

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of procedures for the award of public works contracts, public supply contracts and public service contracts (repealed)

TITLE I

DEFINITIONS AND GENERAL PRINCIPLES

- Article 1 Definitions
- 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 5 Conditions relating to agreements concluded within the World Trade Organisation
- Article 6 Confidentiality

CHAPTER II

Scope

Section 1

Thresholds

- Article 7 Threshold amounts for public contracts
- 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
- Article 11 Public contracts and framework agreements awarded by central purchasing bodies

Section 3

Excluded contracts

- Article 12 Contracts in the water, energy, transport and postal services sectors
- 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 17 Service concessions
- 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 29 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
- Article 32 Framework agreements
- Article 33 Dynamic purchasing systems

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

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
Article 36 Form and manner of publication of notices
Article 37 Non-mandatory publication

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

Section 5

Reports

Article 43 Content of reports

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
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 53 Contract award criteria
Article 54 Use of electronic auctions
Article 55 Abnormally low tenders

TITLE III

RULES ON PUBLIC WORKS CONCESSIONS

CHAPTER I

Rules governing public works concessions

- Article 56 Scope
Article 57 Exclusions from the scope
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

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

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

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

Signature

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

- (1) [OJ C 29 E, 30.1.2001, p. 11](#) and [OJ C 203 E, 27.8.2002, p. 210](#).
- (2) [OJ C 193, 10.7.2001, p. 7](#).
- (3) [OJ C 144, 16.5.2001, p. 23](#).
- (4) Opinion of the European Parliament of 17 January 2002 ([OJ C 271 E, 7.11.2002, p. 176](#)), Council Common Position of 20 March 2003 ([OJ C 147 E, 24.6.2003, p. 1](#)) and Position of the European Parliament of 2 July 2003 (not yet published in the Official Journal). Legislative Resolution of the European Parliament of 29 January 2004 and Decision of the Council of 2 February 2004.
- (5) [OJ L 209, 24.7.1992, p. 1](#). Directive as last amended by Commission Directive 2001/78/EC ([OJ L 285, 29.10.2001, p. 1](#)).
- (6) [OJ L 199, 9.8.1993, p. 1](#). Directive as last amended by Commission Directive 2001/78/EC.
- (7) [OJ L 199, 9.8.1993, p. 54](#). Directive as last amended by Commission Directive 2001/78/EC.
- (8) [OJ L 336, 23.12.1994, p. 1](#).
- (9) See p. 1 of this Official Journal.
- (10) [OJ L 199, 9.8.1993, p. 84](#). Directive as last amended by Commission Directive 2001/78/EC ([OJ L 285, 29.10.2001, p. 1](#)).
- (11) [OJ L 18, 21.1.1997, p. 1](#).
- (12) [OJ L 340, 16.12.2002, p.1](#).
- (13) [OJ L 13, 19.1.2000, p. 12](#).
- (14) [OJ L 178, 17.7.2000, p. 1](#).
- (15) Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ([OJ L 303, 2.12.2000, p. 16](#)).
- (16) Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions ([OJ L 39, 14.2.1976, p. 40](#)). Directive amended by Directive 2002/73/EC of the European Parliament and of the Council ([OJ L 269, 5.10.2002, p. 15](#)).
- (17) Regulation (EC) No 761/2001 of the European Parliament and of the Council of 19 March 2001 allowing a voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) ([OJ L 114, 24.4.2001, p. 1](#)).
- (18) [OJ L 184, 17.7.1999, p. 23](#).
- (19) [OJ L 124, 8.6.1971, p. 1](#).