

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 and repealing Directive 2004/17/EC (Text with EEA relevance)

TITLE III

PARTICULAR PROCUREMENT REGIMES

CHAPTER II

Rules governing design contests

Article 95

Scope

1 This Chapter shall apply to design contests organised as part of a procurement procedure for a service contract, provided that the estimated value of the contract, net of VAT, and including any possible prizes or payments to participants, is equal to or greater than the amount set out in point (a) of Article 15.

2 This Chapter shall apply to all design contests where the total amount of contest prizes and payments to participants, including the estimated value net of VAT of the service contract which might subsequently be concluded under point (j) of Article 50 if the contracting entity does not exclude such an award in the contest notice, is equal to or greater than the amount set out in point (a) of Article 15.

Article 96

Notices

1 Contracting entities that intend to organise a design contest shall call for competition by means of a contest notice.

Where they intend to award a subsequent service contract pursuant to point (j) of Article 50, this shall be indicated in the design contest notice.

Contracting entities that have held a design contest shall make the results known by means of a notice.

2 The call for competition shall include the information set out in Annex XIX and the notice of the results of a design contest shall include the information set out in Annex XX in the format of standard forms. The Commission shall establish those standard forms by means of implementing acts. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 105.

The notice of the results of a design contest shall be forwarded to the Publication Office of the European Union within 30 days of the closure of the design contest.

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.

Where the release of information on the outcome of the contest would impede law enforcement, would be contrary to the public interest or would prejudice the legitimate commercial interests of a particular economic operator, whether public or private, or might prejudice fair competition between economic operators, such information may be withheld from publication.

3 Article 71(2) to (6) shall also apply to notices relating to design contests.

Article 97

Rules on the organisation of design contests, the selection of participants and the jury

1 When organising design contests, contracting entities shall apply procedures which are adapted to Title I and this Chapter.

2 The admission of participants to design contests shall not be limited:

- a by reference to the territory or part of the territory of a Member State;
- b on the grounds that, under the law of the Member State in which the contest is organised, they would be required to be either natural or legal persons.

3 Where design contests are restricted to a limited number of participants, contracting entities shall establish clear and non-discriminatory selection criteria. In any event, the number of candidates invited to participate shall be sufficient to ensure genuine competition.

4 The jury shall be composed exclusively of natural persons who are independent of participants in the contest. Where a particular professional qualification is required of participants in a contest, at least a third of the jury members shall have that qualification or an equivalent qualification.

Article 98

Decisions of the jury

1 The jury shall be autonomous in its decisions or opinions.

2 The jury shall examine the plans and projects submitted by the candidates anonymously and solely on the basis of the criteria indicated in the contest notice.

3 The jury shall record its ranking of projects in a report, signed by its members, made according to the merits of each project, together with its remarks and any points that may need clarification.

4 Anonymity shall be observed until the jury has reached its opinion or decision.

5 Candidates may be invited, if need be, to answer questions that the jury has recorded in the minutes to clarify any aspects of the projects.

6 Complete minutes shall be drawn up of the dialogue between jury members and candidates.