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From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	ST 14226/18 ST 6454/19
Subject:	Proposal for a Regulation of the European Parliament and of the Council on streamlining measures for advancing the realisation of the trans- European transport network – Presidency compromise

In view of the Intermodal Transport Working Party on 10 May 2019, delegations will find attached a new Presidency compromise proposal on the above subject.

Changes compared to the previous document (ST 6454/19) are set out in **bold and underline** and deletions are shown in ~~strikethrough~~.

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

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

¹ OJ C , , p. .

² OJ C , , p. .

- (1) Regulation (EU) No 1315/2013 of the European Parliament and of the Council³ sets out a common framework for the creation of state-of-the-art, interoperable networks for the development of the Internal Market. The trans-European transport networks (TEN-T) have a dual layer structure: the comprehensive network ensures connectivity of all regions of the Union, whereas the core network consists of those elements of the comprehensive network which are of the highest strategic importance for the Union. Regulation (EU) No 1315/2013 defines binding completion targets for implementation, with the core network to be completed by 2030 and the comprehensive network by 2050.
- (2) Notwithstanding the necessity and binding timelines, experience has shown that many investments aiming to complete the TEN-T are confronted with complex permit granting procedures, cross-border procurement procedures and other procedures. This situation jeopardises the on time implementation of projects and in many cases results in significant delays and increased costs. In order to address these issues and make synchronised TEN-T completion possible, harmonised action is necessary at Union level.

(2a) This Directive should cover project related procedures, including for instance the environmental impact assessment, other environmental assessments related to the project, spatial planning and land use, as well as other procedures. However, the Directive should be without prejudice to the steps undertaken at strategic level and which are not project related, such as strategic environmental assessment, public budgetary planning as well as national or regional transport plans, strategic land planning.

³ Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1).

- (3) **Priority treatment should be given to projects covered by this Directive.** In the legal frameworks of many Member States priority treatment is given to certain project categories based on their strategic importance for the economy. Priority treatment is characterised by shorter timelines, simultaneous procedures or limited timeframes for appeals while ensuring that the objectives of other horizontal policies are also reached. When such a framework exists within a national legal framework, it should automatically apply to Union projects **on the core network corridors provided for** recognised as projects of common interest under Regulation (EU) No 1315/2013.
- (4) In order to improve the effectiveness of the environmental assessments and streamline the decision-making process, where the obligation to carry out assessments related to environmental issues of core network projects arises simultaneously from Directive 2011/92/EU, as amended by Directive 2014/52/EU, and from other Union legislation such as Directive 92/43/EEC, Directive 2009/147/EC, Directive 2000/60/EC, Directive 2008/98/EC, Directive 2010/75/EU, Directive 2012/18/EU and Directive 2011/42/EC, Member States should ensure that a joint procedure fulfilling the requirements of these Directives is provided.
- (5) **Projects on the** core network **corridors** projects should be supported by ~~integrated or coordinated~~ **efficient** permit granting procedures to make clear management of the overall procedure possible and to provide a **main** ~~single~~ entry point for investors. Member States should designate a competent authority in accordance with their national legal frameworks and administrative set-ups.
- (6) The establishment of a single competent authority at national level acting as the **main** ~~sole~~ point of contact for the project promoter for all permit granting procedures should reduce the complexity, improve the efficiency and increase the transparency of the procedures. It should also enhance the cooperation between Member States where appropriate. The procedures should promote a real cooperation between investors and the single competent authority.

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

- (11) Public procurement in cross-border projects of common interest should be conducted in accordance with the Treaty and Directives 2014/25/EU and/or 2014/24/EU. In order to ensure the efficient completion of the cross-border core network projects of common interest, public procurement carried out by a joint entity should be subject to a single national legislation. By way of derogation from the Union public procurement legislation, the applicable national rules should in principle be those of the Member State where the joint entity has its registered office. It should remain possible to define the applicable legislation in an intergovernmental agreement. **For reasons of legal certainty, Member States participating in a joint entity set up before [entry into force of Directive] may jointly decide that current procurement strategies remain applicable for that joint entity.**
- (12) The Commission is not systematically involved in the authorisation of individual projects. However, in some cases, certain aspects of the project preparation are subject to clearance at Union level. Where the Commission is involved in the procedures, it will give priority treatment to the Union projects of common interest and ensure certainty for project promoters. In some cases State aid approval might be required. In line with the Best Practice Code for the conduct of State aid control procedures, Member States may ask the Commission to deal with projects of common interest on the core network of the TEN-T they consider to be of priority with more predictable timelines under the case portfolio approach or the mutually agreed planning.
- (13) The implementation of infrastructure projects on the TEN-T core network should be also supported by Commission guidelines that bring more clarity as regards the implementation of certain types of projects while respecting the Union acquis. For example the Action Plan for nature, people and the economy⁴ foresees such guidance to bring more clarity in view of respecting the Birds and Habitats Directives. Direct support related to public procurement should be made available for projects of common interests to ensure the best value for public money⁵. ~~Additionally, appropriate technical assistance should be made available under the mechanisms developed for the Multi-Annual Financial Framework 2021-2027, with the aim of providing financial support for TEN-T projects of common interest.~~

⁴ COM(2017) 198 final.

⁵ COM(2017) 573 final

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

HAVE ADOPTED THIS **DIRECTIVE** REGULATION:

CHAPTER I - GENERAL PROVISIONS

Article 1

Subject matter and scope

1. This **Directive** Regulation **shall apply to the permit granting** sets out requirements applicable to the administrative procedures **required in order to authorise the** followed by the competent authorities of Member States in relation to the authorisation and implementation of projects of common interest on the core network corridors of the trans-European transport network.
2. Member States may decide to extend the application of this **Directive** regulation to other projects of common interest on the core and comprehensive network of the trans-European transport network.

Article 2

Definitions

For the purposes of this Regulation **Directive**, the **following** definitions set out in Regulation (EU) No 1315/2013 shall apply. The following definitions shall also apply:

- (a) "**authorising** consolidated decision" means the **final act which can be based on a** decision or set of decisions **simultaneously or successively** taken by a Member State authority or authorities, not including courts or tribunals, adopted, **according to national legal or administrative systems** in accordance with national law that determines whether or not a project promoter is to be granted authorisation to build the transport infrastructure needed to complete a: **the authorising decision determines whether or not a project promoter is entitled to proceed with the** project without prejudice to any decision taken in the context of an administrative appeal procedure;

- (a)(i) ~~"individual decision" means the opinion or permit, including the environmental permit, issued by the competent authorities according to specific Union or national legislation, that the consolidated decision is based on.~~
- (b) "permit granting procedures" means ~~every~~ **any** procedure that has to be followed or step that has to be taken as required by the authorities of a Member State, under Union or national law, before the project promoter can implement the project, not including procedures for the award of public procurements;
- (b)(i) ~~"Project of common interest" means~~ **the construction or modification of a defined section in the transport infrastructure , which leads to improvement of capacity and efficiency of the infrastructure and whose implementation requires a permit granting procedure** ~~a project according to Article 3(a) of Regulation (EU) No 1315/2013;~~
- (c) "Project promoter" means the applicant for authorisation ~~for~~ **of** a project **implementation** or the public authority which initiates a project";
- (d) "single competent authority" means ~~an existing or newly established~~ **the** authority, **which is the main point of contact for the project promoter and is** responsible for facilitating the permit granting procedures in accordance with this **Directive** Regulation, ~~including taking the consolidated decision;~~
- (e) ~~"Cross-border project of common interest" means a project of common interest covering a cross-border section as defined in Article 3~~ **point** (m) of Regulation (EU) No 1315/2013 which is **managed and** implemented by a joint entity **established by the Member States concerned.**

CHAPTER II – PERMIT GRANTING

Article 3

Priority status of projects of common interest

Member States shall take the necessary measures to ensure that all authorities concerned give priority to projects covered by this Directive.

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

This shall be without prejudice to budgetary decisions.

- ~~1. Each project within the scope of this Regulation shall be subject to an integrated permit granting procedure run by a single competent authority identified by each Member State in accordance with Articles 5bis, 5ter, 5quarter and 6.~~
- ~~2. Where priority status exists under national law, projects within the scope of this Regulation shall be granted the status with the highest national significance possible, and be treated as such in permit granting procedures, where and in the manner such treatment is provided for in national legislation applicable to the corresponding types of transport infrastructure. This shall be without prejudice to budgetary decisions.~~
- ~~3. To ensure efficient permit granting procedures related to projects of common interest covered by this Regulation, project promoters and all authorities concerned shall ensure that the most rapid treatment legally possible is given to these projects, including as regards the administrative resources allocated.~~

Article 4

Coordination Provision of a permit granting procedures

1. **Member States shall provide for a permit granting procedure resulting in the authorising decision, in order to meet the time limit set out in Article 6.** ~~All the permit granting procedures resulting from the applicable national and Union law shall be adopted in accordance with one of the schemes resulting in one consolidated decision.~~
2. In the case of projects for which the obligation to carry out assessments of the effects on the environment arises simultaneously from Directive 2011/92/EU of the European Parliament and of the Council and other Union law, Member States shall ensure that joint procedures within the meaning of Article 2(3) of Directive 2011/92/EU are provided for.
3. ~~The preparation of environmental reports by the project promoter, preliminary studies and preparatory assessments may start or be carried out before the start of the permit granting process to ensure the maturity of the notified project.~~

Article 5

Organisation of the permit granting process

1. ~~Each Member State shall ensure that a single competent authority is responsible for facilitating permit granting procedures for a project of common interest, including taking the consolidated decision. Acknowledging the national specificities in planning and permit granting processes, Member States shall choose among the three schemes referred to in articles 5bis, 5ter and 5quarter to facilitate and coordinate their procedures and shall opt to implement the most effective scheme. This information shall be made available to project promoters and to the European Commission and, with regards to cross border project of common interest, to the neighbouring Member States.~~

~~2.—Each Member State may entrust the responsibility of the single competent authority referred to in paragraph 1, and/or the tasks related to it to an existing or newly established authority at the appropriate administrative level, per project of common interest, per geographical area or per particular category of projects of common interest, provided that:~~

~~(a)—only one authority is responsible per project of common interest,;~~

~~(b)—it is the sole point of contact for the project promoter in the procedure leading to the consolidated decision for a given project of common interest, and~~

~~(c)—it monitors or coordinates the submission of all relevant documents and information by the project promoter.~~

~~The single competent authority may retain the responsibility to establish time limits, without prejudice to the time limits set in accordance with Article 6.~~

~~2a.—Without prejudice to relevant requirements under international and Union law, the single competent authority shall take actions to facilitate the issuing of the consolidated decision. The consolidated decision shall be issued according to one of the schemes as set out in Articles 5bis, 5ter and 5quarter, respectively, and shall be dully justified.~~

~~3.—If a project requires decisions to be taken in two or more Member States, the respective competent authorities shall take all the necessary steps for efficient and effective cooperation and coordination among themselves. Without prejudice to obligations arising under applicable Union and international law, Member States shall endeavour to provide for joint procedures, particularly with regard to the assessment of environmental impacts.~~

Article 5bis
Integrated scheme

~~The single competent authority shall issue the consolidated decision following joint procedures. The consolidated decision issued by the single competent authority shall be the sole legally binding decision resulting from the permit granting procedure. Where other authorities are concerned by the project, they shall give their opinion as input to the procedure, in accordance with national legislation. These opinions shall be taken into account by the single competent authority.~~

Article 5ter
Coordinated scheme

- ~~1. The consolidated decision issued by the competent authority comprises multiple individual legally binding decisions issued simultaneously or successively by several authorities concerned, including the decision resulting from the joint procedures referred to in Article 4(2), which shall be coordinated by the single competent authority.~~
- ~~2. The single competent authority shall, in consultation with the other authorities concerned, where applicable in accordance with national law, and without prejudice to time limits set in accordance with Article 6, establish on a case-by-case basis a reasonable time limit within which the individual decisions shall be issued.~~
- ~~3. Where provided under national law, the single competent authority may take an individual decision on behalf of another national authority concerned, if the decision by that authority is not delivered within the time limit for reasons that cannot be adequately justified. Where provided under national law, and to the extent that this is compatible with Union law, the competent authority may consider that another national authority concerned has either given its approval or refusal for the project if the decision by that authority is not delivered within the time limit. Where provided under national law, the competent authority may disregard an individual decision of another national authority concerned if it considers that the decision is not sufficiently substantiated with regard to the underlying evidence presented by the national authority concerned.~~

Article 5quarter

Collaborative scheme

- ~~1. The single competent authority shall issue the consolidated decision based on the individual decisions within the time limits specified in Article 6. The comprehensive decision shall be the sole legally binding decision resulting from the statutory permit granting procedure.~~
- ~~2. The competent authority shall, in consultation with the other authorities concerned, where applicable in accordance with national law, and without prejudice to time limits set in accordance with Article 6, establish on a case-by-case basis a reasonable time limit within which the individual decisions shall be issued. It shall monitor compliance with the time limits by the authorities concerned.~~

~~— If an individual decision by an authority concerned is not expected to be delivered within the time limit, that authority shall inform the competent authority without delay and include a justification for the delay. Subsequently, the competent authority shall reset the time limit within which that individual decision shall be issued, whilst still complying with the overall time limits set in accordance with Article 6.~~

~~Without prejudice to the deadlines set in art. 6, the single competent authority shall take measures to accelerate the permit granting procedure by facilitating the issuance of the individual decisions by the other authorities involved, according to the relevant/specific national legislation, as required in the detailed description of the application under Article 6 paragraph 3.~~

Article 5a

Single Competent Authority

- 1. The Member State shall ensure that a single competent authority is responsible for facilitating the permit granting procedure for a project leading to the authorising decision.**

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

Article 6

Duration and implementation of the permit granting process

- 1a. The Member States shall set deadlines for the permit granting procedure not exceeding 4 years from the start of the permit granting procedure. The Member States may adopt the necessary measures in order to break down the available period in different steps and according to Union and national law.**
- 2a. The period of 4 years shall be without prejudice to administrative appeal procedures and judicial remedies before a court and tribunal.**
- 3a. The Member States shall adopt the necessary measures to ensure that in case of unforeseeable circumstances, an appropriate extension to the four-year period defined in this article may be granted. The single competent authority shall determine, on a case-by-case basis, the duration of the prolongation and shall duly justify its decision.**
- ~~1. The permit granting process shall consist of the following phases: notification phase, pre-application phase, application phase, phase of assessment of the application, leading to the issuing of the consolidated decision by the single competent authority.~~
- ~~2. During the notification phase, the project promoter shall notify the project to the single competent authority of the Member States concerned, in written form, including a detailed outline of the project and, where applicable, preliminary studies and preparatory assessments. No later than three months following the receipt of the above notification, the single competent authority shall either acknowledge or reject the notification in writing. If it considers that the project is not mature enough to enter the next phase of the permit granting process and decides to reject the notification, the single competent authority shall justify its decision.~~

~~The date of signature of the acceptance of the notification by the competent authority shall serve as the start of the pre-application phase. If two or more Member States are concerned, the last date of the acceptance of the notification by the competent authority concerned shall serve as the date of the start of the pre-application phase.~~

3. ~~During the pre-application phase, within 3 months from the acceptance of the notification, the single competent authority shall draw up a detailed application outline containing and communicate it to the project promoter:~~

(a) ~~the material scope and level of detail of information to be submitted by the project promoter, as part of the application file for the consolidated decision~~

(b) ~~a schedule for the permit granting process, identifying at least the following:~~

(i) ~~the permits, decisions and opinions to be obtained;~~

(ii) ~~under the coordinated scheme, individual permits to be included in the consolidated decision;~~

(ii) ~~the authorities and stakeholders to be concerned, including during the formal phase of the public consultation;~~

(iii) ~~the individual stages of the procedure and their expected time limits;~~

(iv) ~~major milestones to be accomplished and their deadlines in view of the consolidated decision to be taken;~~

(v) ~~the resources planned by the authorities and possible additional resource needs.~~

~~The detailed application outline shall be valid for a period of 27 months. Upon a justified request by the project promoter, the single competent authority may decide to prolong that period. The single competent authority shall notify the project promoter of the detailed application outline.~~

4. ~~The project promoter shall cooperate fully with the single competent authority and during the application phase shall comply with the detailed application outline, and deadlines therein, to compile and submit the application file to the single competent authority.~~

The project promoter shall undertake the preparation of environmental reports in line with national and Union law, and as set out in the detailed application outline to compile the necessary application file within an acceptable timeframe. Where appropriate or required by applicable law, public consultations shall take place and contribute to the preparation of the application file.

5. During the phase of assessment of the application, within two months from the date of submission of the complete application file by the project promoter to the single competent authority, the latter shall acknowledge in writing the completeness of the application file and communicate it to the project promoter or request missing information. Such request shall be limited, as regards the material scope and level of detail, to the elements identified in the detailed application outline. Any request by the single competent authority for information additional to what is identified in the detailed application outline shall be duly justified by exceptional and unforeseen new circumstances.
6. The overall duration of the permit granting process shall not exceed 4 years.
7. The time limits set out in this Regulation shall be without prejudice to obligations arising from international and Union law, as well as to administrative appeal procedures and judicial remedies before a court or tribunal.

Article 6a

Organisation of the permit granting procedure

1. Member States may define the level of detail of information to be provided by the project promoter when notifying a project.
2. When a project promoter notifies the project to the single competent authority , the single competent authority shall draw up the Detailed Application Outline and communicate it to the project promoter, unless it considers that the project is not mature enough. In this latter case, the single competent authority shall reject the notification and justify its decision.

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

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

Article 7

Coordination of cross-border permit granting procedure

1. For projects that involve two or more Member States, **Member States shall ensure that** the single competent authorities of the Member States concerned shall align **coordinate** their timetables and agree on a joint schedule.
2. **Member States shall take the necessary measures to ensure that in line with Article 45 of Regulation (EU) No 1315/2013, the European Coordinators receive information on the permit granting procedures and that they may facilitate contacts between the single competent authorities in the context of the permit granting procedures for projects that involve two or more Member States .** ~~The European Coordinators referred to in Article 45 of Regulation (EU)² No 1315/2013 shall facilitate contacts between the involved competent authorities in the context of the permit granting procedure for cross-border projects covered by this Regulation.~~
3. Without prejudice to ~~the obligation to comply with~~ the time limits set out under this **Directive Regulation**, **Member States shall,** if the time limit for the **authorising** ~~consolidated~~ decision is not observed, **provide information upon request to** the European Coordinators concerned ~~shall be informed by the Member States concerned~~ about the measures taken or **planned** to be taken to conclude the permit granting procedure with the least possible delay. ~~The European Coordinator may request the competent authority to regularly report on progress achieved.~~

CHAPTER III - PUBLIC PROCUREMENT

Article 8

Public Procurement in cross-border projects ~~of common interest~~

[...]

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

CHAPTER IV ~~TECHNICAL ASSISTANCE~~

Article 9

Technical assistance

~~On the request of a project promoter or Member State, in accordance with the relevant Union funding programmes and without prejudice to the Multi-Annual Financial Framework, the Union shall make available technical assistance for the implementation of this Regulation and the facilitation of the implementation of projects of common interest.~~

CHAPTER V - FINAL PROVISIONS

Article 10

Transitional provisions

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

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

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

~~This Regulation shall not apply to the permit granting procedures which started before the date of its entry into force.~~

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

Article 10a

Transposition

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

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

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

Article 11

Entry into force

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

This Directive is addressed to the Member States.

~~Chapter II of this Regulation shall apply from 1 January 2021.~~

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President
