ANNEX XVI

PUBLIC PROCUREMENT
1. The value thresholds mentioned in Article 142(3) of this Agreement shall be for both Parties:

(a) EUR 130 000 for public supply and service contracts awarded by central government authorities, except for public service contracts defined in the third indent of point (b) of Article 7 of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts;

(b) EUR 200 000 in the case of public supply and public service contracts not covered by point a);

(c) EUR 5 000 000 in the case of public works contracts and concessions;

(d) EUR 5 000 000 in the case of works contracts in the utilities sector;

(e) EUR 400 000 in the case of supply and service contracts in the utilities sector.

2. The thresholds quoted in paragraph 1 shall be adapted to reflect the thresholds applicable under Commission Regulation (EU) No 1336/2013 of 13 December 2013 amending Directives 2004/17/EC, 2004/18/EC and 2009/81/EC of the European Parliament and of the Council in respect of the application thresholds for the procedures for the awards of contract at the moment of the entry into force of this Agreement.
## Annex XVI-B

### INDICATIVE TIME SCHEDULE FOR INSTITUTIONAL REFORM, APPROXIMATION AND MARKET ACCESS

<table>
<thead>
<tr>
<th>Phase</th>
<th>Indicative time schedule</th>
<th>Market access granted to the EU by Georgia</th>
<th>Market access granted to Georgia by the EU</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Implementation of Article 143(2) and Article 144 of this Agreement Agreement of the Reform Strategy set out in Article 145 of this Agreement</td>
<td>Three years after the entry into force of this Agreement</td>
<td>Supplies for central government authorities</td>
</tr>
<tr>
<td>2</td>
<td>Approximation and implementation of basic elements of Directive 2004/18/EC of the European Parliament and of the Council and of Council Directive 89/665/EEC</td>
<td>Five years after the entry into force of this Agreement</td>
<td>Supplies for state, regional and local authorities and bodies governed by public law</td>
</tr>
<tr>
<td>Phase</td>
<td>Indicative time schedule</td>
<td>Market access granted to the EU by Georgia</td>
<td>Market access granted to Georgia by the EU</td>
</tr>
<tr>
<td>-------</td>
<td>--------------------------</td>
<td>------------------------------------------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Supplies for all contracting entities</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Approximation and implementation of other elements of Directive 2004/18/EC</td>
<td>Seven years after the entry into force of this Agreement</td>
<td>Service and works contracts and concessions for all contracting authorities</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Service and works contracts and concessions for all contracting authorities</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Approximation and implementation of other elements of Directive 2004/17/EC</td>
<td>Eight years after the entry into force of this Agreement</td>
<td>Service and works contracts for all contracting entities in the utilities sector</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Service and works contracts for all contracting entities in the utilities sector</td>
</tr>
</tbody>
</table>

Annexes XVI-E and XVI-F to this Agreement

Annexes XVI-G, XVI-H and XVI-I to this Agreement

Annexes XVI-J and XVI-K to this Agreement
ANNEX XVI-C

BASIC ELEMENTS OF DIRECTIVE 2004/18/EC
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

(TITLE I)
Definitions and general principles

Article 1 Definitions (paragraphs 1, 2, 8, 9, 11(a), 11(b) and 11(d), 12, 13, 14 and 15)
Article 2 Principles of awarding contracts
Article 3 Granting of special or exclusive rights: non-discrimination clause

(TITLE II)
Rules on public contracts

CHAPTER I
General provisions

Article 4 Economic operators
Article 6 Confidentiality

CHAPTER II
Scope

---

Section 1 — Thresholds

Article 8  Contracts subsidised by more than 50% by contracting authorities
Article 9  Methods for calculating the estimated value of public contracts, framework agreements and dynamic purchasing systems

Section 2 — Specific situations

Article 10  Defence procurement

Section 3 — Excluded contracts

Article 12  Contracts in the water, energy, transport and postal services sectors (only when basic rules of Directive 2004/17/EC have been approximated)
Article 13  Specific exclusions in the field of telecommunications
Article 14  Secret contracts and contracts requiring special security measures
Article 15  Contracts awarded pursuant to international rules
Article 16  Specific exclusions
Article 18  Service contracts awarded on the basis of an exclusive right

Section 4 — Special arrangement

Article 19  Reserved contracts

CHAPTER III
Arrangements for public service contracts

Article 20  Service contracts listed in Annex II A
Article 21  Service contracts listed in Annex II B
Article 22  Mixed contracts including services listed in Annex II A and services listed in Annex II B
CHAPTER IV
Specific rules governing specifications and contract documents

Article 23 Technical specifications
Article 24 Variants
Article 25 Subcontracting
Article 26 Conditions for performance of contracts
Article 27 Obligations relating to taxes, environmental protection, employment protection provisions and working conditions

CHAPTER V
Procedures

Article 28 Use of open, restricted and negotiated procedures and of competitive dialogue
Article 30 Cases justifying use of the negotiated procedure with prior publication of a contract notice
Article 31 Cases justifying use of the negotiated procedure without publication of a contract notice

CHAPTER VI
Rules on advertising and transparency

Section 1 — Publication of notices

Article 35 Notices: paragraph 1 mutatis mutandis; paragraph 2; first, third and fourth subparagraph of paragraph 4
Article 36 Form and manner of publication of notices: paragraph 1; paragraph 7
Section 2 — Time-limits

Article 38  Time-limits for receipt of requests to participate and for receipt of tenders
Article 39  Open procedures: specifications, additional documents and information

Section 3 — Information content and means of transmission

Article 40  Invitations to submit a tender, participate in the dialogue or negotiate
Article 41  Informing candidates and tenderers

Section 4 — Communication

Article 42  Rules applicable to communication

CHAPTER VII
Conduct of the procedure

Section 1 — General provisions

Article 44  Verification of the suitability and choice of participants and award of contracts
Section 2 — Criteria for qualitative selection

Article 45 Personal situation of the candidate or tenderer
Article 46 Suitability to pursue the professional activity
Article 47 Economic and financial standing
Article 48 Technical and/or professional ability
Article 49 Quality assurance standards
Article 50 Environmental management standards
Article 51 Additional documentation and information

Section 3 — Award of the contract

Article 53 Contract award criteria
Article 55 Abnormally low tenders

ANNEXES to Directive 2004/18/EC

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Annex II Services referred to in Article 1(2)(d)
Annex II A
Annex II B
Annex V  List of products referred to in Article 7 with regard to contracts awarded by contracting authorities in the field of defence

Annex VI  Definition of certain technical specifications

Annex VII  Information to be included in notices

Annex VII A  Information to be included in public contract notices

Annex X  Requirements relating to equipment for the electronic receipt of tenders, requests to participate and plans and projects in design contests
Annex XVI-D

BASIC ELEMENTS OF COUNCIL DIRECTIVE 89/665/EEC¹
AS AMENDED BY DIRECTIVE 2007/66/EC
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL²
( PHASE 2 )

Article 1  Scope and availability of review procedures
Article 2  Requirements for review procedures
Article 2a Standstill period
Article 2b Derogations from the standstill period
Point (b) of the first paragraph of Article 2b
Article 2c Time-limits for applying for review
Article 2d Ineffectiveness
Paragraph 1(b)
Paragraph 2 and 3
Article 2e Infringements of this Directive and alternative penalties
Article 2f Time-limits

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Annex XVI-E

BASIC ELEMENTS OF DIRECTIVE 2004/17/EC
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL¹

(PHASE 3)

TITLE I
General provisions applicable to contracts and design contests

CHAPTER I
Basic terms

Article 1 Definitions (paragraphs 2, 7, 9, 11, 12 and 13)

CHAPTER II
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Article 2 Contracting entities

Section 2 - Activities

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Article 4 Water
Article 5 Transport services
Article 6 Postal services
Article 7 Exploration for, or extraction of, oil, gas, coal or other solid fuels, as well as ports and airports
Article 9 Contracts covering several activities

---


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CHAPTER III
General principles

Article 10  Principles of awarding contracts

TITLE II
Rules applicable to contracts

CHAPTER I
General provisions

Article 11  Economic operators
Article 13  Confidentiality

CHAPTER II
Thresholds and exclusion provisions

Section 1 - Thresholds

Article 16  Contract thresholds
Article 17  Methods of calculating the estimated value of contracts, framework agreements and dynamic purchasing systems

Section 2 - Contracts and concessions and contracts subject to special arrangements
Subsection 2 - Exclusions applicable to all contracting entities and to all types of contract

Article 19  Contracts awarded for purposes of resale or lease to third parties
Article 20  Contracts awarded for purposes other than the pursuit of an activity covered or for the pursuit of such an activity in a third country: paragraph 1
Article 21  Contracts which are secret or require special security measures
Article 22  Contracts awarded pursuant to international rules
Article 23  Contracts awarded to an affiliated undertaking, to a joint venture or to a contracting entity forming part of a joint venture

Subsection 3 - Exclusions applicable to all contracting entities, but to service contracts only

Article 24  Contracts relating to certain services excluded from the scope of this Directive
Article 25  Service contracts awarded on the basis of an exclusive right

Subsection 4 - Exclusions applicable to certain contracting entities only

Article 26  Contracts awarded by certain contracting entities for the purchase of water and for the supply of energy or of fuels for the production of energy

CHAPTER III
Rules applicable to service contracts

Article 31  Service contracts listed in Annex XVII A
Article 32  Service contracts listed in Annex XVII B
Article 33  Mixed service contracts including services listed in Annex XVII A and services listed in Annex XVII B

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CHAPTER IV
Specific rules governing specifications and contract documents

Article 34  Technical specifications
Article 35  Communication of technical specifications
Article 36  Variants
Article 37  Subcontracting
Article 39  Obligations relating to taxes, environmental protection, employment protection provisions and working conditions

CHAPTER V
Procedures

Article 40  Use of open, restricted and negotiated procedures (except points (i) and (l) of paragraph 3)

CHAPTER VI
Rules on publication and transparency

Section 1 - Publication of notices

Article 41  Periodic indicative notices and notices on the existence of a system of qualification
Article 42  Notices used as a means of calling for competition paragraphs 1 and 3
Article 43  Contract award notices (except for second and third subparagraphs of paragraph 1)
Article 44  Form and manner of publication of notices (except for the first subparagraph of paragraph 2 and paragraphs 4, 5 and 7)
Section 2 - Time limits

Article 45  Time-limits for the receipt of requests to participate and for the receipt of tenders
Article 46  Open procedures: specifications, additional documents and information
Article 47  Invitations to submit a tender or to negotiate

Section 3 - Communication and information

Article 48  Rules applicable to communication
Article 49  Information to applicants for qualification, candidates and tenderers

CHAPTER VII
Conduct of the procedure

Article 51  General provisions

Section 1 - Qualification and qualitative selection

Article 52  Mutual recognition concerning administrative, technical or financial conditions, and certificates, tests and evidence
Article 54  Criteria for qualitative selection

Section 2 - Award of the contract

Article 55  Contract award criteria
Article 57  Abnormally low tenders
ANNEXES to Directive 2004/17/EC

Annex XIII Information to be included in contract notices:

A. Open procedures
B. Restricted procedures
C. Negotiated procedures

Annex XIV Information to be included in the notice on the existence of a system of qualification

Annex XV A Information to be included in the periodic indicative notice

Annex XV B Information to be included in notices of publication of a periodic notice on a buyer profile not used as a means of calling for competition

Annex XVI Information to be included in the contract award notice

Annex XVII A Services within the meaning of Article 31
Annex XVII B Services within the meaning of Article 32

Annex XX Features concerning publication

Annex XXI Definition of certain technical specifications

Annex XXIII International labour law provisions within the meaning of Article 59(4)

Annex XXIV Requirements relating to equipment for the electronic receipt of tenders, requests to participate, applications for qualification as well as plans and projects
ANNEX XVI-F

BASIC ELEMENTS OF COUNCIL DIRECTIVE 92/13/EEC\(^1\)
AS AMENDED BY DIRECTIVE 2007/66/EC
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL\(^2\)
(PHASE 3)

Article 1 Scope and availability of review procedures
Article 2 Requirements for review procedures
Article 2a Standstill period
Article 2b Derogations from the standstill period
Point (b) of the first paragraph of Article 2b
Article 2c Time-limits for applying for review
Article 2d Ineffectiveness
Paragraph 1 (b)
Paragraphs 2 and 3
Article 2e Infringements of this Directive and alternative penalties
Article 2f Time-limits


The elements of Directive 2004/18/EC set out in this Annex are not mandatory but recommended for approximation. Georgia may approximate those elements within the time-frame set in Annex XVI-B.

TITLE I
Definitions and general principles

Article 1 Definitions (paragraphs: 5, 6, 7, 10 and 11(c))

TITLE II
Rules on public contracts

CHAPTER II
Scope

Section 2 — Specific situations

Article 11 Public contracts and framework agreements awarded by central purchasing bodies
Section 4 — Special arrangement

Article 19 Reserved contracts

CHAPTER V
Procedures

Article 29 Competitive dialogue
Article 32 Framework agreements
Article 33 Dynamic purchasing systems
Article 34 Public works contracts: particular rules on subsidised housing schemes

CHAPTER VI
Rules on advertising and transparency

Section 1 — Publication of notices

Article 35 Notices: paragraph 3, and subparagraphs 2 and 3 of paragraph 4
CHAPTER VII
Conduct of the procedure

Section 2 — Criteria for qualitative selection

Article 52  Official lists of approved economic operators and certification by bodies established under public or private law

Section 3 — Award of the contract

Article 54  Use of electronic auctions
ANNEX XVI-H

OTHER MANDATORY ELEMENTS OF DIRECTIVE 2004/18/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

(PHASE 4)

TITLE I
Definitions and general principles

Article 1 Definitions (paragraphs: 3, 4 and 11(e))

TITLE II
Rules on public contracts

CHAPTER II
Scope

Section 3 - Excluded contracts

Article 17 Service concessions

TITLE III
Rules on public works concessions

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CHAPTER I
Rules governing public works concessions

Article 56 Scope
Article 57 Exclusions from the scope (except the last paragraph)
Article 58 Publication of the notice concerning public works concessions
Article 59 Time limit
Article 60 Subcontracting
Article 61 Awarding of additional works to the concessionaire

CHAPTER II
Rules on contracts awarded by concessionaires which are contracting authorities

Article 62 Applicable rules

CHAPTER III
Rules applicable to contracts awarded by concessionaires which are not contracting authorities

Article 63 Advertising rules: threshold and exceptions
Article 64 Publication of the notice
Article 65 Time limit for the receipt of requests to participate and receipt of tenders
TITLE IV
Rules governing design contests

Article 66 General provisions
Article 67 Scope
Article 68 Exclusions from the scope
Article 69 Notices
Article 70 Form and manner of publication of notices of contests
Article 71 Means of communication
Article 72 Selection of competitors
Article 73 Composition of the jury
Article 74 Decisions of the jury

ANNEXES to Directive 2004/18/EC

Annex VII B Information which must appear in public works concession notices

Annex VII C Information which must appear in works contracts notices of concessionaires who are not contracting authorities

Annex VII D Information which must appear in design contest notices
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Article 2b  Derogations from the standstill period
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Article 2d  Ineffectiveness
            Point (c) of paragraph 1 of Article 2d
            Paragraph 5


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OTHER NON-MANDATORY ELEMENTS OF DIRECTIVE 2004/17/EC
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL¹
(PHASE 5)

The elements of Directive 2004/17/EC set out in this Annex are not mandatory but recommended for approximation. Georgia may approximate these elements within the time-frame set in Annex XVI-B.

TITLE I
General provisions applicable to contracts and design contests

CHAPTER I
Basic terms

Article 1 Definitions (paragraphs 4, 5, 6 and 8)

TITLE II
Rules applicable to contracts

CHAPTER I
General provisions

Article 14 Framework agreements
Article 15 Dynamic purchasing systems

Section 2 - Contracts and concessions and contracts subject to special arrangements

Subsection 5 - Contracts subject to special arrangements, provisions concerning central purchasing bodies and the general procedure in case of direct exposure to competition

Article 28 Reserved contracts
Article 29 Contracts and framework agreements awarded by central purchasing bodies

CHAPTER V
Procedures

Article 40 (3) (i) and (l)

CHAPTER VI
Rules on publication and transparency

Section 1 - Publication of notices

Article 42 Notices used as a means of calling for competition: paragraph 2
Article 43 Contract award notices (only for the second and the third subparagraphs of paragraph 1)
CHAPTER VII
Conduct of the procedure

Section 2 - Award of the contract

Article 56 Use of electronic auctions

ANNEX to Directive 2004/17/EC

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D. Simplified contract notice for use in a dynamic purchasing system
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OTHER ELEMENTS OF COUNCIL DIRECTIVE 92/13/EEC1
AS AMENDED BY DIRECTIVE 2007/66/EC
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL2
(Phase 5)

Article 2b Derogations from the standstill period
Point (c) of the first paragraph of Article 2b

Article 2d Ineffectiveness
Point (c) of paragraph 1 of Article 2d
Paragraph 5


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ANNEX XVI-L

PROVISIONS OF DIRECTIVE 2004/18/EC
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL\(^1\)
OUTSIDE THE SCOPE OF APPROXIMATION

The elements listed in this Annex are not subject to the process of approximation.

TITLE II
Rules on public contracts

CHAPTER I
General provisions

Article 5  Conditions relating to agreements concluded within the World Trade Organisation

CHAPTER VI
Rules on advertising and transparency

Section 1 — Publication of notices

Article 36  Form and manner of publication of notices: paragraphs 2, 3, 4, 5, 6 and 8
Article 37  Non-mandatory publication

Section 5 — Reports

Article 43  Content of reports

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TITLE V
Statistical obligations, executory powers and final provisions

Article 75  Statistical obligations
Article 76  Content of statistical report
Article 77  Advisory Committee
Article 78  Revision of the thresholds
Article 79  Amendments
Article 80  Implementation
Article 81  Monitoring mechanisms
Article 82  Repeals
Article 83  Entry into force
Article 84  Addressees
ANNEXES to Directive 2004/18/EC

Annex III  List of bodies and categories of bodies governed by public law referred to in the second subparagraph of Article 1(9)

Annex IV  Central Government authorities

Annex VIII  Features concerning publication

Annex IX  Registers

Annex IX A  Public works contracts

Annex IX B  Public supply contracts

Annex IX C  Public service contracts

Annex XI  Deadlines for transposition and application (Article 80)

Annex XII  Correlation table
ANNEX XVI-M

PROVISIONS OF DIRECTIVE 2004/17/EC
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL¹
OUTSIDE THE SCOPE OF APPROXIMATION

The elements listed in this Annex are not subject to the process of approximation.

TITLE I
General provisions applicable to contracts and design contests

CHAPTER II
Definition of the activities and entities covered

Section 2 - Activities

Article 8  Lists of contracting entities

TITLE II
Rules applicable to contracts

CHAPTER I
General provisions

Article 12  Conditions relating to Agreements concluded within the World Trade Organisation

Section 2 - Contracts and concessions and contracts subject to special arrangements

Subsection 1

Article 18  Works and service concessions

Subsection 2 - Exclusions applicable to all contracting entities and to all types of contract

Article 20  Contracts awarded for purposes other than the pursuit of an activity covered or for the pursuit of such an activity in a third country: paragraph 2

Subsection 5 - Contracts subject to special arrangements, provisions concerning central purchasing bodies and the general procedure in case of direct exposure to competition

Article 27  Contracts subject to special arrangements

Article 30  Procedure for establishing whether a given activity is directly exposed to competition

CHAPTER IV
Specific rules governing specifications and contract documents

Article 38  Conditions for performance of contracts
CHAPTER VI
Rules on publication and transparency

Section 1 - Publication of notices

Article 44  Form and manner of publication of notices (only for the first subparagraph of paragraph 2, and for paragraphs 4, 5 and 7)

Section 3 - Communication and information

Article 50  Information to be stored concerning awards

CHAPTER VII
Conduct of the procedure

Section 3 - Tenders comprising products originating in third countries and relations with those countries

Article 58  Tenders comprising products originating in third countries
Article 59  Relations with third countries as regards service contracts
TITLE IV
Statistical obligations, executory powers and final provisions

Article 67  Statistical obligations
Article 68  Advisory Committee
Article 69  Revision of the thresholds
Article 70  Amendments
Article 71  Implementation of the Directive
Article 72  Monitoring mechanisms
Article 73  Repeal
Article 74  Entry into force
Article 75  Addressees

ANNEXES to Directive 2004/17/EC

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Annex II  Contracting entities in the sectors of production, transport or distribution of electricity
Annex III  Contracting entities in the sectors of production, transport or distribution of drinking water
Annex IV  Contracting entities in the field of rail services
Annex V  Contracting entities in the field of urban railway, tramway, trolleybus or bus services
Annex VI  Contracting entities in the postal services sector
Annex VII  Contracting entities in the sectors of exploration for and extraction of oil or gas
Annex VIII  Contracting entities in the sectors of exploration for and extraction of coal and other solid fuels
Annex IX  Contracting entities in the field of maritime or inland port or other terminal facilities
Annex X  Contracting entities in the field of airport installations
Annex XI  List of legislation referred to in Article 30(3)
Annex XII  List of professional activities as set out in point b of Article 1(2)
Annex XXII  Summary table of the time limits laid down in Article 45
Annex XXV  Time limits for transposition and implementation
Annex XXVI  Correlation table
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PROVISIONS OF COUNCIL DIRECTIVE 89/665/EEC\(^1\)
AS AMENDED BY DIRECTIVE 2007/66/EC
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL\(^2\)
OUTSIDE THE SCOPE OF APPROXIMATION

The elements listed in this Annex are not subject to the process of approximation.

- **Article 2b** Derogations from the standstill period
  - Point (a) of the first paragraph of Article 2b
- **Article 2d** Ineffectiveness
  - Point (a) of paragraph 1 of Article 2d
  - Paragraph 4
- **Article 3** Corrective Mechanisms
- **Article 3a** Content of the notice for voluntary ex ante transparency
- **Article 3b** Committee Procedure
- **Article 4** Implementation
- **Article 4a** Review

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ANNEX XVI-O

PROVISIONS OF COUNCIL DIRECTIVE 92/13/EEC¹
AS AMENDED BY DIRECTIVE 2007/66/EC
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL²
OUTSIDE THE SCOPE OF APPROXIMATION

The elements listed in this Annex are not subject to the process of approximation.

Article 2b  Derogations from the standstill period
            Point (a) of the first paragraph of Article 2b
Article 2d  Ineffectiveness
            Point (a) of paragraph 1 of Article 2d
            Paragraph 4
Article 3a  Content of the notice for voluntary ex ante transparency
Article 3b  Committee Procedure
Article 8   Corrective Mechanisms
Article 12  Implementation
Article 12a Review

ANNEX XVI-P

GEORGIA: INDICATIVE LIST OF ISSUES FOR COOPERATION

1. Training, in EU countries and Georgia, of Georgian officials from government bodies engaged in public procurement;

2. Training of suppliers interested participating in public procurement;

3. Exchange of information and experience on best practice and regulatory rules in the sphere of public procurement;

4. Enhancement of the functionality of the public procurement website and establishment of a system of public procurement monitoring;

5. Consultations and methodological assistance from the Union in application of modern electronic technologies in the sphere of public procurement;

6. Strengthening the bodies charged with guaranteeing a coherent policy in all areas related to public procurement and the independent and impartial consideration (review) of contracting authorities' decisions. (Cf. Article 143(2) of this Agreement)