

Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (Text with EEA relevance)

TITLE III

PARTICULAR PROCUREMENT REGIMES

CHAPTER I

Social and other specific services

Article 77

Reserved contracts for certain services

- 1 Member States may provide that contracting authorities may reserve the right for organisations to participate in procedures for the award of public contracts exclusively for those health, social and cultural services referred to in Article 74, which are covered by CPV codes 75121000-0, 75122000-7, 75123000-4, 79622000-0, 79624000-4, 79625000-1, 80110000-8, 80300000-7, 80420000-4, 80430000-7, 80511000-9, 80520000-5, 80590000-6, from 85000000-9 to 85323000-9, 92500000-6, 92600000-7, 98133000-4, 98133110-8.
- 2 An organisation referred to in paragraph 1 shall fulfil all of the following conditions:
 - a its objective is the pursuit of a public service mission linked to the delivery of the services referred to in paragraph 1;
 - b profits are reinvested with a view to achieving the organisation's objective. Where profits are distributed or redistributed, this should be based on participatory considerations;
 - c the structures of management or ownership of the organisation performing the contract are based on employee ownership or participatory principles, or require the active participation of employees, users or stakeholders; and
 - d the organisation has not been awarded a contract for the services concerned by the contracting authority concerned pursuant to this Article within the past three years.
- 3 The maximum duration of the contract shall not be longer than three years.
- 4 The call for competition shall make reference to this Article.
- 5 Notwithstanding Article 92, the Commission shall assess the effects of this Article and report to the European Parliament and the Council by 18 April 2019.