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OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
To:	Delegations
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Subject:	Common Provisions Regulation (Annex III) - Partial mandate for negotiations with the European Parliament

Delegations will find in annex the partial mandate for negotiations with the European Parliament on the Common Provisions Regulation (Annex III), as agreed by Coreper on 5 June 2019.

ANNEX III[1]

Horizontal enabling conditions – Article 11(1)

Applicable to all specific objectives[2]	
Name of enabling conditions	**Fulfilment criteria**
Effective monitoring mechanisms of the public procurement market	Monitoring mechanisms are in place that cover all public contracts and their procurement under the Funds in line with EU procurement legislation. This requirement includes: 1. Arrangements to ensure compilation of effective and reliable data on public procurement procedures above the EU thresholds in accordance with reporting obligations under Article 83 and 84 of Directive 2014/24/EU and article 99 and 100 of Directive 2014/25/EU. 2. Arrangements to ensure the data cover at least the following elements: a. Quality and intensity of competition: names of winning bidder, number of initial bidders and contractual value; b. Information on final price after completion and on participation of SMEs as direct bidders, where national systems provide such information;

1 The content of this annex is without prejudice to possible additional conditionalities to be debated at political level, including on the European Pillar of Social Rights.

2 *A new sub-paragraph will be added to Article 11(1) CPR:* "The enabling condition regarding the tools and capacity for effective application of State aid rules is not applicable to programmes supported by the AMIF, the BMVI and the ISF".

Tools and capacity for effective application of State aid rules	Managing authorities have the tools and capacity to verify compliance with State aid rules: 1. For undertakings in difficulty and undertakings under a recovery requirement. 2. Through access to expert advice and guidance on State aid matters, provided by State aid experts of local or national bodies.
Effective application and implementation of the EU Charter of Fundamental Rights	Effective mechanisms are in place to ensure compliance with the EU Charter of Fundamental Rights which include: 1. Arrangements to ensure compliance of the programmes supported by the Funds and their implementation with the relevant provisions of the Charter. 2. Reporting arrangements to the monitoring committee on the cases regarding non-compliance of operations supported by the Funds with the Charter.
Implementation and application of the United Nations Convention on the rights of persons with disabilities (UNCRPD) in accordance with Council Decision 2010/48/EC	A national framework to ensure implementation of the UNCRPD is in place that includes: 1. Objectives with measurable goals, data collection and monitoring mechanisms. 2. Arrangements to ensure that accessibility policy, legislation and standards are properly reflected in the preparation and implementation of the programmes.