

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of procedures for the award of public works contracts, public supply contracts and public service contracts (repealed)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

## 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

*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.*

---

---

ANNEX I

LIST OF THE ACTIVITIES REFERRED TO IN ARTICLE 1(2), POINT (b)

ANNEX II

SERVICES REFERRED TO IN ARTICLE 1(2)(d)

ANNEX II A

ANNEX II B

ANNEX III

LIST OF BODIES AND CATEGORIES OF BODIES GOVERNED BY PUBLIC LAW AS REFERRED TO IN THE SECOND SUBPARAGRAPH OF ARTICLE 1(9)

I — BELGIUM  
Bodies

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
O  
P  
R  
S  
T  
U  
V

II — BULGARIA  
Bodies  
Categories

III — CZECH REPUBLIC

*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.*

---

- IV — DENMARK
  - Bodies
  - Categories
- V — GERMANY
  - Categories
  - Legal persons governed by private law
- VI — ESTONIA
  - Categories
- VII — IRELAND
  - Bodies
  - Categories
- VIII — GREECE
  - Categories
- IX — SPAIN
  - Categories
- X — FRANCE
  - Bodies
  - Categories
  - (1) National public bodies:
  - (2) Administrative public bodies at regional, departmental and local level:
  - (3) Groupings of territorial authorities:
- XI — ITALY
  - Bodies
  - Categorie
- XII — CYPRUS
- XIII — LATVIA
- XIV — LITHUANIA
- XV — LUXEMBOURG
- XVI — HUNGARY
  - Bodies
  - Categories
- XVII — MALTA
- XVIII — NETHERLANDS
  - Bodies
- XIX — AUSTRIA
- XX — POLAND
  - (1) Public universities and academic schools

*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.*

---

- (2) Cultural institutions of regional and local self-government
- (3) National parks
- (4) Public primary and secondary schools
- (5) Public radio and TV broadcasters
- (6) Public museums, theatres, libraries and other public cultural institutions
- (7) Public research institutions, research and development institutions and other research...
- (8) Public Autonomous Health Care Management Units whose founding body is...
- (9) Other

XXI — PORTUGAL

XXII — ROMANIA

XXIII — SLOVENIA

XXIV — SLOVAKIA

XXV — FINLAND

XXVI — SWEDEN

XXVII — UNITED KINGDOM

Bodies

Categories

#### ANNEX IV

#### CENTRAL GOVERNMENT AUTHORITIES

BELGIUM

BULGARIA

CZECH REPUBLIC

DENMARK

GERMANY

ESTONIA

IRELAND

GREECE

SPAIN

FRANCE

- 1) Ministries
- 2) Institutions, independent authorities and jurisdictions
- 3) National public establishments



*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.*

---

4) Other national public body

ITALY

- 1) Purchasing bodies
- 2) Other national public bodies:

CYPRUS

LATVIA

- 1) Ministries, secretariats of ministers for special assignments, and their subordinate...
- 2) Other state institution

LITHUANIA

LUXEMBOURG

HUNGARY

MALTA

NETHERLANDS

AUSTRIA

POLAND

PORTUGAL

ROMANIA

SLOVENIA

SLOVAKIA

FINLAND

SWEDEN

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O

P  
R  
S  
T  
U  
V  
Å  
Ö

UNITED KINGDOM

#### ANNEX V

### LIST OF PRODUCTS REFERRED TO IN ARTICLE 7 WITH REGARD TO CONTRACTS AWARDED BY CONTRACTING AUTHORITIES IN THE FIELD OF DEFENCE

#### ANNEX VI

### DEFINITION OF CERTAIN TECHNICAL SPECIFICATIONS

For the purposes of this Directive:  
'technical specification', in the case of public works contracts,  
means...

#### ANNEX VII

### INFORMATION TO BE INCLUDED IN NOTICES

#### ANNEX VII A

### INFORMATION WHICH MUST BE INCLUDED IN PUBLIC CONTRACT NOTICES

#### NOTICE OF THE PUBLICATION OF A PRIOR INFORMATION NOTICE ON...

1. Country of the contracting authority
2. Name of the contracting authority
3. Internet address of the 'buyer profile' (URL)
4. CPV Nomenclature reference No(s)

#### PRIOR INFORMATION NOTICE

1. The name, address, fax number and email address of the...
2. Where appropriate, indicate whether the public contract is restricted to...
3. In the case of public works contracts: the nature and...
4. Estimated date for initiating the award procedures in respect of...
5. Where appropriate, indicate whether a framework agreement is involved.
6. Where appropriate, other information.
7. Date of dispatch of the notice or of dispatch of...
8. Indicate whether the contract is covered by the Agreement.

#### CONTRACT NOTICES

*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.*

---

#### SIMPLIFIED CONTRACT NOTICE FOR USE IN A DYNAMIC PURCHASING SYSTEM...

1. Country of contracting authority.
2. Name and e-mail address of contracting authority.
3. Publication reference of the contract notice for the dynamic purchasing...
4. E-mail address at which the technical specification and additional documents...
5. Subject of contract: description by reference number(s) of 'CPV' nomenclature...
6. Time frame for submitting indicative tenders.

#### CONTRACT AWARD NOTICES

1. Name and address of the contracting authority.
2. Award procedures chosen. In the case of negotiated procedure without...
3. Public works contracts: nature and extent of the contract, general...
4. Date of contract award.
5. Contract award criteria.
6. Number of tenders received.
7. Name and address of the successful economic operators.
8. Price or range of prices (minimum/maximum) paid.
9. Value of the tender (tenders) retained or the highest tender...
10. Where appropriate, value and proportion of contract likely to be...
11. Date of publication of the tender notice in accordance with...
12. Date of dispatch of the notice.
13. Name and address of the body responsible for appeal and,...

#### ANNEX VII B

##### INFORMATION WHICH MUST APPEAR IN PUBLIC WORKS CONCESSION NOTICES

1. Name, address, fax number and email address of the contracting...
2. Place of execution Subject of the concession; nature and extent...
3. Time limit for the submission of applications Address to which...
4. Personal, technical and financial conditions to be met by the...
5. Criteria which will be applied in the award of the...
6. If appropriate, the minimum proportion of the works which will...
7. Date of dispatch of the notice
8. Name and address of the body responsible for appeal and,...

#### ANNEX VII C

##### INFORMATION WHICH MUST APPEAR IN WORKS CONTRACT NOTICES OF CONCESSIONNAIRES WHO ARE NOT CONTRACTING AUTHORITIES

1. Place of execution Nature and extent of the services, general...

2. Any time limit for completion imposed
3. Name and address of the body from whom the specifications...
4. Time limit for the receipt of applications to participate and/or...
5. Any deposits or guarantees required
6. Economic and technical conditions to be met by the contractor...
7. Criteria which will be applied in the award of the...
8. Date of dispatch of the notice

#### ANNEX VII D

#### INFORMATION WHICH MUST APPEAR IN DESIGN CONTEST NOTICES

##### CONTEST NOTICES

1. Name, address, fax number and email address of the contracting...
2. Description of the project
3. Type of contest: open or restricted
4. In the event of an open contest: time limit for...
5. In the event of a restricted contest:
6. If appropriate, indicate that the participation is restricted to a...
7. Criteria which will be applied in the evaluation of the...
8. Names of any members of the jury who have already...
9. Indicate whether the jury's decision is binding on the contracting...
10. Number and value of any prizes
11. Payments to be made to all participants, if any
12. Indicate whether any contracts following the contest will or will...
13. Date of dispatch of the notice

##### NOTICE OF THE RESULTS OF A CONTEST

1. Name, address, fax number and email address of the contracting...
2. Description of the project
3. Total number of participants
4. Number of foreign participants
5. Winner(s) of the contest
6. Any prizes
7. Reference of the contest notice
8. Date of dispatch of the notice

#### ANNEX VIII

#### FEATURES CONCERNING PUBLICATION

1. Publication of notices
  - (a) Notices referred to in Articles 35, 58, 64 and 69 must be sent...
  - (b) Notices referred to in Articles 35, 58, 64 and 69...
  - (c) The Office for Official Publications of the European Communities will...

*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.*

---

2. Publication of complementary or additional information
  - (a) Contracting authorities are encouraged to publish the specifications and the...
  - (b) The buyer profile may include prior information notices as referred...
3. Format and procedures for sending notices electronically

## ANNEX IX REGISTERS

### ANNEX IX A PUBLIC WORKS CONTRACTS

The professional registers and corresponding declarations and certificates for each...  
in Belgium, the ‘Registre du commerce’/‘Handelsregister’; in Bulgaria ‘Търговски...

### ANNEX IX B PUBLIC SUPPLY CONTRACTS

The relevant professional or trade registers and the corresponding declarations...  
in Belgium, the ‘Registre du commerce/Handelsregister’; in Bulgaria ‘Търговски...

### ANNEX IX C PUBLIC SERVICE CONTRACTS

The relevant professional and trade registers or declarations or certificates...  
in Belgium, the ‘Registre du commerce/Handelsregister’ and the ‘Ordres professionnels/Beroepsorden’;...

## ANNEX X REQUIREMENTS RELATING TO DEVICES FOR THE ELECTRONIC RECEIPT OF TENDERS, REQUESTS FOR PARTICIPATION AND PLANS AND PROJECTS IN CONTESTS

Devices for the electronic receipt of tenders, requests for participation...  
electronic signatures relating to tenders, requests to participate and the...

ANNEX XI

DEADLINES FOR TRANSPOSITION AND APPLICATION (Article 80)

ANNEX XII

CORRELATION TABLE

---

*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](#).