d) the following point 18 a is inserted:	(d) the following point 18 a is inserted:	(d) the following point 18 a is inserted:	
Article 2, first paragraph, point (1)(d), amending provision, numbered paragraph (18a)				

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107	18a. 'Open procedure' means a procedure in which any interested economic operator may submit a tender;;	18a. 'Open procedure' means a procedure in which any interested economic operator may submit a tender;;	18a. 'Open procedure' means a procedure in which any interested economic operator may submit a tender; in response to a call for competition;	
Article 2, first paragraph, point (1)(e)				
108	(e) the following point 21a is inserted:	(e) the following point 21a is inserted:	(e) the following point 21a is inserted:	
Article 2, first paragraph, point (1)(e), amending provision, numbered paragraph (21a)				
109	21a. 'Dynamic purchasing system' means a completely electronic process for making commonly used purchases, the characteristics of which, as generally available on the market, meet the requirements of the contracting authority, which is limited in duration and open throughout its validity to any economic operator which satisfies the selection criteria and has submitted an indicative tender that complies with the specification.;	21a. 'Dynamic purchasing system' means a completely electronic process for making commonly used purchases, the characteristics of which, as generally available on the market, meet the requirements of the contracting authority, which is limited in duration and open throughout its validity to any economic operator which satisfies the selection criteria and has submitted an indicative tender that complies with the specification.;	21a. 'Dynamic purchasing system' means a completely electronic process for making commonly used purchases, the characteristics of which, as generally available on the market, meet the requirements of the contracting authority authority/entity , which is limited can be unlimited in duration and shall be open throughout its validity to any economic operator which satisfies the selection criteria and has submitted an indicative tender that complies with the specification.;	

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Article 2, first paragraph, point (1)(f)				
110	(f) the following point 29 is added:	(f) the following point 29 <u>is points 29 and 29a are</u> added:	(f) the following point 29 is added:	
Article 2, first paragraph, point (1)(f), amending provision, numbered paragraph (29)				
111	29. ‘maintenance’ means all actions taken to ensure the readiness and operational capability of a defence product, in particular to retain equipment in or to restore it to specified conditions until the end of its use, including mission readiness, longevity and upgrades, customisation and specialisation, inspection, overhaul, testing, servicing, modifications, classification as to serviceability, repair, recovery, rebuilding, reclamation, salvage and cannibalisation.;	29. ‘maintenance’ means all actions taken to ensure the readiness and operational capability of a defence product, in particular to retain equipment in or to restore it to specified conditions until the end of its use, including mission readiness <u>for deployment</u> , longevity and upgrades, customisation and specialisation, inspection, overhaul, testing, servicing, modifications, classification as to serviceability, repair, recovery, rebuilding, reclamation, salvage and cannibalisation.;	29. ‘maintenance’ means all actions taken to ensure the readiness and operational capability of a defence product military or sensitive equipment , in particular to retain equipment in or to restore it to specified conditions until the end of its use, including mission readiness, longevity and upgrades, customisation and specialisation, inspection, overhaul, testing, servicing, modifications, classification as to serviceability, repair, recovery, rebuilding, reclamation, salvage and cannibalisation.;	
Article 2, first paragraph, point (1)(f), amending provision, numbered paragraph (29a)				
111a		<u>29a. ‘innovation’ means the implementation of a new or significantly improved product, service or process, including but not limited to production,</u>		

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		<u>building or construction processes, with the purpose of helping to solve societal challenges.</u> ’;		
Article 2, first paragraph, point (2)				
112	(2) Article 8 is amended as follows:	(2) Article 8 is amended as follows:	(2) Article 8 is amended as follows:	
Article 2, first paragraph, point (2)(a)				
113	(a) in point (a), ‘EUR 443 000’ is replaced by ‘EUR 900 000’;	(a) in point (a), ‘EUR 443 000’ is replaced by ‘EUR 900 <u>1 800 000</u> ’;	(a) in point (a), ‘EUR 443 000’ is replaced by ‘EUR 900 <u>0003 000 000</u> ’;	
Article 2, first paragraph, point (2)(b)				
114	(b) in point (b), ‘EUR 5 538 000’ is replaced by ‘EUR 7 000 000’;	(b) in point (b), ‘EUR 5 538 000’ is replaced by ‘EUR 7 000 <u>0008 000 000</u> ’;	(b) in point (b), ‘EUR 5 538 000’ is replaced by ‘EUR 7 000 <u>00015 000 000</u> ’;	
Article 2, first paragraph, point (3)				
115	(3) Article 9 is amended as follows:	(3) Article 9 is amended as follows:	(3) Article 9 is amended as follows:	
Article 2, first paragraph, point (3)(-a)				
115a			(-a) the title is replaced by the following:	
Article 2, first paragraph, point (3)(-a), amending provision, first paragraph				
115b			Methods for calculating the estimated value of procurement	

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			,	
Article 2, first paragraph, point (3)(-b)				
115c			(-b) paragraph 5 is amended as follows:	
Article 2, first paragraph, point (3)(-b)(i)				
115d			(i) in point (a) ‘EUR 80 000’ is replaced by ‘EUR 300 000’ and ‘EUR 1 000 000’ is replaced by ‘EUR 2 000 000’;	
Article 2, first paragraph, point (3)(-b)(ii)				
115e			(ii) in point (b) ‘EUR 80 000’ is replaced by ‘EUR 300 000’;	
Article 2, first paragraph, point (3)(a)				
116	(a) paragraph 9 is replaced by the following:	(a) paragraph 9 is replaced by the following:	(a) paragraph 9 is replaced by the following:	
Article 2, first paragraph, point (3)(a), amending provision, numbered paragraph (9)				
117	‘ 9. With regard to framework agreements and dynamic purchasing systems, the estimated value to be taken into consideration shall be the maximum estimated value, net of VAT, of all the contracts envisaged for the total term of the	‘ 9. With regard to framework agreements and dynamic purchasing systems, the estimated value to be taken into consideration shall be the maximum estimated value, net of VAT, of all the contracts envisaged for the total term of the	‘ 9. With regard to framework agreements and dynamic purchasing systems, the estimated value to be taken into consideration shall be the maximum estimated value, net of VAT, of all the contracts envisaged for the total term of the	

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	framework agreement or the dynamic purchasing system.;	framework agreement or the dynamic purchasing system.;	framework agreement or the dynamic purchasing system.;	
Article 2, first paragraph, point (3)(b)				
118	(b) the following paragraph 10 is added:	(b) the following paragraph 10 is added:	(b) the following paragraph 10 is added:	
Article 2, first paragraph, point (3)(b), amending provision, numbered paragraph (10)				
119	10. In the case of innovation partnerships, the value to be taken into consideration shall be the maximum estimated value net of VAT of the research and development activities to take place during all stages of the envisaged partnership as well as of the supplies, services or works to be developed and procured at the end of the envisaged partnership.;	10. In the case of innovation partnerships, the value to be taken into consideration shall be the maximum estimated value net of VAT of the research and development activities to take place during all stages of the envisaged partnership as well as of the supplies, services or works to be developed and procured at the end of the envisaged partnership.;	10. In the case of innovation partnerships, the value to be taken into consideration shall be the maximum estimated value net of VAT of the research and development activities to take place during all stages of the envisaged partnership as well as of the supplies, services or works to be developed and procured at the end of the envisaged partnership.;	
Article 2, first paragraph, point (4)				
120	(4) Article 10 is replaced by the following:	(4) Article 10 is replaced by the following:	(4) Article 10 is replaced by the following:	
Article 2, first paragraph, point (4), amending provision, first paragraph				
121	Article 10	Article 10	Article 10	
Article 2, first paragraph, point (4), amending provision, second paragraph				

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122	Contracts and framework agreements awarded by central purchasing bodies	Contracts and framework agreements awarded by central purchasing bodies	Contracts and framework agreements awarded by central purchasing bodies	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), first subparagraph				
123	1. Member States may provide that contracting authorities/entities may acquire works, supplies and/or services from or through a central purchasing body.	1. Member States may provide that contracting authorities/entities may acquire works, supplies and/or services from or through a central purchasing body.	1. Member States may provide that contracting authorities/entities may acquire works, supplies and/or services from or through a central purchasing body.	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), second subparagraph				
124	Member States may also provide that contracting authorities/entities may acquire works, supplies and services by using contracts awarded by a central purchasing body, by using dynamic purchasing systems operated by a central purchasing body or, to the extent set out in Article 29(2), second subparagraph, by using a framework agreement concluded by a central purchasing body offering the centralised purchasing activity. Where a dynamic purchasing system which is operated by a central purchasing body may be used by other contracting authorities/entities, this shall be mentioned in the call	Member States may also provide that contracting authorities/entities may acquire works, supplies and services by using contracts awarded by a central purchasing body, by using dynamic purchasing systems operated by a central purchasing body or, to the extent set out in Article 29(2), second subparagraph, by using a framework agreement concluded by a central purchasing body offering the centralised purchasing activity. Where a dynamic purchasing system which is operated by a central purchasing body may be used by other contracting authorities/entities, this shall be mentioned in the call	Member States may also provide that contracting authorities/entities may acquire works, supplies and services by using contracts awarded by a central purchasing body, by using dynamic purchasing systems operated by a central purchasing body or, to the extent set out in Article 29(2), second subparagraph, by using a framework agreement concluded by a central purchasing body offering the centralised purchasing activity. Where a dynamic purchasing system which is operated by a central purchasing body may be used by other contracting authorities/entities, this shall be mentioned in the call	

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	for competition setting up that dynamic purchasing system.	for competition setting up that dynamic purchasing system.	for competition setting up that dynamic purchasing system.	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (1), third subparagraph				
125	In relation to the first and second subparagraphs, Member States may provide that certain procurements are to be made by having recourse to central purchasing bodies or to one or more specific central purchasing bodies.	In relation to the first and second subparagraphs, Member States may provide that certain procurements are to be made by having recourse to central purchasing bodies or to one or more specific central purchasing bodies.	In relation to the first and second subparagraphs, Member States may provide that certain procurements are to be made by having recourse to central purchasing bodies or to one or more specific central purchasing bodies.	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (2), first subparagraph				
126	2. Contracting authorities/entities which purchase works, supplies and/or services from or through a central purchasing body shall be deemed to have complied with this Directive insofar as:	2. Contracting authorities/entities which purchase works, supplies and/or services from or through a central purchasing body shall be deemed to have complied with this Directive insofar as:	2. Contracting authorities/entities which purchase acquire works, supplies and/or services from or through a central purchasing body shall be deemed to have complied with this Directive insofar as:	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (2), first subparagraph, point (a)				
127	(a) the central purchasing body has complied with it, or,	(a) the central purchasing body has complied with it, or,	(a) the central purchasing body has complied with it, or,	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (2), first subparagraph, point (b)				
128	(b) when the central purchasing body is not a contracting authority/entity, the contract award rules applied by it comply with this Directive and the contracts awarded can be subject	(b) when the central purchasing body is not a contracting authority/entity, the contract award rules applied by it comply with this Directive and the contracts awarded can be subject	(b) when the central purchasing body is not a contracting authority/entity, the contract award rules applied by it comply with this Directive and the contracts awarded can be subject	

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	to efficient remedies comparable to those provided for in Title IV.	to efficient remedies comparable to those provided for in Title IV.	to efficient remedies comparable to those provided for in Title IV.	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (2), second subparagraph				
129	Furthermore, a contracting authority/entity shall be deemed to have also fulfilled its obligations pursuant to this Directive where it acquires works, supplies or services by using contracts awarded by the central purchasing body, by using dynamic purchasing systems operated by the central purchasing body or, to the extent set out in Article 29(2), second subparagraph, by using a framework agreement concluded by the central purchasing body.	Furthermore, a contracting authority/entity shall be deemed to have also fulfilled its obligations pursuant to this Directive where it acquires works, supplies or services by using contracts awarded by the central purchasing body, by using dynamic purchasing systems operated by the central purchasing body or, to the extent set out in Article 29(2), second subparagraph, by using a framework agreement concluded by the central purchasing body.	Furthermore, a contracting authority/entity shall be deemed to have also fulfilled its obligations pursuant to this Directive where it acquires works, supplies or services by using contracts awarded by the central purchasing body, by using dynamic purchasing systems operated by the central purchasing body or, to the extent set out in Article 29(2), second subparagraph, by using a framework agreement concluded by the central purchasing body.	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (2), third subparagraph				
130	However, the contracting authority/entity concerned shall be responsible for fulfilling the obligations pursuant to this Directive in respect of the parts it conducts itself, in particular:	However, the contracting authority/entity concerned shall be responsible for fulfilling the obligations pursuant to this Directive in respect of the parts it conducts itself, in particular:	However, the contracting authority/entity concerned shall be responsible for fulfilling the obligations pursuant to this Directive in respect of the parts it conducts itself, in particular:	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (2), third subparagraph, point (a)				
131	(a) awarding a contract under a dynamic purchasing system, which is operated by a central purchasing body;	(a) awarding a contract under a dynamic purchasing system, which is operated by a central purchasing body;	(a) awarding a contract under a dynamic purchasing system, which is operated by a central purchasing body;	

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Article 2, first paragraph, point (4), amending provision, numbered paragraph (2), third subparagraph, point (b)				
132	(b) conducting a reopening of competition under a framework agreement that has been concluded by a central purchasing body;	(b) conducting a reopening of competition under a framework agreement that has been concluded by a central purchasing body;	(b) conducting a reopening of competition under a framework agreement that has been concluded by a central purchasing body;	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (2), third subparagraph, point (c)				
133	(c) pursuant to Article 29(4), determining which of the economic operators, party to the framework agreement, shall perform a given task under a framework agreement that has been concluded by a central purchasing body.	(c) pursuant to Article 29(4), determining which of the economic operators, party to the framework agreement, shall perform a given task under a framework agreement that has been concluded by a central purchasing body.	(c) pursuant to Article 29(4), determining which of the economic operators, party to the framework agreement, shall perform a given task under a framework agreement that has been concluded by a central purchasing body.	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (3), first subparagraph				
134	3. Contracting authorities/entities may, without applying the procedures provided for in this Directive, award a public service contract for the provision of centralised purchasing activities to a central purchasing body.	3. Contracting authorities/entities may, without applying the procedures provided for in this Directive, award a public service contract for the provision of centralised purchasing activities to a central purchasing body.	3. Contracting authorities/entities may, without applying the procedures provided for in this Directive, award a public -service contract for the provision of centralised purchasing activities to a central purchasing body.	
Article 2, first paragraph, point (4), amending provision, numbered paragraph (3), second subparagraph				
135	Such public service contracts may also include the provision of ancillary purchasing activities.; ,	Such public service contracts may also include the provision of ancillary purchasing activities.; ,	Such public -service contracts may also include the provision of ancillary purchasing activities.; ,	

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Article 2, first paragraph, point (5)				
136	(5) the following Article 10a is inserted:	(5) the following Article 10a is inserted:	(5) the following Article 10a is inserted:	
Article 2, first paragraph, point (5), amending provision, first paragraph				
137	Article 10a	Article 10a	Article 10a	
Article 2, first paragraph, point (5), amending provision, second paragraph				
138	Procurement involving contracting authorities/entities from different Member States	Procurement involving contracting authorities/entities from different Member States	Procurement involving contracting authorities/entities from different Member States	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (1), first subparagraph				
139	1. Contracting authorities/entities from different Member States may act jointly in the award of public contracts in accordance with this Article.	1. Contracting authorities/entities from different Member States may act jointly in the award of public contracts in accordance with this Article.	1. Contracting authorities/entities from different Member States may act jointly in the award of public contracts in accordance with this Article.	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (1), second subparagraph				
140	Contracting authorities/entities shall not use the provisions of this Article for the purpose of avoiding the application of mandatory public law provisions in conformity with Union law to which they are subject in their Member State.	Contracting authorities/entities shall not use the provisions of this Article for the purpose of avoiding the application of mandatory public law provisions in conformity with Union law to which they are subject in their Member State.	Contracting authorities/entities shall not use the provisions of this Article for the purpose of avoiding the application of mandatory public law provisions in conformity with Union law to which they are subject in their Member State.	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (2), first subparagraph				
141	2. A Member State shall not prohibit its contracting	2. A Member State shall not prohibit its contracting	2. A Member State shall not prohibit its contracting	

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	authorities/entities from using centralised purchasing activities offered by central purchasing bodies located in another Member State or from offering centralised purchasing activities to contracting authorities/entities located in another Member State.	authorities/entities from using centralised purchasing activities offered by central purchasing bodies located in another Member State or from offering centralised purchasing activities to contracting authorities/entities located in another Member State.	authorities/entities from using centralised purchasing activities offered by central purchasing bodies located in another Member State or from offering centralised purchasing activities to contracting authorities/entities located in another Member State.	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (2), second subparagraph				
142	In respect of centralised purchasing activities offered by a central purchasing body located in another Member State than the contracting authority/entity, Member States may specify that their contracting authorities/entities may only use the centralised purchasing activities as defined in Article 1(17b)(a) or (b).	In respect of centralised purchasing activities offered by a central purchasing body located in another Member State than the contracting authority/entity, Member States may specify that their contracting authorities/entities may only use the centralised purchasing activities as defined in Article 1(17b)(a) or (b).	In respect of centralised purchasing activities offered by a central purchasing body located in another Member State than the contracting authority/entity, Member States may specify that their contracting authorities/entities may only use the centralised purchasing activities as defined in either point (a) or (b) of Article 1(17b)(a) or (b).	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (3), first subparagraph				
143	3. The provision of centralised purchasing activities by a central purchasing body located in another Member State shall be conducted in accordance with the national provisions of the Member State where the central purchasing body is located.	3. The provision of centralised purchasing activities by a central purchasing body located in another Member State shall be conducted in accordance with the national provisions of the Member State where the central purchasing body is located.	3. The provision of centralised purchasing activities by a central purchasing body located in another Member State shall be conducted in accordance with the national provisions of the Member State where the central purchasing body is located. This	

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			does not apply to European public bodies.	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (3), second subparagraph				
144	The national provisions of the Member State where the central purchasing body is located shall also apply to the award of a contract under a dynamic purchasing system and the conduct of a reopening of competition under a framework agreement.	The national provisions of the Member State where the central purchasing body is located shall also apply to the award of a contract under a dynamic purchasing system and the conduct of a reopening of competition under a framework agreement.	The national provisions of the Member State where the central purchasing body is located shall also apply to the award of a contract under a dynamic purchasing system and the conduct of a reopening of competition under a framework agreement.:	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (3), second subparagraph, point (a)				
144a			(a) the award of a contract under a dynamic purchasing system;	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (3), second subparagraph, point (b)				
144b			(b) the conduct of a reopening of competition under a framework agreement; and	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (3), second subparagraph, point (c)				
144c			(c) the determination of which of the economic operators party to the framework agreement shall perform a given task in cases of a framework agreement with several economic operators without reopening of competition.	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (4), first subparagraph				

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145	4. Several contracting authorities/entities from different Member States may jointly award a public contract, conclude a framework agreement or operate a dynamic purchasing system. They may also, to the extent set out in Article 29(2), second subparagraph, award contracts based on the framework agreement or on the dynamic purchasing system.	4. Several contracting authorities/entities from different Member States may jointly award a public contract, conclude a framework agreement or operate a dynamic purchasing system. They may also, to the extent set out in Article 29(2), second subparagraph, award contracts based on the framework agreement or on the dynamic purchasing system.	4. Several contracting authorities/entities from different Member States may jointly award a public contract, conclude a framework agreement or operate a dynamic purchasing system. They may also, to the extent set out in Article 29(2), second subparagraph, award contracts based on the framework agreement or on the dynamic purchasing system.	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (4), second subparagraph				
146	Unless the necessary elements have been regulated by an international agreement concluded between the Member States concerned, the participating contracting authorities/entities shall conclude an agreement that determines:	Unless the necessary elements have been regulated by an international agreement concluded between the Member States concerned, the participating contracting authorities/entities shall conclude an agreement that determines:	Unless the necessary elements have been regulated by an international agreement concluded between the Member States concerned, the participating contracting authorities/entities shall conclude an agreement that determines:	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (4), second subparagraph, point (a)				
147	(a) the responsibilities of the parties and the relevant applicable national provisions;	(a) the responsibilities of the parties and the relevant applicable national provisions;	(a) the responsibilities of the parties and the relevant applicable national provisions;	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (4), second subparagraph, point (b)				
148	(b) the internal organisation of the procurement procedure, including the management of the procedure, the distribution of the	(b) the internal organisation of the procurement procedure, including the management of the procedure, the distribution of the	(b) the internal organisation of the procurement procedure, including the management of the procedure, the distribution of the	

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	works, supplies or services to be procured, and the conclusion of contracts.	works, supplies or services to be procured, and the conclusion of contracts.	works, supplies or services to be procured, and the conclusion of contracts.	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (4), third subparagraph				
149	A participating contracting authority/entity shall be deemed to have fulfilled its obligations pursuant to this Directive when it purchases works, supplies or services from a contracting authority/entity which is responsible for the procurement procedure. When determining responsibilities and the applicable national law as referred to in the second subparagraph, point (a), the participating contracting authorities/entities may allocate specific responsibilities among them and determine the applicable national provisions of any of their respective Member States. The allocation of responsibilities and the applicable national law shall be referred to in the procurement documents for jointly awarded public contracts.	A participating contracting authority/entity shall be deemed to have fulfilled its obligations pursuant to this Directive when it purchases works, supplies or services from a contracting authority/entity which is responsible for the procurement procedure. When determining responsibilities and the applicable national law as referred to in the second subparagraph, point (a), the participating contracting authorities/entities may shall allocate specific responsibilities among them and determine the applicable national provisions of any of their respective Member States. The allocation of responsibilities and the applicable national law shall be referred to in the procurement documents for jointly awarded public contracts.	A participating contracting authority/entity shall be deemed to have fulfilled its obligations pursuant to this Directive when it purchases acquires works, supplies or services from a contracting authority/entity which is responsible for the procurement procedure. When determining responsibilities and the applicable national law as referred to in the second subparagraph, point (a), the participating contracting authorities/entities may allocate specific responsibilities among them and determine the applicable national provisions of any of their respective Member States. The allocation of responsibilities and the applicable national law shall be referred to in the procurement documents for jointly awarded public contracts.	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (5), first subparagraph				
150	5. Where several contracting authorities/entities from different Member States have set up a joint	5. Where several contracting authorities/entities from different Member States have set up a joint	5. Where several contracting authorities/entities from different Member States have set up a joint	

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	entity established under Union law, the participating contracting authorities/entities shall, by a decision of the competent body of the joint entity, agree on the applicable national procurement rules of one of the following Member States:	entity established under Union law, the participating contracting authorities/entities shall, by a decision of the competent body of the joint entity, agree on the applicable national procurement rules of one of the following Member States:	entity established under Union law, the participating contracting authorities/entities shall, by a decision of the competent body of the joint entity, agree on the applicable national procurement rules of one of the following Member States:	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (5), first subparagraph, point (a)				
151	(a) the national provisions of the Member State where the joint entity has its registered office;	(a) the national provisions of the Member State where the joint entity has its registered office;	(a) the national provisions of the Member State where the joint entity has its registered office;	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (5), first subparagraph, point (b)				
152	(b) the national provisions of the Member State where the joint entity is carrying out its activities.	(b) the national provisions of the Member State where the joint entity is carrying out its activities.	(b) the national provisions of the Member State where the joint entity is carrying out its activities.	
Article 2, first paragraph, point (5), amending provision, numbered paragraph (5), second subparagraph				
153	The agreement referred to in the first subparagraph may either apply for an undetermined period, when fixed in the constitutive act of the joint entity, or may be limited to a certain period of time, certain types of contracts or to one or more individual contract awards.’;	The agreement referred to in the first subparagraph may either apply for an undetermined period, when fixed in the constitutive act of the joint entity, or may be limited to a certain period of time, certain types of contracts or to one or more individual contract awards.’;	The agreement referred to in the first subparagraph may either apply for an undetermined period, when fixed in the constitutive act of the joint entity, or may be limited to a certain period of time, certain types of contracts or to one or more individual contract awards.’;	
Article 2, first paragraph, point (5a)				

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153a			(5a) the following Article 10b is inserted:	
Article 2, first paragraph, point (5a), amending provision, Article				
153b			Article 10b Occasional joint procurement	
Article 2, first paragraph, point (5a), amending provision, Article(1)				
153c			1. Two or more contracting authorities/entities may agree to perform certain specific procurements jointly.	
Article 2, first paragraph, point (5a), amending provision, Article(2)				
153d			2. Where the conduct of a procurement procedure in its entirety is carried out jointly in the name and on behalf of all the contracting authorities/entities concerned, they shall be jointly responsible for fulfilling their obligations pursuant to this Directive. This applies also in cases where one contracting authority/entity manages the procedure, acting on its own behalf and on the behalf of the other contracting authorities/entities concerned.	
Article 2, first paragraph, point (5a), amending provision, Article(3)				

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153e			3. Where the conduct of a procurement procedure is not in its entirety carried out in the name and on behalf of the contracting authorities/entities concerned, they shall be jointly responsible only for those parts carried out jointly. Each contracting authority/entity shall have sole responsibility for fulfilling its obligations pursuant to this Directive in respect of the parts it conducts in its own name and on its own behalf.	
Article 2, first paragraph, point (6)				
154	(6) in Article 13, points (c) and (d) are replaced by the following:	(6) in Article 13, points (c) and (d) are replaced by the following:	(6) in Article 13, points (c) and (d) are replaced by the following:	
Article 2, first paragraph, point (6), amending provision, numbered paragraph (c)				
155	(c) contracts awarded in the framework of a cooperative programme based on research and development, conducted jointly by at least two Member States for the development of a new product or an upgrade leading to substantial changes or substantial improvements of an existing	(c) contracts awarded in the framework of a cooperative programme based on research and development, conducted jointly by at least two Member States for the development of a new product or an upgrade leading to substantial changes or substantial improvements of an existing	(c) contracts awarded in the framework of a cooperative programme based on research and development, conducted jointly by at least two Member States for the development of a new product or an upgrade leading to substantial changes or substantial improvements of an existing	

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
	product and, where applicable, the later phases of all or part of the life-cycle of this product. Where a Member State becomes a full member of a cooperative programme after the completion of the research and development phase of that programme, for the later phases of the life-cycle of the product, this Article shall apply to the joining Member State. A research and development project managed by Union institutions or bodies and, implemented in accordance with Union rules and funded from the Union budget, constitutes a cooperative programme conducted jointly by at least two Member States and can be continued for the phases after research and development phase, in which case contracts awarded in the framework of the follow-up programme may also be excluded under this Article;	product and, where applicable, the later phases of all or part of the life-cycle of this product. Where a Member State becomes a full member of a cooperative programme after the completion of the research and development phase of that programme, for the later phases of the life-cycle of the product, this Article shall apply to the joining Member State. A research and development project managed by Union institutions or bodies and, implemented in accordance with Union rules and funded from the Union budget, constitutes a cooperative programme conducted jointly by at least two Member States and can be continued for the phases after research and development phase, in which case contracts awarded in the framework of the follow-up programme may also be excluded under this Article;	product and, where applicable, the later phases of all or part of the life-cycle of this product. Where a Member State becomes a full member of a cooperative programme after the completion of the research and development phase of that programme, for the later phases of the life-cycle of the product, this Article shall apply to the joining Member State. A research and development project managed by Union institutions or bodies and, implemented in accordance with Union rules and funded from the Union budget, constitutes a cooperative programme conducted jointly by at least two Member States and can be continued for the phases after research and development phase, in which case contracts awarded in the framework of the follow-up programme may also be excluded under this Article;	
Article 2, first paragraph, point (6), amending provision, numbered paragraph (d)				
156	(d) contracts awarded in a third country, including for civil purchases, carried out when forces are deployed or are in training outside the territory of the Union	(d) contracts awarded in a third country, including for civil purchases, carried out when forces are deployed or are in training outside the territory of the Union	(d) contracts awarded in a third country, including for civil purchases, carried out when forces are deployed or are in training outside the territory of the Union	

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	where operational needs require them to be concluded with economic operators located in the area of operations;;	where operational needs require them to be concluded with economic operators located in the area of operations;;	where operational needs require them to be concluded with economic operators located in the area of operations;;	
Article 2, first paragraph, point (6a), amending provision, Article 18(3) indent 8				
156a		<u>(6a) in point (a) of Article 18(3) indent 8 is replaced by the following:</u> <u>‘- the national and international ‘defence standards’ defined in point 3 of Annex III and defence materiel specifications similar to those standards.’;</u>		
Article 2, first paragraph, point (7)				
157	(7) in Article 25, the second and third paragraphs are replaced by the following:	(7) in Article 25, the second and third paragraphs are replaced by the following:	(7) in Article 25, the second and third paragraphs are replaced by the following:	
Article 2, first paragraph, point (7), amending provision, first paragraph				
158	‘ Contracting authorities/entities may choose to award contracts by applying the open procedure, the restricted procedure or the negotiated procedure with publication of a contract notice.	‘ Contracting authorities/entities may choose to award contracts by applying the open procedure, the restricted procedure or the negotiated procedure with publication of a contract notice.	‘ Contracting authorities/entities may choose to award contracts by applying the open procedure, the restricted procedure or the negotiated procedure with publication of a contract notice.	
Article 2, first paragraph, point (7), amending provision, second paragraph				

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159	Under the circumstances referred to in Article 27 or Article 27a, they may award contracts by means of a competitive dialogue or an innovation partnership.;	Under the circumstances referred to in Article 27 or Article 27a, they may award contracts by means of a competitive dialogue or an innovation partnership.;	Under the circumstances referred to in Article 27 or Article 27a, they may award contracts by means of a competitive dialogue or an innovation partnership.;	
Article 2, first paragraph, point (8)				
160	(8) in Article 27, paragraph 1 is replaced by the following:	(8) in Article 27, paragraph 1 is replaced by the following:	(8) in Article 27, paragraph 1 is replaced by the following:	
Article 2, first paragraph, point (8), amending provision, numbered paragraph (1), first subparagraph				
161	1. In the case of particularly complex contracts, Member States may provide that where contracting authorities/entities consider that use of the open procedure, the restricted procedure or the negotiated procedure with publication of a contract notice will not allow the award of the contract, those contracting authorities/entities may make use of the competitive dialogue in accordance with this Article.	1. In the case of particularly complex contracts, Member States may provide that where contracting authorities/entities consider that use of the open procedure, the restricted procedure or the negotiated procedure with publication of a contract notice will not allow the award of the contract, those contracting authorities/entities may make use of the competitive dialogue in accordance with this Article.	1. In the case of particularly complex contracts, Member States may provide that where contracting authorities/entities consider that use of the open procedure, the restricted procedure or the negotiated procedure with publication of a contract notice will not allow the award of the contract, those contracting authorities/entities may make use of the competitive dialogue in accordance with this Article.	
Article 2, first paragraph, point (8), amending provision, numbered paragraph (1), second subparagraph				
162	A contract shall be awarded on the sole basis of the award criterion for the most economically advantageous tender.;	A contract shall be awarded on the sole basis of the award criterion for the most economically advantageous tender.;	A contract shall be awarded on the sole basis of the award criterion for the most economically advantageous tender.;	

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Article 2, first paragraph, point (9)				
163	(9) the following Article 27a is inserted:	(9) the following Article 27a is inserted:	(9) the following Article 27a is inserted:	
Article 2, first paragraph, point (9), amending provision, first paragraph				
164	‘ Article 27a	‘ Article 27a	‘ Article 27a	
Article 2, first paragraph, point (9), amending provision, second paragraph				
165	Innovation partnership	Innovation partnership	Innovation partnership	
Article 2, first paragraph, point (9), amending provision, numbered paragraph (1), first subparagraph				
166	1. Any economic operator may submit a request to participate in innovation partnership following a contract notice by providing the information for qualitative selection that is requested by the contracting authority/entity.	1. Any economic operator may submit a request to participate in innovation partnership following a contract notice by providing the information for qualitative selection that is requested by the contracting authority/entity.	1. Any economic operator may submit a request to participate in innovation partnership following a contract notice by providing the information for qualitative selection that is requested by the contracting authority/entity.	
Article 2, first paragraph, point (9), amending provision, numbered paragraph (1), second subparagraph				
167	In the procurement documents, the contracting authority/entity shall identify the need for an innovative product, service or works that cannot be met by purchasing products, services or works already available on the market. It shall indicate which elements of	In the procurement documents, the contracting authority/entity shall identify the need for an innovative product, service or works that cannot be met by purchasing products, services or works already available on the market. It shall indicate which elements of	In the procurement documents, the contracting authority/entity shall identify the need for an innovative product, service or works that cannot be met by purchasing products, services or works already available on the market. It shall indicate which	

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	this description represent indicative minimum requirements that all tenders should meet. The information provided shall be sufficiently precise to enable economic operators to identify the nature and scope of the required solution and decide whether to request to participate in the procedure.	this description represent indicative minimum requirements that all tenders should meet. The information provided shall be sufficiently precise to enable economic operators to identify the nature and scope of the required solution and decide whether to request to participate in the procedure.	elements aspects of this description identified need represent indicative minimum requirements that all tenders should meet . The information provided shall be sufficiently precise to enable economic operators to identify the nature and scope of the required solution and decide whether to request to participate in the procedure.	
Article 2, first paragraph, point (9), amending provision, numbered paragraph (1), third subparagraph				
168	The contracting authority/entity may decide to set up the innovation partnership with one partner or with several partners conducting separate research and development activities.	The contracting authority/entity may decide to set up the innovation partnership with one partner or with several partners conducting separate research and development activities.	The contracting authority/entity may decide to set up the innovation partnership with one partner or with several partners conducting separate research and development activities.	
Article 2, first paragraph, point (9), amending provision, numbered paragraph (1), fourth subparagraph				
169	The minimum time limit for receipt of requests to participate shall be 30 days from the date on which the contract notice is sent. The contracting authority/entity shall assess the information provided by the economic operators and shall invite the suitable candidates to participate in the procedure. Contracting authorities/entities may limit the number of suitable candidates to	The minimum time limit for receipt of requests to participate shall be 30 days from the date on which the contract notice is sent. The contracting authority/entity shall assess the information provided by the economic operators and shall invite the suitable candidates to participate in the procedure <u>according to the objective rules and criteria that reflect these needs</u> . Contracting	The minimum time limit for receipt of requests to participate shall be 30 days from the date on which the contract notice is sent. The contracting authority/entity shall assess the information provided by the economic operators and shall invite the suitable candidates to participate in the procedure. Contracting authorities/entities may limit the number of suitable candidates to	

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	be invited to participate in the procedure. The contracts shall be awarded on the sole basis of the award criterion of the best price-quality ratio in accordance with Article 47.	authorities/entities may limit the number of suitable candidates to be invited to participate in the procedure. The contracts shall be awarded on the sole basis of the award criterion of the best price-quality ratio in accordance with Article 47.	be invited to participate in the procedure. The contracts shall be awarded on the sole basis of the award criterion of the best price-quality ratio in accordance with Article 47.	
Article 2, first paragraph, point (9), amending provision, numbered paragraph (2), first subparagraph				
170	2. The innovation partnership shall aim at the development of an innovative product, service or works and the subsequent purchase of the resulting supplies, services or works, provided that they correspond to the performance levels and maximum costs agreed between the contracting authorities/entities and the participants.	2. The innovation partnership shall aim at the development of an innovative product, service or works and the subsequent purchase of the resulting supplies, services or works, provided that they correspond to the performance levels and maximum costs agreed between the contracting authorities/entities and the participants.	2. The innovation partnership shall aim at the development of an innovative product, service or works and the subsequent purchase of the resulting supplies, services or works, provided that they correspond to the performance levels and maximum costs agreed between the contracting authorities/entities and the participants.	
Article 2, first paragraph, point (9), amending provision, numbered paragraph (2), second subparagraph				
171	The innovation partnership shall be structured in successive phases following the sequence of steps in the research and innovation process, which may include the manufacturing of the products, the provision of the services or the completion of the works. The innovation partnership shall set	The innovation partnership shall be structured in successive phases following the sequence of steps in the research and innovation process, which may include the manufacturing of the products, the provision of the services or the completion of the works. The innovation partnership shall set	The innovation partnership shall be structured in successive phases following the sequence of steps in the research and innovation process, which may include the manufacturing of the products, the provision of the services or the completion of the works. The innovation partnership shall set	

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	intermediate targets which should be attained by the partners and provide for payment of the remuneration in appropriate instalments.	intermediate targets which should be attained by the partners and provide for payment of the remuneration in appropriate instalments.	intermediate targets which should be attained by the partners and provide for payment of the remuneration in appropriate instalments.	
Article 2, first paragraph, point (9), amending provision, numbered paragraph (2), third subparagraph				
172	Based on those targets, the contracting authority/entity may decide after each phase to terminate the innovation partnership or, in the case of an innovation partnership with several partners, to reduce the number of partners by terminating individual contracts, provided that the contracting authority/entity has indicated in the procurement documents those possibilities and the conditions for their use.	Based on those targets, the contracting authority/entity may decide after each phase to terminate the innovation partnership or, in the case of an innovation partnership with several partners, to reduce the number of partners by terminating individual contracts, provided that the contracting authority/entity has indicated in the procurement documents those possibilities and the conditions for their use.	Based on those targets, the contracting authority/entity may decide after each phase to terminate the innovation partnership or, in the case of an innovation partnership with several partners, to reduce the number of partners by terminating individual contracts, provided that the contracting authority/entity has indicated in the procurement documents those possibilities and the conditions for their use.	
Article 2, first paragraph, point (9), amending provision, numbered paragraph (3), first subparagraph				
173	3. Unless otherwise provided for in this Article, contracting authorities/entities shall negotiate with tenderers the initial and all subsequent tenders submitted by them, except for the final tender, to improve the content thereof.	3. Unless otherwise provided for in this Article, contracting authorities/entities shall negotiate with tenderers the initial and all subsequent tenders submitted by them, except for the final tender, to improve the content thereof.	3. Unless otherwise provided for in this Article, contracting authorities/entities shall negotiate with tenderers the initial and all subsequent tenders submitted by them, except for the final tender, to improve the content thereof.	
Article 2, first paragraph, point (9), amending provision, numbered paragraph (3), second subparagraph				

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174	The minimum requirements and award criteria shall not be subject to negotiations.	The minimum requirements and award criteria shall not be subject to negotiations.	The minimum requirements and award criteria shall not be subject to negotiations.	
Article 2, first paragraph, point (9), amending provision, numbered paragraph (4), first subparagraph				
175	4. During the negotiations, contracting authorities/entities shall ensure the equal treatment of all tenderers. To that end, they shall not provide information in a discriminatory manner which may give some tenderers an advantage over others. They shall inform all tenderers whose tenders have not been eliminated, pursuant to paragraph 5, in writing of any changes to the technical specifications or other procurement documents. Following those changes, contracting authorities/entities shall provide sufficient time for tenderers to modify and re-submit amended tenders, as appropriate.	4. During the negotiations, contracting authorities/entities shall ensure the equal treatment of all tenderers. To that end, they shall not provide information in a discriminatory manner which may give some tenderers an advantage over others. They shall inform all tenderers whose tenders have not been eliminated, pursuant to paragraph 5, in writing of any changes to the technical specifications or other procurement documents. Following those changes, contracting authorities/entities shall provide sufficient time for tenderers to modify and re-submit amended tenders, as appropriate.	4. During the negotiations, contracting authorities/entities shall ensure the equal treatment of all tenderers. To that end, they shall not provide information in a discriminatory manner which may give some tenderers an advantage over others. They shall inform all tenderers whose tenders have not been eliminated, pursuant to paragraph 5, in writing of any changes to the technical specifications or other procurement documents. Following those changes, contracting authorities/entities shall provide sufficient time for tenderers to modify and re-submit amended tenders, as appropriate.	
Article 2, first paragraph, point (9), amending provision, numbered paragraph (4), second subparagraph				
176	In accordance with Article 6, contracting authorities/entities shall not reveal to the other participants confidential information communicated by a candidate or tenderer participating in the negotiations without its	In accordance with Article 6, contracting authorities/entities shall not reveal to the other participants confidential information communicated by a candidate or tenderer participating in the negotiations without its	In accordance with Article 6, contracting authorities/entities shall not reveal to the other participants confidential information communicated by a candidate or tenderer participating in the negotiations without its	

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	agreement. Such agreement shall not take the form of a general waiver but shall be given with reference to the intended communication of specific information.	agreement. Such agreement shall not take the form of a general waiver but shall be given with reference to the intended communication of specific information.	agreement. Such agreement shall not take the form of a general waiver but shall be given with reference to the intended communication of specific information.	
Article 2, first paragraph, point (9), amending provision, numbered paragraph (5)				
177	5. Negotiations during innovation partnership procedures may take place in successive stages in order to reduce the number of tenders to be negotiated by applying the award criteria specified in the contract notice, in the invitation to confirm interest or in the procurement documents. In the contract notice, the invitation to confirm interest or in the procurement documents, the contracting authority/entity shall indicate whether it will use that option. Before the end of an ongoing phase the contracting authority/entity may specify the award criteria and the maximum costs to be used to select the tenders participating in the following phase. Those award criteria and the maximum costs shall be proportionate to the expected results of the ongoing	5. Negotiations during innovation partnership procedures may take place in successive stages in order to reduce the number of tenders to be negotiated by applying the award criteria specified in the contract notice, in the invitation to confirm interest or in the procurement documents. In the contract notice, the invitation to confirm interest or in the procurement documents, the contracting authority/entity shall indicate whether it will use that option. Before the end of an ongoing phase the contracting authority/entity may specify the award criteria and the maximum costs to be used to select the tenders participating in the following phase. Those award criteria and the maximum costs shall be proportionate to the expected results of the ongoing	5. Negotiations during innovation partnership procedures may take place in successive stages in order to reduce the number of tenders to be negotiated by applying the award criteria specified in the contract notice, in the invitation to confirm interest or in the procurement documents. In the contract notice, the invitation to confirm interest or in the procurement documents, the contracting authority/entity shall indicate whether it will use that option. Before the end of an ongoing phase the contracting authority/entity may specify the award criteria and the maximum costs to be used to select the tenders participating in the following phase. Those award criteria and the maximum costs shall be proportionate to the expected results of the ongoing	

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	phase and to the objectives of the innovation partnership. In case a tenderer eliminated in a previous phase becomes eligible for the following phase as a result of those award criteria and the maximum costs such tenderer shall be invited to participate in the following phase.	phase and to the objectives of the innovation partnership. In case a tenderer eliminated in a previous phase becomes eligible for the following phase as a result of those award criteria and the maximum costs such tenderer shall be invited to participate in the following phase.	phase and to the objectives of the innovation partnership. In case a tenderer eliminated in a previous phase becomes eligible for the following phase as a result of those award criteria and the maximum costs such tenderer shall be invited to participate in the following phase.	
Article 2, first paragraph, point (9), amending provision, numbered paragraph (6), first subparagraph				
178	6. In selecting candidates, contracting authorities/entities shall in particular apply criteria concerning the candidates' capacity in the field of research and development and of developing and implementing innovative solutions.	6. In selecting candidates, contracting authorities/entities shall in particular apply criteria concerning the candidates' capacity in the field of research and development and of developing and implementing innovative solutions.	6. In selecting candidates, contracting authorities/entities shall in particular apply criteria concerning the candidates' capacity in the field of research and development and of developing and implementing innovative solutions.	
Article 2, first paragraph, point (9), amending provision, numbered paragraph (6), second subparagraph				
179	Only those economic operators invited by the contracting authority/entity following its assessment of the requested information may submit research and innovation projects aimed at meeting the needs identified by the contracting authority/entity that cannot be met by existing solutions.	Only those economic operators invited by the contracting authority/entity following its assessment of the requested information may submit research and innovation projects aimed at meeting the needs identified by the contracting authority/entity that cannot be met by existing solutions. <u>The selection process shall ensure equal treatment and fair competition, including for</u>	Only those economic operators invited by the contracting authority/entity following its assessment of the requested information may submit research and innovation projects aimed at meeting the needs identified by the contracting authority/entity that cannot be met by existing solutions.	

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		<i>dual-use providers, SMEs and operators from smaller Member States with developing industries.</i>		
Article 2, first paragraph, point (9), amending provision, numbered paragraph (6), third subparagraph				
180	In the procurement documents, the contracting authority/entity shall define the arrangements applicable to intellectual property rights. In the case of an innovation partnership with several partners, the contracting authority/entity shall not, in accordance with Article 6, reveal to the other partners solutions proposed or other confidential information communicated by a partner in the framework of the partnership without that partner's agreement. Such agreement shall not take the form of a general waiver but shall be given with reference to the intended communication of specific information.	In the procurement documents, the contracting authority/entity shall define the arrangements applicable to intellectual property rights. In the case of an innovation partnership with several partners, the contracting authority/entity shall not, in accordance with Article 6, reveal to the other partners solutions proposed or other confidential information communicated by a partner in the framework of the partnership without that partner's agreement. Such agreement shall not take the form of a general waiver but shall be given with reference to the intended communication of specific information.	In the procurement documents, the contracting authority/entity shall define the arrangements applicable to intellectual property rights. In the case of an innovation partnership with several partners, the contracting authority/entity shall not, in accordance with Article 6, reveal to the other partners solutions proposed or other confidential information communicated by a partner in the framework of the partnership without that partner's agreement. Such agreement shall not take the form of a general waiver but shall be given with reference to the intended communication of specific information.	
Article 2, first paragraph, point (9), amending provision, numbered paragraph (7)				
181	7. The contracting authority/entity shall ensure that the structure of the partnership and, in particular, the duration and value of the different phases reflect the degree of innovation of the proposed solution and the	7. The contracting authority/entity shall ensure that the structure of the partnership and, in particular, the duration and value of the different phases reflect the degree of innovation of the proposed solution and the	7. The contracting authority/entity shall ensure that the structure of the partnership and, in particular, the duration and value of the different phases reflect the degree of innovation of the proposed solution and the	

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	sequence of the research and innovation activities required for the development of an innovative solution not yet available on the market. The estimated value of supplies, services or works shall not be disproportionate in relation to the investment required for their development.;	sequence of the research and innovation activities required for the development of an innovative solution not yet available on the market. The estimated value of supplies, services or works shall not be disproportionate in relation to the investment required for their development.;	sequence of the research and innovation activities required for the development of an innovative solution not yet available on the market. The estimated value of supplies, services or works shall not be disproportionate in relation to the investment required for their development.;	
Article 2, first paragraph, point (10)				
182	(10) Article 28 is amended as follows:	(10) Article 28 is amended as follows:	(10) Article 28 is amended as follows:	
Article 2, first paragraph, point (10)(a)				
183	(a) point (1) is replaced by the following:	(a) point (1) is replaced by the following:	(a) point (1) is replaced by the following:	
Article 2, first paragraph, point (10)(a), amending provision, numbered paragraph (1)				
184	(1) for works contracts, supply contracts and service contracts:	(1) for works contracts, supply contracts and service contracts:	(1) for works contracts, supply contracts and service contracts:	
Article 2, first paragraph, point (10)(a), amending provision, numbered paragraph (1), point (a)				
185	(a) when no tenders or no suitable tenders or no applications have been submitted in response to an open procedure, a restricted procedure, a negotiated procedure with prior publication of a contract	(a) when no tenders or no suitable tenders or no applications have been submitted in response to an open procedure, a restricted procedure, a negotiated procedure with prior publication of a contract	(a) when no tenders or no suitable tenders or no applications have been submitted in response to an open procedure, a restricted procedure, a negotiated procedure with prior publication of a contract	

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	notice, a competitive dialogue or an innovation partnership, provided that the initial conditions of the contract are not substantially altered and on condition that a report is sent to the Commission, if it so requests;	notice, a competitive dialogue or an innovation partnership, provided that the initial conditions of the contract are not substantially altered and on condition that a report is sent to the Commission, if it so requests;	notice, a competitive dialogue or an innovation partnership, provided that the initial conditions of the contract are not substantially altered and on condition that a report is sent to the Commission, if it so requests;	
Article 2, first paragraph, point (10)(a), amending provision, numbered paragraph (1), point (b)				
186	(b) in the event of irregular tenders or the submission of tenders which are unacceptable under national provisions compatible with Articles 5, 19, 21 to 24 and Chapter VII of Title II, in response to an open procedure, a restricted procedure, a negotiated procedure with publication, a competitive dialogue or an innovation partnership, insofar as:	(b) in the event of irregular tenders or the submission of tenders which are unacceptable under national provisions compatible with Articles 5, 19, 21 to 24 and Chapter VII of Title II, in response to an open procedure, a restricted procedure, a negotiated procedure with publication, a competitive dialogue or an innovation partnership, insofar as:	(b) in the event of irregular tenders or the submission of tenders which are unacceptable under national provisions compatible with Articles 5, 19, 21 to 24 and Chapter VII of Title II, in response to an open procedure, a restricted procedure, a negotiated procedure with publication, a competitive dialogue or an innovation partnership, insofar as:	
Article 2, first paragraph, point (10)(a), amending provision, numbered paragraph (1), point (b)(i)				
187	(i) the original terms of the contract are not substantially altered, and	(i) the original terms of the contract are not substantially altered, and	(i) the original terms of the contract are not substantially altered, and	
Article 2, first paragraph, point (10)(a), amending provision, numbered paragraph (1), point (b)(ii)				
188	(ii) they include in the negotiated procedure all of, and only, the tenderers which satisfy the criteria of Articles 39 to 46 and which, during the prior open procedure restricted procedure,	(ii) they include in the negotiated procedure all of, and only, the tenderers which satisfy the criteria of Articles 39 to 46 and which, during the prior open procedure restricted procedure,	(ii) they include in the negotiated procedure all of, and only, the tenderers which satisfy the criteria of Articles 39 to 46 and which, during the prior open procedure restricted procedure,	

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	competitive dialogue or innovation partnership, had submitted tenders in accordance with the formal requirements of the tendering procedure;	competitive dialogue or innovation partnership, had submitted tenders in accordance with the formal requirements of the tendering procedure;	competitive dialogue or innovation partnership, had submitted tenders in accordance with the formal requirements of the tendering procedure;	
Article 2, first paragraph, point (10)(a), amending provision, numbered paragraph (1), point (c)				
189	(c) when the time-limits laid down for the open procedure, restricted procedure and negotiated procedure with publication of a contract notice, including the shortened time-limits referred to in Article 33(7), are incompatible with the urgency resulting from a crisis. This may apply for instance in the cases referred to in Article 23, second paragraph, point (d);	(c) when the time-limits laid down for the open procedure, restricted procedure and negotiated procedure with publication of a contract notice, including the shortened time-limits referred to in Article 33(7), are incompatible with the urgency resulting from a crisis. This may apply for instance in the cases referred to in Article 23, second paragraph, point (d);	(c) when the time-limits laid down for the open procedure, restricted procedure and negotiated procedure with publication of a contract notice, including the shortened time-limits referred to in Article 33(7), are incompatible with the urgency resulting from a crisis. This may apply for instance in the cases referred to in Article 23, second paragraph, point (d);	
Article 2, first paragraph, point (10)(a), amending provision, numbered paragraph (1), point (d)				
190	(d) insofar as is strictly necessary when, for reasons of extreme urgency brought about by events unforeseeable by the contracting authorities/entities in question, the time-limits for the open procedure, the restricted procedure or the negotiated procedure with publication of a contract notice, including the shortened time-limits as referred to in Article 33(7), cannot be	(d) insofar as is strictly necessary when, for reasons of extreme urgency brought about by events unforeseeable by the contracting authorities/entities in question, the time-limits for the open procedure, the restricted procedure or the negotiated procedure with publication of a contract notice, including the shortened time-limits as referred to in Article 33(7), cannot be	(d) insofar as is strictly necessary when, for reasons of extreme urgency brought about by events unforeseeable by the contracting authorities/entities in question, the time-limits for the open procedure, the restricted procedure or the negotiated procedure with publication of a contract notice, including the shortened time-limits as referred to in Article 33(7), cannot be	

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	complied with. The circumstances invoked to justify extreme urgency must not in any event be attributable to the contracting authority/entity;	complied with. The circumstances invoked to justify extreme urgency must not in any event be attributable to the contracting authority/entity;	complied with. The circumstances invoked to justify extreme urgency must not in any event be attributable to the contracting authority/entity;	
Article 2, first paragraph, point (10)(a), amending provision, numbered paragraph (1), point (e)				
191	(e) when, for technical reasons or reasons connected with the protection of exclusive rights, the contract may be awarded only to a particular economic operator;;	(e) when, for technical reasons or reasons connected with the protection of exclusive rights, the contract may be awarded only to a particular economic operator;;	(e) when, for technical reasons or reasons connected with the protection of exclusive rights, the contract may be awarded only to a particular economic operator;;	
Article 2, first paragraph, point (10)(b)				
192	(b) in point (2), the following point (c) is added:	(b) in point (2), the following point (c) is <u>points (c) and (ca) are</u> added:	(b) in point (2), the following point (c) is added:	
Article 2, first paragraph, point (10)(b), amending provision, numbered paragraph (c)				
193	(c) concluded after parallel competing research and development projects with several economic operators procured by a contracting authority/entity provided that all of the following conditions are fulfilled:	(c) concluded after parallel competing research and development projects with several economic operators procured by a contracting authority/entity provided that all of the following conditions are fulfilled:	(c) concluded after parallel competing research and development projects with several economic operators procured by a contracting authority/entity provided that all of the following conditions are fulfilled:	
Article 2, first paragraph, point (10)(b), amending provision, numbered paragraph (c), point (i)				

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194	(i) the parallel competing research and development contracts have been awarded by the contracting authority/entity procuring the products or services after a negotiated procedure with prior publication of a contract notice, a restricted procedure or an open procedure;	(i) the parallel competing research and development contracts have been awarded by the contracting authority/entity procuring the products or services after a negotiated procedure with prior publication of a contract notice, a restricted procedure or an open procedure;	(i) the parallel competing research and development contracts have been awarded by the contracting authority/entity procuring the products or services after a negotiated procedure with prior publication of a contract notice, a restricted procedure or an open procedure;	
Article 2, first paragraph, point (10)(b), amending provision, numbered paragraph (c), point (ii)				
195	(ii) the products or services procured are the result of one of the research and development contracts;	(ii) the products or services procured are the result of one of the research and development contracts;	(ii) the products or services procured are the result of one of the research and development contracts;	
Article 2, first paragraph, point (10)(b), amending provision, numbered paragraph (c), point (iii)				
196	(iii) the value of the products or services does not exceed 10 times the value of the research and development contract from which it results;	(iii) the value of the products or services does not exceed 10 ⁴⁰ times the value of the research and development contract from which it results;	(iii) the estimated value of the products or services does not exceed 10 times is not disproportionate in relation to the value of the research and investments made for their development contract from which it results;	
Article 2, first paragraph, point (10)(b), amending provision, numbered paragraph (c), point (iv)				
197	(iv) the contractors and their subcontractors are established, have their principal place of business, and perform the research and development contract and the supply contract using resources	(iv) the contractors and their subcontractors are established, have their principal place of business, and perform the research and development contract and the supply contract using resources	<i>deleted</i>	

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	located in a Member State or in a an EEA EFTA state;	located in a Member State or in an an EEA EFTA state <u>or in</u> <u>Ukraine</u> ;		
<i>Article 2, first paragraph, point (10)(b), amending provision, numbered paragraph (c), point (v)</i>				
198	(v) the executive management structures of the contractors and their subcontractors are established in the Union, in an EEA EFTA State, or in Ukraine;	(v) the executive management structures of the contractors and their subcontractors are established in the Union, in an EEA EFTA State, or in Ukraine;	<i>deleted</i>	
<i>Article 2, first paragraph, point (10)(b), amending provision, numbered paragraph (c), point (vi)</i>				
199	(vi) the contractors and the subcontractors are not subject to control by a third country which is not an EEA EFTA State or Ukraine or by a third-country entity which is not established in an EEA EFTA State;	(vi) the contractors and the subcontractors are not subject to control by a third country which is not an EEA EFTA State or Ukraine or by a third-country entity which is not established in an EEA EFTA State;	<i>deleted</i>	
<i>Article 2, first paragraph, point (10)(b), amending provision, numbered paragraph (c), point (vii)</i>				
200	(vii) the products have been designed in the Union, an EEA EFTA State, or Ukraine and are not subject to control or restriction by a third country which is not an EEA EFTA State or Ukraine or by a third-country entity which is not established in an EEA EFTA State or in Ukraine;; ,	(vii) the products have been designed in the Union, an EEA EFTA State, or Ukraine and are not subject to control or restriction by a third country which is not an EEA EFTA State or Ukraine or by a third-country entity which is not established in an EEA EFTA State or in Ukraine;;	<i>deleted</i>	

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Article 2, first paragraph, point (10)(b), amending provision, numbered paragraph (c), point (ca)				
200a		<p><u>(ca) by way of derogation from point 2 (c) (vi), a legal entity established in the Union, in an EEA EFTA State or Ukraine and controlled by another third country or by another third-country entity may be eligible as a contractor or subcontractor if guarantees approved with the national procedures of a Member State in which it is established, such as adequate measures pursuant to screenings, as set out in Article 2, point (3), of Regulation (EU) 2019/452, are made available to the Commission. The guarantees referred to in the first subpoint of this point shall provide assurances that the involvement in an action of a legal entity as referred to in that subpoint would not contravene the security and defence interests of the Union and its Member States as established in the framework of the Common Foreign and Security Policy (CFSP) pursuant to Title V of the Treaty on European Union (TEU),</u></p>		

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		<u><i>including respect for the principle of good neighbourly relations.</i></u> ;		
Article 2, first paragraph, point (10)(c)				
201	(c) in point (3) the following point (d) is added.	(c) in point (3) the following point (d) is added.	(c) in point (3) (2) the following point (d) is added.	
Article 2, first paragraph, point (10)(c), amending provision, numbered paragraph (d), first subparagraph				
202	(d) for the common procurement of military equipment concluded prior to 1 January 2031 by contracting authorities/entities from at least three Member States, provided that all of the following conditions are fulfilled:	(d) for the common procurement of military equipment concluded prior to 1 January 2031 by contracting authorities/entities from at least three Member States, provided that all of the following conditions are fulfilled:	(d) for the common procurement of military or sensitive equipment concluded conducted prior to 1 January 2031 by contracting authorities/entities from at least three two Member States, where the invitation to tender was sent to the tenderers prior to 1 October 2030 provided that all of the following conditions are fulfilled:	
Article 2, first paragraph, point (10)(c), amending provision, numbered paragraph (d), first subparagraph, point (i)				
203	(i) the contracting authorities/entities from the Member States concerned procure identical defence products or products subject only to minor modifications;	(i) the contracting authorities/entities from the Member States concerned procure identical defence products or products subject only to minor modifications;	(i) the contracting authorities/entities from the Member States concerned procure identical defence products or products military or sensitive equipment or equipment subject only to minor modifications;	

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Article 2, first paragraph, point (10)(c), amending provision, numbered paragraph (d), first subparagraph, point (ii)				
204	(ii) the contract covers at least joint maintenance for the procured defence products in addition to the procurement of the defence products. The requirement for the contract covering joint maintenance may be waived in case the procured defence product typically does not require maintenance;	(ii) the contract covers at least joint maintenance for the procured defence products in addition to the procurement of the defence products. The requirement for the contract covering joint maintenance may be waived <u>only</u> in case the procured defence product typically does not require maintenance;	(ii) the contract covers at least joint maintenance for the procured defence products military or sensitive equipment in addition to the procurement of the defence products equipment . The requirement for the contract covering joint maintenance may be waived in case the procured defence product military or sensitive equipment typically does not require maintenance;	
Article 2, first paragraph, point (10)(c), amending provision, numbered paragraph (d), first subparagraph, point (iii)				
205	(iii) the contractors involved in the common procurement shall be established and have their executive management structures in the Union, in an EEA EFTA State or in Ukraine. They shall not be subject to control by a third country which is not an EEA EFTA State or Ukraine or by another third-country entity which is not established in the Union, in an EEA EFTA State or in Ukraine;	(iii) the contractors involved in the common procurement shall be established and have their executive management structures in the Union, in an EEA EFTA State or in Ukraine. They shall not be subject to control by a third country which is not an EEA EFTA State or Ukraine or by another third-country entity which is not established in the Union, in an EEA EFTA State or in Ukraine;	<i>deleted</i>	
Article 2, first paragraph, point (10)(c), amending provision, numbered paragraph (d), first subparagraph, point (iv)				
206	(iv) Article 16(5), (6) and (9) of Regulation (EU) 2025/1106 of	(iv) <u>by way of derogation from point 3 (d) (iii), a legal entity established in the Union, in an</u>	<i>deleted</i>	

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	the Council* apply insofar as they refer to contractors;	<p><u>EEA EFTA State or Ukraine and controlled by another third country or by another third-country entity may be eligible as a contractor if guarantees approved with the national procedures of a Member State in which it is established, such as adequate measures pursuant to screenings, as set out in Article 16(5), (6) and (9)2, point (3), of Regulation (EU) 2025/11062019/452, are made available to the Commission. The guarantees shall provide assurances that the involvement in an action of a legal entity would not contravene the security and defence interests of the Council* apply insofar as they refer to contractors</u> Union and its Member States as established in the framework of the Common Foreign and Security Policy (CFSP) pursuant to Title V of the Treaty on European Union (TEU), including respect for the principle of good neighbourly relations. The guarantees shall in particular substantiate that, for the purposes of an action, measures are in place to ensure that: (a) control over the legal</p>		

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		<u>entity is not exercised in a manner that restrains or restricts its ability to carry out the action and to deliver results; (b) access by a third-country which is not an EEA, EFTA State or Ukraine or by a third-country entity which is not established in an EEA, EFTA State or Ukraine to sensitive or classified information relating to the action is prevented and the employees or other persons involved in the action have national security clearance issued by a Member State, an EEA, EFTA State or Ukraine, where appropriate;</u>		
Article 2, first paragraph, point (10)(c), amending provision, numbered paragraph (d), first subparagraph, point (v)				
207	(v) the contractors involved in the common procurement may be considered to fulfil the eligibility conditions referred to in point (ii) and (iii) where they have fulfilled equivalent conditions under Regulations (EU) 2018/1092**, (EU) 2021/697***, (EU) 2023/1525**** or (EU) 2023/2418***** of the European Parliament and of the Council and provided that no subsequent	(v) the contractors involved in the common procurement may be considered to fulfil the eligibility conditions referred to in point (ii) and (iii) where they have fulfilled equivalent conditions under Regulations <u>(EU) 2025/XXX EDIP</u> , (EU) 2018/1092**, (EU) 2021/697***, (EU) 2023/1525**** or (EU) 2023/2418***** of the European Parliament and of the Council and provided that no subsequent	<i>deleted</i>	

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	changes call into question the fulfilment of those conditions;	changes call into question the fulfilment of those conditions;		
<i>Article 2, first paragraph, point (10)(c), amending provision, numbered paragraph (d), first subparagraph, point (vi)</i>				
208	(vi) the infrastructure, facilities, assets and resources of the contractors and subcontractors involved in the common procurement which are used for the purposes of the common procurement shall be located in the territory of a Member State or an EEA EFTA State. Where contractors or subcontractors involved in the common procurement have no readily available alternatives or relevant infrastructure, facilities, assets and resources on the territory of a Member State or an EEA EFTA State, they may use their infrastructure, facilities, assets and resources which are located or held outside those territories, provided that such use does not contravene the security and defence interests of the Union and its Member States;	(vi) the infrastructure, facilities, assets and resources of the contractors and subcontractors involved in the common procurement which are used for the purposes of the common procurement shall be located in the territory of a Member State or , an EEA EFTA State <u>or Ukraine</u> . Where contractors or subcontractors involved in the common procurement have no readily available alternatives or relevant infrastructure, facilities, assets and resources on the territory of a Member State or , an EEA EFTA State <u>or Ukraine</u> , they may use their infrastructure, facilities, assets and resources which are located or held outside those territories, provided that such use does not contravene the security and defence interests of the Union and its Member States;	<i>deleted</i>	
<i>Article 2, first paragraph, point (10)(c), amending provision, numbered paragraph (d), first subparagraph, point (vii)</i>				
209	(vii) the cost of components originating outside the Union or an EEA EFTA States shall not be	(vii) the cost of components originating outside the Union or an , <u>the</u> EEA EFTA States,	<i>deleted</i>	

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	higher than 35 % of the estimated cost of the components of the end product;’;	<u>Albania, Canada, Japan, Moldova, North Macedonia, Norway, South Korea, Ukraine and the United Kingdom</u> shall not be higher than 35 % of the estimated cost of the components of the end product;’;		
<i>Article 2, first paragraph, point (10)(c), amending provision, numbered paragraph (d), second subparagraph</i>				
210	_____	_____	<i>deleted</i>	
<i>Article 2, first paragraph, point (10)(c), amending provision, numbered paragraph (d), third subparagraph</i>				
211	* Council Regulation (EU) 2025/1106 of 27 May 2025 establishing the Security Action for Europe (SAFE) through the Reinforcement of the European Defence Industry Instrument (OJ L, 2025/1106, 28.5.2025, ELI: http://data.europa.eu/eli/reg/2025/1106/oj).	* Council Regulation (EU) 2025/1106 of 27 May 2025 establishing the Security Action for Europe (SAFE) through the Reinforcement of the European Defence Industry Instrument (OJ L, 2025/1106, 28.5.2025, ELI: http://data.europa.eu/eli/reg/2025/1106/oj).	<i>deleted</i>	
<i>Article 2, first paragraph, point (10)(c), amending provision, numbered paragraph (d), fourth subparagraph</i>				
212	** Regulation (EU) 2018/1092 of the European Parliament and of the Council of 18 July 2018 establishing the European Defence Industrial Development Programme aiming at supporting the competitiveness and innovation capacity of the Union's	** Regulation (EU) 2018/1092 of the European Parliament and of the Council of 18 July 2018 establishing the European Defence Industrial Development Programme aiming at supporting the competitiveness and innovation capacity of the Union's	<i>deleted</i>	

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	defence industry (OJ L 200, 7.8.2018, p. 30–43, ELI: http://data.europa.eu/eli/reg/2018/1092/oj).	defence industry (OJ L 200, 7.8.2018, p. 30–43, ELI: http://data.europa.eu/eli/reg/2018/1092/oj).		
<i>Article 2, first paragraph, point (10)(c), amending provision, numbered paragraph (d), fifth subparagraph</i>				
213	*** Regulation (EU) 2021/697 of the European Parliament and of the Council of 29 April 2021 establishing the European Defence Fund and repealing Regulation (EU) 2018/1092 (OJ L 170, 12.5.2021, p. 149, ELI: http://data.europa.eu/eli/reg/2021/697/oj).	*** Regulation (EU) 2021/697 of the European Parliament and of the Council of 29 April 2021 establishing the European Defence Fund and repealing Regulation (EU) 2018/1092 (OJ L 170, 12.5.2021, p. 149, ELI: http://data.europa.eu/eli/reg/2021/697/oj).	<i>deleted</i>	
<i>Article 2, first paragraph, point (10)(c), amending provision, numbered paragraph (d), sixth subparagraph</i>				
214	**** Regulation (EU) 2023/1525 of the European Parliament and of the Council of 20 July 2023 on supporting ammunition production (ASAP) (OJ L 185, 24.7.2023, p. 7, ELI: http://data.europa.eu/eli/reg/2023/1525/oj).	**** Regulation (EU) 2023/1525 of the European Parliament and of the Council of 20 July 2023 on supporting ammunition production (ASAP) (OJ L 185, 24.7.2023, p. 7, ELI: http://data.europa.eu/eli/reg/2023/1525/oj).	<i>deleted</i>	
<i>Article 2, first paragraph, point (10)(d)</i>				
215	(d) point (4)(b) is replaced by the following:	(d) point (4)(b) is replaced by the following:	(d) point (4)(b) is replaced by the following:	
<i>Article 2, first paragraph, point (10)(d), amending provision, numbered paragraph (b)</i>				

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216	‘ (b) for new works or services consisting in the repetition of similar works or services entrusted to the economic operator to which the same contracting authorities/entities awarded an original contract, provided that such works or services are in conformity with a basic project for which the original contract was awarded according to the open procedure, the restricted procedure, the negotiated procedure with publication of a contract notice, a competitive dialogue, or an innovation partnership.	‘ (b) for new works or services consisting in the repetition of similar works or services entrusted to the economic operator to which the same contracting authorities/entities awarded an original contract, provided that such works or services are in conformity with a basic project for which the original contract was awarded according to the open procedure, the restricted procedure, the negotiated procedure with publication of a contract notice, a competitive dialogue, or an innovation partnership.	‘ (b) for new works or services consisting in the repetition of similar works or services entrusted to the economic operator to which the same contracting authorities/entities awarded an original contract, provided that such works or services are in conformity with a basic project for which the original contract was awarded according to the open procedure, the restricted procedure, the negotiated procedure with publication of a contract notice, a competitive dialogue, or an innovation partnership.	
Article 2, first paragraph, point (10)(d), amending provision, second paragraph				
217	As soon as the first project is put up for tender, the possible use of this procedure shall be disclosed, and the total estimated cost of subsequent works or services shall be taken into consideration by the contracting authorities/entities when they apply Article 8.	As soon as the first project is put up for tender, the possible use of this procedure shall be disclosed, and the total estimated cost of subsequent works or services shall be taken into consideration by the contracting authorities/entities when they apply Article 8.	As soon as the first project is put up for tender, the possible use of this procedure shall be disclosed, and the total estimated cost of subsequent works or services shall be taken into consideration by the contracting authorities/entities when they apply Article 8.	
Article 2, first paragraph, point (10)(d), amending provision, third paragraph				
218	This procedure may be used only during the five years following the conclusion of the original contract,	This procedure may be used only during the five years following the conclusion of the original contract,	This procedure may be used only during the five ten years following the conclusion of the original	

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	except in exceptional circumstances determined by taking into account the expected service life of any delivered items, installations or systems, and the technical difficulties which a change of supplier may cause;; ,	except in exceptional circumstances determined by taking into account the expected service life of any delivered items, installations or systems, and the technical difficulties which a change of supplier may cause;; ,	contract, except in exceptional circumstances determined by taking into account the expected service life of any delivered items, installations or systems, and the technical difficulties which a change of supplier may cause;; ,	
Article 2, first paragraph, point (10)(e)				
219	(e) point (5) is replaced by the following:	(e) point (5) is replaced by the following:	(e) point (5) is replaced by the following:	
Article 2, first paragraph, point (10)(e), amending provision, numbered paragraph (5)				
220	‘ (5) for contracts related to the provision of air and maritime transport services for the armed forces or security forces of a Member State deployed or to be deployed abroad, when the contracting authority/entity has to procure such services from economic operators that guarantee the validity of their tenders only for such short periods that the time-limits for the open procedure, the restricted procedure or the negotiated procedure with publication of a contract notice, including the shortened time-limits	‘ (5) for contracts related to the provision of air and maritime transport services for the armed forces or security forces of a Member State deployed or to be deployed abroad, when the contracting authority/entity has to procure such services from economic operators that guarantee the validity of their tenders only for such short periods that the time-limits for the open procedure, the restricted procedure or the negotiated procedure with publication of a contract notice, including the shortened time-limits	‘ (5) for contracts related to the provision of air and maritime transport services for the armed forces or security forces of a Member State deployed or to be deployed abroad, when the contracting authority/entity has to procure such services from economic operators that guarantee the validity of their tenders only for such short periods that the time-limits for the open procedure, the restricted procedure or the negotiated procedure with publication of a contract notice, including the shortened time-limits	

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	as referred to in Article 33(7), cannot be complied with.;	as referred to in Article 33(7), cannot be complied with.;	as referred to in Article 33(7), cannot be complied with.;	
Article 2, first paragraph, point (11)				
221	(11) in Article 29(2), the fourth subparagraph is replaced by the following:	(11) in Article 29(2) <u>29 is amended as follows: (a) in paragraph 2</u> , the fourth subparagraph is replaced by the following:	(11) in Article 29(2), the fourth subparagraph is replaced by the following:	
Article 2, first paragraph, point (11), amending provision, first paragraph				
222	‘The term of a framework agreement may not exceed 10 years, except in exceptional circumstances determined by taking into account the expected service life of any delivered items, installations or systems, and the technical difficulties which a change of supplier may cause.;	‘The term of a framework agreement may not exceed 10 years, except in exceptional circumstances determined by taking into account the expected service life of any delivered items, installations or systems, and the technical difficulties which a change of supplier may cause.;	‘The term of a framework agreement may not exceed 10 years, except in exceptional circumstances determined by taking into account the expected service life of any delivered items, installations or systems, and the technical difficulties which a change of supplier may cause.;	
Article 2, first paragraph, point (11)(b), amending provision, numbered paragraph (4a)				
222a		<u>(b) the following paragraph is added:</u> <u>‘4a. Notwithstanding paragraphs 2, 3 and 4, a contracting authority/entity from another Member State may, with the</u>		

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u>agreement of the contracting authorities/entities already involved and the selected tenderer or candidate and where the terms of the framework agreement so allow, join an existing framework agreement during its period of validity. Such participation shall not entail substantial modifications to the essential terms of the framework agreement. The possibility of such accession may be provided for in the original procurement documents or agreed upon subsequently where justified by considerations of interoperability, efficiency, or the synchronisation of capability life cycles. ';</u>		
Article 2, first paragraph, point (12)				
223	(12) the following Article 29a is inserted in Title II, Chapter V:	(12) the following Article 29a is inserted in Title II, Chapter V:	(12) the following Article 29a is inserted in Title II, Chapter V:	
Article 2, first paragraph, point (12), amending provision, first paragraph				
224	‘ Article 29a	‘ Article 29a	‘ Article 29a	
Article 2, first paragraph, point (12), amending provision, second paragraph				
225	Dynamic purchasing system	Dynamic purchasing system	Dynamic purchasing system	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 2, first paragraph, point (12), amending provision, numbered paragraph (1)				
226	<p>1. For commonly used purchases the characteristics of which, as generally available on the market, meet the requirements of the contracting authorities/entities, contracting authorities/entities may use a dynamic purchasing system. The dynamic purchasing system shall be operated as a completely electronic process and shall be open throughout the period of validity of the purchasing system to any economic operator that satisfies the selection criteria. It may be divided into categories of products, works or services that are objectively defined on the basis of characteristics of the procurement to be undertaken under the category concerned. Such characteristics may include reference to the maximum allowable size of the subsequent specific contracts or to a specific geographic area in which subsequent specific contracts will be performed.</p>	<p>1. For commonly used purchases the characteristics of which, as generally available on the market, meet the requirements of the contracting authorities/entities, contracting authorities/entities may use a dynamic purchasing system. The dynamic purchasing system shall be operated as a completely electronic process and shall be open throughout the period of validity of the purchasing system to any economic operator that satisfies the selection criteria. It may be divided into categories of products, works or services that are objectively defined on the basis of characteristics of the procurement to be undertaken under the category concerned. Such characteristics may include reference to the maximum allowable size of the subsequent specific contracts or to a specific geographic area in which subsequent specific contracts will be performed.</p>	<p>1. For commonly used purchases the characteristics of which, as generally available on the market, meet the requirements of the contracting authorities/entities, contracting authorities/entities may use a dynamic purchasing system. The dynamic purchasing system shall be operated as a completely electronic process and shall be open throughout the period of validity of the purchasing system to any economic operator that satisfies the selection criteria. It may be divided into categories of products, works or services that are objectively defined on the basis of characteristics of the procurement to be undertaken under the category concerned. Such characteristics may include reference to the maximum allowable size of the subsequent specific contracts or to a specific geographic area in which subsequent specific contracts will be performed.</p>	
Article 2, first paragraph, point (12), amending provision, numbered paragraph (2), first subparagraph				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
227	2. In order to procure under a dynamic purchasing system, contracting authorities/entities shall follow the rules of the restricted procedure. All candidates satisfying the selection criteria shall be admitted to the system. Where contracting authorities/entities have divided the system into categories of products, works or services in accordance with paragraph 1 of this Article, they shall specify the applicable selection criteria for each category.	2. In order to procure under a dynamic purchasing system, contracting authorities/entities shall follow the rules of the restricted procedure. All candidates satisfying the selection criteria shall be admitted to the system. Where contracting authorities/entities have divided the system into categories of products, works or services in accordance with paragraph 1 of this Article, they shall specify the applicable selection criteria for each category.	2. In order to procure under a dynamic purchasing system, contracting authorities/entities shall follow the rules of the restricted procedure. All candidates satisfying the selection criteria shall be admitted to the system, and the number of candidates to be admitted to the system shall not be limited in accordance with Article 38(3). Where contracting authorities/entities have divided the system into categories of products, works or services in accordance with paragraph 1 of this Article, they shall specify the applicable selection criteria for each category.	
Article 2, first paragraph, point (12), amending provision, numbered paragraph (2), second subparagraph				
228	Notwithstanding Article 33, the following time limits shall apply:	Notwithstanding Article 33, the following time limits shall apply:	Notwithstanding Article 33, the following time limits shall apply:	
Article 2, first paragraph, point (12), amending provision, numbered paragraph (2), second subparagraph, point (a)				
229	(a) the minimum time limit for receipt of requests to participate shall be 30 days from the date on which the contract notice or, where a prior information notice is used as a means of calling for competition, the invitation to confirm interest is	(a) the minimum time limit for receipt of requests to participate shall be 30 days from the date on which the contract notice or, where a prior information notice is used as a means of calling for competition, the invitation to confirm interest is	(a) the minimum time limit for receipt of requests to participate shall be 30 days from the date on which the contract notice or, where a prior information notice is used as a means of calling for competition, the invitation to confirm interest is	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	sent. No further time limits for receipt of requests to participate shall apply once the invitation to tender for the first specific procurement under the dynamic purchasing system has been sent;	sent. No further time limits for receipt of requests to participate shall apply once the invitation to tender for the first specific procurement under the dynamic purchasing system has been sent;	sent. No further time limits for receipt of requests to participate shall apply once the invitation to tender for the first specific procurement under the dynamic purchasing system has been sent;	
Article 2, first paragraph, point (12), amending provision, numbered paragraph (2), second subparagraph, point (b)				
230	(b) the minimum time limit for receipt of tenders shall be at least 10 days from the date on which the invitation to tender is sent.	(b) the minimum time limit for receipt of tenders shall be at least 10 days from the date on which the invitation to tender is sent.	(b) the minimum time limit for receipt of tenders shall be at least 10 days from the date on which the invitation to tender is sent.	
Article 2, first paragraph, point (12), amending provision, numbered paragraph (3)				
231	3. All communications in the context of a dynamic purchasing system shall only be made by electronic means.	3. All communications in the context of a dynamic purchasing system shall only be made by electronic means.	3. All communications in the context of a dynamic purchasing system shall only be made by electronic means.	
Article 2, first paragraph, point (12), amending provision, numbered paragraph (4)				
232	4. For the purposes of awarding contracts under a dynamic purchasing system, contracting authorities/entities shall:	4. For the purposes of awarding contracts under a dynamic purchasing system, contracting authorities/entities shall:	4. For the purposes of awarding contracts under a dynamic purchasing system, contracting authorities/entities shall:	
Article 2, first paragraph, point (12), amending provision, numbered paragraph (4), point (a)				
233	(a) publish a call for competition making it clear that a dynamic purchasing system is involved;	(a) publish a call for competition making it clear that a dynamic purchasing system is involved <u>and the reason for it;</u>	(a) publish a call for competition making it clear that a dynamic purchasing system is involved;	
Article 2, first paragraph, point (12), amending provision, numbered paragraph (4), point (b)				

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234	(b) indicate in the procurement documents at least the nature and estimated quantity of the purchases envisaged, as well as all the necessary information concerning the dynamic purchasing system, including how the dynamic purchasing system operates, the electronic equipment used and the technical connection arrangements and specifications;	(b) indicate in the procurement documents at least the nature and estimated quantity of the purchases envisaged, as well as all the necessary information concerning the dynamic purchasing system, including how the dynamic purchasing system operates, the electronic equipment used and the technical connection arrangements and specifications;	(b) indicate in the procurement documents at least the nature and estimated quantity of the purchases envisaged, as well as all the necessary information concerning the dynamic purchasing system, including how the dynamic purchasing system operates, the electronic equipment used and the technical connection arrangements and specifications;	
Article 2, first paragraph, point (12), amending provision, numbered paragraph (4), point (c)				
235	(c) indicate any division into categories of products, works or services and the characteristics defining them;	(c) indicate any division into categories of products, works or services and the characteristics defining them;	(c) indicate any division into categories of products, works or services and the characteristics defining them;	
Article 2, first paragraph, point (12), amending provision, numbered paragraph (4), point (d)				
236	(d) offer unrestricted and full direct access, as long as the system is valid, to the procurement documents.	(d) offer unrestricted and full direct access, as long as the system is valid, to the procurement documents.	(d) offer unrestricted and full direct access, as long as the system is valid, to the procurement documents.	
Article 2, first paragraph, point (12), amending provision, numbered paragraph (5), first subparagraph				
237	5. Contracting authorities/entities shall give any economic operator, throughout the entire period of validity of the dynamic purchasing system, the possibility of requesting to participate in the system under the conditions provided for in	5. Contracting authorities/entities shall give any economic operator, throughout the entire period of validity of the dynamic purchasing system, the possibility of requesting to participate in the system under the conditions provided for in	5. Contracting authorities/entities shall give any economic operator, throughout the entire period of validity of the dynamic purchasing system, the possibility of requesting to participate in the system under the conditions provided for in	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	paragraph 2. Contracting authorities/entities shall finalise their assessment of such requests in accordance with the selection criteria within 10 working days following their receipt. That deadline may be prolonged to 15 working days in individual cases where justified, in particular because of the need to examine additional documentation or to otherwise verify whether the selection criteria are met.	paragraph 2. Contracting authorities/entities shall finalise their assessment of such requests in accordance with the selection criteria within 10 working days following their receipt. That deadline may be prolonged to 15 working days in individual cases where justified, in particular because of the need to examine additional documentation or to otherwise verify whether the selection criteria are met.	paragraph 2. Contracting authorities/entities shall finalise their assessment of such requests in accordance with the selection criteria within 10 working days following their receipt. That deadline may be prolonged to 15 working days in individual cases where justified, in particular because of the need to examine additional documentation or to otherwise verify whether the selection criteria are met.	
Article 2, first paragraph, point (12), amending provision, numbered paragraph (5), second subparagraph				
238	Notwithstanding the first subparagraph, as long as the invitation to tender for the first specific procurement under the dynamic purchasing system has not been sent, contracting authorities/entities may extend the evaluation period provided that no invitation to tender is issued during the extended evaluation period. Contracting authorities/entities shall indicate in the procurement documents the length of the extended period that they intend to apply.	Notwithstanding the first subparagraph, as long as the invitation to tender for the first specific procurement under the dynamic purchasing system has not been sent, contracting authorities/entities may extend the evaluation period provided that no invitation to tender is issued during the extended evaluation period. Contracting authorities/entities shall indicate in the procurement documents the length of the extended period that they intend to apply.	Notwithstanding the first subparagraph, as long as the invitation to tender for the first specific procurement under the dynamic purchasing system has not been sent, contracting authorities/entities may extend the evaluation period provided that no invitation to tender is issued during the extended evaluation period. Contracting authorities/entities shall indicate in the procurement documents the length of the extended period that they intend to apply.	
Article 2, first paragraph, point (12), amending provision, numbered paragraph (5), third subparagraph				

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239	Contracting authorities/entities shall inform the economic operator concerned at the earliest possible opportunity of whether or not it has been admitted to the dynamic purchasing system.	Contracting authorities/entities shall inform the economic operator concerned at the earliest possible opportunity of whether or not it has been admitted to the dynamic purchasing system <u>and the reasons why</u> .	Contracting authorities/entities shall inform the economic operator concerned at the earliest possible opportunity of whether or not it has been admitted to the dynamic purchasing system.	
Article 2, first paragraph, point (12), amending provision, numbered paragraph (6), first subparagraph				
240	6. Contracting authorities/entities shall invite all admitted participants to submit a tender for each specific procurement under the dynamic purchasing system, in accordance with Article 34. Where the dynamic purchasing system has been divided into categories of works, products or services, contracting authorities/entities shall invite all participants having been admitted to the category corresponding to the specific procurement concerned to submit a tender.	6. Contracting authorities/entities shall invite all admitted participants to submit a tender for each specific procurement under the dynamic purchasing system, in accordance with Article 34. Where the dynamic purchasing system has been divided into categories of works, products or services, contracting authorities/entities shall invite all participants having been admitted to the category corresponding to the specific procurement concerned to submit a tender.	6. Contracting authorities/entities shall invite all admitted participants to submit a tender for each specific procurement under the dynamic purchasing system, in accordance with Article 34. Where the dynamic purchasing system has been divided into categories of works, products or services, contracting authorities/entities shall invite all participants having been admitted to the category corresponding to the specific procurement concerned to submit a tender.	
Article 2, first paragraph, point (12), amending provision, numbered paragraph (6), second subparagraph				
241	They shall award the contract to the tenderer that submitted the best tender on the basis of the award criteria set out in the contract notice for the dynamic purchasing system or, where a prior	They shall award the contract to the tenderer that submitted the best tender on the basis of the <u>price and quality</u> award criteria set out in the contract notice for the dynamic purchasing system <u>in</u>	They shall award the contract to the tenderer that submitted the best tender on the basis of the award criteria set out in the contract notice for the dynamic purchasing system or, where a prior	

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	information notice is used as a means of calling for competition, in the invitation to confirm interest. Those criteria may, where appropriate, be formulated more precisely in the invitation to tender.	<u>accordance with Article 47</u> or, where a prior information notice is used as a means of calling for competition, in the invitation to confirm interest. Those criteria may <u>shall</u> , where appropriate <u>applicable</u> , be formulated more precisely in the invitation to tender.	information notice is used as a means of calling for competition, in the invitation to confirm interest. Those criteria may, where appropriate, be formulated more precisely in the invitation to tender.	
Article 2, first paragraph, point (12), amending provision, numbered paragraph (7)				
242	7. Contracting authorities/entities shall indicate the period of validity of the dynamic purchasing system in the call for competition. They shall notify the Commission of any change in the period of validity, using the following standard forms:	7. Contracting authorities/entities shall indicate the period of validity of the dynamic purchasing system in the call for competition. They shall notify the Commission of any change in the period of validity, using the following standard forms:	7. Contracting authorities/entities shall indicate the period of validity of the dynamic purchasing system in the call for competition. They shall notify the Commission of any change in the period of validity, using the following standard forms:	
Article 2, first paragraph, point (12), amending provision, numbered paragraph (7), point (a)				
243	(a) where the period of validity is changed without terminating the system, the form used initially for the call for competition for the dynamic purchasing system;	(a) where the period of validity is changed without terminating the system, the form used initially for the call for competition for the dynamic purchasing system;	(a) where the period of validity is changed without terminating the system, the form used initially for the call for competition for the dynamic purchasing system;	
Article 2, first paragraph, point (12), amending provision, numbered paragraph (7), point (b)				
244	(b) where the system is terminated, a contract award notice referred to in Article 30(3).	(b) where the system is terminated, a contract award notice referred to in Article 30(3).	(b) where the system is terminated, a contract award notice referred to in Article 30(3).	

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Article 2, first paragraph, point (12), amending provision, numbered paragraph (7a)				
244a			7a. Contracting authorities/entities may, at any time during the period of validity of the dynamic purchasing system, require admitted participants to submit sufficient proof related to the criteria for qualitative selection.	
Article 2, first paragraph, point (12), amending provision, numbered paragraph (8)				
245	8. No charges may be billed prior to or during the period of validity of the dynamic purchasing system to the economic operators interested in or party to the dynamic purchasing system.;	8. No charges may be billed prior to or during the period of validity of the dynamic purchasing system to the economic operators interested in or party to the dynamic purchasing system.;	8. No charges may be billed prior to or during the period of validity of the dynamic purchasing system to the economic operators interested in or party to the dynamic purchasing system.;	
Article 2, first paragraph, point (13)				
246	(13) Article 30 is amended as follows:	(13) Article 30 is amended as follows:	(13) Article 30 is amended as follows:	
Article 2, first paragraph, point (13)(a)				
247	(a) paragraph 2 is replaced by the following:	(a) paragraph 2 is replaced by the following:	(a) paragraph 2 is replaced by the following:	
Article 2, first paragraph, point (13)(a), amending provision, numbered paragraph (2)				
248	2. Contracting authorities/entities which intend to award a contract or a framework	2. Contracting authorities/entities which intend to award a contract or a framework	2. Contracting authorities/entities which intend to award a contract or a framework	

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	agreement by open procedure, restricted procedure, negotiated procedure with the publication of a contract notice, competitive dialogue or innovation partnership shall make known their intention by means of a contract notice.;	agreement by open procedure, restricted procedure, negotiated procedure with the publication of a contract notice, competitive dialogue or innovation partnership shall make known their intention by means of a contract notice.;	agreement by open procedure, restricted procedure, negotiated procedure with the publication of a contract notice, competitive dialogue or innovation partnership shall make known their intention by means of a contract notice.;	
Article 2, first paragraph, point (13)(b)				
249	(b) the following paragraph 2a is inserted:	(b) the following paragraph 2a is inserted:	(b) the following paragraph 2a is inserted:	
Article 2, first paragraph, point (13)(b), amending provision, numbered paragraph (2a)				
250	‘ 2a. Contracting authorities/entities shall send a contract award notice within 30 days after the award of each contract based on a dynamic purchasing system. They may, however, group such notices on a quarterly basis. In that case, they shall send the grouped notices within 30 days of the end of each quarter.;	‘ 2a. Contracting authorities/entities shall send a contract award notice within 30 days after the award of each contract based on a dynamic purchasing system. They may, however, group such notices on a quarterly basis. In that case, they shall send the grouped notices within 30 days of the end of each quarter.;	‘ 2a. Contracting authorities/entities shall send a contract award notice within 30 days after the award of each contract based on a dynamic purchasing system. They may, however, group such notices on a quarterly basis. In that case, they shall send the grouped notices within 30 days of the end of each quarter.;	
Article 2, first paragraph, point (14)				
251	(14) in Article 33, paragraph 2 is replaced by the following:	(14) in Article 33, paragraph 2 is replaced by the following:	(14) in Article 33, paragraph 2 is replaced by the following:	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 2, first paragraph, point (14), amending provision, numbered paragraph (2), first subparagraph				
252	‘ 2. In restricted procedures, negotiated procedures with the publication of a contract notice, use of a competitive dialogue and use of innovation partnership the minimum time-limit for receipt of requests to participate shall be 37 days from the date on which the contract notice is sent.	‘ 2. In restricted procedures, negotiated procedures with the publication of a contract notice, use of a competitive dialogue and use of innovation partnership the minimum time-limit for receipt of requests to participate shall be 37 days from the date on which the contract notice is sent.	‘ 2. In restricted procedures, negotiated procedures with the publication of a contract notice, use of a competitive dialogue and use of innovation partnership the minimum time-limit for receipt of requests to participate shall be 37 days from the date on which the contract notice is sent.	
Article 2, first paragraph, point (14), amending provision, numbered paragraph (2), second subparagraph				
253	In the case of restricted procedures, the minimum time-limit for the receipt of tenders shall be 40 days from the date on which the invitation is sent.;	In the case of restricted procedures, the minimum time-limit for the receipt of tenders shall be 40 days from the date on which the invitation is sent.;	In the case of restricted procedures, the minimum time-limit for the receipt of tenders shall be 40 days from the date on which the invitation is sent and in case of open procedure, the time-limit for receipt of tenders shall be 35 days from the date on which the contract notice is sent.;	
Article 2, first paragraph, point (14a)				
253a			(14a) In Article 33, paragraph 7 is replaced by the following:	
Article 2, first paragraph, point (14a), amending provision, first paragraph				
253b			‘	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			7. In the case of open procedure, restricted procedures and negotiated procedures with publication of a contract notice, where urgency renders impracticable the minimum time-limits laid down in this Article, contracting authorities/entities may fix:	
Article 2, first paragraph, point (14a), amending provision, first paragraph, point (a)				
253c			(a) a time-limit for receipt of requests to participate which shall not be less than 15 days from the date on which the contract notice is dispatched, or less than 10 days if the notice was sent by electronic means, in accordance with the format and procedure for sending notices set out in point 3 of Annex VI;	
Article 2, first paragraph, point (14a), amending provision, first paragraph, point (b)				
253d			(b) in the case of restricted procedures, a time-limit for receipt of tenders which shall not be less than 10 days from the date of the invitation to tender, and	
Article 2, first paragraph, point (14a), amending provision, first paragraph, point (c)				
253e			(c) in case of open procedure, a time-limit for	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			receipt of tenders which shall not be less than 15 days from the date on which the contract notice was sent or less than 10 days if the notice was sent by electronic means, in accordance with the format and procedure for sending notices set out in point 3 of Annex VI.	
Article 2, first paragraph, point (15)				
254	(15) in Article 34, paragraph 1 is replaced by the following:	(15) in Article 34, paragraph 1 is replaced by the following:	(15) in Article 34, paragraph 1 is replaced by the following:	
Article 2, first paragraph, point (15), amending provision, numbered paragraph (1)				
255	‘ 1. In restricted procedures, negotiated procedures with the publication of a contract notice, competitive dialogues, and innovation partnerships, the contracting authorities/entities shall simultaneously and in writing invite the selected candidates to submit their tenders or to negotiate, in the case of a competitive dialogue, to take part in the dialogue, or, in case of an innovation partnership, to submit a request to participate.;’	‘ 1. In restricted procedures, negotiated procedures with the publication of a contract notice, competitive dialogues, and innovation partnerships, the contracting authorities/entities shall simultaneously and in writing invite the selected candidates to submit their tenders or to negotiate, in the case of a competitive dialogue, to take part in the dialogue, or, in case of an innovation partnership, to submit a request to participate.;’	‘ 1. In restricted procedures, negotiated procedures with the publication of a contract notice, competitive dialogues, and innovation partnerships, the contracting authorities/entities shall simultaneously and in writing invite the selected candidates to submit their tenders, or to negotiate , in the case of a competitive dialogue, to take part in the dialogue, or, in case of an innovation partnership, to submit a request to participate.;	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 2, first paragraph, point (16)				
256	(16) Article 35 is amended as follows:	(16) Article 35 is amended as follows:	(16) Article 35 is amended as follows:	
Article 2, first paragraph, point (16)(a)				
257	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	
Article 2, first paragraph, point (16)(a), amending provision, numbered paragraph (1)				
258	<p>1. The contracting authorities/entities shall, at the earliest opportunity, inform candidates and tenderers of decisions reached concerning the award of a contract, the conclusion of a framework agreement or admittance to a dynamic purchasing system, including the grounds for any decision not to award a contract, not to conclude a framework agreement for which there has been competitive tendering or to recommence the procedure or not to implement a dynamic purchasing system; that information shall be given in writing upon request to the contracting authorities/entities.;</p>	<p>1. The contracting authorities/entities shall, at the earliest opportunity, inform candidates and tenderers of decisions reached concerning the award of a contract, the conclusion of a framework agreement or admittance to a dynamic purchasing system, including the grounds for any decision not to award a contract, not to conclude a framework agreement for which there has been competitive tendering or to recommence the procedure or not to implement a dynamic purchasing system; that information shall be given in writing upon request to the contracting authorities/entities.;</p>	<p>1. The contracting authorities/entities shall, at the earliest opportunity, inform candidates and tenderers of decisions reached concerning the award of a contract, the conclusion of a framework agreement or admittance to a dynamic purchasing system, including the grounds for any decision not to award a contract, not to conclude a framework agreement for which there has been competitive tendering or to recommence the procedure or not to implement a dynamic purchasing system; that information shall be given in writing upon request to the contracting authorities/entities.;</p>	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 2, first paragraph, point (16)(b)				
259	(b) paragraph 3 is replaced by the following:	(b) paragraph 3 is replaced by the following:	(b) paragraph 3 is replaced by the following:	
Article 2, first paragraph, point (16)(b), amending provision, numbered paragraph (3)				
260	3. Contracting authorities/entities may decide to withhold certain information on the contract award, the conclusion of the framework agreements or admittance to a dynamic purchasing system referred to in paragraph 1 where release of such information would impede law enforcement or otherwise be contrary to the public interest, in particular defence and/or security interests, would prejudice the legitimate commercial interests of economic operators, whether public or private, or might prejudice fair competition between them.	3. Contracting authorities/entities may decide to withhold certain information on the contract award, the conclusion of the framework agreements or admittance to a dynamic purchasing system referred to in paragraph 1 where release of such information would impede law enforcement or otherwise be contrary to the public interest, in particular defence and/or security interests, would prejudice the legitimate commercial interests of economic operators, whether public or private, or might prejudice fair competition between them.	3. Contracting authorities/entities may decide to withhold certain information on the contract award, the conclusion of the framework agreements or admittance to a dynamic purchasing system referred to in paragraph 1 where release of such information would impede law enforcement or otherwise be contrary to the public interest, in particular defence and/or security interests, would prejudice the legitimate commercial interests of economic operators, whether public or private, or might prejudice fair competition between them.	
Article 2, first paragraph, point (16a)				
260a			(16a) In Article 38, paragraph 3 (1. sentence) is replaced by the following:	
Article 2, first paragraph, point (16a), amending provision, numbered paragraph (1)				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
260b			<p>‘</p> <p>3. In restricted procedures, negotiated procedures with publication of a contract notice, competitive dialogues and innovation partnerships, contracting authorities/entities may limit the number of suitable candidates they will invite to tender or with which they will conduct a dialogue. In this case:</p> <p>’</p>	
Article 2, first paragraph, point (16b)				
260c			<p>(16b) In Article 38, paragraph 5 is replaced by the following:</p>	
Article 2, first paragraph, point (16b), amending provision, numbered paragraph (1)				
260d			<p>‘</p> <p>5. Where the contracting authorities/entities exercise the option of reducing the number of solutions to be discussed or of tenders to be negotiated, as provided for in Article 26(3), Article 27(4) and Article 27a(2) and (5), they shall do so by applying the award criteria stated in the contract notice or the contract documents. In the final stage, the number arrived at shall make for genuine</p>	

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			competition insofar as there are enough solutions or suitable candidates.	
Article 2, first paragraph, point (16c)				
260e			(16c) In Article 42, the following paragraph 7 is inserted:	
Article 2, first paragraph, point (16c), amending provision, first paragraph				
260f			<p>7. In the case of works contracts, service contracts and siting or installation operations in the context of a supply contract, contracting authorities/entities may require that certain critical tasks be performed directly by the tenderer itself or, where the tender is submitted by a group of economic operators as referred to in Article 5(2), by a participant in that group.</p>	
Article 2, first paragraph, point (17)				
261	(17) the following articles 46a and 46b are inserted in Title II, Chapter VII, Section 2:	(17) the following articles 46a and 46b are inserted in Title II, Chapter VII, Section 2:	<i>deleted</i>	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
<i>Article 2, first paragraph, point (17), amending provision, first paragraph</i>				
262	Article 46a	Article 46a	<i>deleted</i>	
<i>Article 2, first paragraph, point (17), amending provision, second paragraph</i>				
263	Reduction of the number of otherwise qualified candidates to be invited to participate	Reduction of the number of otherwise qualified candidates to be invited to participate	<i>deleted</i>	
<i>Article 2, first paragraph, point (17), amending provision, numbered paragraph (1)</i>				
264	1. In restricted procedures, negotiated procedures with publication of a contract notice, competitive dialogue procedures and innovation partnerships, contracting authorities/entities may limit the number of candidates meeting the selection criteria that they will invite to tender or to conduct a dialogue, provided the minimum number, in accordance with paragraph 2, of qualified candidates is available.	1. In restricted procedures, negotiated procedures with publication of a contract notice, competitive dialogue procedures and innovation partnerships, contracting authorities/entities may limit the number of candidates meeting the selection criteria that they will invite to tender or to conduct a dialogue, provided the minimum number, in accordance with paragraph 2, of qualified candidates is available.	<i>deleted</i>	
<i>Article 2, first paragraph, point (17), amending provision, numbered paragraph (2), first subparagraph</i>				
265	2. The contracting authorities/entities shall indicate, in the contract notice or in the invitation to confirm interest, the objective and non-discriminatory criteria or rules they intend to	2. The contracting authorities/entities shall indicate, in the contract notice or in the invitation to confirm interest, the objective and non-discriminatory criteria or rules they intend to	<i>deleted</i>	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	apply, the minimum number of candidates they intend to invite and, where appropriate, the maximum number.	apply, the minimum number of candidates they intend to invite and, where appropriate, the maximum number.		
<i>Article 2, first paragraph, point (17), amending provision, numbered paragraph (2), second subparagraph</i>				
266	In the restricted procedure the minimum number of candidates shall be five. In the negotiated procedure with publication of a contract notice, in the competitive dialogue procedure and in the innovation partnership the minimum number of candidates shall be three. In any event the number of candidates invited shall be sufficient to ensure genuine competition.	In the restricted procedure the minimum number of candidates shall be five. In the negotiated procedure with publication of a contract notice, in the competitive dialogue procedure and in the innovation partnership the minimum number of candidates shall be three. In any event the number of candidates invited shall be sufficient to ensure genuine competition.	<i>deleted</i>	
<i>Article 2, first paragraph, point (17), amending provision, numbered paragraph (2), third subparagraph</i>				
267	The contracting authorities/entities shall invite a number of candidates at least equal to the minimum number. However, where the number of candidates meeting the selection criteria and the minimum levels of ability as referred to in Article 38(3) is below the minimum number, the contracting authority/entity may continue the procedure by inviting the candidates with the required capabilities. In the context of the	The contracting authorities/entities shall invite a number of candidates at least equal to the minimum number. However, where the number of candidates meeting the selection criteria and the minimum levels of ability as referred to in Article 38(3) is below the minimum number, the contracting authority/entity may continue the procedure by inviting the candidates with the required capabilities. In the context of the	<i>deleted</i>	

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	same procedure, the contracting authority/entity shall not include economic operators that did not request to participate, or candidates that do not have the required capabilities.	same procedure, the contracting authority/entity shall not include economic operators that did not request to participate, or candidates that do not have the required capabilities.		
<i>Article 2, first paragraph, point (17), amending provision, fifth paragraph</i>				
268	Article 46b	Article 46b	<i>deleted</i>	
<i>Article 2, first paragraph, point (17), amending provision, sixth paragraph</i>				
269	Reduction of the number of tenders and solutions	Reduction of the number of tenders and solutions	<i>deleted</i>	
<i>Article 2, first paragraph, point (17), amending provision, seventh paragraph</i>				
270	Where contracting authorities/entities exercise the option of reducing the number of tenders to be negotiated as provided for in Article 26(3) or of solutions to be discussed as provided for in Article 27(4), they shall do so by applying the award criteria stated in the procurement documents. In the final stage, the number arrived at shall make for genuine competition in so far as there are enough tenders, solutions or qualified candidates.;	Where contracting authorities/entities exercise the option of reducing the number of tenders to be negotiated as provided for in Article 26(3) or of solutions to be discussed as provided for in Article 27(4), they shall do so by applying the award criteria stated in the procurement documents. In the final stage, the number arrived at shall make for genuine competition in so far as there are enough tenders, solutions or qualified candidates.;	<i>deleted</i>	

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<i>Article 2, first paragraph, point (18)</i>				
271	(18) the following Article 49a is inserted in Title II, Chapter VII, Section 3:	(18) the following Article 49a is inserted in Title II, Chapter VII, Section 3:	(18) the following Article 49a is inserted in Title II, Chapter VII, Section 3:	
<i>Article 2, first paragraph, point (18), amending provision, first paragraph</i>				
272	Article 49a	Article 49a	Article 49a	
<i>Article 2, first paragraph, point (18), amending provision, second paragraph</i>				
273	Modification of contracts during their term	Modification of contracts during their term	Modification of contracts during their term	
<i>Article 2, first paragraph, point (18), amending provision, numbered paragraph (1), first subparagraph</i>				
274	1. Contracts and framework agreements may be modified without a new procurement procedure in accordance with this Directive in any of the following cases:	1. Contracts and framework agreements may be modified without a new procurement procedure in accordance with this Directive in any of the following cases:	1. Contracts and framework agreements may be modified without a new procurement procedure in accordance with this Directive in any of the following cases:	
<i>Article 2, first paragraph, point (18), amending provision, numbered paragraph (1), first subparagraph, point (a)</i>				
275	(a) where the modifications, irrespective of their monetary value, have been provided for in the initial procurement documents in clear, precise and unequivocal review clauses, which may include price revision clauses, or options. Such clauses shall state the scope and nature of possible	(a) where the modifications, irrespective of their monetary value, have been provided for in the initial procurement documents in clear, precise and unequivocal review clauses, which may include price revision clauses, or options. Such clauses shall state the scope and nature of possible	(a) where the modifications, irrespective of their monetary value, have been provided for in the initial procurement documents in clear, precise and unequivocal review clauses, which may include price revision clauses, or options. Such clauses shall state the scope and nature of possible	

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	modifications or options as well as the conditions under which they may be used. They shall not provide for modifications or options that would alter the overall nature of the contract or the framework agreement;	modifications or options as well as the conditions under which they may be used. They shall not provide for modifications or options that would alter the overall nature of the contract or the framework agreement;	modifications or options as well as the conditions under which they may be used. They shall not provide for modifications or options that would alter the overall nature of the contract or the framework agreement;	
Article 2, first paragraph, point (18), amending provision, numbered paragraph (1), first subparagraph, point (b)				
276	(b) for additional works, services or supplies by the original contractor that have become necessary and that were not included in the initial procurement where a change of contractor:	(b) for additional works, services or supplies by the original contractor that have become necessary and that were not included in the initial procurement where a change of contractor:	(b) for additional works, services or supplies by the original contractor that have become necessary and that were not included in the initial procurement where a change of contractor:	
Article 2, first paragraph, point (18), amending provision, numbered paragraph (1), first subparagraph, point (b)(i)				
277	(i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement; and	(i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement; and	(i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement; and	
Article 2, first paragraph, point (18), amending provision, numbered paragraph (1), first subparagraph, point (b)(ii)				
278	(ii) would cause significant inconvenience or substantial duplication of costs for the contracting authority/entity;	(ii) would cause <u>proven</u> significant inconvenience or substantial duplication of costs for the contracting authority/entity;	(ii) would cause significant inconvenience or substantial duplication of costs for the contracting authority/entity;	
Article 2, first paragraph, point (18), amending provision, numbered paragraph (1), second subparagraph				

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279	However, any increase in price shall not exceed 50 % of the value of the original contract. Where several successive modifications are made, that limitation shall apply to the value of each modification. Such consecutive modifications shall not be aimed at circumventing this Directive;	However, any increase in price shall not exceed 50 % of the value of the original contract. Where several successive modifications are made, that limitation shall apply to the value of each modification. Such consecutive modifications shall not be aimed at circumventing this Directive;	However, any increase in price shall not exceed 50 % of the value of the original contract. Where several successive modifications are made, that limitation shall apply to the value of each modification. Such consecutive modifications shall not be aimed at circumventing this Directive;	
Article 2, first paragraph, point (18), amending provision, numbered paragraph (1), second subparagraph, point (c)				
280	(c) where all of the following conditions are fulfilled:	(c) where all of the following conditions are fulfilled:	(c) where all of the following conditions are fulfilled:	
Article 2, first paragraph, point (18), amending provision, numbered paragraph (1), second subparagraph, point (c)(i)				
281	(i) the need for modification has been brought about by circumstances which a diligent contracting authority/entity could not foresee;	(i) the need for modification has been brought about by circumstances which a diligent contracting authority/entity could not foresee;	(i) the need for modification has been brought about by circumstances which a diligent contracting authority/entity could not foresee;	
Article 2, first paragraph, point (18), amending provision, numbered paragraph (1), second subparagraph, point (c)(ii)				
282	(ii) the modification does not alter the overall nature of the contract;	(ii) the modification does not alter the overall nature of the contract;	(ii) the modification does not alter the overall nature of the contract;	
Article 2, first paragraph, point (18), amending provision, numbered paragraph (1), second subparagraph, point (c)(iii)				
283	(iii) any increase in price is not higher than 50 % of the value of the original contract or framework agreement. Where several successive modifications are made, that limitation shall apply to	(iii) any increase in price is not higher than 50 % of the value of the original contract or framework agreement. Where several successive modifications are made, that limitation shall apply to	(iii) any increase in price is not higher than 50 % of the value of the original contract or framework agreement. Where several successive modifications are made, that limitation shall apply to	

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	the value of each modification. Such consecutive modifications shall not be aimed at circumventing this Directive;	the value of each modification. Such consecutive modifications shall not be aimed at circumventing this Directive;	the value of each modification. Such consecutive modifications shall not be aimed at circumventing this Directive;	
Article 2, first paragraph, point (18), amending provision, numbered paragraph (1), second subparagraph, point (d)				
284	(d) where a new contractor replaces the one to which the contracting authority/entity had initially awarded the contract as a consequence of either:	(d) where a new contractor replaces the one to which the contracting authority/entity had initially awarded the contract as a consequence of either:	(d) where a new contractor replaces the one to which the contracting authority/entity had initially awarded the contract as a consequence of either:	
Article 2, first paragraph, point (18), amending provision, numbered paragraph (1), second subparagraph, point (d)(iv)				
285	(iv) an unequivocal review clause or option in conformity with point (a);	(iv) an unequivocal review clause or option in conformity with point (a);	(iv) (i) an unequivocal review clause or option in conformity with point (a);	
Article 2, first paragraph, point (18), amending provision, numbered paragraph (1), second subparagraph, point (d)(v)				
286	(v) universal or partial succession into the position of the initial contractor, following corporate restructuring, including takeover, merger, acquisition or insolvency, of another economic operator that fulfils the criteria for qualitative selection initially established provided that this does not entail other substantial modifications to the contract and is not aimed at circumventing the application of this Directive; or	(v) universal or partial succession into the position of the initial contractor, following corporate restructuring, including takeover, merger, acquisition or insolvency, of another economic operator that fulfils the criteria for qualitative selection initially established provided that this does not entail other substantial modifications to the contract and is not aimed at circumventing the application of this Directive; or	(v) (ii) universal or partial succession into the position of the initial contractor, following corporate restructuring, including takeover, merger, acquisition or insolvency, of another economic operator that fulfils the criteria for qualitative selection initially established provided that this does not entail other substantial modifications to the contract and is not aimed at circumventing the application of this Directive; or	
Article 2, first paragraph, point (18), amending provision, numbered paragraph (1), second subparagraph, point (d)(vi)				

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287	(vi) in the event that the contracting authority/entity itself assumes the main contractor's obligations towards its subcontractors where this possibility is provided for under national legislation pursuant to Article 21;	(vi) in the event that the contracting authority/entity itself assumes the main contractor's obligations towards its subcontractors where this possibility is provided for under national legislation pursuant to Article 21;	(viii) in the event that the contracting authority/entity itself assumes the main contractor's obligations towards its subcontractors where this possibility is provided for under national legislation pursuant to Article 21;	
Article 2, first paragraph, point (18), amending provision, numbered paragraph (1), second subparagraph, point (e)				
288	(e) where the modifications, irrespective of their value, are not substantial within the meaning of paragraph 2.	(e) where the modifications, irrespective of their value, are not substantial within the meaning of paragraph 2 ³ .	(e) where the modifications, irrespective of their value, are not substantial within the meaning of paragraph 2 ⁴ .	
Article 2, first paragraph, point (18), amending provision, numbered paragraph (1), third subparagraph				
289	Contracting authorities/entities having modified a contract in the cases referred to in point (b) and (c) shall publish a notice to that effect in the Official Journal of the European Union. Such notice shall contain mutatis mutandis the information required in a contract award notice.	Contracting authorities/entities having modified a contract in the cases referred to in point (b) and (c) shall publish a notice to that effect in the Official Journal of the European Union. Such notice shall contain mutatis mutandis the information required in a contract award notice.	Contracting authorities/entities having modified a contract in the cases referred to in point (b) and (c) of this paragraph shall publish a notice to that effect in the Official Journal of the European Union. Such notice shall contain mutatis mutandis the information required in a contract award notice.	
Article 2, first paragraph, point (18), amending provision, numbered paragraph (1a), first subparagraph				
289a			1a. Furthermore, and without any need to verify whether the conditions set out under points (a) to (d) of paragraph 3 are met, contracts	

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			may equally be modified without a new procurement procedure in accordance with this Directive being necessary where the value of the modification is below both of the following values:	
Article 2, first paragraph, point (18), amending provision, numbered paragraph (1a), first subparagraph, point (a)				
289b			(a) the thresholds set out in Article 8; and	
Article 2, first paragraph, point (18), amending provision, numbered paragraph (1a), first subparagraph, point (b)				
289c			(b) 10 % of the initial contract value for service and supply contracts and below 15 % of the initial contract value for works contracts.	
Article 2, first paragraph, point (18), amending provision, numbered paragraph (1a), second subparagraph				
289d			However, the modification may not alter the overall nature of the contract or framework agreement. Where several successive modifications are made, the value shall be assessed on the basis of the net cumulative value of the successive modifications.	
Article 2, first paragraph, point (18), amending provision, numbered paragraph (2)				
290	2. For the purpose of the calculation of the price mentioned in paragraph 1, points (b) and (c),	2. For the purpose of the calculation of the price mentioned in paragraph 1, points (b) and (c),	2. For the purpose of the calculation of the price mentioned in paragraph 1, points (b) and (c),	

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	the updated price shall be the reference value when the contract includes an indexation clause	the updated price shall be the reference value when the contract includes an indexation clause	the updated price shall be the reference value when the contract includes an indexation clause	
Article 2, first paragraph, point (18), amending provision, numbered paragraph (3)				
291	3. A modification of a contract or a framework agreement during its term shall be considered to be substantial within the meaning of paragraph 1, point (e), where it renders the contract or the framework agreement materially different in character from the one initially concluded. In any event, without prejudice to paragraphs 1 and 2, a modification shall be considered to be substantial where one or more of the following conditions is met:	3. A modification of a contract or a framework agreement during its term shall be considered to be substantial within the meaning of paragraph 1, point (e), where it renders the contract or the framework agreement materially different in character from the one initially concluded. In any event, without prejudice to paragraphs 1 and 2, a modification shall be considered to be substantial where one or more of the following conditions is met:	3. A modification of a contract or a framework agreement during its term shall be considered to be substantial within the meaning of paragraph 1, point (e), where it renders the contract or the framework agreement materially different in character from the one initially concluded. In any event, without prejudice to paragraphs 1 and 2, a modification shall be considered to be substantial where one or more of the following conditions is met:	
Article 2, first paragraph, point (18), amending provision, numbered paragraph (3), point (a)				
292	(a) the modification introduces conditions which, had they been part of the initial procurement procedure, would have allowed for the admission of other candidates than those initially selected or for the acceptance of a tender other than that originally accepted or would have attracted additional participants in the procurement procedure;	(a) the modification introduces conditions which, had they been part of the initial procurement procedure, would have allowed for the admission of other candidates than those initially selected or for the acceptance of a tender other than that originally accepted or would have attracted additional participants in the procurement procedure;	(a) the modification introduces conditions which, had they been part of the initial procurement procedure, would have allowed for the admission of other candidates than those initially selected or for the acceptance of a tender other than that originally accepted or would have attracted additional participants in the procurement procedure;	

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Article 2, first paragraph, point (18), amending provision, numbered paragraph (3), point (b)				
293	(b) the modification changes the economic balance of the contract or the framework agreement in favour of the contractor in a manner which was not provided for in the initial contract or framework agreement;	(b) the modification changes the economic balance of the contract or the framework agreement in favour of the contractor in a manner which was not provided for in the initial contract or framework agreement;	(b) the modification changes the economic balance of the contract or the framework agreement in favour of the contractor in a manner which was not provided for in the initial contract or framework agreement;	
Article 2, first paragraph, point (18), amending provision, numbered paragraph (3), point (c)				
294	(c) the modification extends the scope of the contract or framework agreement considerably;	(c) the modification extends the scope of the contract or framework agreement considerably;	(c) the modification extends the scope of the contract or framework agreement considerably;	
Article 2, first paragraph, point (18), amending provision, numbered paragraph (3), point (d)				
295	(d) where a new contractor replaces the one to which the contracting authority/entity had initially awarded the contract in other cases than those referred to in paragraph 1, point (d).	(d) where a new contractor replaces the one to which the contracting authority/entity had initially awarded the contract in other cases than those referred to in paragraph 1, point (d).	(d) where a new contractor replaces the one to which the contracting authority/entity had initially awarded the contract in other cases than those referred to in paragraph 1, point (d).	
Article 2, first paragraph, point (18), amending provision, numbered paragraph (4)				
296	4. A new procurement procedure in accordance with this Directive shall be required for other modifications of the provisions of a public contract or a framework agreement during its term than those provided for under paragraph 1.;	4. A new procurement procedure in accordance with this Directive shall be required for other modifications of the provisions of a public contract or a framework agreement during its term than those provided for under paragraph 1.;	4. A new procurement procedure in accordance with this Directive shall be required for other modifications of the provisions of a public contract or a framework agreement during its term than those provided for under paragraph 1.;	

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Article 2, first paragraph, point (18a)				
296a			(18a) In Article 52, paragraph 6, ‘seven years’ is replaced by ‘ten years’;	
Article 2, first paragraph, point (18b)				
296b			(18b) In Article 55, paragraph 1 is replaced by the following:	
Article 2, first paragraph, point (18b), amending provision, first paragraph				
296c			‘ 1. The review procedures provided for in this Title apply to the contracts referred to in Article 2, including framework agreements and dynamic purchasing systems, subject to the exceptions provided for in Articles 12 and 13. ’	
Article 2, first paragraph, point (18c)				
296d			(18c) In Article 58 (c), first sentence is replaced by the following: ’	
Article 2, first paragraph, point (18c), amending provision, first paragraph				

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
296e			‘ in the case of a contract based on a framework agreement as provided for in Article 29 and in the case of a contract based on a dynamic purchasing system as provided for in Article 29a. ’	
Article 2, first paragraph, point (18e)				
296f			(18d) In Article 60, paragraph 1, point (c) is replaced by the following:	
Article 2, first paragraph, point (18e), amending provision, point (a)				
296g			‘ (c) in the cases referred to in the second subparagraph of Article 58(c), where Member States have invoked the derogation from the standstill period for contracts based on a framework agreement or a dynamic purchasing system. ’	
Article 2, first paragraph, point (18f)				
296h			(18e) Title V is replaced by the following:	
Article 2, first paragraph, point (18f), amending provision, first paragraph				

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296i			‘ EXECUTORY POWERS AND FINAL PROVISIONS ’	
Article 2, first paragraph, point (19)				
297	(19) Articles 65, 66 and 68 are deleted.	(19) Articles 65, 66 and 68 are <u>Article 68 is</u> deleted.	(19) Articles 65, 66 and 68 and 66 are deleted.	
Article 2, first paragraph, point (19a), amending provision, Articles 65 and 66				
297a		<u>(19a) Articles 65 and 66 are replaced by the following:</u>		
Article 2, first paragraph, point (19a), amending provision, Article 65				
297b		‘ <u>Article 65</u> <u>Statistical obligations</u>		
Article 2, first paragraph, point (19a), amending provision, Article 65, first paragraph				
297c		<u>In order to permit assessment of the results of applying this Directive, the European Defence Agency with the support of Member States shall forward to the Commission and Parliament a statistical report, prepared in accordance with Article 66, addressing supply, services and works contracts awarded by contracting authorities/entities during the preceding year, by no later than 31 October of each</u>		

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		<u>year. By way of derogation, the obligation set out in paragraph 1 shall be temporarily suspended until 31 December 2030, corresponding to the Union's defence readiness planning horizon. During the suspension period, the Commission shall, in cooperation with the European Defence Agency and Member States, review the necessity, proportionality and effectiveness of the statistical reporting mechanism referred to in paragraph. The Commission shall submit a review report to the European Parliament and to the Council no later than 30 June 2030, accompanied, where appropriate, by legislative proposals to maintain, amend, or permanently discontinue such statistical reporting obligations. Expenditure to which the implementation of this article gives rise shall be charged to the Union budget.</u>		
Article 2, first paragraph, point (19a), amending provision, Article 66				
297d		<u>Article 66</u> <u>Content of the statistical report</u>		
Article 2, first paragraph, point (19a), amending provision, Article 66, first paragraph				

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297e				<p><u>The statistical report prepared by the European Defence Agency shall specify the number and value of contracts awarded, by Member State or third country of the successful tenderer. It shall address, separately, supply, services and works contracts. The data referred to in the first paragraph shall be broken down by procedure used and shall specify, for each procedure, supplies, services and works identified by group of the CPV nomenclature. Where contracts have been concluded in accordance with the negotiated procedure without publication of a contract notice, the data referred to in the first paragraph shall also be broken down by the circumstances referred to in Article 28. The content of the statistical report shall be determined in accordance with the advisory procedure referred to in Article 67(2).’.</u></p>				
Article 2, first paragraph, point (19a)								

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297f			(19a) Article 68 is replaced by the following:	
Article 2, first paragraph, point (19a), amending provision, first paragraph				
297g			<p>1. The Commission may revise the thresholds laid down in Article 8 of this Directive by increasing the thresholds by up to 20 % or decreasing the thresholds by up to 10 %, no earlier than [two years after the adoption of the Omnibus amending directive].</p>	
Article 2, first paragraph, point (19a), amending provision, second paragraph				
297h			The subsequent revisions of the thresholds laid down in Article 8 of this Directive may be carried out by the Commission no earlier than two years after the prior revision.	
Article 2, first paragraph, point (19a), amending provision, third paragraph				
297i			The Commission is empowered to adopt delegated acts in accordance with Article 66a amending the thresholds as provided for in the first subparagraph.	
Article 2, first paragraph, point (19a), amending provision, fourth paragraph				

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297j			Where it is necessary to revise the thresholds as provided for in the first subparagraph, and time constraints prevent the use of the procedure set in Article 66a and therefore imperative grounds of urgency so require, the procedure provided for in Article 66b shall apply to delegated acts adopted pursuant to this paragraph.	
Article 2, first paragraph, point (19a), amending provision, fifth paragraph				
297k			2. The revision of the thresholds pursuant to paragraph 1 may be made solely where such revision is substantiated by changes in market prices or market conditions. In this case, the revision shall be based on those changes.	
Article 2, first paragraph, point (19a), amending provision, sixth paragraph				
297l			3. Each time the Commission amends the threshold values laid down in Article 8 it shall determine those values, in the national currencies of the Member States, whose currency is not the euro.	
Article 2, first paragraph, point (19a), amending provision, seventh paragraph				

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297m			The determination of such values shall be based on the average daily values of those currencies corresponding to the applicable threshold expressed in euros over the 24 months terminating on 31 August preceding the revision with effect from 1 January.	
Article 2, first paragraph, point (19a), amending provision, eighth paragraph				
297n			4. The revised thresholds referred to in paragraph 1 and their corresponding values in national currencies shall be published by the Commission in the Official Journal of the European Union following their revision.	
Article 2, first paragraph, point (19b)				
297o			(19b) In Article 69, paragraph 1, point (a) is replaced by the following:	
Article 2, first paragraph, point (19b), amending provision, point (a)				
297p			(a) the procedures for the drawing-up, transmission, receipt, translation, collection	

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			and distribution of the notices referred to in Article 30;	
Article 2, first paragraph, point (19b), amending provision, Article 73				
297q		<u>(19b) Article 73 is replaced by the following:</u>		
Article 2, first paragraph, point (19b), amending provision, Article 73				
297r		<u>Article 73</u> <u>Review and reporting</u>		
Article 2, first paragraph, point (19b), amending provision, Article 17, first paragraph				
297s		<u>By 1 January 2029, the Commission shall review the implementation of this Directive against the background of improving Europe's defence readiness by 2030, as requested by the European Parliament and the European Council in March 2025 and report thereon to the European Parliament and the Council. It shall evaluate, in particular, whether and to what extent, the objectives of this Directive have been achieved, with regard, inter alia, to the functioning of the internal market and to the aim of defence readiness by 2030. In its report,</u>		

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		<u><i>the Commission shall review especially the application of Article 8 and Article 28(2) of this Directive. If appropriate, the report shall be accompanied by a legislative proposal.</i></u>		
Article 3				
298	Article 3	Article 3	Article 3	
Article 3(1), first subparagraph				
299	1. Member States shall adopt and publish, by [...]at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.	1. Member States shall adopt and publish, by [...]at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.	1. Member States shall adopt and publish, by [--- 12 months after the date of entry into force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.	
Article 3(1), second subparagraph				
300	They shall apply those provisions from [...].	They shall apply those provisions from [...].	They shall apply those provisions from [--- at the latest 15 months after the date of entry into force of this Directive].	
Article 3(1), third subparagraph				

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
301	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.	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.	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.	
Article 3(2)				
302	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.	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.	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 4				
303	Article 4	Article 4	Article 4	
Article 4, first paragraph				
304	This Directive shall enter into force on the [...] day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the [...] day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the [...] twentieth day following that of its publication in the Official Journal of the European Union.	
Article 5				
305	Article 5	Article 5	Article 5	
Article 5, first paragraph				

	<small>CLEAN</small> Commission Proposal	<small>VS.EC</small> EP Mandate	<small>VS.EC</small> Council Mandate	<small>VS.EC</small> Draft Agreement
306	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	
Formula				
307	Done at Strasbourg,	Done at Strasbourg,	Done at Strasbourg,	
Formula				
308	For the European Parliament	For the European Parliament	For the European Parliament	
Formula				
309	The President	The President	The President	
Formula				
310	For the Council	For the Council	For the Council	
Formula				
311	The President	The President	The President	