Files\\Commission Decision - § 2 references coded [ 2.15% Coverage]

Reference 1 - 0.24% Coverage

Having regard to the Treaty on the Functioning of the European Union,

Reference 2 - 1.91% Coverage

The tasks described under points a) to d) shall be exercised in accordance with Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council3   
3 and the   
Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU)   
EN 3 EN   
Commission internal rules on the implementation of the general budget of the European Union4.

Files\\Communication from the Commission - § 1 reference coded [ 0.55% Coverage]

Reference 1 - 0.55% Coverage

The current EU legal framework for public procurement offers an effective range of tools. In particular, the innovation partnership procedure promotes agile cooperation between public buyers and economic partners. It combines co-development and procurement in a single tender procedure. Its objective is to jointly develop a new solution and subsequently for the   
7   
public buyer (e.g. Member States) to purchase the new solution without having to launch another competitive procedure.

Files\\Proposal for a Council Regulation - § 10 references coded [ 2.77% Coverage]

Reference 1 - 0.25% Coverage

aims to ensure the supply and the timely availability and accessibility of crisis-relevant medical countermeasures addressing the economic impacts caused by public health emergencies, it is based on Article 122(1) of the Treaty on the Functioning of the European Union (TFEU). The Council may act pursuant to Article 122(1) TFEU to adopt measures that are appropriate to address the economic situation, in particular if severe difficulties arise in the supply of certain products.

Reference 2 - 0.11% Coverage

In accordance with the principle of proportionality, as set out in Article 5 of the Treaty on European Union, this proposal and the measures proposed do not go beyond what is necessary in order to achieve those objectives.

Reference 3 - 0.21% Coverage

Choice of the instrument   
The proposal takes the form of a Council Regulation. This is considered to be the most suitable instrument as a key element of the proposal is to establish procedures and structures for cooperation on joint, Union-level work focussing on response to cross-border health emergencies. The measures do not require the implementation of national measures and can be directly applicable.

Reference 4 - 0.62% Coverage

The proposal contributes to achieving a high level of human health protection as well as to upholding the highest standards in the protection of human rights and civil liberties, as enshrined in the Charter of Fundamental Rights of the European Union (‘the Charter’). The measures under this Regulation may limit the freedom to conduct business and the freedom of contract, which are protected by Article 16 of the Charter and the right to property, protected by Article 17 of the Charter. Any limitation of those rights will, in accordance with Article 52(1) of the Charter, be provided for by law, respect the essence of those rights and freedom, and comply with the principle of proportionality.   
Where the activities to be carried out pursuant to this Regulation involve the processing of personal data, the lawfulness of that processing will be based on the acts assigning their tasks to the different actors involved, not this Regulation. Any such processing must comply with the relevant Union legislation on personal data protection, namely Regulation (EU) 2018/1725 of the European Parliament and of the Council19 and Regulation (EU) 2016/679 of the European Parliament and of the Council20.

Reference 5 - 0.06% Coverage

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 122(1) thereof,

Reference 6 - 0.21% Coverage

Efficient procurement procedures for crisis-relevant medical countermeasures and raw materials should be ensured, and the Commission should be entrusted with a negotiating mandate to act as a central procurement body for Member States, using rules and procedures under Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council26 as well as Council Regulation (EU) 2016/36927.

Reference 7 - 0.07% Coverage

The measures referred to in paragraph 1 may be activated only to the extent that they are appropriate to the economic situation.

Reference 8 - 0.15% Coverage

The regulation on the activation of the emergency framework shall be without prejudice to Decision No. 1313/2013/EU of the European Parliament and of the Council30 and the overall coordination role of the Emergency Response Coordination Centre under the Union Civil Protection Mechanism.

Reference 9 - 0.95% Coverage

Where this measure is activated, a negotiating mandate shall be established by the Commission on behalf of Member States that wish to be represented by the Commission (‘participating Member States’) to act as a central purchasing body for crisis-relevant medical countermeasures through the activation of existing contracts or the negotiation of new contracts using all available instruments, such as Article 4 of Regulation (EU) 2016/369; the joint procurement procedure referred to in Article 12 of Regulation (EU) …/… [the SCBTH Regulation], or European Innovation Partnerships.   
2. Without prejudice to paragraph 1 above, procurement under this Regulation shall be carried out by the Commission in accordance with the rules set out in Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council32 for its own procurement. The following simplifications of procurement procedures may be used:   
(a) By way of derogation from Article 137 of Regulation (EU, Euratom) 2018/1046, possibility to provide proof or evidence on exclusion and selection criteria after signature of contract provided that a declaration on honour has been submitted in this regard before the award;   
(b) By way of derogation from Article 172(2) of the Regulation (EU, Euratom) 2018/1046, the Commission may modify the contract, as necessary to adapt to the evolution of the public health emergency;   
(c) By way of derogation from Article 165 of Regulation (EU, Euratom) 2018/1046, possibility to add contracting authorities, not identified in procurement documents, after the signature of the contract;   
(d) By way of derogation from Article 172(1) of Regulation (EU, Euratom) 2018/1046, the contracting authorities shall be entitled to request the delivery of goods or services as from the date of sending the draft contracts resulting

Reference 10 - 0.14% Coverage

The participation and contribution of the Union in the emergency research and innovation aspects of the Union Preparedness and Response Plan with the Member States shall be in accordance with the rules and procedures of the various Multiannual Financial Framework programmes.