

Council Directive of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts (89/665/EEC)

[^{F1}Article 2b

Derogations from the standstill period

Member States may provide that the periods referred to in Article 2a(2) of this Directive do not apply in the following cases:

- (a) [^{F2}if Directive 2014/24/EU or, where relevant, Directive 2014/23/EU does not require prior publication of a contract notice in the *Official Journal of the European Union*;
- (b) if the only tenderer concerned within the meaning of Article 2a(2) of this Directive is the one who is awarded the contract and there are no candidates concerned;
- (c) [^{F2}in the case of a contract based on a framework agreement as provided for in Article 33 of Directive 2014/24/EU and in the case of a specific contract based on a dynamic purchasing system as provided for in Article 34 of that Directive.]

If this derogation is invoked, Member States shall ensure that the contract is ineffective in accordance with Articles 2d and 2f of this Directive where:

- [^{F2}there is an infringement of point (c) of Article 33(4) or of Article 34(6) of Directive 2014/24/EU, and
- the contract value is estimated to be equal to or to exceed the thresholds set out in Article 4 of Directive 2014/24/EU.]]

Textual Amendments

- F1** Inserted by [Directive 2007/66/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directives 89/665/EEC and 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts \(Text with EEA relevance\)](#).
- F2** Substituted by [Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts \(Text with EEA relevance\)](#).