

Commission Implementing Decision (EU) 2016/1804 of 10 October 2016 on the detailed rules for the application of Articles 34 and 35 of Directive 2014/25/EU of the European Parliament and of the Council on procurement by entities operating in the water, energy, transport and postal services sectors (notified under document C(2016) 6351) (Text with EEA relevance)

- Article 1 (1) Requests concerning the applicability of Article 34 of Directive...
- Article 2 (1) Where the Commission receives a request concerning the applicability...
- Article 3 Decision 2005/15/EC is repealed.
- Article 4 This Decision is addressed to the Member States.
Signature

ANNEX I

INFORMATION TO BE PROVIDED IN REQUESTS CONCERNING THE APPLICABILITY OF ARTICLE 34 OF DIRECTIVE 2014/25/EU

1. Section 1 — Identity and status of applicant
 - 1.1. Full name and address of the applicant:
 - 1.2. Status of the applicant: contracting authority, public undertaking or private...
 - 1.3. For a contracting authority: are you making the request for...
 - 1.4. For contracting entities (the contracting authorities, the public undertakings and...
2. Section 2 — Description of the activity covered by this...
 - 2.1. Describe the activity to which the conditions of Article 34(1)...
 - 2.2. Where this differs from the national territory as a whole,...
3. Section 3 — The relevant market
 - 3.1. In the light of the above, please explain the definition...
 - 3.2. Please explain the definition of the relevant geographical market or...
4. Section 4 — Applicability of the legislative acts referred to...
 - 4.1. Is the activity covered by this request subject to one...
5. Section 5 — Information concerning the relevant market and access...
 - 5.1. Please give the reasons why you consider that access to...
 - 5.2. For each relevant market, for each of the last three...
 - 5.3. Please provide the following information:
 - 5.3.1. Over the last five years, has there been any significant...
 - 5.3.2. In the opinion of the applicant are there any undertakings...
 - 5.3.3. Describe the various factors influencing entry into the relevant markets...

RESEARCH AND DEVELOPMENT

- 5.3.4. Give an account of the importance of research and development...
- COOPERATION AGREEMENTS**
- 5.3.5. To what extent do cooperation agreements (horizontal or vertical) exist...
- 5.3.6. Give details of the most important cooperation agreements concluded by...
6. Section 6 — Exposure to competition
- 6.1. Explain why you consider that the activity covered by this...
- GENERAL CONDITIONS ON THE RELEVANT MARKET**
- 6.1.1. Identify the five largest independent suppliers to the applicant and...
- STRUCTURE OF SUPPLY IN THE RELEVANT MARKETS**
- 6.1.2. Describe the distribution channels and after-sales service networks that exist...
- 6.1.3. Where appropriate, provide an estimate of the total EU-wide and...
- 6.1.4. Please indicate any other supply-side considerations you consider to be...
- STRUCTURE OF DEMAND IN THE RELEVANT MARKETS**
- 6.1.5. Identify the five largest independent customers of the applicant in...
- 6.1.6. Explain the structure of demand in terms of:
- 6.1.7. Provide estimates of the degree of consumer activity in terms...

ANNEX II

INFORMATION TO BE CONTAINED IN NOTICES OF REQUESTS CONCERNING THE APPLICABILITY OF ARTICLE 34 OF DIRECTIVE 2014/25/EU

- A. Access to the market is deemed not to be restricted...
- B. Free access to the market cannot be presumed on the...

ANNEX III

INFORMATION TO BE CONTAINED IN NOTICES OF REQUESTS CONCERNING THE APPLICABILITY OF ARTICLE 34 OF DIRECTIVE 2014/25/EU — EXTENSION OR SUSPENSION OF PERIODS FOR THE ADOPTION OF IMPLEMENTING ACTS OR WITHDRAWAL OF A REQUEST

- A. Extension of the period for adoption of implementing acts
- B. Suspension of the period for adoption of implementing acts
- C. End of the suspension of the period for adoption of...
- D. Withdrawal of a request concerning the applicability of Article 34...

ANNEX IV

INFORMATION TO BE CONTAINED IN NOTICES OF REQUESTS CONCERNING THE APPLICABILITY OF ARTICLE 34 OF DIRECTIVE 2014/25/EU — APPLICABILITY OF ARTICLE 34(1) OF THE DIRECTIVE WHERE NO IMPLEMENTING ACT HAS BEEN ADOPTED WITHIN THE DEADLINE

Request [from a Member State/made by a contracting entity]
On [...] the Commission received a request pursuant to Article...
This request, made by [name of the Member State concerned/
name...
Since the period for adoption of a decision expired on...

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2016/1804. (See end of Document for details)

- (1) [OJ L 94, 28.3.2014, p. 243.](#)
- (2) Commission Decision 2005/15/EC of 7 January 2005 on the detailed rules for the application of the procedure provided for in Article 30 of Directive 2004/17/EC of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors ([OJ L 7, 11.1.2005, p. 7](#)).
- (3) Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors ([OJ L 134, 30.4.2004, p. 1](#)).

Changes to legislation:

There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2016/1804.