

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 I

SCOPE, DEFINITIONS AND GENERAL PRINCIPLES

CHAPTER I

Scope and definitions

Section 1

Subject-matter and definitions

- Article 1 Subject-matter and scope
- Article 2 Definitions
- Article 3 Mixed procurement

Section 2

Thresholds

- Article 4 Threshold amounts
- Article 5 Methods for calculating the estimated value of procurement
- Article 6 Revision of the thresholds and of the list of central government authorities

Section 3

Exclusions

- Article 7 Contracts in the water, energy, transport and postal services sectors
- Article 8 Specific exclusions in the field of electronic communications
- Article 9 Public contracts awarded and design contests organised pursuant to international rules
- Article 10 Specific exclusions for service contracts
- Article 11 Service contracts awarded on the basis of an exclusive right
- Article 12 Public contracts between entities within the public sector

Section 4

Specific situations

Subsection 1

Subsidised contracts and research and development services

Article 13 Contracts subsidised by contracting authorities

Article 14 Research and development services

Subsection 2

Procurement involving defence or security aspects

Article 15 Defence and security

Article 16 Mixed procurement involving defence or security aspects

Article 17 Public contracts and design contests involving defence or security aspects which are awarded or organised pursuant to international rules

CHAPTER II

General rules

Article 18 Principles of procurement

Article 19 Economic operators

Article 20 Reserved contracts

Article 21 Confidentiality

Article 22 Rules applicable to communication

Article 23 Nomenclatures

Article 24 Conflicts of interest

TITLE II

RULES ON PUBLIC CONTRACTS

CHAPTER I

Procedures

Article 25 Conditions relating to the GPA and other international agreements

Article 26 Choice of procedures

Article 27 Open procedure

Article 28 Restricted procedure

Article 29 Competitive procedure with negotiation

Article 30 Competitive dialogue

Article 31 Innovation partnership

Article 32 Use of the negotiated procedure without prior publication

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

Techniques and instruments for electronic and aggregated procurement

Article 33	Framework agreements
Article 34	Dynamic purchasing systems
Article 35	Electronic auctions
Article 36	Electronic catalogues
Article 37	Centralised purchasing activities and central purchasing bodies
Article 38	Occasional joint procurement
Article 39	Procurement involving contracting authorities from different Member States

CHAPTER III

Conduct of the procedure

Section 1

Preparation

Article 40	Preliminary market consultations
Article 41	Prior involvement of candidates or tenderers
Article 42	Technical specifications
Article 43	Labels
Article 44	Test reports, certification and other means of proof
Article 45	Variants
Article 46	Division of contracts into lots
Article 47	Setting time limits

Section 2

Publication and transparency

Article 48	Prior information notices
Article 49	Contract notices
Article 50	Contract award notices
Article 51	Form and manner of publication of notices
Article 52	Publication at national level
Article 53	Electronic availability of procurement documents
Article 54	Invitations to candidates
Article 55	Informing candidates and tenderers

Section 3

Choice of participants and award of contracts

Article 56	General principles
------------	--------------------

Subsection 1

Criteria for qualitative selection

Article 57	Exclusion grounds
Article 58	Selection criteria
Article 59	European Single Procurement Document
Article 60	Means of proof
Article 61	Online repository of certificates (e-Certis)
Article 62	Quality assurance standards and environmental management standards
Article 63	Reliance on the capacities of other entities
Article 64	Official lists of approved economic operators and certification by bodies established under public or private law

Subsection 2

Reduction of numbers of candidates, tenders and solutions

Article 65	Reduction of the number of otherwise qualified candidates to be invited to participate
Article 66	Reduction of the number of tenders and solutions

Subsection 3

Award of the contract

Article 67	Contract award criteria
Article 68	Life-cycle costing
Article 69	Abnormally low tenders

CHAPTER IV

Contract performance

Article 70	Conditions for performance of contracts
Article 71	Subcontracting
Article 72	Modification of contracts during their term
Article 73	Termination of contracts

TITLE III

PARTICULAR PROCUREMENT REGIMES

CHAPTER I

Social and other specific services

Article 74	Award of contracts for social and other specific services
Article 75	Publication of notices
Article 76	Principles of awarding contracts
Article 77	Reserved contracts for certain services

CHAPTER II

Rules governing design contests

Article 78	Scope
Article 79	Notices
Article 80	Rules on the organisation of design contests and the selection of participants
Article 81	Composition of the jury
Article 82	Decisions of the jury

TITLE IV

GOVERNANCE

Article 83	Enforcement
Article 84	Individual reports on procedures for the award of contracts
Article 85	National reporting and statistical information
Article 86	Administrative cooperation

TITLE V

DELEGATED POWERS, IMPLEMENTING POWERS AND FINAL PROVISIONS

Article 87	Exercise of the delegation
Article 88	Urgency procedure
Article 89	Committee procedure
Article 90	Transposition and transitional provisions
Article 91	Repeals
Article 92	Review
Article 93	Entry into force
Article 94	Addressees

ANNEX I

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
4. Other national public bodies

CROATIA

ITALY

CYPRUS

LATVIA

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 II

LIST OF THE ACTIVITIES REFERRED TO IN POINT (6)(a) OF ARTICLE 2(1)

In the event of any difference of interpretation between the...
Council Regulation (EEC) No 3037/90 of 9 October 1990 on...

ANNEX III

LIST OF PRODUCTS REFERRED TO IN ARTICLE 4(b) WITH REGARD TO CONTRACTS AWARDED BY CONTRACTING AUTHORITIES IN THE FIELD OF DEFENCE

The only text applicable for the purposes of this Directive...
Chapter 25: Salt, sulphur, earths and stone, plastering materials,
lime...

ANNEX IV

REQUIREMENTS RELATING TO TOOLS AND DEVICES FOR THE ELECTRONIC RECEIPT OF TENDERS, REQUESTS FOR PARTICIPATION AS WELL AS PLANS AND PROJECTS IN DESIGN CONTESTS

Tools and devices for the electronic receipt of tenders, requests...
the exact time and date of the receipt of tenders,...

ANNEX V

INFORMATION TO BE INCLUDED IN NOTICES

PART A

Information to be included in notices of the publication of...

PART B

Information to be included in prior information notices
(as referred to in Article 48) I. Information to be...

- I. Information to be included in all cases
- II. Additional information to be supplied where the notice is used...

PART C

Information to be included in contract notices (as referred
to in Article 49) Name, identification number (where...

PART D

Information to be included in contract award notices (as
referred to in Article 50) Name, identification number (where...

PART E

Information to be included in design contest notices (as referred
to in Article 79(1)) Name, identification number (where...

PART F

Information to be included in notices of the results of...(as
referred to in Article 79(2)) Name, identification number (where...

PART G

Information to be included in notices of modifications of a...(as
referred to in Article 72(1)) Name, identification number (where...

PART H

Information to be included in contract notices concerning contracts for...
(as referred to in Article 75(1)) Name, identification number (where...

PART I

Information to be included in prior information notices for social...
(as referred to in Article 75(1)) Name, identification number (where...

PART J

Information to be included in contract award notices concerning contracts...
(as referred to in Article 75(2)) Name, identification number (where...

ANNEX VI

INFORMATION TO BE INCLUDED IN THE PROCUREMENT
DOCUMENTS RELATING TO ELECTRONIC AUCTIONS

Where contracting authorities have decided to hold an electronic
auction,...
the features, the values for which will be the subject...

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 VII

DEFINITION OF CERTAIN TECHNICAL SPECIFICATIONS

For the purposes of this Directive:
‘technical specification’ means one of the following: in the case...

ANNEX VIII

FEATURES CONCERNING PUBLICATION

1. Publication of notices
2. Publication of complementary or additional information
3. Format and procedures for sending notices electronically

ANNEX IX

CONTENTS OF THE INVITATIONS TO SUBMIT A TENDER, TO PARTICIPATE IN THE DIALOGUE OR TO CONFIRM INTEREST PROVIDED FOR UNDER ARTICLE 54

1. The invitation to submit a tender or to participate in...
2. When a call for competition is made by means of...

ANNEX X

LIST OF INTERNATIONAL SOCIAL AND ENVIRONMENTAL CONVENTIONS REFERRED TO IN ARTICLE 18(2)

ILO Convention 87 on Freedom of Association and the Protection...

ANNEX XI

REGISTERS

The relevant professional and trade registers and corresponding declarations and...
in Belgium the ‘Registre du Commerce’/‘Handelsregister’, and,
in the case...

ANNEX XII

MEANS OF PROOF OF SELECTION CRITERIA

Part I:

Economic and financial standing

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.

Part II:

Technical ability

ANNEX XIII

LIST OF UNION LEGAL ACTS REFERRED TO IN ARTICLE 68(3)

Directive 2009/33/EC of the European Parliament and of the Council....

ANNEX XIV

ANNEX XV

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 191, 29.6.2012, p. 84.](#)
- (2) [OJ C 391, 18.12.2012, p. 49.](#)
- (3) Position of the European Parliament of 15 January 2014 (not yet published in the Official Journal), and decision of the Council of 11 February 2014.
- (4) Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors ([OJ L 134, 30.4.2004, p. 1.](#))
- (5) 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 ([OJ L 134, 30.4.2004, p. 114.](#))
- (6) Approved by Council Decision 2010/48/EC of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities ([OJ L 23, 27.1.2010, p. 35.](#))
- (7) Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC ([OJ L 216, 20.8.2009, p. 76.](#))
- (8) Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the Agreements reached in the Uruguay Round multilateral negotiations (1986 to 1994) ([OJ L 336, 23.12.1994, p. 1.](#))
- (9) Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors (see page 243 of this Official Journal).
- (10) Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70 ([OJ L 315, 3.12.2007, p. 1.](#))
- (11) Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services ([OJ L 18, 21.1.1997, p. 1.](#))
- (12) Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council ([OJ L 316, 14.11.2012, p. 12.](#))
- (13) Regulation (EC) No 593/2008 of the European Parliament and the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) ([OJ L 177, 4.7.2008, p. 6.](#))
- (14) Council Directive 89/665/EEC 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 ([OJ L 395, 30.12.1989, p. 33.](#))
- (15) Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC ([OJ L 342, 22.12.2009, p. 1.](#))
- (16) Directive 2009/33/EC of the European Parliament and the Council of 23 April 2009 on the promotion of clean and energy-efficient road transport vehicles ([OJ L 120, 15.5.2009, p. 5.](#))
- (17) Regulation (EC) No 106/2008 of the European Parliament and the Council of 15 January 2008 on a Community energy-efficiency labelling programme for office equipment ([OJ L 39, 13.2.2008, p. 1.](#))
- (18) Council Regulation (EEC, Euratom) No 1182/71 of 3 June 1971 determining the rules applicable to periods, dates and time limits (OJ - English special edition: Series V Volume 1952-1972 p. 88).
- (19) Regulation (EC) No 2195/2002 of the European Parliament and of the Council of 5 November 2002 on the Common Procurement Vocabulary (CPV) ([OJ L 340, 16.12.2002, p. 1.](#))

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.

- (20) Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ L 316, 14.11.2012, p. 1).
- (21) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).