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COMMISSION DIRECTIVE 2001/78/EC

of 13 September 2001

amending Annex IV to Council Directive 93/36/EEC, Annexes IV, V and VI to Council Directive 93/37/EEC, Annexes III and IV to Council Directive 92/50/EEC, as amended by Directive 97/52/EC, and Annexes XII to XV, XVII and XVIII to Council Directive 93/38/EEC, as amended by Directive 98/4/EC

(Directive on the use of standard forms in the publication of public contract notices)

(Text with EEA relevance)

(OJ L 285, 29.10.2001, p. 1)

Corrected by:

►**C1** Corrigendum, OJ L 214, 9.8.2002, p. 1 (2001/78/EC)

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COMMISSION DIRECTIVE 2001/78/EC

of 13 September 2001

amending Annex IV to Council Directive 93/36/EEC, Annexes IV, V and VI to Council Directive 93/37/EEC, Annexes III and IV to Council Directive 92/50/EEC, as amended by Directive 97/52/EC, and Annexes XII to XV, XVII and XVIII to Council Directive 93/38/EEC, as amended by Directive 98/4/EC

(Directive on the use of standard forms in the publication of public contract notices)

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts ([1]) as amended by Directive 97/52/EC ([2]), and in particular Article 22 thereof, Council Directive 93/36/EEC of 14 June 1993 coordinating procedures for the award of public supply contracts ([3]) as amended by Directive 97/52/EC, and in particular Article 14 thereof, Council Directive 93/37/EEC of 14 June 1993, concerning the coordination of procedures for the award of public works contracts ([4]) as amended by Directive 97/52/EC, and in particular Article 35(2) thereof and Council Directive 93/38/EEC of 14 June 1993, coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors ([5]) as amended by Directive 98/4/EC ([6]), and in particular Article 39(2) and Article 40(2) and (3) thereof,

Whereas:

(1) Directives 92/50/EEC, 93/36/EEC, 93/37/EEC and 93/38/EEC stipulate that contracts to which they apply must be published in the *Official Journal of the European Communities* and specify the information they must contain; these Directives also establish models in accordance with which notices must be drawn up; this obligation arises from article 9(4) of Directive 93/36/EEC, Article 11(6) of Directive 93/37/EEC, Article 17(1) of Directive 92/50/EEC and Article 21(1) and (4), Article 22(2) and Article 24(1) of Directive 93/38/EEC.

(2) The Commission adopted a recommendation (91/561/EEC) on 24 October 1991 ([7]) and a communication on 30 December 1992 ([8]); the use of certain model notices for supplies and works contracts is therefore recommended. These models differ from the model notices in the annexes to the Directives.

(3) The models laid down in the Directives now need to be modified in order to contribute to simplifying the implementation of the advertising rules while adapting them to the electronic means developed as part of the information system for public procurement (SIMAP), launched by the Commission in collaboration with the Member States. Moreover, the use of standard forms and the possible use of the common procurement vocabulary (CPV) will contribute to greater transparency in the market. For clarification purposes, it is suitable to replace the abovementioned annexes by the standard form.

([1]) OJ L 209, 24.7.1992, p. 1.
([2]) OJ L 328, 28.11.1997, p. 1.
([3]) OJ L 199, 9.8.1993, p. 1.
([4]) OJ L 199, 9.8.1993, p. 54.
([5]) OJ L 199, 9.8.1993, p. 84.
([6]) OJ L 101, 1.4.1998, p. 1.
([7]) OJ L 305, 6.11.1991, p. 19.
([8]) Commission communication relating to the forms to be used by the contracting authorities concerned with the entry into force of Directive 90/531/EEC (OJ S 252 A, 30.12.1992, p. 1).

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(4) The measures provided for in this Directive are in accordance with the opinions of both the Advisory Committee on Public Procurement and the Advisory Committee on Telecommunications Procurement,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Annex IV to Directive 93/36/EEC shall be replaced by Annex I to this Directive.

2. Annexes IV, V and VI to Directive 93/37/EEC shall be replaced by the text of Annexes II, III and IV respectively to this Directive.

3. Annexes III and IV to Directive 92/50/EEC shall be replaced by Annexes V and VI respectively to this Directive.

4. Annexes XII to XV, XVII and XVIII to Directive 93/38/EEC shall be replaced by Annexes VII to XII respectively to this directive.

Article 2

1. Member States shall take the measures necessary to comply with this Directive not later than 1 May 2002. They shall immediately inform the Commission.

2. When Member States adopt the measures referred to in article 1, these shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods for making such a reference shall be laid down by the Member States.

Article 3

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

Article 4

This Directive is addressed to the Member States.

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ANNEX I

▼C1

EUROPEAN UNION
Publication of Supplement to the Official Journal of the European Communities
2, rue Mercier, L-2985 Luxembourg
Fax: (+352) 29 29 44 619, (+352) 29 29 44 623, (+352) 29 29 42 670
E-mail: mp-ojs@opoce.cec.eu.int On-line notification: http://simap.eu.int

PRIOR INFORMATION NOTICE

Works ☐
Supplies ☐
Services ☐

Reserved for the Publication Office

Date of receipt of the notice_____

Identifier_____

Is this contract covered by the Government Procurement Agreement (GPA)? NO ☐ YES ☐

SECTION I: CONTRACTING AUTHORITY

I.1) OFFICIAL NAME AND ADDRESS OF THE CONTRACTING AUTHORITY

Organisation	For the attention of
Address	Postal code
Town	Country
Telephone	Fax
Electronic mail	Internet address (URL)

I.2) ADDRESS FROM WHICH FURTHER INFORMATION CAN BE OBTAINED

As in I.1 ☐ *If different, see Annex A*

I.3) TYPE OF CONTRACTING AUTHORITY *

Central level ☐ EU institution ☐ Other ☐
Regional/local level ☐ Body governed by public law ☐

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SECTION II: OBJECT OF THE CONTRACT

WORKS ☐

II.1) TITLE ATTRIBUTED TO THE CONTRACT BY THE CONTRACTING AUTHORITY *

_____

II.2) PLACE OF PERFORMANCE

_____

NUTS code * _____

II.3) NOMENCLATURE

II.3.1) Common Procurement Vocabulary (CPV) *

	Main vocabulary	Supplementary vocabulary *(when applicable)*		
Main object	☐☐.☐☐.☐☐.☐☐-☐	☐☐☐☐-☐	☐☐☐☐-☐	☐☐☐☐-☐
Additional objects	☐☐.☐☐.☐☐.☐☐-☐	☐☐☐☐-☐	☐☐☐☐-☐	☐☐☐☐-☐
	☐☐.☐☐.☐☐.☐☐-☐	☐☐☐☐-☐	☐☐☐☐-☐	☐☐☐☐-☐
	☐☐.☐☐.☐☐.☐☐-☐	☐☐☐☐-☐	☐☐☐☐-☐	☐☐☐☐-☐
	☐☐.☐☐.☐☐.☐☐-☐	☐☐☐☐-☐	☐☐☐☐-☐	☐☐☐☐-☐

II.3.2) Other relevant nomenclature (NACE) _____

II.4) NATURE AND SCOPE OF WORK _____

_____

_____

II.5) ESTIMATED COST OF WORK EXCLUDING VAT *(if known)*

Between _____ and _____ Currency _____

II.6) SCHEDULED DATE *(if known)* **FOR START OF**

procedure ☐☐/☐☐/☐☐☐☐ *(dd/mm/yyyy)*

work ☐☐/☐☐/☐☐☐☐ *(dd/mm/yyyy)*

II.7) COMPLETION DATE *(if known)* ☐☐/☐☐/☐☐☐☐ *(dd/mm/yyyy)*

II.8) MAIN TERMS OF FINANCING AND PAYMENT *(if known)* _____

_____

_____

II.9) OTHER INFORMATION *(if applicable)*

_____

_____

_____

(for details about lots use Annex B as many times as needed)