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► **B**     **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)  
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**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)**

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TITLE I  
**SCOPE, DEFINITIONS AND GENERAL PRINCIPLES**

CHAPTER I  
*Scope and definitions*

Section 1  
**Subject-matter and definitions**

*Article 1*  
**Subject-matter and scope**

1. This Directive establishes rules on the procedures for procurement by contracting authorities with respect to public contracts as well as design contests, whose value is estimated to be not less than the thresholds laid down in Article 4.
2. Procurement within the meaning of this Directive is the acquisition by means of a public contract of works, supplies or services by one or more contracting authorities from economic operators chosen by those contracting authorities, whether or not the works, supplies or services are intended for a public purpose.
3. The application of this Directive is subject to Article 346 TFEU.
4. This Directive does not affect the freedom of Member States to define, in conformity with Union law, what they consider to be services of general economic interest, how those services should be organised and financed, in compliance with the State aid rules, and what specific obligations they should be subject to. Equally, this Directive does not affect the decision of public authorities whether, how and to what extent they wish to perform public functions themselves pursuant to Article 14 TFEU and Protocol No 26.
5. This Directive does not affect the way in which the Member States organise their social security systems.
6. Agreements, decisions or other legal instruments that organise the transfer of powers and responsibilities for the performance of public tasks between contracting authorities or groupings of contracting authorities and do not provide for remuneration to be given for contractual performance, are considered to be a matter of internal organisation of the Member State concerned and, as such, are not affected in any way by this Directive.

*Article 2*  
**Definitions**

1. For the purposes of this Directive, the following definitions apply:



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- (1) ‘contracting authorities’ means the State, regional or local authorities, bodies governed by public law or associations formed by one or more such authorities or one or more such bodies governed by public law;
- (2) ‘central government authorities’ means the contracting authorities listed in Annex I and, in so far as corrections or amendments have been made at national level, their successor entities;
- (3) ‘sub-central contracting authorities’ means all contracting authorities which are not central government authorities;
- (4) ‘bodies governed by public law’ means bodies that have all of the following characteristics:
  - (a) they are established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character;
  - (b) they have legal personality; and
  - (c) they are financed, for the most part, by the State, regional or local authorities, or by other bodies governed by public law; or are subject to management supervision by those authorities or bodies; or have an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities, or by other bodies governed by public law;
- (5) ‘public contracts’ means contracts for pecuniary interest concluded in writing between one or more economic operators and one or more contracting authorities and having as their object the execution of works, the supply of products or the provision of services;
- (6) ‘public works contracts’ means public contracts having as their object one of the following:
  - (a) the execution, or both the design and execution, of works related to one of the activities within the meaning of Annex II;
  - (b) the execution, or both the design and execution, of a work;
  - (c) the realisation, by whatever means, of a work corresponding to the requirements specified by the contracting authority exercising a decisive influence on the type or design of the work;
- (7) ‘a work’ means the outcome of building or civil engineering works taken as a whole which is sufficient in itself to fulfil an economic or technical function;
- (8) ‘public supply contracts’ means public contracts having as their object the purchase, lease, rental or hire-purchase, with or without an option to buy, of products. A public supply contract may include, as an incidental matter, siting and installation operations;
- (9) ‘public service contracts’ means public contracts having as their object the provision of services other than those referred to in point 6;

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- (10) ‘economic operator’ means any natural or legal person or public entity or group of such persons and/or entities, including any temporary association of undertakings, which offers the execution of works and/or a work, the supply of products or the provision of services on the market;
- (11) ‘tenderer’ means an economic operator that has submitted a tender;
- (12) ‘candidate’ means an economic operator that has sought an invitation or has been invited to take part in a restricted procedure, in a competitive procedure with negotiation, in a negotiated procedure without prior publication, in a competitive dialogue or in an innovation partnership;
- (13) ‘procurement document’ means any document produced or referred to by the contracting authority to describe or determine elements of the procurement or the procedure, including the contract notice, the prior information notice where it is used as a means of calling for competition, the technical specifications, the descriptive document, proposed conditions of contract, formats for the presentation of documents by candidates and tenderers, information on generally applicable obligations and any additional documents;
- (14) ‘centralised purchasing activities’ means activities conducted on a permanent basis, in one of the following forms:
- (a) the acquisition of supplies and/or services intended for contracting authorities,
  - (b) the award of public contracts or the conclusion of framework agreements for works, supplies or services intended for contracting authorities;
- (15) ‘ancillary purchasing activities’ means activities consisting in the provision of support to purchasing activities, in particular in the following forms:
- (a) technical infrastructure enabling contracting authorities to award public contracts or to conclude framework agreements for works, supplies or services;
  - (b) advice on the conduct or design of public procurement procedures;
  - (c) preparation and management of procurement procedures on behalf and for the account of the contracting authority concerned;
- (16) ‘central purchasing body’ means a contracting authority providing centralised purchasing activities and, possibly, ancillary purchasing activities;
- (17) ‘procurement service provider’ means a public or private body which offers ancillary purchasing activities on the market;
- (18) ‘written’ or ‘in writing’ means any expression consisting of words or figures which can be read, reproduced and subsequently communicated, including information transmitted and stored by electronic means;

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- (19) ‘electronic means’ means electronic equipment for the processing (including digital compression) and storage of data which is transmitted, conveyed and received by wire, by radio, by optical means or by other electromagnetic means;
- (20) ‘life cycle’ means all consecutive and/or interlinked stages, including research and development to be carried out, production, trading and its conditions, transport, use and maintenance, throughout the existence of the product or the works or the provision of the service, from raw material acquisition or generation of resources to disposal, clearance and end of service or utilisation;
- (21) ‘design contests’ means those procedures which enable the contracting authority to acquire, mainly in the fields of town and country planning, architecture and engineering or data processing, a plan or design selected by a jury after being put out to competition with or without the award of prizes;
- (22) ‘innovation’ means the implementation of a new or significantly improved product, service or process, including but not limited to production, building or construction processes, a new marketing method, or a new organisational method in business practices, workplace organisation or external relations inter alia with the purpose of helping to solve societal challenges or to support the Europe 2020 strategy for smart, sustainable and inclusive growth;
- (23) ‘label’ means any document, certificate or attestation confirming that the works, products, services, processes or procedures in question meet certain requirements;
- (24) ‘label requirements’ means the requirements to be met by the works, products, services, processes or procedures in question in order to obtain the label concerned.

2. For the purpose of this Article ‘regional authorities’ includes authorities listed non-exhaustively in NUTS 1 and 2, as referred to in Regulation (EC) No 1059/2003 of the European Parliament and of the Council <sup>(1)</sup>, while ‘local authorities’ includes all authorities of the administrative units falling under NUTS 3 and smaller administrative units, as referred to in Regulation (EC) No 1059/2003.

*Article 3***Mixed procurement**

1. Paragraph 2 shall apply to mixed contracts which have as their subject-matter different types of procurement all of which are covered by this Directive.

Paragraphs 3 to 5 shall apply to mixed contracts which have as their subject-matter procurement covered by this Directive and procurement covered by other legal regimes.

<sup>(1)</sup> Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

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2. Contracts which have as their subject two or more types of procurement (works, services or supplies) shall be awarded in accordance with the provisions applicable to the type of procurement that characterises the main subject of the contract in question.

In the case of mixed contracts consisting partly of services within the meaning of Chapter I of Title III and partly of other services or of mixed contracts consisting partly of services and partly of supplies, the main subject shall be determined in accordance with which of the estimated values of the respective services or supplies is the highest.

3. Where the different parts of a given contract are objectively separable, paragraph 4 shall apply. Where the different parts of a given contract are objectively not separable, paragraph 6 shall apply.

Where part of a given contract is covered by Article 346 TFEU or Directive 2009/81/EC, Article 16 of this Directive shall apply.

4. In the case of contracts which have as their subject-matter procurement covered by this Directive as well as procurement not covered by this Directive, contracting authorities may choose to award separate contracts for the separate parts or to award a single contract. Where contracting authorities choose to award separate contracts for separate parts, the decision as to which legal regime applies to any one of such separate contracts shall be taken on the basis of the characteristics of the separate part concerned.

Where contracting authorities choose to award a single contract, this Directive shall, unless otherwise provided in Article 16, apply to the ensuing mixed contract, irrespective of the value of the parts that would otherwise fall under a different legal regime and irrespective of which legal regime those parts would otherwise have been subject to.

In the case of mixed contracts containing elements of supply, works and service contracts and of concessions, the mixed contract shall be awarded in accordance with this Directive, provided that the estimated value of the part of the contract which constitutes a contract covered by this Directive, calculated in accordance with Article 5, is equal to or greater than the relevant threshold set out in Article 4.

5. In the case of contracts which have as their subject both procurement covered by this Directive and procurement for the pursuit of an activity which is subject to Directive 2014/25/EU, the applicable rules shall, notwithstanding paragraph 4 of this Article, be determined pursuant to Articles 5 and 6 of Directive 2014/25/EU.

6. Where the different parts of a given contract are objectively not separable, the applicable legal regime shall be determined on the basis of the main subject-matter of that contract.

## Section 2

### Thresholds

#### *Article 4*

#### **Threshold amounts**

This Directive shall apply to procurements with a value net of value-added tax (VAT) estimated to be equal to or greater than the following thresholds:

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- (a) ► **M3** EUR 5 350 000 ◀ for public works contracts;
- (b) ► **M3** EUR 139 000 ◀ for public supply and service contracts awarded by central government authorities and design contests organised by such authorities; where public supply contracts are awarded by contracting authorities operating in the field of defence, that threshold shall apply only to contracts concerning products covered by Annex III;
- (c) ► **M3** EUR 214 000 ◀ for public supply and service contracts awarded by sub-central contracting authorities and design contests organised by such authorities; that threshold shall also apply to public supply contracts awarded by central government authorities that operate in the field of defence, where those contracts involve products not covered by Annex III;
- (d) EUR 750 000 for public service contracts for social and other specific services listed in Annex XIV.

*Article 5***Methods for calculating the estimated value of procurement**

1. The calculation of the estimated value of a procurement shall be based on the total amount payable, net of VAT, as estimated by the contracting authority, including any form of option and any renewals of the contracts as explicitly set out in the procurement documents.

Where the contracting authority provides for prizes or payments to candidates or tenderers it shall take them into account when calculating the estimated value of the procurement.

2. Where a contracting authority is comprised of separate operational units, account shall be taken of the total estimated value for all the individual operational units.

Notwithstanding the first subparagraph, where a separate operational unit is independently responsible for its procurement or certain categories thereof, the values may be estimated at the level of the unit in question.

3. The choice of the method used to calculate the estimated value of a procurement shall not be made with the intention of excluding it from the scope of this Directive. A procurement shall not be subdivided with the effect of preventing it from falling within the scope of this Directive, unless justified by objective reasons.

4. That estimated value shall be valid at the moment at which the call for competition is sent, or, in cases where a call for competition is not foreseen, at the moment at which the contracting authority commences the procurement procedure, for instance, where appropriate, by contacting economic operators in relation to the procurement.

5. With regard to framework agreements and dynamic purchasing systems, the value to be taken into consideration shall be the maximum estimated value net of VAT of all the contracts envisaged for the total term of the framework agreement or the dynamic purchasing system.

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6. In the case of innovation partnerships, the value to be taken into consideration shall be the maximum estimated value net of VAT of the research and development activities to take place during all stages of the envisaged partnership as well as of the supplies, services or works to be developed and procured at the end of the envisaged partnership.

7. With regard to public works contracts, the calculation of the estimated value shall take account of both the cost of the works and the total estimated value of the supplies and services that are made available to the contractor by the contracting authority provided that they are necessary for executing the works.

8. Where a proposed work or a proposed provision of services may result in contracts being awarded in the form of separate lots, account shall be taken of the total estimated value of all such lots.

Where the aggregate value of the lots is equal to or exceeds the threshold laid down in Article 4, this Directive shall apply to the awarding of each lot.

9. Where a proposal for the acquisition of similar supplies may result in contracts being awarded in the form of separate lots, account shall be taken of the total estimated value of all such lots when applying points (b) and (c) of Article 4.

Where the aggregate value of the lots is equal to or exceeds the threshold laid down in Article 4, this Directive shall apply to the awarding of each lot.

10. Notwithstanding paragraphs 8 and 9, contracting authorities may award contracts for individual lots without applying the procedures provided for under this Directive, provided that the estimated value net of VAT of the lot concerned is less than EUR 80 000 for supplies or services or EUR 1 million for works. However, the aggregate value of the lots thus awarded without applying this Directive shall not exceed 20 % of the aggregate value of all the lots into which the proposed work, the proposed acquisition of similar supplies or the proposed provision of services has been divided.

11. In the case of public supply or service contracts which are regular in nature or which are intended to be renewed within a given period, the calculation of the estimated contract value shall be based on the following:

- (a) either the total actual value of the successive contracts of the same type awarded during the preceding 12 months or financial year adjusted, where possible, to take account of the changes in quantity or value which would occur in the course of the 12 months following the initial contract;
- (b) or the total estimated value of the successive contracts awarded during the 12 months following the first delivery, or during the financial year where that is longer than 12 months.

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12. With regard to public supply contracts relating to the leasing, hire, rental or hire purchase of products, the value to be taken as a basis for calculating the estimated contract value shall be as follows:

- (a) in the case of fixed-term public contracts, where that term is less than or equal to 12 months, the total estimated value for the term of the contract or, where the term of the contract is greater than 12 months, the total value including the estimated residual value;
- (b) in the case of public contracts without a fixed term or the term of which cannot be defined, the monthly value multiplied by 48.

13. With regard to public service contracts, the basis for calculating the estimated contract value shall, where appropriate, be the following:

- (a) insurance services: the premium payable and other forms of remuneration;
- (b) banking and other financial services: the fees, commissions payable, interest and other forms of remuneration;
- (c) design contracts: fees, commissions payable and other forms of remuneration.

14. With regard to public service contracts which do not indicate a total price, the basis for calculating the estimated contract value shall be the following:

- (a) in the case of fixed-term contracts, where that term is less than or equal to 48 months: the total value for their full term;
- (b) in the case of contracts without a fixed term or with a term greater than 48 months: the monthly value multiplied by 48.

*Article 6***Revision of the thresholds and of the list of central government authorities**

1. Every two years from 30 June 2013, the Commission shall verify that the thresholds set out in points (a), (b) and (c) of Article 4 correspond to the thresholds established in the World Trade Organisation Agreement on Government Procurement (GPA) and shall, where necessary, revise them in accordance with this Article.

In accordance with the calculation method set out in the GPA, the Commission shall calculate the value of these thresholds on the basis of the average daily value of the euro in terms of the special drawing rights (SDRs), over a period of 24 months terminating on 31 August preceding the revision with effect from 1 January. The value of the thresholds thus revised shall, where necessary, be rounded down to the nearest thousand euros so as to ensure that the thresholds in force provided for by the GPA, expressed in SDRs, are observed.

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2. When carrying out the revision pursuant to paragraph 1 of this Article, the Commission shall, in addition, revise:

- (a) the threshold established in point (a) of the first paragraph of Article 13 by aligning it with the revised threshold applying to public works contracts;
- (b) the threshold established in point (b) of the first paragraph of Article 13 by aligning it with the revised threshold applying to public service contracts awarded by sub-central contracting authorities.

3. Every two years from 1 January 2014, the Commission shall determine the values, in the national currencies of the Member States, whose currency is not the euro, of the thresholds referred to in points (a), (b) and (c) of Article 4, revised pursuant to paragraph 1 of this Article.

At the same time, the Commission shall determine the value, in the national currencies of the Member States, whose currency is not the euro, of the threshold referred to in point (d) of Article 4.

In accordance with the calculation method set out in the GPA, the determination of such values shall be based on the average daily values of those currencies corresponding to the applicable threshold expressed in euros over the 24 months terminating on 31 August preceding the revision with effect from 1 January.

4. The Commission shall publish the revised thresholds referred to in paragraph 1, their corresponding values in the national currencies referred to in the first subparagraph of paragraph 3, and the value determined in accordance with the second subparagraph of paragraph 3 in the *Official Journal of the European Union* at the beginning of the month of November following their revision.

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 87 to adapt the methodology set out in the second subparagraph of paragraph 1 of this Article to any change in the methodology provided in the GPA for the revision of the thresholds referred to in points (a), (b) and (c) of Article 4 and for the determination of the corresponding values in the national currencies of the Member States, whose currency is not the euro, as referred to in paragraph 3 of this Article.

The Commission shall be empowered to adopt delegated acts in accordance with Article 87 to revise the thresholds referred to in points (a), (b) and (c) of Article 4 pursuant to paragraph 1 of this Article and to revise the thresholds referred to in points (a) and (b) of the first paragraph of Article 13 pursuant to paragraph 2 of this Article.



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6. Where it is necessary to revise the thresholds referred to in points (a), (b) and (c) of Article 4 and the thresholds referred to in points (a) and (b) of the first paragraph of Article 13 and time constraints prevent the use of the procedure set in Article 87 and therefore imperative grounds of urgency so require, the procedure provided for in Article 88 shall apply to delegated acts adopted pursuant to the second subparagraph of paragraph 5 of this Article.

7. The Commission shall be empowered to adopt delegated acts in accordance with Article 87 to amend Annex I, in order to update the list of contracting authorities following notifications from Member States, where such amendments prove necessary to correctly identify contracting authorities.

**Section 3****Exclusions***Article 7***Contracts in the water, energy, transport and postal services sectors**

This Directive shall not apply to public contracts and design contests which, under Directive 2014/25/EU, are awarded or organised by contracting authorities exercising one or more of the activities referred to in Articles 8 to 14 of that Directive and are awarded for the pursuit of those activities, to public contracts excluded from the scope of that Directive under Articles 18, 23 and 34 thereof or, when awarded by a contracting authority which provides postal services within the meaning of point (b) of Article 13(2) of that Directive, to contracts awarded for the pursuit of the following activities:

- (a) added value services linked to and provided entirely by electronic means (including the secure transmission of coded documents by electronic means, address management services and transmission of registered electronic mail);
- (b) financial services which are covered by CPV codes 66100000-1 to 66720000-3 and by point (d) of Article 21 of Directive 2014/25/EU and including in particular postal money orders and postal giro transfers;
- (c) philatelic services; or
- (d) logistics services (services combining physical delivery and/or warehousing with other non-postal functions).



#### *Article 8*

##### **Specific exclusions in the field of electronic communications**

This Directive shall not apply to public contracts and design contests for the principal purpose of permitting the contracting authorities to provide or exploit public communications networks or to provide to the public one or more electronic communications services.

For the purposes of this Article, ‘public communications network’ and ‘electronic communications service’ shall have the same meaning as in Directive 2002/21/EC of the European Parliament and of the Council <sup>(1)</sup>.

#### *Article 9*

##### **Public contracts awarded and design contests organised pursuant to international rules**

1. This Directive shall not apply to public contracts and design contests which the contracting authority is obliged to award or organise in accordance with procurement procedures different from those laid down in this Directive established by any of the following:

- (a) a legal instrument creating international law obligations, such as an international agreement, concluded in conformity with the Treaties, between a Member State and one or more third countries or subdivisions thereof and covering works, supplies or services intended for the joint implementation or exploitation of a project by their signatories;
- (b) an international organisation.

The Member States shall communicate all legal instruments referred to in point (a) of the first subparagraph of this paragraph to the Commission, which may consult the Advisory Committee on Public Procurement referred to in Article 89.

2. This Directive shall not apply to public contracts and design contests which the contracting authority awards or organises in accordance with procurement rules provided by an international organisation or international financing institution, where the public contracts and design contests concerned are fully financed by that organisation or institution; in the case of public contracts and design contests co-financed for the most part by an international organisation or international financing institution the parties shall agree on applicable procurement procedures.

3. Article 17 shall apply to contracts and design contests involving defence or security aspects which are awarded or organised pursuant to international rules. Paragraphs 1 and 2 of this Article shall not apply to those contracts and design contests.

<sup>(1)</sup> Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) (OJ L 108, 24.4.2002, p. 33).

*Article 10***Specific exclusions for service contracts**

This Directive shall not apply to public service contracts for:

- (a) the acquisition or rental, by whatever financial means, of land, existing buildings or other immovable property or concerning rights thereon;
- (b) the acquisition, development, production or co-production of programme material intended for audiovisual media services or radio media services, that are awarded by audiovisual or radio media service providers, or contracts for broadcasting time or programme provision that are awarded to audiovisual or radio media service providers. For the purposes of this point, ‘audiovisual media services’ and ‘media service providers’ shall, respectively, have the same meaning as pursuant to points (a) and (d) of Article 1(1) of Directive 2010/13/EU of the European Parliament and of the Council <sup>(1)</sup>. ‘Programme’ shall have the same meaning as pursuant to point (b) of Article 1(1) of that Directive, but shall also include radio programmes and radio programme materials. Furthermore, for the purposes of this provision, ‘programme material’ shall have the same meaning as ‘programme’;
- (c) arbitration and conciliation services;
- (d) any of the following legal services:
  - (i) legal representation of a client by a lawyer within the meaning of Article 1 of Council Directive 77/249/EEC <sup>(2)</sup> in:
    - an arbitration or conciliation held in a Member State, a third country or before an international arbitration or conciliation instance; or
    - judicial proceedings before the courts, tribunals or public authorities of a Member State or a third country or before international courts, tribunals or institutions;
  - (ii) legal advice given in preparation of any of the proceedings referred to in point (i) of this point or where there is a tangible indication and high probability that the matter to which the advice relates will become the subject of such proceedings, provided that the advice is given by a lawyer within the meaning of Article 1 of Directive 77/249/EEC;
  - (iii) document certification and authentication services which must be provided by notaries;

<sup>(1)</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1).

<sup>(2)</sup> Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services (OJ L 78, 26.3.1977, p. 17).

**▼B**

- (iv) legal services provided by trustees or appointed guardians or other legal services the providers of which are designated by a court or tribunal in the Member State concerned or are designated by law to carry out specific tasks under the supervision of such tribunals or courts;
- (v) other legal services which in the Member State concerned are connected, even occasionally, with the exercise of official authority;
- (e) financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments within the meaning of Directive 2004/39/EC of the European Parliament and of the Council <sup>(1)</sup>, central bank services and operations conducted with the European Financial Stability Facility and the European Stability Mechanism;
- (f) loans, whether or not in connection with the issue, sale, purchase or transfer of securities or other financial instruments;
- (g) employment contracts;
- (h) civil defence, civil protection, and danger prevention services that are provided by non-profit organisations or associations, and which are covered by CPV codes 75250000-3, 75251000-0, 75251100-1, 75251110-4, 75251120-7, 75252000-7, 75222000-8, 98113100-9 and 85143000-3 except patient transport ambulance services;
- (i) public passenger transport services by rail or metro;
- (j) political campaign services covered by CPV codes 79341400-0, 92111230-3 and 92111240-6, when awarded by a political party in the context of an election campaign.

*Article 11***Service contracts awarded on the basis of an exclusive right**

This Directive shall not apply to public service contracts awarded by a contracting authority to another contracting authority or to an association of contracting authorities on the basis of an exclusive right which they enjoy pursuant to a law, regulation or published administrative provision which is compatible with the TFEU.

*Article 12***Public contracts between entities within the public sector**

1. A public contract awarded by a contracting authority to a legal person governed by private or public law shall fall outside the scope of this Directive where all of the following conditions are fulfilled:

<sup>(1)</sup> Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC (OJ L 145, 30.4.2004, p. 1).

**▼B**

- (a) the contracting authority exercises over the legal person concerned a control which is similar to that which it exercises over its own departments;
- (b) more than 80 % of the activities of the controlled legal person are carried out in the performance of tasks entrusted to it by the controlling contracting authority or by other legal persons controlled by that contracting authority; and
- (c) there is no direct private capital participation in the controlled legal person with the exception of non-controlling and non-blocking forms of private capital participation required by national legislative provisions, in conformity with the Treaties, which do not exert a decisive influence on the controlled legal person.

A contracting authority shall be deemed to exercise over a legal person a control similar to that which it exercises over its own departments within the meaning of point (a) of the first subparagraph where it exercises a decisive influence over both strategic objectives and significant decisions of the controlled legal person. Such control may also be exercised by another legal person, which is itself controlled in the same way by the contracting authority.

2. Paragraph 1 also applies where a controlled legal person which is a contracting authority awards a contract to its controlling contracting authority, or to another legal person controlled by the same contracting authority, provided that there is no direct private capital participation in the legal person being awarded the public contract with the exception of non-controlling and non-blocking forms of private capital participation required by national legislative provisions, in conformity with the Treaties, which do not exert a decisive influence on the controlled legal person.

3. A contracting authority, which does not exercise over a legal person governed by private or public law control within the meaning of paragraph 1, may nevertheless award a public contract to that legal person without applying this Directive where all of the following conditions are fulfilled.

- (a) the contracting authority exercises jointly with other contracting authorities a control over that legal person which is similar to that which they exercise over their own departments;
- (b) more than 80 % of the activities of that legal person are carried out in the performance of tasks entrusted to it by the controlling contracting authorities or by other legal persons controlled by the same contracting authorities; and
- (c) there is no direct private capital participation in the controlled legal person with the exception of non-controlling and non-blocking forms of private capital participation required by national legislative provisions, in conformity with the Treaties, which do not exert a decisive influence on the controlled legal person.

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For the purposes of point (a) of the first subparagraph, contracting authorities exercise joint control over a legal person where all of the following conditions are fulfilled:

- (i) the decision-making bodies of the controlled legal person are composed of representatives of all participating contracting authorities. Individual representatives may represent several or all of the participating contracting authorities;
- (ii) those contracting authorities are able to jointly exert decisive influence over the strategic objectives and significant decisions of the controlled legal person; and
- (iii) the controlled legal person does not pursue any interests which are contrary to those of the controlling contracting authorities.

4. A contract concluded exclusively between two or more contracting authorities shall fall outside the scope of this Directive where all of the following conditions are fulfilled:

- (a) the contract establishes or implements a cooperation between the participating contracting authorities with the aim of ensuring that public services they have to perform are provided with a view to achieving objectives they have in common;
- (b) the implementation of that cooperation is governed solely by considerations relating to the public interest; and
- (c) the participating contracting authorities perform on the open market less than 20 % of the activities concerned by the cooperation.

5. For the determination of the percentage of activities referred to in point (b) of the first subparagraph of paragraph 1, point (b) of the first subparagraph of paragraph 3 and point (c) of paragraph 4, the average total turnover, or an appropriate alternative activity-based measure such as costs incurred by the relevant legal person or contracting authority with respect to services, supplies and works for the three years preceding the contract award shall be taken into consideration.

Where, because of the date on which the relevant legal person or contracting authority was created or commenced activities or because of a reorganisation of its activities, the turnover, or alternative activity based measure such as costs, are either not available for the preceding three years or no longer relevant, it shall be sufficient to show that the measurement of activity is credible, particularly by means of business projections.

#### Section 4

#### **Specific situations**

##### Subsection 1

#### **Subsidised contracts and research and development services**

##### *Article 13*

#### **Contracts subsidised by contracting authorities**

This Directive shall apply to the awarding of the following contracts:

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- (a) works contracts which are subsidised directly by contracting authorities by more than 50 % and the estimated value of which, net of VAT, is equal to or greater than ►**M3** EUR 5 350 000 ◀, where those contracts involve one of the following activities:
- (i) civil engineering activities as listed in Annex II,
  - (ii) building work for hospitals, facilities intended for sports, recreation and leisure, school and university buildings and buildings used for administrative purposes;
- (b) service contracts which are subsidised directly by contracting authorities by more than 50 % and the estimated value of which, net of VAT, is equal to or greater than ►**M3** EUR 214 000 ◀ and which are connected to a works contract as referred to in point (a).

The contracting authorities providing the subsidies referred to in points (a) and (b) of the first subparagraph shall ensure compliance with this Directive where they do not themselves award the subsidised contract or where they award that contract for and on behalf of other entities.

*Article 14***Research and development services**

This Directive shall only apply to public service contracts for research and development services which are covered by CPV codes 73000000-2 to 73120000-9, 73300000-5, 73420000-2 and 73430000-5 provided that both of the following conditions are fulfilled:

- (a) the benefits accrue exclusively to the contracting authority for its use in the conduct of its own affairs, and
- (b) the service provided is wholly remunerated by the contracting authority.

## Subsection 2

**Procurement involving defence or security aspects***Article 15***Defence and security**

1. This Directive shall apply to the awarding of public contracts and to design contests organised in the fields of defence and security, with the exception of the following contracts:

- (a) contracts falling within the scope of Directive 2009/81/EC;
- (b) contracts to which Directive 2009/81/EC does not apply pursuant to Articles 8, 12 and 13 thereof.

2. This Directive shall not apply to public contracts and design contests not otherwise exempted under paragraph 1, to the extent that the protection of the essential security interests of a Member State cannot be guaranteed by less intrusive measures, for instance by imposing requirements aimed at protecting the confidential nature of information which the contracting authority makes available in a contract award procedure as provided for in this Directive.

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Furthermore, and in conformity with point (a) of Article 346(1) TFEU, this Directive shall not apply to public contracts and design contests not otherwise exempted under paragraph 1 of this Article to the extent that the application of this Directive would oblige a Member State to supply information the disclosure of which it considers contrary to the essential interests of its security.

3. Where the procurement and performance of the public contract or design contest are declared to be secret or must be accompanied by special security measures in accordance with the laws, regulations or administrative provisions in force in a Member State, this Directive shall not apply provided that the Member State has determined that the essential interests concerned cannot be guaranteed by less intrusive measures, such as those referred to in the first subparagraph of paragraph 2.

*Article 16***Mixed procurement involving defence or security aspects**

1. In the case of mixed contracts which have as their subject-matter procurement covered by this Directive as well as procurement covered by Article 346 TFEU or Directive 2009/81/EC, this Article shall apply.

2. Where the different parts of a given public contract are objectively separable, contracting authorities may choose to award separate contracts for the separate parts or to award a single contract.

Where contracting authorities choose to award separate contracts for separate parts, the decision of which legal regime applies to any one of such separate contracts shall be taken on the basis of the characteristics of the separate part concerned.

Where contracting authorities choose to award a single contract, the following criteria shall apply to determine the applicable legal regime:

- (a) where part of a given contract is covered by Article 346 TFEU, the contract may be awarded without applying this Directive, provided that the award of a single contract is justified for objective reasons;
- (b) where part of a given contract is covered by Directive 2009/81/EC, the contract may be awarded in accordance with that Directive, provided that the award of a single contract is justified for objective reasons. This point shall be without prejudice to the thresholds and exclusions for which that Directive provides.

The decision to award a single contract shall not, however, be taken for the purpose of excluding contracts from the application of either this Directive or Directive 2009/81/EC.

3. Point (a) of the third subparagraph of paragraph 2 shall apply to mixed contracts to which both point (a) and point (b) of that subparagraph could otherwise apply.



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4. Where the different parts of a given contract are objectively not separable, the contract may be awarded without applying this Directive where it includes elements to which Article 346 TFEU applies; otherwise it may be awarded in accordance with Directive 2009/81/EC.

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

1. This Directive shall not apply to public contracts and design contests involving defence or security aspects which the contracting authority is obliged to award or organise in accordance with procurement procedures different from those laid down in this Directive established by any of the following:

- (a) an international agreement or arrangement, concluded in conformity with the Treaties, between a Member State and one or more third countries or subdivisions thereof and covering works, supplies or services intended for the joint implementation or exploitation of a project by their signatories;
- (b) an international agreement or arrangement relating to the stationing of troops and concerning the undertakings of a Member State or a third country;
- (c) an international organisation.

All agreements or arrangements referred to in point (a) of the first subparagraph of this paragraph shall be communicated to the Commission, which may consult the Advisory Committee on Public Procurement referred to in Article 89.

2. This Directive shall not apply to public contracts and design contests involving defence or security aspects which the contracting authority awards in accordance with procurement rules provided by an international organisation or international financing institution, where the public contracts and design contests concerned are fully financed by this organisation or institution. In the case of public contracts and design contests co-financed for the most part by an international organisation or international financing institution the parties shall agree on applicable procurement procedures.

*CHAPTER II***General rules***Article 18***Principles of procurement**

1. Contracting authorities shall treat economic operators equally and without discrimination and shall act in a transparent and proportionate manner.

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The design of the procurement shall not be made with the intention of excluding it from the scope of this Directive or of artificially narrowing competition. Competition shall be considered to be artificially narrowed where the design of the procurement is made with the intention of unduly favouring or disadvantaging certain economic operators.

2. Member States shall take appropriate measures to ensure that in the performance of public contracts economic operators comply with applicable obligations in the fields of environmental, social and labour law established by Union law, national law, collective agreements or by the international environmental, social and labour law provisions listed in Annex X.

*Article 19***Economic operators**

1. Economic operators that, under the law of the Member State in which they are established, are entitled to provide the relevant service, shall not be rejected solely on the ground that, under the law of the Member State in which the contract is awarded, they would be required to be either natural or legal persons.

However, in the case of public service and public works contracts as well as public supply contracts covering in addition services or siting and installation operations, legal persons may be required to indicate, in the tender or the request to participate, the names and relevant professional qualifications of the staff to be responsible for the performance of the contract in question.

2. Groups of economic operators, including temporary associations, may participate in procurement procedures. They shall not be required by contracting authorities to have a specific legal form in order to submit a tender or a request to participate.

Where necessary, contracting authorities may clarify in the procurement documents how groups of economic operators are to meet the requirements as to economic and financial standing or technical and professional ability referred to in Article 58 provided that this is justified by objective reasons and is proportionate. Member States may establish standard terms for how groups of economic operators are to meet those requirements.

Any conditions for the performance of a contract by such groups of economic operators, which are different from those imposed on individual participants, shall also be justified by objective reasons and shall be proportionate.

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3. Notwithstanding paragraph 2, contracting authorities may require groups of economic operators to assume a specific legal form once they have been awarded the contract, to the extent that such a change is necessary for the satisfactory performance of the contract.

*Article 20***Reserved contracts**

1. Member States may reserve the right to participate in public procurement procedures to sheltered workshops and economic operators whose main aim is the social and professional integration of disabled or disadvantaged persons or may provide for such contracts to be performed in the context of sheltered employment programmes, provided that at least 30 % of the employees of those workshops, economic operators or programmes are disabled or disadvantaged workers.

2. The call for competition shall make reference to this Article.

*Article 21***Confidentiality**

1. Unless otherwise provided in this Directive or in the national law to which the contracting authority is subject, in particular legislation concerning access to information, and without prejudice to the obligations relating to the advertising of awarded contracts and to the information to candidates and tenderers set out in Articles 50 and 55, the contracting authority shall not disclose information forwarded to it by economic operators which they have designated as confidential, including, but not limited to, technical or trade secrets and the confidential aspects of tenders.

2. Contracting authorities may impose on economic operators requirements aimed at protecting the confidential nature of information which the contracting authorities make available throughout the procurement procedure.

*Article 22***Rules applicable to communication**

1. Member States shall ensure that all communication and information exchange under this Directive, in particular electronic submission, are performed using electronic means of communication in accordance with the requirements of this Article. The tools and devices to be used for communicating by electronic means, as well as their technical characteristics, shall be non-discriminatory, generally available and interoperable with the ICT products in general use and shall not restrict economic operators' access to the procurement procedure.

Notwithstanding the first subparagraph, contracting authorities shall not be obliged to require electronic means of communication in the submission process in the following situations:

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- (a) due to the specialised nature of the procurement, the use of electronic means of communication would require specific tools, devices or file formats that are not generally available or supported by generally available applications;
- (b) the applications supporting file formats that are suitable for the description of the tenders use file formats that cannot be handled by any other open or generally available applications or are under a proprietary licensing scheme and cannot be made available for downloading or remote use by the contracting authority;
- (c) the use of electronic means of communication would require specialised office equipment that is not generally available to contracting authorities;
- (d) the procurement documents require the submission of physical or scale models which cannot be transmitted using electronic means.

In respect of communications for which electronic means of communication are not used pursuant to the second subparagraph, communication shall be carried out by post or other suitable carrier or by a combination of post or other suitable carrier and electronic means.

Notwithstanding the first subparagraph of this paragraph, contracting authorities are not obliged to require electronic means of communication in the submission process to the extent that the use of means of communication other than electronic means is necessary either because of a breach of security of the electronic means of communications or for the protection of the particularly sensitive nature of information requiring such a high level of protection that it cannot be properly ensured by using electronic tools and devices that are either generally available to economic operators or can be made available to them by alternative means of access within the meaning of paragraph 5.

It shall be the responsibility of the contracting authorities requiring, in accordance with the second subparagraph of this paragraph, means of communication other than electronic means in the submission process to indicate in the individual report referred to in Article 84 the reasons for this requirement. Where applicable, contracting authorities shall indicate in the individual report the reasons why use of means of communication other than electronic means has been considered necessary in application of the fourth subparagraph of this paragraph.

2. Notwithstanding paragraph 1, oral communication may be used in respect of communications other than those concerning the essential elements of a procurement procedure, provided that the content of the oral communication is documented to a sufficient degree. For this purpose, the essential elements of a procurement procedure include the procurement documents, requests for participation, confirmations of interest and tenders. In particular, oral communications with tenderers which could have a substantial impact on the content and assessment of the tenders shall be documented to a sufficient extent and by appropriate means, such as written or audio records or summaries of the main elements of the communication.

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3. In all communication, exchange and storage of information, contracting authorities shall ensure that the integrity of data and the confidentiality of tenders and requests to participate are preserved. They shall examine the content of tenders and requests to participate only after the time limit set for submitting them has expired.

4. For public works contracts and design contests, Member States may require the use of specific electronic tools, such as of building information electronic modelling tools or similar. In such cases the contracting authorities shall offer alternative means of access, as provided for in paragraph 5, until such time as those tools become generally available within the meaning of the second sentence of the first subparagraph of paragraph 1.

5. Contracting authorities may, where necessary, require the use of tools and devices which are not generally available, provided that the contracting authorities offer alternative means of access.

Contracting authorities shall be deemed to offer suitable alternative means of access in any of the following situations, where they:

- (a) offer unrestricted and full direct access free of charge by electronic means to those tools and devices from the date of publication of the notice in accordance with Annex VIII or from the date when the invitation to confirm interest is sent. The text of the notice or the invitation to confirm interest shall specify the internet address at which those tools and devices are accessible;
- (b) ensure that tenderers having no access to the tools and devices concerned, or no possibility of obtaining them within the relevant time limits, provided that the lack of access is not attributable to the tenderer concerned, may access the procurement procedure through the use of provisional tokens made available free of charge online; or
- (c) support an alternative channel for electronic submission of tenders.

6. In addition to the requirements set out in Annex IV, the following rules shall apply to tools and devices for the electronic transmission and receipt of tenders and for the electronic receipt of requests to participate:

- (a) information on specifications for the electronic submission of tenders and requests to participate, including encryption and time-stamping, shall be available to interested parties;
- (b) Member States, or contracting authorities acting within an overall framework established by the Member State concerned, shall specify the level of security required for the electronic means of communication in the various stages of the specific procurement procedure; that level shall be proportionate to the risks attached;

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(c) where Member States, or contracting authorities acting within an overall framework established by the Member State concerned, conclude that the level of risks, assessed under point (b) of this paragraph, is such that advanced electronic signatures as defined by Directive 1999/93/EC of the European Parliament and of the Council <sup>(1)</sup> are required, contracting authorities shall accept advanced electronic signatures supported by a qualified certificate, taking into account whether those certificates are provided by a certificate services provider, which is on a trusted list provided for in Commission Decision 2009/767/EC <sup>(2)</sup>, created with or without a secure signature creation device, subject to compliance with the following conditions:

- (i) the contracting authorities shall establish the required advanced signature format on the basis of formats established in Commission Decision 2011/130/EU <sup>(3)</sup> and shall put in place necessary measures to be able to process these formats technically; in case a different format of electronic signature is used, the electronic signature or the electronic document carrier shall include information on existing validation possibilities, which shall be under the responsibility of the Member State. The validation possibilities shall allow the contracting authority to validate online, free of charge and in a way that is understandable for non-native speakers, the received electronic signature as an advanced electronic signature supported by a qualified certificate.

Member States shall notify information on the provider of validation services to the Commission, which shall make the information received from the Member States available to the public on the Internet;

- (ii) where a tender is signed with the support of a qualified certificate that is included on a trusted list, the contracting authorities shall not apply additional requirements that may hinder the use of those signatures by tenderers.

In respect of documents used in the context of a procurement procedure that are signed by a competent authority of a Member State or by another issuing entity, the competent issuing authority or entity may establish the required advanced signature format in accordance with

<sup>(1)</sup> Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures (OJ L 13, 19.1.2000, p. 12).

<sup>(2)</sup> Commission Decision 2009/767/EC of 16 October 2009 setting out measures facilitating the use of procedures by electronic means through the points of single contact under Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market (OJ L 274, 20.10.2009, p. 36).

<sup>(3)</sup> Commission Decision 2011/130/EU of 25 February 2011 establishing minimum requirements for the cross-border processing of documents signed electronically by competent authorities under Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market (OJ L 53, 26.2.2011, p. 66).

**▼B**

the requirements set out in Article 1(2) of Decision 2011/130/EU. They shall put in place the necessary measures to be able to process that format technically by including the information required for the purpose of processing the signature in the document concerned. Such documents shall contain in the electronic signature or in the electronic document carrier information on existing validation possibilities that allow the validation of the received electronic signature online, free of charge and in a way that is understandable for non-native speakers.

7. The Commission shall be empowered to adopt delegated acts in accordance with Article 87 to amend the technical details and characteristics set out in Annex IV to take account of technical developments.

The Commission shall be empowered to adopt delegated acts in accordance with Article 87 to amend the list set out in points (a) to (d) of the second subparagraph of paragraph 1 of this Article where technological developments render continued exceptions from the use of electronic means of communication inappropriate or, exceptionally, where new exceptions must be provided for because of technological developments.

To ensure the interoperability of technical formats as well as of process and messaging standards, especially in a cross-border context, the Commission shall be empowered to adopt delegated acts in accordance with Article 87 to establish the mandatory use of such specific technical standards, in particular with regard to the use of electronic submission, electronic catalogues and means for electronic authentication, only where technical standards have been thoroughly tested and proved their usefulness in practice. Before making the use of any technical standard mandatory, the Commission shall also carefully consider the costs that this may entail, in particular in terms of adaptations to existing e-procurement solutions, including infrastructure, processes or software.

*Article 23***Nomenclatures**

1. Any references to nomenclatures in the context of public procurement shall be made using the Common Procurement Vocabulary (CPV) as adopted by Regulation (EC) No 2195/2002.

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 87 to adapt the CPV codes referred to in this Directive, whenever changes in the CPV nomenclature must be reflected in this Directive and they do not imply a modification of the scope of this Directive.

*Article 24***Conflicts of interest**

Member States shall ensure that contracting authorities take appropriate measures to effectively prevent, identify and remedy conflicts of interest arising in the conduct of procurement procedures so as to avoid any distortion of competition and to ensure equal treatment of all economic operators.

The concept of conflicts of interest shall at least cover any situation where staff members of the contracting authority or of a procurement service provider acting on behalf of the contracting authority who are involved in the conduct of the procurement procedure or may influence the outcome of that procedure have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure.

## TITLE II

**RULES ON PUBLIC CONTRACTS***CHAPTER I****Procedures****Article 25***Conditions relating to the GPA and other international agreements**

In so far as they are covered by Annexes 1, 2, 4 and 5 and the General Notes to the European Union's Appendix I to the GPA and by the other international agreements by which the Union is bound, contracting authorities shall accord to the works, supplies, services and economic operators of the signatories to those agreements treatment no less favourable than the treatment accorded to the works, supplies, services and economic operators of the Union.

*Article 26***Choice of procedures**

1. When awarding public contracts, contracting authorities shall apply the national procedures adjusted to be in conformity with this Directive, provided that, without prejudice to Article 32, a call for competition has been published in accordance with this Directive.

2. Member States shall provide that contracting authorities may apply open or restricted procedures as regulated in this Directive.

3. Member States shall provide that contracting authorities may apply innovation partnerships as regulated in this Directive.



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4. Member States shall provide that contracting authorities may apply a competitive procedure with negotiation or a competitive dialogue in the following situations:

- (a) with regard to works, supplies or services fulfilling one or more of the following criteria:
  - (i) the needs of the contracting authority cannot be met without adaptation of readily available solutions;
  - (ii) they include design or innovative solutions;
  - (iii) the contract cannot be awarded without prior negotiations because of specific circumstances related to the nature, the complexity or the legal and financial make-up or because of the risks attaching to them;
  - (iv) the technical specifications cannot be established with sufficient precision by the contracting authority with reference to a standard, European Technical Assessment, common technical specification or technical reference within the meaning of points 2 to 5 of Annex VII;
- (b) with regard to works, supplies or services where, in response to an open or a restricted procedure, only irregular or unacceptable tenders are submitted. In such situations contracting authorities shall not be required to publish a contract notice where they include in the procedure all of, and only, the tenderers which satisfy the criteria set out in Articles 57 to 64 and which, during the prior open or restricted procedure, submitted tenders in accordance with the formal requirements of the procurement procedure.

In particular, tenders which do not comply with the procurement documents, which were received late, where there is evidence of collusion or corruption, or which have been found by the contracting authority to be abnormally low, shall be considered as being irregular. In particular tenders submitted by tenderers that do not have the required qualifications, and tenders whose price exceeds the contracting authority's budget as determined and documented prior to the launching of the procurement procedure shall be considered as unacceptable.

5. The call for competition shall be made by means of a contract notice pursuant to Article 49.

Where the contract is awarded by restricted procedure or competitive procedure with negotiation, Member States may provide, notwithstanding the first subparagraph of this paragraph, that sub-central contracting authorities or specific categories thereof may make the call for competition by means of a prior information notice pursuant to Article 48(2).

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Where the call for competition is made by means of a prior information notice pursuant to Article 48(2), economic operators having expressed their interest following the publication of the prior information notice shall subsequently be invited to confirm their interest in writing by means of an invitation to confirm interest in conformity with Article 54.

6. In the specific cases and circumstances referred to expressly in Article 32, Member States may provide that contracting authorities may apply a negotiated procedure without prior publication of a call for competition. Member States shall not allow the application of that procedure in any other cases than those referred to in Article 32.

*Article 27***Open procedure**

1. In open procedures, any interested economic operator may submit a tender in response to a call for competition.

The minimum time limit for the receipt of tenders shall be 35 days from the date on which the contract notice was sent.

The tender shall be accompanied by the information for qualitative selection that is requested by the contracting authority.

2. Where contracting authorities have published a prior information notice which was not itself used as a means of calling for competition, the minimum time limit for the receipt of tenders, as laid down in the second subparagraph of paragraph 1 of this Article, may be shortened to 15 days, provided that all of the following conditions are fulfilled:

- (a) the prior information notice included all the information required for the contract notice in section I of part B of Annex V, in so far as that information was available at the time the prior information notice was published;
- (b) the prior information notice was sent for publication between 35 days and 12 months before the date on which the contract notice was sent.

3. Where a state of urgency duly substantiated by the contracting authority renders impracticable the time limit laid down in the second subparagraph of paragraph 1, it may fix a time limit which shall be not less than 15 days from the date on which the contract notice was sent.

4. The contracting authority may reduce by five days the time limit for receipt of tenders set out in the second subparagraph of paragraph 1 of this Article where it accepts that tenders may be submitted by electronic means in accordance with the first subparagraph of Article 22(1), and Article 22(5) and (6).

**▼B***Article 28***Restricted procedure**

1. In restricted procedures, any economic operator may submit a request to participate in response to a call for competition containing the information set out in Annex V parts B or C as the case may be by providing the information for qualitative selection that is requested by the contracting authority.

The minimum time limit for receipt of requests to participate shall be 30 days from the date on which the contract notice or, where a prior information notice is used as a means of calling for competition, the invitation to confirm interest was sent.

2. Only those economic operators invited to do so by the contracting authority following its assessment of the information provided may submit a tender. Contracting authorities may limit the number of suitable candidates to be invited to participate in the procedure in accordance with Article 65.

The minimum time limit for the receipt of tenders shall be 30 days from the date on which the invitation to tender was sent.

3. Where contracting authorities have published a prior information notice which was not itself used as a means of calling for competition, the minimum time limit for the receipt of tenders as laid down in the second subparagraph of paragraph 2 of this Article may be shortened to 10 days, provided that all of the following conditions are fulfilled:

- (a) the prior information notice included all the information required in section I of part B of Annex V, in so far as that information was available at the time the prior information notice was published;
- (b) the prior information notice was sent for publication between 35 days and 12 months before the date on which the contract notice was sent.

4. Member States may provide that all or specific categories of sub-central contracting authorities may set the time limit for the receipt of tenders by mutual agreement between the contracting authority and the selected candidates, provided that all selected candidates have the same time to prepare and submit their tenders. In the absence of agreement on the time limit for the receipt of tenders, the time limit shall be at least 10 days from the date on which the invitation to tender was sent.

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5. The time limit for receipt of tenders provided for in paragraph 2 of this Article may be reduced by five days where the contracting authority accepts that tenders may be submitted by electronic means in conformity with Article 22(1), (5) and (6).

6. Where a state of urgency duly substantiated by the contracting authorities renders impracticable the time limits laid down in this Article, they may fix:

- (a) a time limit for the receipt of requests to participate which shall not be less than 15 days from the date on which the contract notice was sent;
- (b) a time limit for the receipt of tenders which shall not be less than 10 days from the date on which the invitation to tender was sent.

*Article 29***Competitive procedure with negotiation**

1. In competitive procedures with negotiation, any economic operator may submit a request to participate in response to a call for competition containing the information set out in Annex V parts B and C by providing the information for qualitative selection that is requested by the contracting authority.

In the procurement documents, contracting authorities shall identify the subject-matter of the procurement by providing a description of their needs and the characteristics required of the supplies, works or services to be procured and specify the contract award criteria. They shall also indicate which elements of the description define the minimum requirements to be met by all tenders.

The information provided shall be sufficiently precise to enable economic operators to identify the nature and scope of the procurement and decide whether to request to participate in the procedure.

The minimum time limit for receipt of requests to participate shall be 30 days from the date on which the contract notice or, where a prior information notice is used as a means of calling for competition, the invitation to confirm interest was sent. The minimum time limit for the receipt of initial tenders shall be 30 days from the date on which the invitation was sent. Article 28(3) to (6) shall apply.

2. Only those economic operators invited by the contracting authority following its assessment of the information provided may submit an initial tender which shall be the basis for the subsequent negotiations. Contracting authorities may limit the number of suitable candidates to be invited to participate in the procedure in accordance with Article 65.

3. Unless otherwise provided for in paragraph 4, contracting authorities shall negotiate with tenderers the initial and all subsequent tenders submitted by them, except for the final tenders within the meaning of paragraph 7, to improve the content thereof.

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The minimum requirements and the award criteria shall not be subject to negotiations.

4. Contracting authorities may award contracts on the basis of the initial tenders without negotiation where they have indicated, in the contract notice or in the invitation to confirm interest, that they reserve the possibility of doing so.

5. During the negotiations, contracting authorities shall ensure the equal treatment of all tenderers. To that end, they shall not provide information in a discriminatory manner which may give some tenderers an advantage over others. They shall inform all tenderers, whose tenders have not been eliminated pursuant to paragraph 6, in writing of any changes to the technical specifications or other procurement documents, other than those setting out the minimum requirements. Following these changes, contracting authorities shall provide sufficient time for tenderers to modify and re-submit amended tenders, as appropriate.

In accordance with Article 21, contracting authorities shall not reveal to the other participants confidential information communicated by a candidate or a tenderer participating in the negotiations without its agreement. Such agreement shall not take the form of a general waiver but shall be given with reference to the intended communication of specific information.

6. Competitive procedures with negotiation may take place in successive stages in order to reduce the number of tenders to be negotiated by applying the award criteria specified in the contract notice, in the invitation to confirm interest or in another procurement document. In the contract notice, the invitation to confirm interest or in another procurement document, the contracting authority shall indicate whether it will use that option.

7. Where the contracting authority intends to conclude the negotiations, it shall inform the remaining tenderers and set a common deadline to submit any new or revised tenders. It shall verify that the final tenders are in conformity with the minimum requirements and comply with Article 56(1), assess the final tenders on the basis of the award criteria and award the contract in accordance with Articles 66 to 69.

*Article 30***Competitive dialogue**

1. In competitive dialogues, any economic operator may submit a request to participate in response to a contract notice by providing the information for qualitative selection that is requested by the contracting authority.

The minimum time limit for receipt of requests to participate shall be 30 days from the date on which the contract notice was sent.

Only those economic operators invited by the contracting authority following the assessment of the information provided may participate in the dialogue. Contracting authorities may limit the number of suitable candidates to be invited to participate in the procedure in accordance with Article 65. The contract shall be awarded on the sole basis of the award criterion of the best price-quality ratio in accordance with Article 67(2).

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2. Contracting authorities shall set out their needs and requirements in the contract notice and they shall define these needs and requirements in that notice and/or in a descriptive document. At the same time and in the same documents, they shall also set out and define the chosen award criteria and set out an indicative timeframe.

3. Contracting authorities shall open, with the participants selected in accordance with the relevant provisions of Articles 56 to 66, a dialogue the aim of which shall be to identify and define the means best suited to satisfying their needs. They may discuss all aspects of the procurement with the chosen participants during this dialogue.

During the dialogue, contracting authorities shall ensure equality of treatment among all participants. To that end, they shall not provide information in a discriminatory manner which may give some participants an advantage over others.

In accordance with Article 21, contracting authorities shall not reveal to the other participants solutions proposed or other confidential information communicated by a candidate or tenderer participating in the dialogue without its agreement. Such agreement shall not take the form of a general waiver but shall be given with reference to the intended communication of specific information.

4. Competitive dialogues may take place in successive stages in order to reduce the number of solutions to be discussed during the dialogue stage by applying the award criteria laid down in the contract notice or in the descriptive document. In the contract notice or the descriptive document, the contracting authority shall indicate whether it will use that option.

5. The contracting authority shall continue the dialogue until it can identify the solution or solutions which are capable of meeting its needs.

6. Having declared that the dialogue is concluded and having so informed the remaining participants, contracting authorities shall ask each of them to submit their final tenders on the basis of the solution or solutions presented and specified during the dialogue. Those tenders shall contain all the elements required and necessary for the performance of the project.

Those tenders may be clarified, specified and optimised at the request of the contracting authority. However, such clarification, specification, optimisation or additional information may not involve changes to the essential aspects of the tender or of the public procurement, including the needs and requirements set out in the contract notice or in the descriptive document, where variations to those aspects, needs and requirements are likely to distort competition or have a discriminatory effect.

7. Contracting authorities shall assess the tenders received on the basis of the award criteria laid down in the contract notice or in the descriptive document.

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At the request of the contracting authority, negotiations with the tenderer identified as having submitted the tender presenting the best price-quality ratio in accordance with Article 67 may be carried out to confirm financial commitments or other terms contained in the tender by finalising the terms of the contract provided this does not have the effect of materially modifying essential aspects of the tender or of the public procurement, including the needs and requirements set out in the contract notice or in the descriptive document and does not risk distorting competition or causing discrimination.

8. Contracting authorities may specify prizes or payments to the participants in the dialogue.

*Article 31***Innovation partnership**

1. In innovation partnerships, any economic operator may submit a request to participate in response to a contract notice by providing the information for qualitative selection that is requested by the contracting authority.

In the procurement documents, the contracting authority shall identify the need for an innovative product, service or works that cannot be met by purchasing products, services or works already available on the market. It shall indicate which elements of this description define the minimum requirements to be met by all tenders. The information provided shall be sufficiently precise to enable economic operators to identify the nature and scope of the required solution and decide whether to request to participate in the procedure.

The contracting authority may decide to set up the innovation partnership with one partner or with several partners conducting separate research and development activities.

The minimum time limit for receipt of requests to participate shall be 30 days from the date on which the contract notice is sent. Only those economic operators invited by the contracting authority following the assessment of the information provided may participate in the procedure. Contracting authorities may limit the number of suitable candidates to be invited to participate in the procedure in accordance with Article 65. The contracts shall be awarded on the sole basis of the award criterion of the best price-quality ratio in accordance with Article 67.

2. The innovation partnership shall aim at the development of an innovative product, service or works and the subsequent purchase of the resulting supplies, services or works, provided that they correspond to the performance levels and maximum costs agreed between the contracting authorities and the participants.

The innovation partnership shall be structured in successive phases following the sequence of steps in the research and innovation process, which may include the manufacturing of the products, the provision of the services or the completion of the works. The innovation partnership shall set intermediate targets to be attained by the partners and provide for payment of the remuneration in appropriate instalments.

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Based on those targets, the contracting authority may decide after each phase to terminate the innovation partnership or, in the case of an innovation partnership with several partners, to reduce the number of partners by terminating individual contracts, provided that the contracting authority has indicated in the procurement documents those possibilities and the conditions for their use.

3. Unless otherwise provided for in this Article, contracting authorities shall negotiate with tenderers the initial and all subsequent tenders submitted by them, except for the final tender, to improve the content thereof.

The minimum requirements and the award criteria shall not be subject to negotiations.

4. During the negotiations, contracting authorities shall ensure the equal treatment of all tenderers. To that end, they shall not provide information in a discriminatory manner which may give some tenderers an advantage over others. They shall inform all tenderers whose tenders have not been eliminated, pursuant to paragraph 5, in writing of any changes to the technical specifications or other procurement documents other than those setting out the minimum requirements. Following those changes, contracting authorities shall provide sufficient time for tenderers to modify and re-submit amended tenders, as appropriate.

In accordance with Article 21, contracting authorities shall not reveal to the other participants confidential information communicated by a candidate or tenderer participating in the negotiations without its agreement. Such agreement shall not take the form of a general waiver but shall be given with reference to the intended communication of specific information.

5. Negotiations during innovation partnership procedures may take place in successive stages in order to reduce the number of tenders to be negotiated by applying the award criteria specified in the contract notice, in the invitation to confirm interest or in the procurement documents. In the contract notice, the invitation to confirm interest or in the procurement documents, the contracting authority shall indicate whether it will use that option.

6. In selecting candidates, contracting authorities shall in particular apply criteria concerning the candidates' capacity in the field of research and development and of developing and implementing innovative solutions.

Only those economic operators invited by the contracting authority following its assessment of the requested information may submit research and innovation projects aimed at meeting the needs identified by the contracting authority that cannot be met by existing solutions.

In the procurement documents, the contracting authority shall define the arrangements applicable to intellectual property rights. In the case of an innovation partnership with several partners, the contracting authority shall not, in accordance with Article 21, reveal to the other partners solutions proposed or other confidential information communicated by a partner in the framework of the partnership without that partner's agreement. Such agreement shall not take the form of a general waiver but shall be given with reference to the intended communication of specific information.



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7. The contracting authority shall ensure that the structure of the partnership and, in particular, the duration and value of the different phases reflect the degree of innovation of the proposed solution and the sequence of the research and innovation activities required for the development of an innovative solution not yet available on the market. The estimated value of supplies, services or works shall not be disproportionate in relation to the investment required for their development.

*Article 32***Use of the negotiated procedure without prior publication**

1. In the specific cases and circumstances laid down in paragraphs 2 to 5, Member States may provide that contracting authorities may award public contracts by a negotiated procedure without prior publication.

2. The negotiated procedure without prior publication may be used for public works contracts, public supply contracts and public service contracts in any of the following cases:

- (a) where no tenders or no suitable tenders or no requests to participate or no suitable requests to participate have been submitted in response to an open procedure or a restricted procedure, provided that the initial conditions of the contract are not substantially altered and that a report is sent to the Commission where it so requests.

A tender shall be considered not to be suitable where it is irrelevant to the contract, being manifestly incapable, without substantial changes, of meeting the contracting authority's needs and requirements as specified in the procurement documents. A request for participation shall be considered not to be suitable where the economic operator concerned is to be or may be excluded pursuant to Article 57 or does not meet the selection criteria set out by the contracting authority pursuant to Article 58;

- (b) where the works, supplies or services can be supplied only by a particular economic operator for any of the following reasons:

(i) the aim of the procurement is the creation or acquisition of a unique work of art or artistic performance;

(ii) competition is absent for technical reasons;

(iii) the protection of exclusive rights, including intellectual property rights;

The exceptions set out in points (ii) and (iii) shall only apply when no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement;

- (c) in so far as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the contracting authority, the time limits for the open or restricted procedures or competitive procedures with negotiation cannot be complied with. The circumstances invoked to justify extreme urgency shall not in any event be attributable to the contracting authority.

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3. The negotiated procedure without prior publication may be used for public supply contracts:

- (a) where the products involved are manufactured purely for the purpose of research, experimentation, study or development; however, contracts awarded pursuant to this point shall not include quantity production to establish commercial viability or to recover research and development costs;
- (b) for additional deliveries by the original supplier which are intended either as a partial replacement of supplies or installations or as the extension of existing supplies or installations where a change of supplier would oblige the contracting authority to acquire supplies having different technical characteristics which would result in incompatibility or disproportionate technical difficulties in operation and maintenance; the duration of such contracts as well as that of recurrent contracts shall not, as a general rule, exceed three years;
- (c) for supplies quoted and purchased on a commodity market;
- (d) for the purchase of supplies or services on particularly advantageous terms, from either a supplier which is definitively winding up its business activities, or the liquidator in an insolvency procedure, an arrangement with creditors, or a similar procedure under national laws or regulations.

4. The negotiated procedure without prior publication may be used for public service contracts, where the contract concerned follows a design contest organised in accordance with this Directive and is to be awarded, under the rules provided for in the design contest, to the winner or one of the winners of the design contest; in the latter case, all winners must be invited to participate in the negotiations.

5. The negotiated procedure without prior publication may be used for new works or services consisting in the repetition of similar works or services entrusted to the economic operator to which the same contracting authorities awarded an original contract, provided that such works or services are in conformity with a basic project for which the original contract was awarded pursuant to a procedure in accordance with Article 26(1). The basic project shall indicate the extent of possible additional works or services and the conditions under which they will be awarded.

As soon as the first project is put up for tender, the possible use of this procedure shall be disclosed and the total estimated cost of subsequent works or services shall be taken into consideration by the contracting authorities when they apply Article 4.

This procedure may be used only during the three years following the conclusion of the original contract.

**▼B***CHAPTER II**Techniques and instruments for electronic and aggregated procurement**Article 33***Framework agreements**

1. Contracting authorities may conclude framework agreements, provided that they apply the procedures provided for in this Directive.

A framework agreement means an agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.

The term of a framework agreement shall not exceed four years, save in exceptional cases duly justified, in particular by the subject of the framework agreement.

2. Contracts based on a framework agreement shall be awarded in accordance with the procedures laid down in this paragraph and in paragraphs 3 and 4.

Those procedures may be applied only between those contracting authorities clearly identified for this purpose in the call for competition or the invitation to confirm interest and those economic operators party to the framework agreement as concluded.

Contracts based on a framework agreement may under no circumstances entail substantial modifications to the terms laid down in that framework agreement, in particular in the case referred to in paragraph 3.

3. Where a framework agreement is concluded with a single economic operator, contracts based on that agreement shall be awarded within the limits of the terms laid down in the framework agreement.

For the award of those contracts, contracting authorities may consult the economic operator party to the framework agreement in writing, requesting it to supplement its tender as necessary.

4. Where a framework agreement is concluded with more than one economic operator, that framework agreement shall be performed in one of the following ways:

- (a) following the terms and conditions of the framework agreement, without reopening competition, where it sets out all the terms governing the provision of the works, services and supplies concerned and the objective conditions for determining which of the economic operators, party to the framework agreement, shall perform them; the latter conditions shall be indicated in the procurement documents for the framework agreement;

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- (b) where the framework agreement sets out all the terms governing the provision of the works, services and supplies concerned, partly without reopening of competition in accordance with point (a) and partly with reopening of competition amongst the economic operators parties to the framework agreement in accordance with point (c), where this possibility has been stipulated by the contracting authorities in the procurement documents for the framework agreement. The choice of whether specific works, supplies or services shall be acquired following a reopening of competition or directly on the terms set out in the framework agreement shall be made pursuant to objective criteria, which shall be set out in the procurement documents for the framework agreement. These procurement documents shall also specify which terms may be subject to reopening of competition.

The possibilities provided for under the first paragraph of this point shall also apply to any lot of a framework agreement for which all the terms governing the provision of the works, services and supplies concerned are set out in the framework agreement, regardless of whether all the terms governing the provision of the works, services and supplies concerned under other lots have been set out.

- (c) where not all the terms governing the provision of the works, services and supplies are laid down in the framework agreement, through reopening competition amongst the economic operators parties to the framework agreement.

5. The competitions referred to in points (b) and (c) of paragraph 4 shall be based on the same terms as applied for the award of the framework agreement and, where necessary, more precisely formulated terms, and, where appropriate, other terms referred to in the procurement documents for the framework agreement, in accordance with the following procedure:

- (a) for every contract to be awarded, contracting authorities shall consult in writing the economic operators capable of performing the contract;
- (b) contracting authorities shall fix a time limit which is sufficiently long to allow tenders for each specific contract to be submitted, taking into account factors such as the complexity of the subject-matter of the contract and the time needed to send in tenders;
- (c) tenders shall be submitted in writing, and their content shall not be opened until the stipulated time limit for reply has expired;
- (d) contracting authorities shall award each contract to the tenderer that has submitted the best tender on the basis of the award criteria set out in the procurement documents for the framework agreement.

**▼B***Article 34***Dynamic purchasing systems**

1. For commonly used purchases the characteristics of which, as generally available on the market, meet the requirements of the contracting authorities, contracting authorities may use a dynamic purchasing system. The dynamic purchasing system shall be operated as a completely electronic process, and shall be open throughout the period of validity of the purchasing system to any economic operator that satisfies the selection criteria. It may be divided into categories of products, works or services that are objectively defined on the basis of characteristics of the procurement to be undertaken under the category concerned. Such characteristics may include reference to the maximum allowable size of the subsequent specific contracts or to a specific geographic area in which subsequent specific contracts will be performed.

2. In order to procure under a dynamic purchasing system, contracting authorities shall follow the rules of the restricted procedure. All the candidates satisfying the selection criteria shall be admitted to the system, and the number of candidates to be admitted to the system shall not be limited in accordance with Article 65. Where contracting authorities have divided the system into categories of products, works or services in accordance with paragraph 1 of this Article, they shall specify the applicable selection criteria for each category.

Notwithstanding Article 28, the following time limits shall apply:

- (a) the minimum time limit for receipt of requests to participate shall be 30 days from the date on which the contract notice or, where a prior information notice is used as a means of calling for competition, the invitation to confirm interest is sent. No further time limits for receipt of requests to participate shall apply once the invitation to tender for the first specific procurement under the dynamic purchasing system has been sent;
- (b) the minimum time limit for receipt of tenders shall be at least 10 days from the date on which the invitation to tender is sent. Where appropriate, Article 28(4) shall apply. Article 28(3) and (5) shall not apply.

3. All communications in the context of a dynamic purchasing system shall only be made by electronic means in accordance with Article 22(1), (3), (5) and (6).

4. For the purposes of awarding contracts under a dynamic purchasing system, contracting authorities shall:

- (a) publish a call for competition making it clear that a dynamic purchasing system is involved;
- (b) indicate in the procurement documents at least the nature and estimated quantity of the purchases envisaged, as well as all the necessary information concerning the dynamic purchasing system, including how the dynamic purchasing system operates, the electronic equipment used and the technical connection arrangements and specifications;

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- (c) indicate any division into categories of products, works or services and the characteristics defining them;
- (d) offer unrestricted and full direct access, as long as the system is valid, to the procurement documents in conformity with Article 53.

5. Contracting authorities shall give any economic operator, throughout the entire period of validity of the dynamic purchasing system, the possibility of requesting to participate in the system under the conditions referred to in paragraph 2. Contracting authorities shall finalise their assessment of such requests in accordance with the selection criteria within 10 working days following their receipt. That deadline may be prolonged to 15 working days in individual cases where justified, in particular because of the need to examine additional documentation or to otherwise verify whether the selection criteria are met.

Notwithstanding the first subparagraph, as long as the invitation to tender for the first specific procurement under the dynamic purchasing system has not been sent, contracting authorities may extend the evaluation period provided that no invitation to tender is issued during the extended evaluation period. Contracting authorities shall indicate in the procurement documents the length of the extended period that they intend to apply.

Contracting authorities shall inform the economic operator concerned at the earliest possible opportunity of whether or not it has been admitted to the dynamic purchasing system.

6. Contracting authorities shall invite all admitted participants to submit a tender for each specific procurement under the dynamic purchasing system, in accordance with Article 54. Where the dynamic purchasing system has been divided into categories of works, products or services, contracting authorities shall invite all participants having been admitted to the category corresponding to the specific procurement concerned to submit a tender.

They shall award the contract to the tenderer that submitted the best tender on the basis of the award criteria set out in the contract notice for the dynamic purchasing system or, where a prior information notice is used as a means of calling for competition, in the invitation to confirm interest. Those criteria may, where appropriate, be formulated more precisely in the invitation to tender.

7. Contracting authorities may, at any time during the period of validity of the dynamic purchasing system, require admitted participants to submit a renewed and updated self-declaration as provided for in Article 59(1), within five working days from the date on which that request is transmitted.

Article 59(4) to (6) shall apply throughout the entire period of validity of the dynamic purchasing system.

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8. Contracting authorities shall indicate the period of validity of the dynamic purchasing system in the call for competition. They shall notify the Commission of any change in the period of validity, using the following standard forms:

- (a) where the period of validity is changed without terminating the system, the form used initially for the call for competition for the dynamic purchasing system;
- (b) where the system is terminated, a contract award notice referred to in Article 50.

9. No charges may be billed prior to or during the period of validity of the dynamic purchasing system to the economic operators interested in or party to the dynamic purchasing system.

*Article 35***Electronic auctions**

1. Contracting authorities may use electronic auctions, in which new prices, revised downwards, and/or new values concerning certain elements of tenders are presented.

For this purpose, contracting authorities shall structure the electronic auction as a repetitive electronic process, which occurs after an initial full evaluation of the tenders, enabling them to be ranked using automatic evaluation methods.

Certain public service contracts and certain public works contracts having as their subject-matter intellectual performances, such as the design of works, which cannot be ranked using automatic evaluation methods, shall not be the object of electronic auctions.

2. In open or restricted procedures or competitive procedures with negotiation, the contracting authorities may decide that the award of a public contract shall be preceded by an electronic auction when the content of the procurement documents, in particular the technical specifications, can be established with precision.

In the same circumstances, an electronic auction may be held on the reopening of competition among the parties to a framework agreement as provided for in points (b) or (c) of Article 33(4) and on the opening for competition of contracts to be awarded under the dynamic purchasing system referred to in Article 34.

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3. The electronic auction shall be based on one of the following elements of the tenders:

- (a) solely on prices where the contract is awarded on the basis of price only;
- (b) on prices and/or on the new values of the features of the tenders indicated in the procurement documents where the contract is awarded on the basis of the best price-quality ratio or to the tender with the lowest cost using a cost-effectiveness approach.

4. Contracting authorities which decide to hold an electronic auction shall state that fact in the contract notice or in the invitation to confirm interest. The procurement documents shall include at least the information set out in Annex VI.

5. Before proceeding with an electronic auction, contracting authorities shall make a full initial evaluation of the tenders in accordance with the award criterion or criteria and with the weighting fixed for them.

A tender shall be considered admissible where it has been submitted by a tenderer, who has not been excluded pursuant to Article 57 and who meets the selection criteria, and whose tender is in conformity with the technical specifications without being irregular or unacceptable or unsuitable.

In particular, tenders which do not comply with the procurement documents, which were received late, where there is evidence of collusion or corruption, or which have been found by the contracting authority to be abnormally low, shall be considered as being irregular. In particular tenders submitted by tenderers that do not have the required qualifications, and tenders whose price exceeds the contracting authority's budget as determined and documented prior to the launching of the procurement procedure shall be considered as unacceptable.

A tender shall be considered not to be suitable where it is irrelevant to the contract, being manifestly incapable, without substantial changes, of meeting the contracting authority's needs and requirements as specified in the procurement documents. A request for participation shall be considered not to be suitable where the economic operator concerned is to be or may be excluded pursuant to Article 57 or does not meet the selection criteria set out by the contracting authority pursuant to Article 58

All tenderers that have submitted admissible tenders shall be invited simultaneously to participate in the electronic auction using, as of the specified date and time, the connections in accordance with the instructions set out in the invitation. The electronic auction may take



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place in a number of successive phases. The electronic auction shall not start sooner than two working days after the date on which invitations are sent out.

6. The invitation shall be accompanied by the outcome of a full evaluation of the relevant tender, carried out in accordance with the weighting provided for in the first subparagraph of Article 67(5).

The invitation shall also state the mathematical formula to be used in the electronic auction to determine the automatic re-rankings on the basis of the new prices and/or new values submitted. Except where the most economically advantageous offer is identified on the basis of price alone, that formula shall incorporate the weighting of all the criteria established to determine the most economically advantageous tender, as indicated in the notice used as a means of calling for competition or in other procurement documents. For that purpose, any ranges shall, however, be reduced beforehand to a specified value.

Where variants are authorised, a separate formula shall be provided for each variant.

7. Throughout each phase of an electronic auction the contracting authorities shall instantaneously communicate to all tenderers at least sufficient information to enable them to ascertain their relative rankings at any moment. They may, where this has been previously indicated, communicate other information concerning other prices or values submitted. They may also at any time announce the number of participants in that phase of the auction. In no case, however, may they disclose the identities of the tenderers during any phase of an electronic auction.

8. Contracting authorities shall close an electronic auction in one or more of the following manners:

- (a) at the previously indicated date and time;
- (b) when they receive no more new prices or new values which meet the requirements concerning minimum differences, provided that they have previously stated the time which they will allow to elapse after receiving the last submission before they close the electronic auction; or
- (c) when the previously indicated number of phases in the auction has been completed.

Where the contracting authorities intend to close an electronic auction in accordance with point (c) of the first subparagraph, possibly in combination with the arrangements laid down in point (b) thereof, the invitation to take part in the auction shall indicate the timetable for each phase of the auction.

9. After closing an electronic auction contracting authorities shall award the contract in accordance with Article 67 on the basis of the results of the electronic auction.

*Article 36***Electronic catalogues**

1. Where the use of electronic means of communication is required, contracting authorities may require tenders to be presented in the format of an electronic catalogue or to include an electronic catalogue.

Member States may render the use of electronic catalogues mandatory in connection with certain types of procurement.

Tenders presented in the form of an electronic catalogue may be accompanied by other documents, completing the tender.

2. Electronic catalogues shall be established by the candidates or tenderers with a view to participating in a given procurement procedure in accordance with the technical specifications and format established by the contracting authority.

Furthermore, electronic catalogues shall comply with the requirements for electronic communication tools as well as with any additional requirements set by the contracting authority in accordance with Article 22.

3. Where the presentation of tenders in the form of electronic catalogues is accepted or required, contracting authorities shall:

- (a) state so in the contract notice or in the invitation to confirm interest where a prior information notice is used as a means of calling for competition;
- (b) indicate in the procurement documents all the necessary information pursuant to Article 22(6) concerning the format, the electronic equipment used and the technical connection arrangements and specifications for the catalogue.

4. Where a framework agreement has been concluded with more than one economic operator following the submission of tenders in the form of electronic catalogues, contracting authorities may provide that the reopening of competition for specific contracts takes place on the basis of updated catalogues. In such a case, contracting authorities shall use one of the following methods:

- (a) invite tenderers to resubmit their electronic catalogues, adapted to the requirements of the contract in question; or
- (b) notify tenderers that they intend to collect from the electronic catalogues which have already been submitted the information needed to constitute tenders adapted to the requirements of the contract in question; provided that the use of that method has been announced in the procurement documents for the framework agreement.

**▼B**

5. Where contracting authorities reopen competition for specific contracts in accordance with point (b) of paragraph 4, they shall notify tenderers of the date and time at which they intend to collect the information needed to constitute tenders adapted to the requirements of the specific contract in question and shall give tenderers the possibility to refuse such collection of information.

Contracting authorities shall allow for an adequate period between the notification and the actual collection of information.

Before awarding the contract, contracting authorities shall present the collected information to the tenderer concerned so as to give it the opportunity to contest or confirm that the tender thus constituted does not contain any material errors.

6. Contracting authorities may award contracts based on a dynamic purchasing system by requiring that offers for a specific contract are to be presented in the format of an electronic catalogue.

Contracting authorities may also award contracts based on a dynamic purchasing system in accordance with point (b) of paragraph 4 and paragraph 5 provided that the request for participation in the dynamic purchasing system is accompanied by an electronic catalogue in accordance with the technical specifications and format established by the contracting authority. That catalogue shall be completed subsequently by the candidates, when they are informed of the contracting authority's intention to constitute tenders by means of the procedure set out in point (b) of paragraph 4.

*Article 37***Centralised purchasing activities and central purchasing bodies**

1. Member States may provide that contracting authorities may acquire supplies and/or services from a central purchasing body offering the centralised purchasing activity referred to in point (a) of point (14) of Article 2(1).

Member States may also provide that contracting authorities may acquire works, supplies and services by using contracts awarded by a central purchasing body, by using dynamic purchasing systems operated by a central purchasing body or, to the extent set out in the second subparagraph of Article 33(2), by using a framework agreement concluded by a central purchasing body offering the centralised purchasing activity referred to in point (b) of point (14) of Article 2(1). Where a dynamic purchasing system which is operated by a central purchasing body may be used by other contracting authorities, this shall be mentioned in the call for competition setting up that dynamic purchasing system.

In relation to the first and second subparagraphs, Member States may provide that certain procurements are to be made by having recourse to central purchasing bodies or to one or more specific central purchasing bodies.

**▼B**

2. A contracting authority fulfils its obligations pursuant to this Directive when it acquires supplies or services from a central purchasing body offering the centralised purchasing activity referred to in point (a) of point (14) of Article 2(1).

Furthermore, a contracting authority also fulfils its obligations pursuant to this Directive where it acquires works, supplies or services by using contracts awarded by the central purchasing body, by using dynamic purchasing systems operated by the central purchasing body or, to the extent set out in the second subparagraph of Article 33(2), by using a framework agreement concluded by the central purchasing body offering the centralised purchasing activity referred to in point (b) of point (14) of Article 2(1).

However, the contracting authority concerned shall be responsible for fulfilling the obligations pursuant to this Directive in respect of the parts it conducts itself, such as:

- (a) awarding a contract under a dynamic purchasing system, which is operated by a central purchasing body;
- (b) conducting a reopening of competition under a framework agreement that has been concluded by a central purchasing body;
- (c) pursuant to points (a) or (b) of Article 33(4), determining which of the economic operators, party to the framework agreement, shall perform a given task under a framework agreement that has been concluded by a central purchasing body.

3. All procurement procedures conducted by a central purchasing body shall be performed using electronic means of communication, in accordance with the requirements set out in Article 22.

4. Contracting authorities may, without applying the procedures provided for in this Directive, award a public service contract for the provision of centralised purchasing activities to a central purchasing body.

Such public service contracts may also include the provision of ancillary purchasing activities.

*Article 38***Occasional joint procurement**

1. Two or more contracting authorities may agree to perform certain specific procurements jointly.

2. Where the conduct of a procurement procedure in its entirety is carried out jointly in the name and on behalf of all the contracting authorities concerned, they shall be jointly responsible for fulfilling their obligations pursuant to this Directive. This applies also in cases where one contracting authority manages the procedure, acting on its own behalf and on the behalf of the other contracting authorities concerned.

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Where the conduct of a procurement procedure is not in its entirety carried out in the name and on behalf of the contracting authorities concerned, they shall be jointly responsible only for those parts carried out jointly. Each contracting authority shall have sole responsibility for fulfilling its obligations pursuant to this Directive in respect of the parts it conducts in its own name and on its own behalf.

*Article 39***Procurement involving contracting authorities from different Member States**

1. Without prejudice to Article 12, contracting authorities from different Member States may act jointly in the award of public contracts by using one of the means provided for in this Article.

Contracting authorities shall not use the means provided in this Article for the purpose of avoiding the application of mandatory public law provisions in conformity with Union law to which they are subject in their Member State.

2. A Member State shall not prohibit its contracting authorities from using centralised purchasing activities offered by central purchasing bodies located in another Member State.

In respect of centralised purchasing activities offered by a central purchasing body located in another Member State than the contracting authority, Member States may, however, choose to specify that their contracting authorities may only use the centralised purchasing activities as defined in either point (a) or in point (b) of point (14) of Article 2(1).

3. The provision of centralised purchasing activities by a central purchasing body located in another Member State shall be conducted in accordance with the national provisions of the Member State where the central purchasing body is located.

The national provisions of the Member State where the central purchasing body is located shall also apply to the following:

- (a) the award of a contract under a dynamic purchasing system;
- (b) the conduct of a reopening of competition under a framework agreement;
- (c) the determination pursuant to points (a) or (b) of Article 33(4) of which of the economic operators, party to the framework agreement, shall perform a given task.

4. Several contracting authorities from different Member States may jointly award a public contract, conclude a framework agreement or operate a dynamic purchasing system. They may also, to the extent set out in the second subparagraph of Article 33(2), award contracts based on the framework agreement or on the dynamic purchasing system. Unless the necessary elements have been regulated by an international agreement concluded between the Member States concerned, the participating contracting authorities shall conclude an agreement that determines:

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- (a) the responsibilities of the parties and the relevant applicable national provisions;
- (b) the internal organisation of the procurement procedure, including the management of the procedure, the distribution of the works, supplies or services to be procured, and the conclusion of contracts.

A participating contracting authority fulfils its obligations pursuant to this Directive when it purchases works, supplies or services from a contracting authority which is responsible for the procurement procedure. When determining responsibilities and the applicable national law as referred to in point (a), the participating contracting authorities may allocate specific responsibilities among them and determine the applicable provisions of the national laws of any of their respective Member States. The allocation of responsibilities and the applicable national law shall be referred to in the procurement documents for jointly awarded public contracts.

5. Where several contracting authorities from different Member States have set up a joint entity, including European Groupings of territorial cooperation under Regulation (EC) No 1082/2006 of the European Parliament and of the Council <sup>(1)</sup> or other entities established under Union law, the participating contracting authorities shall, by a decision of the competent body of the joint entity, agree on the applicable national procurement rules of one of the following Member States:

- (a) the national provisions of the Member State where the joint entity has its registered office;
- (b) the national provisions of the Member State where the joint entity is carrying out its activities.

The agreement referred to in the first subparagraph may either apply for an undetermined period, when fixed in the constitutive act of the joint entity, or may be limited to a certain period of time, certain types of contracts or to one or more individual contract awards.

*CHAPTER III****Conduct of the procedure*****Section 1****Preparation***Article 40***Preliminary market consultations**

Before launching a procurement procedure, contracting authorities may conduct market consultations with a view to preparing the procurement and informing economic operators of their procurement plans and requirements.

<sup>(1)</sup> Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC) (OJ L 210, 31.7.2006, p. 19).

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For this purpose, contracting authorities may for example seek or accept advice from independent experts or authorities or from market participants. That advice may be used in the planning and conduct of the procurement procedure, provided that such advice does not have the effect of distorting competition and does not result in a violation of the principles of non-discrimination and transparency.

*Article 41***Prior involvement of candidates or tenderers**

Where a candidate or tenderer or an undertaking related to a candidate or tenderer has advised the contracting authority, whether in the context of Article 40 or not, or has otherwise been involved in the preparation of the procurement procedure, the contracting authority shall take appropriate measures to ensure that competition is not distorted by the participation of that candidate or tenderer.

Such measures shall include the communication to the other candidates and tenderers of relevant information exchanged in the context of or resulting from the involvement of the candidate or tenderer in the preparation of the procurement procedure and the fixing of adequate time limits for the receipt of tenders. The candidate or tenderer concerned shall only be excluded from the procedure where there are no other means to ensure compliance with the duty to observe the principle of equal treatment.

Prior to any such exclusion, candidates or tenderers shall be given the opportunity to prove that their involvement in preparing the procurement procedure is not capable of distorting competition. The measures taken shall be documented in the individual report required by Article 84.

*Article 42***Technical specifications**

1. The technical specifications as defined in point 1 of Annex VII shall be set out in the procurement documents. The technical specification shall lay down the characteristics required of a works, service or supply.

Those characteristics may also refer to the specific process or method of production or provision of the requested works, supplies or services or to a specific process for another stage of its life cycle even where such factors do not form part of their material substance provided that they are linked to the subject-matter of the contract and proportionate to its value and its objectives.

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The technical specifications may also specify whether the transfer of intellectual property rights will be required.

For all procurement which is intended for use by natural persons, whether general public or staff of the contracting authority, the technical specifications shall, except in duly justified cases, be drawn up so as to take into account accessibility criteria for persons with disabilities or design for all users.

Where mandatory accessibility requirements are adopted by a legal act of the Union, technical specifications shall, as far as accessibility criteria for persons with disabilities or design for all users are concerned, be defined by reference thereto.

2. Technical specifications shall afford equal access of economic operators to the procurement procedure and shall not have the effect of creating unjustified obstacles to the opening up of public procurement to competition.

3. Without prejudice to mandatory national technical rules, to the extent that they are compatible with Union law, the technical specifications shall be formulated in one of the following ways:

- (a) in terms of performance or functional requirements, including environmental characteristics, provided that the parameters are sufficiently precise to allow tenderers to determine the subject-matter of the contract and to allow contracting authorities to award the contract;
- (b) by reference to technical specifications and, in order of preference, to national standards transposing European standards, European Technical Assessments, common technical specifications, international standards, other technical reference systems established by the European standardisation bodies or - when any of those do not exist - national standards, national technical approvals or national technical specifications relating to the design, calculation and execution of the works and use of the supplies; each reference shall be accompanied by the words 'or equivalent';
- (c) in terms of performance or functional requirements as referred to in point (a), with reference to the technical specifications referred to in point (b) as a means of presuming conformity with such performance or functional requirements;
- (d) by reference to the technical specifications referred to in point (b) for certain characteristics, and by reference to the performance or functional requirements referred to in point (a) for other characteristics.



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4. Unless justified by the subject-matter of the contract, technical specifications shall not refer to a specific make or source, or a particular process which characterises the products or services provided by a specific economic operator, or to trade marks, patents, types or a specific origin or production with the effect of favouring or eliminating certain undertakings or certain products. Such reference shall be permitted on an exceptional basis, where a sufficiently precise and intelligible description of the subject-matter of the contract pursuant to paragraph 3 is not possible. Such reference shall be accompanied by the words ‘or equivalent’.

5. Where a contracting authority uses the option of referring to the technical specifications referred to in point (b) of paragraph 3, it shall not reject a tender on the grounds that the works, supplies or services tendered for do not comply with the technical specifications to which it has referred, once the tenderer proves in its tender by any appropriate means, including the means of proof referred to in Article 44, that the solutions proposed satisfy in an equivalent manner the requirements defined by the technical specifications.

6. Where a contracting authority uses the option laid down in point (a) of paragraph 3 to formulate technical specifications in terms of performance or functional requirements, it shall not reject a tender for works, supplies or services which comply with a national standard transposing a European standard, a European technical approval, a common technical specification, an international standard or a technical reference system established by a European standardisation body, where those specifications address the performance or functional requirements which it has laid down.

In its tender, the tenderer shall prove by any appropriate means, including those referred to in Article 44, that the work, supply or service in compliance with the standard meets the performance or functional requirements of the contracting authority.

*Article 43***Labels**

1. Where contracting authorities intend to purchase works, supplies or services with specific environmental, social or other characteristics they may, in the technical specifications, the award criteria or the contract performance conditions, require a specific label as means of proof that the works, services or supplies correspond to the required characteristics, provided that all of the following conditions are fulfilled:

- (a) the label requirements only concern criteria which are linked to the subject-matter of the contract and are appropriate to define characteristics of the works, supplies or services that are the subject-matter of the contract;
- (b) the label requirements are based on objectively verifiable and non-discriminatory criteria;

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- (c) the labels are established in an open and transparent procedure in which all relevant stakeholders, including government bodies, consumers, social partners, manufacturers, distributors and non-governmental organisations, may participate;
- (d) the labels are accessible to all interested parties;
- (e) the label requirements are set by a third party over which the economic operator applying for the label cannot exercise a decisive influence.

Where contracting authorities do not require the works, supplies or services to meet all of the label requirements, they shall indicate which label requirements are referred to.

Contracting authorities requiring a specific label shall accept all labels that confirm that the works, supplies or services meet equivalent label requirements.

Where an economic operator had demonstrably no possibility of obtaining the specific label indicated by the contracting authority or an equivalent label within the relevant time limits for reasons that are not attributable to that economic operator, the contracting authority shall accept other appropriate means of proof, which may include a technical dossier from the manufacturer, provided that the economic operator concerned proves that the works, supplies or services to be provided by it fulfil the requirements of the specific label or the specific requirements indicated by the contracting authority.

2. Where a label fulfils the conditions provided in points (b), (c), (d) and (e) of paragraph 1 but also sets out requirements not linked to the subject-matter of the contract, contracting authorities shall not require the label as such but may define the technical specification by reference to those of the detailed specifications of that label, or, where necessary, parts thereof, that are linked to the subject-matter of the contract and are appropriate to define characteristics of this subject-matter.

*Article 44***Test reports, certification and other means of proof**

1. Contracting authorities may require that economic operators provide a test report from a conformity assessment body or a certificate issued by such a body as means of proof of conformity with requirements or criteria set out in the technical specifications, the award criteria or the contract performance conditions.

Where contracting authorities require the submission of certificates drawn up by a specific conformity assessment body, certificates from equivalent other conformity assessment bodies shall also be accepted by the contracting authorities.

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For the purpose of this paragraph, a conformity assessment body shall be a body that performs conformity assessment activities including calibration, testing, certification and inspection accredited in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council <sup>(1)</sup>.

2. Contracting authorities shall accept other appropriate means of proof than those referred to in paragraph 1, such as a technical dossier of the manufacturer where the economic operator concerned had no access to the certificates or test reports referred to in paragraph 1, or no possibility of obtaining them within the relevant time limits, provided that the lack of access is not attributable to the economic operator concerned and provided that the economic operator concerned thereby proves that the works, supplies or services provided by it meet the requirements or criteria set out in the technical specifications, the award criteria or the contract performance conditions.

3. Member States shall make available to other Member States, upon request, any information related to the evidence and documents submitted in accordance with Article 42(6), Article 43 and paragraphs 1 and 2 of this Article. The competent authorities of the Member State of establishment of the economic operator shall provide this information in accordance with Article 86.

*Article 45***Variants**

1. Contracting authorities may authorise or require tenderers to submit variants. They shall indicate in the contract notice or, where a prior information notice is used as a means of calling for competition, in the invitation to confirm interest whether or not they authorise or require variants. Variants shall not be authorised without such indication. Variants shall be linked to the subject-matter of the contract.

2. Contracting authorities authorising or requiring variants shall state in the procurement documents the minimum requirements to be met by the variants and any specific requirements for their presentation, in particular whether variants may be submitted only where a tender, which is not a variant, has also been submitted. They shall also ensure that the chosen award criteria can be applied to variants meeting those minimum requirements as well as to conforming tenders which are not variants.

3. Only variants meeting the minimum requirements laid down by the contracting authorities shall be taken into consideration.

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<sup>(1)</sup> Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).

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In procedures for awarding public supply or service contracts, contracting authorities that have authorised or required variants shall not reject a variant on the sole ground that it would, where successful, lead to either a service contract rather than a public supply contract or a supply contract rather than a public service contract.

*Article 46***Division of contracts into lots**

1. Contracting authorities may decide to award a contract in the form of separate lots and may determine the size and subject-matter of such lots.

Contracting authorities shall, except in respect of contracts whose division has been made mandatory pursuant to paragraph 4 of this Article, provide an indication of the main reasons for their decision not to subdivide into lots, which shall be included in the procurement documents or the individual report referred to in Article 84.

2. Contracting authorities shall indicate, in the contract notice or in the invitation to confirm interest, whether tenders may be submitted for one, for several or for all of the lots.

Contracting authorities may, even where tenders may be submitted for several or all lots, limit the number of lots that may be awarded to one tenderer, provided that the maximum number of lots per tenderer is stated in the contract notice or in the invitation to confirm interest. Contracting authorities shall indicate in the procurement documents the objective and non-discriminatory criteria or rules they intend to apply for determining which lots will be awarded where the application of the award criteria would result in one tenderer being awarded more lots than the maximum number.

3. Member States may provide that, where more than one lot may be awarded to the same tenderer, contracting authorities may award contracts combining several or all lots where they have specified in the contract notice or in the invitation to confirm interest that they reserve the possibility of doing so and indicate the lots or groups of lots that may be combined.

4. Member States may implement the second subparagraph of paragraph 1 by rendering it obligatory to award contracts in the form of separate lots under conditions to be specified in accordance with their national law and having regard for Union law. In such circumstances the first subparagraph of paragraph 2 and, where appropriate, paragraph 3 shall apply.

*Article 47***Setting time limits**

1. When fixing the time limits for the receipt of tenders and requests to participate, contracting authorities shall take account of the complexity of the contract and the time required for drawing up tenders, without prejudice to the minimum time limits set out in Articles 27 to 31.

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2. Where tenders can be made only after a visit to the site or after on-the-spot inspection of the documents supporting the procurement documents, the time limits for the receipt of tenders, which shall be longer than the minimum time limits set out in Articles 27 to 31, shall be fixed so that all economic operators concerned may be aware of all the information needed to produce tenders.

3. Contracting authorities shall extend the time limits for the receipt of tenders so that all economic operators concerned may be aware of all the information needed to produce tenders in the following cases:

(a) where, for whatever reason, additional information, although requested by the economic operator in good time, is not supplied at the latest six days before the time limit fixed for the receipt of tenders. In the event of an accelerated procedure as referred to in Article 27(3) and Article 28(6), that period shall be four days;

(b) where significant changes are made to the procurement documents.

The length of the extension shall be proportionate to the importance of the information or change.

Where the additional information has either not been requested in good time or its importance with a view to preparing responsive tenders is insignificant, contracting authorities shall not be required to extend the time limits.

## Section 2

### Publication and transparency

#### Article 48

##### Prior information notices

1. Contracting authorities may make known their intentions of planned procurements through the publication of a prior information notice. Those notices shall contain the information set out in Annex V part B section I. They shall be published either by the Publications Office of the European Union or by the contracting authorities on their buyer profiles in accordance with point 2(b) of Annex VIII. Where the prior information notice is published by the contracting authorities on their buyer profile, they shall send a notice of the publication on their buyer profile to the Publications Office of the European Union in accordance with Annex VIII. Those notices shall contain the information set out in Annex V part A.

2. For restricted procedures and competitive procedures with negotiation, sub-central contracting authorities may use a prior information notice as a call for competition pursuant to Article 26(5), provided that the notice fulfils all of the following conditions:

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- (a) it refers specifically to the supplies, works or services that will be the subject of the contract to be awarded;
- (b) it indicates that the contract will be awarded by restricted procedure or competitive procedure with negotiation without further publication of a call for competition and invites interested economic operators to express their interest;
- (c) it contains, in addition to the information set out in Annex V part B section I, the information set out in Annex V part B section II;
- (d) it has been sent for publication between 35 days and 12 months prior to the date on which the invitation referred to in Article 54(1) is sent.

Such notices shall not be published on a buyer profile. However, the additional publication at national level pursuant to Article 52, if any, may be made on a buyer profile.

The period covered by the prior information notice shall be a maximum of 12 months from the date the notice is transmitted for publication. However, in the case of public contracts for social and other specific services, the prior information notice referred to in point (b) of Article 75(1) may cover a period which is longer than 12 months.

*Article 49***Contract notices**

Contract notices shall be used as a means of calling for competition in respect of all procedures, without prejudice to the second subparagraph of Article 26(5) and Article 32. Contract notices shall contain the information set out in Annex V part C and shall be published in accordance with Article 51.

*Article 50***Contract award notices**

1. Not later than 30 days after the conclusion of a contract or of a framework agreement, following the decision to award or conclude it, contracting authorities shall send a contract award notice on the results of the procurement procedure.

Such notices shall contain the information set out in Annex V part D and shall be published in accordance with Article 51.

2. Where the call for competition for the contract concerned has been made in the form of a prior information notice and the contracting authority has decided that it will not award further contracts during the period covered by the prior information notice, the contract award notice shall contain a specific indication to that effect.

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In the case of framework agreements concluded in accordance with Article 33, contracting authorities shall not be bound to send a notice of the results of the procurement procedure for each contract based on that agreement. Member States may provide that contracting authorities shall group notices of the results of the procurement procedure for contracts based on the framework agreement on a quarterly basis. In that case, contracting authorities shall send the grouped notices within 30 days of the end of each quarter.

3. Contracting authorities shall send a contract award notice within 30 days after the award of each contract based on a dynamic purchasing system. They may, however, group such notices on a quarterly basis. In that case, they shall send the grouped notices within 30 days of the end of each quarter.

4. Certain information on the contract award or the conclusion of the framework agreement may be withheld from publication where its release would impede law enforcement or otherwise be contrary to the public interest, would harm the legitimate commercial interests of a particular economic operator, public or private, or might prejudice fair competition between economic operators.

*Article 51***Form and manner of publication of notices**

1. Notices referred to in Articles 48, 49 and 50 shall include the information set out in Annex V in the format of standard forms, including standard forms for corrigenda.

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 89(2).

2. Notices referred to in Articles 48, 49 and 50 shall be drawn up, transmitted by electronic means to the Publications Office of the European Union and published in accordance with Annex VIII. Notices shall be published not later than five days after they are sent. The costs of publication of the notices by the Publications Office of the European Union shall be borne by the Union.

3. Notices referred to in Articles 48, 49 and 50 shall be published in full in the official language(s) of the institutions of the Union chosen by the contracting authority. That language version or those language versions shall constitute the sole authentic text(s). A summary of the important elements of each notice shall be published in the other official languages of the institutions of the Union.

4. The Publications Office of the European Union shall ensure that the full text and the summary of prior information notices referred to in Article 48(2) and calls for competition setting up a dynamic purchasing system, as referred to in point (a) of Article 34(4) continue to be published:

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- (a) in the case of prior information notices, for 12 months or until receipt of a contract award notice as provided for in Article 50 indicating that no further contracts will be awarded during the 12-month period covered by the call for competition. However, in the case of public contracts for social and other specific services, the prior information notice referred to in point (b) of Article 75(1) shall continue to be published until the end of its originally indicated period of validity or until receipt of a contract award notice as provided for in Article 50 indicating that no further contracts will be awarded during the period covered by the call for competition;
  - (b) in the case of calls for competition setting up a dynamic purchasing system, for the period of validity of the dynamic purchasing system.
5. Contracting authorities shall be able to supply proof of the dates on which notices are dispatched.

The Publications Office of the European Union shall give the contracting authority confirmation of the receipt of the notice and of the publication of the information sent, indicating the date of that publication. Such confirmation shall constitute proof of publication.

6. Contracting authorities may publish notices for public contracts that are not subject to the publication requirement laid down in this Directive provided that those notices are sent to the Publications Office of the European Union by electronic means in accordance with the format and procedures for transmission indicated in Annex VIII.

*Article 52***Publication at national level**

1. Notices referred to in Articles 48, 49 and 50 and the information contained therein shall not be published at national level before the publication pursuant to Article 51. However, publication may in any event take place at the national level where contracting authorities have not been notified of the publication within 48 hours after confirmation of the receipt of the notice in accordance with Article 51.
2. Notices published at national level shall not contain information other than that contained in the notices dispatched to the Publications Office of the European Union or published on a buyer profile, but shall indicate the date of dispatch of the notice to the Publications Office of the European Union or its publication on the buyer profile.
3. Prior information notices shall not be published on a buyer profile before the dispatch to the Publications Office of the European Union of the notice of their publication in that form. They shall indicate the date of that dispatch.



*Article 53***Electronic availability of procurement documents**

1. Contracting authorities shall by electronic means offer unrestricted and full direct access free of charge to the procurement documents from the date of publication of a notice in accordance with Article 51 or the date on which an invitation to confirm interest was sent. The text of the notice or the invitation to confirm interest shall specify the internet address at which the procurement documents are accessible.

Where unrestricted and full direct access free of charge by electronic means to certain procurement documents cannot be offered for one of the reasons set out in the second subparagraph of Article 22(1), contracting authorities may indicate in the notice or the invitation to confirm interest that the procurement documents concerned will be transmitted by other means than electronic means in accordance with paragraph 2 of this Article. In such a case, the time limit for the submission of tenders shall be prolonged by five days, except in the cases of duly substantiated urgency referred to in Article 27(3), Article 28(6) and in the fourth subparagraph of Article 29(1).

Where unrestricted and full direct access free of charge by electronic means to certain procurement documents cannot be offered because contracting authorities intend to apply Article 21(2) of this Directive, they shall indicate in the notice or the invitation to confirm interest which measures aimed at protecting the confidential nature of the information they require and how access can be obtained to the documents concerned. In such case, the time limit for the submission of tenders shall be prolonged by five days, except in the cases of duly substantiated urgency referred to in Article 27(3), Article 28(6) and in the fourth subparagraph of Article 29(1).

2. Provided that it has been requested in good time, the contracting authorities shall supply to all tenderers taking part in the procurement procedure additional information relating to the specifications and any supporting documents not later than six days before the time limit fixed for the receipt of tenders. In the event of an accelerated procedure as referred to in Article 27(3) and Article 28(6), that period shall be four days.

*Article 54***Invitations to candidates**

1. In restricted procedures, competitive dialogue procedures, innovation partnerships and competitive procedures with negotiation, contracting authorities shall simultaneously and in writing invite the selected candidates to submit their tenders or, in the case of a competitive dialogue, to take part in the dialogue.

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Where a prior information notice is used as a call for competition pursuant to Article 48(2), contracting authorities shall simultaneously and in writing invite the economic operators which have expressed their interest to confirm their continuing interest.

2. The invitations referred to in paragraph 1 of this Article shall include a reference to the electronic address on which the procurement documents have been made directly available by electronic means. The invitations shall be accompanied by the procurement documents, where those documents have not been the subject of unrestricted and full direct access, free of charge, for the reasons set out in the second or third subparagraph of Article 53(1) and have not already been made otherwise available. In addition, the invitations referred to in paragraph 1 of this Article shall include the information set out in Annex IX.

*Article 55***Informing candidates and tenderers**

1. Contracting authorities shall as soon as possible inform each candidate and tenderer of decisions reached concerning the conclusion of a framework agreement, the award of the contract or admittance to a dynamic purchasing system, including the grounds for any decision not to conclude a framework agreement, not to award a contract for which there has been a call for competition, to recommence the procedure or not to implement a dynamic purchasing system.

2. On request from the candidate or tenderer concerned, the contracting authority shall as quickly as possible, and in any event within 15 days from receipt of a written request, inform:

- (a) any unsuccessful candidate of the reasons for the rejection of its request to participate,
- (b) any unsuccessful tenderer of the reasons for the rejection of its tender, including, for the cases referred to in Article 42(5) and (6), the reasons for its decision of non-equivalence or its decision that the works, supplies or services do not meet the performance or functional requirements,
- (c) any tenderer that has made an admissible tender of the characteristics and relative advantages of the tender selected as well as the name of the successful tenderer or the parties to the framework agreement,
- (d) any tenderer that has made an admissible tender of the conduct and progress of negotiations and dialogue with tenderers.

3. Contracting authorities may decide to withhold certain information referred to in paragraphs 1 and 2, regarding the contract award, the conclusion of framework agreements or admittance to a dynamic purchasing system, where the release of such information would impede law enforcement or would otherwise be contrary to the public interest, would prejudice the legitimate commercial interests of a particular economic operator, whether public or private, or might prejudice fair competition between economic operators.

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## Section 3

**Choice of participants and award of contracts***Article 56***General principles**

1. Contracts shall be awarded on the basis of criteria laid down in accordance with Articles 67 to 69, provided that the contracting authority has verified in accordance with Articles 59 to 61 that all of the following conditions are fulfilled:

- (a) the tender complies with the requirements, conditions and criteria set out in the contract notice or the invitation to confirm interest and in the procurement documents, taking into account, where applicable, Article 45;
- (b) the tender comes from a tenderer that is not excluded in accordance with Article 57 and that meets the selection criteria set out by the contracting authority in accordance with Article 58 and, where applicable, the non-discriminatory rules and criteria referred to in Article 65.

Contracting authorities may decide not to award a contract to the tenderer submitting the most economically advantageous tender where they have established that the tender does not comply with the applicable obligations referred to in Article 18(2).

2. In open procedures, contracting authorities may decide to examine tenders before verifying the absence of grounds for exclusion and the fulfilment of the selection criteria in accordance with Articles 57 to 64. Where they make use of that possibility, they shall ensure that the verification of absence of grounds for exclusion and of fulfilment of the selection criteria is carried out in an impartial and transparent manner so that no contract is awarded to a tenderer that should have been excluded pursuant to Article 57 or that does not meet the selection criteria set out by the contracting authority.

Member States may exclude the use of the procedure in the first subparagraph for, or restrict it to, certain types of procurement or specific circumstances.

3. Where information or documentation to be submitted by economic operators is or appears to be incomplete or erroneous or where specific documents are missing, contracting authorities may, unless otherwise provided by the national law implementing this Directive, request the economic operators concerned to submit, supplement, clarify or complete the relevant information or documentation within an appropriate time limit, provided that such requests are made in full compliance with the principles of equal treatment and transparency.

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 87 to amend the list in Annex X, where necessary, to add new international agreements that have been ratified by all Member States or where the existing international agreements referred to are no longer ratified by all Member States or they are otherwise changed, for instance in respect of their scope, content or denomination.



## Subsection 1

**Criteria for qualitative selection***Article 57***Exclusion grounds**

1. Contracting authorities shall exclude an economic operator from participation in a procurement procedure where they have established, by verifying in accordance with Articles 59, 60 and 61, or are otherwise aware that that economic operator has been the subject of a conviction by final judgment for one of the following reasons:

- (a) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA <sup>(1)</sup>;
- (b) corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union <sup>(2)</sup> and Article 2(1) of Council Framework Decision 2003/568/JHA <sup>(3)</sup> as well as corruption as defined in the national law of the contracting authority or the economic operator;
- (c) fraud within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests <sup>(4)</sup>;
- (d) terrorist offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA <sup>(5)</sup> respectively, or inciting or aiding or abetting or attempting to commit an offence, as referred to in Article 4 of that Framework Decision;
- (e) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council <sup>(6)</sup>;
- (f) child labour and other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council <sup>(7)</sup>.

<sup>(1)</sup> Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (OJ L 300, 11.11.2008, p. 42).

<sup>(2)</sup> OJ C 195, 25.6.1997, p. 1.

<sup>(3)</sup> Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (OJ L 192, 31.7.2003, p. 54).

<sup>(4)</sup> OJ C 316, 27.11.1995, p. 48.

<sup>(5)</sup> Council Framework Decision of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p. 3).

<sup>(6)</sup> Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (OJ L 309, 25.11.2005, p. 15).

<sup>(7)</sup> Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1).

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The obligation to exclude an economic operator shall also apply where the person convicted by final judgment is a member of the administrative, management or supervisory body of that economic operator or has powers of representation, decision or control therein.

2. An economic operator shall be excluded from participation in a procurement procedure where the contracting authority is aware that the economic operator is in breach of its obligations relating to the payment of taxes or social security contributions and where this has been established by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of the country in which it is established or with those of the Member State of the contracting authority.

Furthermore, contracting authorities may exclude or may be required by Member States to exclude from participation in a procurement procedure an economic operator where the contracting authority can demonstrate by any appropriate means that the economic operator is in breach of its obligations relating to the payment of taxes or social security contributions.

This paragraph shall no longer apply when the economic operator has fulfilled its obligations by paying or entering into a binding arrangement with a view to paying the taxes or social security contributions due, including, where applicable, any interest accrued or fines.

3. Member States may provide for a derogation from the mandatory exclusion provided for in paragraphs 1 and 2, on an exceptional basis, for overriding reasons relating to the public interest such as public health or protection of the environment.

Member States may also provide for a derogation from the mandatory exclusion provided in paragraph 2, where an exclusion would be clearly disproportionate, in particular where only minor amounts of taxes or social security contributions are unpaid or where the economic operator was informed of the exact amount due following its breach of its obligations relating to the payment of taxes or social security contributions at such time that it did not have the possibility of taking measures as provided for in the third subparagraph of paragraph 2 before expiration of the deadline for requesting participation or, in open procedures, the deadline for submitting its tender.

4. Contracting authorities may exclude or may be required by Member States to exclude from participation in a procurement procedure any economic operator in any of the following situations:

- (a) where the contracting authority can demonstrate by any appropriate means a violation of applicable obligations referred to in Article 18(2);

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- (b) where the economic operator is bankrupt or is the subject of insolvency or winding-up proceedings, where its assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under national laws and regulations;
- (c) where the contracting authority can demonstrate by appropriate means that the economic operator is guilty of grave professional misconduct, which renders its integrity questionable;
- (d) where the contracting authority has sufficiently plausible indications to conclude that the economic operator has entered into agreements with other economic operators aimed at distorting competition;
- (e) where a conflict of interest within the meaning of Article 24 cannot be effectively remedied by other less intrusive measures;
- (f) where a distortion of competition from the prior involvement of the economic operators in the preparation of the procurement procedure, as referred to in Article 41, cannot be remedied by other, less intrusive measures;
- (g) where the economic operator has shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity or a prior concession contract which led to early termination of that prior contract, damages or other comparable sanctions;
- (h) where the economic operator has been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria, has withheld such information or is not able to submit the supporting documents required pursuant to Article 59; or
- (i) where the economic operator has undertaken to unduly influence the decision-making process of the contracting authority, to obtain confidential information that may confer upon it undue advantages in the procurement procedure or to negligently provide misleading information that may have a material influence on decisions concerning exclusion, selection or award.

Notwithstanding point (b) of the first subparagraph, Member States may require or may provide for the possibility that the contracting authority does not exclude an economic operator which is in one of the situations referred to in that point, where the contracting authority has established that the economic operator in question will be able to perform the contract, taking into account the applicable national rules and measures on the continuation of business in the case of the situations referred to in point (b).

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5. Contracting authorities shall at any time during the procedure exclude an economic operator where it turns out that the economic operator is, in view of acts committed or omitted either before or during the procedure, in one of the situations referred to in paragraphs 1 and 2.

At any time during the procedure, contracting authorities may exclude or may be required by Member States to exclude an economic operator where it turns out that the economic operator is, in view of acts committed or omitted either before or during the procedure, in one of the situations referred to in paragraph 4.

6. Any economic operator that is in one of the situations referred to in paragraphs 1 and 4 may provide evidence to the effect that measures taken by the economic operator are sufficient to demonstrate its reliability despite the existence of a relevant ground for exclusion. If such evidence is considered as sufficient, the economic operator concerned shall not be excluded from the procurement procedure.

For this purpose, the economic operator shall prove that it has paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct, clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities and taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.

The measures taken by the economic operators shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered to be insufficient, the economic operator shall receive a statement of the reasons for that decision.

An economic operator which has been excluded by final judgment from participating in procurement or concession award procedures shall not be entitled to make use of the possibility provided for under this paragraph during the period of exclusion resulting from that judgment in the Member States where the judgment is effective.

7. By law, regulation or administrative provision and having regard to Union law, Member States shall specify the implementing conditions for this Article. They shall, in particular, determine the maximum period of exclusion if no measures as specified in paragraph 6 are taken by the economic operator to demonstrate its reliability. Where the period of exclusion has not been set by final judgment, that period shall not exceed five years from the date of the conviction by final judgment in the cases referred to in paragraph 1 and three years from the date of the relevant event in the cases referred to in paragraph 4.

*Article 58***Selection criteria**

1. Selection criteria may relate to:
  - (a) suitability to pursue the professional activity;
  - (b) economic and financial standing;
  - (c) technical and professional ability.

**▼B**

Contracting authorities may only impose criteria referred to in paragraphs 2, 3 and 4 on economic operators as requirements for participation. They shall limit any requirements to those that are appropriate to ensure that a candidate or tenderer has the legal and financial capacities and the technical and professional abilities to perform the contract to be awarded. All requirements shall be related and proportionate to the subject-matter of the contract.

2. With regard to suitability to pursue the professional activity, contracting authorities may require economic operators to be enrolled in one of the professional or trade registers kept in their Member State of establishment, as described in Annex XI, or to comply with any other request set out in that Annex.

In procurement procedures for services, in so far as economic operators have to possess a particular authorisation or to be members of a particular organisation in order to be able to perform in their country of origin the service concerned, the contracting authority may require them to prove that they hold such authorisation or membership.

3. With regard to economic and financial standing, contracting authorities may impose requirements ensuring that economic operators possess the necessary economic and financial capacity to perform the contract. For that purpose, contracting authorities may require, in particular, that economic operators have a certain minimum yearly turnover, including a certain minimum turnover in the area covered by the contract. In addition, contracting authorities may require that economic operators provide information on their annual accounts showing the ratios, for instance, between assets and liabilities. They may also require an appropriate level of professional risk indemnity insurance.

The minimum yearly turnover that economic operators are required to have shall not exceed two times the estimated contract value, except in duly justified cases such as relating to the special risks attached to the nature of the works, services or supplies. The contracting authority shall indicate the main reasons for such a requirement in the procurement documents or the individual report referred to in Article 84.

The ratio, for instance, between assets and liabilities may be taken into consideration where the contracting authority specifies the methods and criteria for such consideration in the procurement documents. Such methods and criteria shall be transparent, objective and non-discriminatory.

Where a contract is divided into lots this Article shall apply in relation to each individual lot. However, the contracting authority may set the minimum yearly turnover that economic operators are required to have by reference to groups of lots in the event that the successful tenderer is awarded several lots to be executed at the same time.



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Where contracts based on a framework agreement are to be awarded following a reopening of competition, the maximum yearly turnover requirement referred to in the second subparagraph of this paragraph shall be calculated on the basis of the expected maximum size of specific contracts that will be performed at the same time, or, where it is not known, on the basis of the estimated value of the framework agreement. In the case of dynamic purchasing systems, the maximum yearly turnover requirement referred to in the second subparagraph shall be calculated on the basis of the expected maximum size of specific contracts to be awarded under that system.

4. With regard to technical and professional ability, contracting authorities may impose requirements ensuring that economic operators possess the necessary human and technical resources and experience to perform the contract to an appropriate quality standard.

Contracting authorities may require, in particular, that economic operators have a sufficient level of experience demonstrated by suitable references from contracts performed in the past. A contracting authority may assume that an economic operator does not possess the required professional abilities where the contracting authority has established that the economic operator has conflicting interests which may negatively affect the performance of the contract.

In procurement procedures for supplies requiring siting or installation work, services or works, the professional ability of economic operators to provide the service or to execute the installation or the work may be evaluated with regard to their skills, efficiency, experience and reliability.

5. Contracting authorities shall indicate the required conditions of participation which may be expressed as minimum levels of ability, together with the appropriate means of proof, in the contract notice or in the invitation to confirm interest.

*Article 59***European Single Procurement Document**

1. At the time of submission of requests to participate or of tenders, contracting authorities shall accept the European Single Procurement Document (ESPD), consisting of an updated self-declaration as preliminary evidence in replacement of certificates issued by public authorities or third parties confirming that the relevant economic operator fulfils the following conditions:

- (a) it is not in one of the situations referred to in Article 57 in which economic operators shall or may be excluded;
- (b) it meets the relevant selection criteria that have been set out pursuant to Article 58;
- (c) where applicable, it fulfils the objective rules and criteria that have been set out pursuant to Article 65.

Where the economic operator relies on the capacities of other entities pursuant to Article 63, the ESPD shall also contain the information referred to in the first subparagraph of this paragraph in respect of such entities.

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The ESPD shall consist of a formal statement by the economic operator that the relevant ground for exclusion does not apply and/or that the relevant selection criterion is fulfilled and shall provide the relevant information as required by the contracting authority. The ESPD shall further identify the public authority or third party responsible for establishing the supporting documents and contain a formal statement to the effect that the economic operator will be able, upon request and without delay, to provide those supporting documents.

Where the contracting authority can obtain the supporting documents directly by accessing a database pursuant to paragraph 5, the ESPD shall also contain the information required for this purpose, such as the internet address of the database, any identification data and, where applicable, the necessary declaration of consent.

Economic operators may reuse an ESPD which has already been used in a previous procurement procedure, provided that they confirm that the information contained therein continues to be correct.

2. The ESPD shall be drawn up on the basis of a standard form. The Commission shall establish that standard form, by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 89(3).

The ESPD shall be provided exclusively in electronic form.

3. Notwithstanding Article 92, the Commission shall review the practical application of the ESPD taking into account the technical development of databases in the Member States and report thereon to the European Parliament and the Council by 18 April 2017.

Where appropriate, the Commission shall make proposals for solutions optimising the cross-border access to such databases and the use of certificates and attestations in the internal market.

4. A contracting authority may ask tenderers and candidates at any moment during the procedure to submit all or part of the supporting documents where this is necessary to ensure the proper conduct of the procedure.

Before awarding the contract, the contracting authority shall, except in respect of contracts based on framework agreements where such contracts are concluded in accordance with Article 33(3) or point (a) of Article 33(4), require the tenderer to which it has decided to award the contract to submit up-to-date supporting documents in accordance with Article 60 and, where appropriate, Article 62. The contracting authority may invite economic operators to supplement or clarify the certificates received pursuant to Articles 60 and 62.

5. Notwithstanding paragraph 4, economic operators shall not be required to submit supporting documents or other documentary evidence where and in so far as the contracting authority has the possibility of obtaining the certificates or the relevant information directly by accessing a national database in any Member State that is available free of charge, such as a national procurement register, a virtual company dossier, an electronic document storage system or a prequalification system.

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Notwithstanding paragraph 4, economic operators shall not be required to submit supporting documents where the contracting authority having awarded the contract or concluded the framework agreement already possesses these documents.

For the purpose of the first subparagraph, Member States shall ensure that databases which contain relevant information on economic operators and which may be consulted by their contracting authorities may also be consulted, under the same conditions, by contracting authorities of other Member States.

6. Member States shall make available and up-to-date in e-Certis a complete list of databases containing relevant information on economic operators which can be consulted by contracting authorities from other Member States. Upon request, Member States shall communicate to other Member States any information related to the databases referred to in this Article.

*Article 60***Means of proof**

1. Contracting authorities may require the certificates, statements and other means of proof referred to in paragraphs 2, 3 and 4 of this Article and Annex XII as evidence for the absence of grounds for exclusion as referred to in Article 57 and for the fulfilment of the selection criteria in accordance with Article 58.

Contracting authorities shall not require means of proof other than those referred to in this Article and in Article 62. In respect of Article 63, economic operators may rely on any appropriate means to prove to the contracting authority that they will have the necessary resources at their disposal.

2. Contracting authorities shall accept the following as sufficient evidence that none of the cases specified in Article 57 apply to the economic operator:

- (a) as regards paragraph 1 of that Article, the production of an extract from the relevant register, such as judicial records or, failing that, of an equivalent document issued by a competent judicial or administrative authority in the Member State or country of origin or the country where the economic operator is established showing that those requirements have been met;
- (b) as regards paragraph 2 and point (b) of paragraph 4 of that Article, a certificate issued by the competent authority in the Member State or country concerned.

Where the Member State or country in question does not issue such documents or certificates, or where these do not cover all the cases specified in paragraphs 1 and 2 and point (b) of paragraph 4 of Article 57, they may be replaced by a declaration on oath or, in Member States or countries where there is no provision for declarations on oath, by a solemn declaration made by the person concerned before a competent judicial or administrative authority, a notary or a competent professional or trade body, in the Member State or country of origin or in the Member State or country where the economic operator is established.

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A Member State shall, where relevant, provide an official declaration stating that the documents or certificates referred to in this paragraph are not issued or that they do not cover all the cases specified in paragraphs 1 and 2 and point (b) of paragraph 4 of Article 57. Such official declarations shall be made available through the online repository of certificates (e-Certis) referred to in Article 61.

3. Proof of the economic operator's economic and financial standing may, as a general rule, be provided by one or more of the references listed in Annex XII Part I.

Where, for any valid reason, the economic operator is unable to provide the references requested by the contracting authority, it may prove its economic and financial standing by any other document which the contracting authority considers appropriate.

4. Evidence of the economic operators' technical abilities may be provided by one or more of the means listed in Annex XII Part II, in accordance with the nature, quantity or importance, and use of the works, supplies or services.

5. Upon request, Member States shall make available to other Member States any information relating to the grounds for exclusion listed in Article 57, the suitability to pursue the professional activity, and the financial and technical capacities of tenderers referred to in Article 58, and any information relating to the means of proof referred to in this Article.

*Article 61***Online repository of certificates (e-Certis)**

1. With a view to facilitating cross-border tendering, Member States shall ensure that the information concerning certificates and other forms of documentary evidence introduced in e-Certis established by the Commission is constantly kept up-to-date.

2. Contracting authorities shall have recourse to e-Certis and shall require primarily such types of certificates or forms of documentary evidence that are covered by e-Certis.

3. The Commission shall make available all language versions of the ESPD in e-Certis.

*Article 62***Quality assurance standards and environmental management standards**

1. Contracting authorities shall, where they require the production of certificates drawn up by independent bodies attesting that the economic operator complies with certain quality assurance standards, including on accessibility for disabled persons, refer to quality assurance systems based on the relevant European standards series certified by accredited bodies. They shall recognise equivalent certificates from bodies established in other Member States. They shall also accept other evidence of equivalent quality assurance measures where the economic operator concerned had no possibility of obtaining such certificates within the relevant time limits for reasons that are not attributable to that economic operator provided that the economic operator proves that the proposed quality assurance measures comply with the required quality assurance standards.

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2. Where contracting authorities require the production of certificates drawn up by independent bodies attesting that the economic operator complies with certain environmental management systems or standards, they shall refer to the Eco-Management and Audit Scheme (EMAS) of the Union or to other environmental management systems as recognised in accordance with Article 45 of Regulation (EC) No 1221/2009 or other environmental management standards based on the relevant European or international standards by accredited bodies. They shall recognise equivalent certificates from bodies established in other Member States.

Where an economic operator had demonstrably no access to such certificates, or no possibility of obtaining them within the relevant time limits for reasons that are not attributable to that economic operator, the contracting authority shall also accept other evidence of environmental management measures, provided that the economic operator proves that these measures are equivalent to those required under the applicable environmental management system or standard.

3. Upon request, Member States shall make available to other Member States, in accordance with Article 86, any information relating to the documents produced as evidence of compliance with quality and environmental standards referred to in paragraphs 1 and 2.

*Article 63***Reliance on the capacities of other entities**

1. With regard to criteria relating to economic and financial standing as set out pursuant to Article 58(3), and to criteria relating to technical and professional ability as set out pursuant to Article 58(4), an economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. With regard to criteria relating to the educational and professional qualifications as set out in point (f) of Annex XII Part II, or to the relevant professional experience, economic operators may however only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required. Where an economic operator wants to rely on the capacities of other entities, it shall prove to the contracting authority that it will have at its disposal the resources necessary, for example, by producing a commitment by those entities to that effect.

The contracting authority shall, in accordance with Articles 59, 60 and 61, verify whether the entities on whose capacity the economic operator intends to rely fulfil the relevant selection criteria and whether there are grounds for exclusion pursuant to Article 57. The contracting authority shall require that the economic operator replaces an entity which does not meet a relevant selection criterion, or in respect of which there are compulsory grounds for exclusion. The contracting authority may require or may be required by the Member State to require that the economic operator substitutes an entity in respect of which there are non-compulsory grounds for exclusion.

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Where an economic operator relies on the capacities of other entities with regard to criteria relating to economic and financial standing, the contracting authority may require that the economic operator and those entities be jointly liable for the execution of the contract.

Under the same conditions, a group of economic operators as referred to in Article 19(2) may rely on the capacities of participants in the group or of other entities.

2. In the case of works contracts, service contracts and siting or installation operations in the context of a supply contract, contracting authorities may require that certain critical tasks be performed directly by the tenderer itself or, where the tender is submitted by a group of economic operators as referred to in Article 19(2), by a participant in that group.

*Article 64***Official lists of approved economic operators and certification by bodies established under public or private law**

1. Member States may establish or maintain either official lists of approved contractors, suppliers or service providers or provide for a certification by certification bodies complying with European certification standards within the meaning of Annex VII.

They shall inform the Commission and the other Member States of the address of the certification body or the body responsible for the official lists, to which applications shall be sent.

2. Member States shall adapt the conditions for registration on the official lists referred to in paragraph 1 and for the issue of certificates by certification bodies to the provisions of this subsection.

Member States shall also adapt those conditions to Article 63 as regards applications for registration submitted by economic operators belonging to a group and claiming resources made available to them by the other companies in the group. In such cases, those operators shall prove to the authority establishing the official list that they will have those resources at their disposal throughout the period of validity of the certificate attesting to their registration on the official list and that throughout the same period those companies continue to fulfil the qualitative selection requirements encompassed by the official list or certificate on which operators rely for their registration.

3. Economic operators registered on the official lists or having a certificate may, for each contract, submit to the contracting authority a certificate of registration issued by the competent authority or the certificate issued by the competent certification body.

Those certificates shall state the references which enabled those economic operators to be registered on the official list or to obtain certification and the classification given in that list.

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4. Certified registration on official lists by the competent bodies or a certificate issued by the certification body shall constitute a presumption of suitability with regard to requirements for qualitative selection encompassed by the official list or certificate.

5. Information that can be deduced from registration on official lists or certification shall not be questioned without justification. With regard to the payment of social security contributions and taxes, an additional certificate may be required of any registered economic operator whenever a contract is to be awarded.

The contracting authorities of other Member States shall apply paragraph 3 and the first subparagraph of this paragraph only in favour of economic operators established in the Member State holding the official list.

6. The requirements of proof for the criteria for qualitative selection encompassed by the official list or certificate shall comply with Article 60 and, where appropriate, Article 62. For any registration of economic operators of other Member States on an official list or for their certification, no further proof or statements shall be required other than those requested of national economic operators.

Economic operators may request at any time their registration on an official list or the issuance of a certificate. They shall be informed within a reasonably short period of time of the decision of the authority drawing up the official list or of the competent certification body.

7. Economic operators from other Member States shall not be obliged to undergo such registration or certification in order to participate in a public contract. The contracting authorities shall recognise equivalent certificates from bodies established in other Member States. They shall also accept other equivalent means of proof.

8. Upon request, Member States shall make available to other Member States any information relating to the documents produced as evidence that the economic operators fulfil the requirements to be registered on the official list of approved economic operators or as evidence that economic operators from another Member State possess an equivalent certification.

#### 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**

1. In restricted procedures, competitive procedures with negotiation, competitive dialogue procedures and innovation partnerships, contracting authorities may limit the number of candidates meeting the selection criteria that they will invite to tender or to conduct a dialogue, provided the minimum number, in accordance with paragraph 2, of qualified candidates is available.

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2. The contracting authorities shall indicate, in the contract notice or in the invitation to confirm interest, the objective and non-discriminatory criteria or rules they intend to apply, the minimum number of candidates they intend to invite and, where appropriate, the maximum number.

In the restricted procedure the minimum number of candidates shall be five. In the competitive procedure with negotiation, in the competitive dialogue procedure and in the innovation partnership the minimum number of candidates shall be three. In any event the number of candidates invited shall be sufficient to ensure genuine competition.

The contracting authorities shall invite a number of candidates at least equal to the minimum number. However, where the number of candidates meeting the selection criteria and the minimum levels of ability as referred to in Article 58(5) is below the minimum number, the contracting authority may continue the procedure by inviting the candidates with the required capabilities. In the context of the same procedure, the contracting authority shall not include economic operators that did not request to participate, or candidates that do not have the required capabilities.

*Article 66***Reduction of the number of tenders and solutions**

Where contracting authorities exercise the option of reducing the number of tenders to be negotiated as provided for in Article 29(6) or of solutions to be discussed as provided for in Article 30(4), they shall do so by applying the award criteria stated in the procurement documents. In the final stage, the number arrived at shall make for genuine competition in so far as there are enough tenders, solutions or qualified candidates.

## Subsection 3

**Award of the contract***Article 67***Contract award criteria**

1. Without prejudice to national laws, regulations or administrative provisions concerning the price of certain supplies or the remuneration of certain services, contracting authorities shall base the award of public contracts on the most economically advantageous tender.

2. The most economically advantageous tender from the point of view of the contracting authority shall be identified on the basis of the price or cost, using a cost-effectiveness approach, such as life-cycle costing in accordance with Article 68, and may include the best price-quality ratio, which shall be assessed on the basis of criteria, including qualitative, environmental and/or social aspects, linked to the subject-matter of the public contract in question. Such criteria may comprise, for instance:



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- (a) quality, including technical merit, aesthetic and functional characteristics, accessibility, design for all users, social, environmental and innovative characteristics and trading and its conditions;
- (b) organisation, qualification and experience of staff assigned to performing the contract, where the quality of the staff assigned can have a significant impact on the level of performance of the contract; or
- (c) after-sales service and technical assistance, delivery conditions such as delivery date, delivery process and delivery period or period of completion.

The cost element may also take the form of a fixed price or cost on the basis of which economic operators will compete on quality criteria only.

Member States may provide that contracting authorities may not use price only or cost only as the sole award criterion or restrict their use to certain categories of contracting authorities or certain types of contracts.

3. Award criteria shall be considered to be linked to the subject-matter of the public contract where they relate to the works, supplies or services to be provided under that contract in any respect and at any stage of their life cycle, including factors involved in:

- (a) the specific process of production, provision or trading of those works, supplies or services; or
- (b) a specific process for another stage of their life cycle,

even where such factors do not form part of their material substance.

4. Award criteria shall not have the effect of conferring an unrestricted freedom of choice on the contracting authority. They shall ensure the possibility of effective competition and shall be accompanied by specifications that allow the information provided by the tenderers to be effectively verified in order to assess how well the tenders meet the award criteria. In case of doubt, contracting authorities shall verify effectively the accuracy of the information and proof provided by the tenderers.

5. The contracting authority shall specify, in the procurement documents, the relative weighting which it gives to each of the criteria chosen to determine the most economically advantageous tender, except where this is identified on the basis of price alone.

Those weightings may be expressed by providing for a range with an appropriate maximum spread.

Where weighting is not possible for objective reasons, the contracting authority shall indicate the criteria in decreasing order of importance.

#### *Article 68*

#### **Life-cycle costing**

1. Life-cycle costing shall to the extent relevant cover parts or all of the following costs over the life cycle of a product, service or works:

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- (a) costs, borne by the contracting authority or other users, such as:
- (i) costs relating to acquisition,
  - (ii) costs of use, such as consumption of energy and other resources,
  - (iii) maintenance costs,
  - (iv) end of life costs, such as collection and recycling costs.
- (b) costs imputed to environmental externalities linked to the product, service or works during its life cycle, provided their monetary value can be determined and verified; such costs may include the cost of emissions of greenhouse gases and of other pollutant emissions and other climate change mitigation costs.

2. Where contracting authorities assess the costs using a life-cycle costing approach, they shall indicate in the procurement documents the data to be provided by the tenderers and the method which the contracting authority will use to determine the life-cycle costs on the basis of those data.

The method used for the assessment of costs imputed to environmental externalities shall fulfil all of the following conditions:

- (a) it is based on objectively verifiable and non-discriminatory criteria. In particular, where it has not been established for repeated or continuous application, it shall not unduly favour or disadvantage certain economic operators;
- (b) it is accessible to all interested parties;
- (c) the data required can be provided with reasonable effort by normally diligent economic operators, including economic operators from third countries party to the GPA or other international agreements by which the Union is bound.

3. Whenever a common method for the calculation of life-cycle costs has been made mandatory by a legislative act of the Union, that common method shall be applied for the assessment of life-cycle costs.

A list of such legislative acts, and where necessary the delegated acts supplementing them, is set out in Annex XIII. The Commission shall be empowered to adopt delegated acts in accordance with Article 87 concerning the update of that list, when an update of the list is necessary due to the adoption of new legislation making a common method mandatory or the repeal or modification of existing legal acts.

**▼B***Article 69***Abnormally low tenders**

1. Contracting authorities shall require economic operators to explain the price or costs proposed in the tender where tenders appear to be abnormally low in relation to the works, supplies or services.
  
2. The explanations referred to in paragraph 1 may in particular relate to:
  - (a) the economics of the manufacturing process, of the services provided or of the construction method;
  
  - (b) the technical solutions chosen or any exceptionally favourable conditions available to the tenderer for the supply of the products or services or for the execution of the work;
  
  - (c) the originality of the work, supplies or services proposed by the tenderer;
  
  - (d) compliance with obligations referred to in Article 18(2);
  
  - (e) compliance with obligations referred to in Article 71;
  
  - (f) the possibility of the tenderer obtaining State aid.
  
3. The contracting authority shall assess the information provided by consulting the tenderer. It may only reject the tender where the evidence supplied does not satisfactorily account for the low level of price or costs proposed, taking into account the elements referred to in paragraph 2.

Contracting authorities shall reject the tender, where they have established that the tender is abnormally low because it does not comply with applicable obligations referred to in Article 18(2).

4. Where a contracting authority establishes that a tender is abnormally low because the tenderer has obtained State aid, the tender may be rejected on that ground alone only after consultation with the tenderer where the latter is unable to prove, within a sufficient time limit fixed by the contracting authority, that the aid in question was compatible with the internal market within the meaning of Article 107 TFEU. Where the contracting authority rejects a tender in those circumstances, it shall inform the Commission thereof.

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5. Upon request, Member States shall make available to other Member States by means of administrative cooperation any information at its disposal, such as laws, regulations, universally applicable collective agreements or national technical standards, relating to the evidence and documents produced in relation to details listed in paragraph 2.

*CHAPTER IV****Contract performance****Article 70***Conditions for performance of contracts**

Contracting authorities may lay down special conditions relating to the performance of a contract, provided that they are linked to the subject-matter of the contract within the meaning of Article 67(3) and indicated in the call for competition or in the procurement documents. Those conditions may include economic, innovation-related, environmental, social or employment-related considerations.

*Article 71***Subcontracting**

1. Observance of the obligations referred to in Article 18(2) by subcontractors is ensured through appropriate action by the competent national authorities acting within the scope of their responsibility and remit.

2. In the procurement documents, the contracting authority may ask or may be required by a Member State to ask the tenderer to indicate in its tender any share of the contract it may intend to subcontract to third parties and any proposed subcontractors.

3. Member States may provide that at the request of the subcontractor and where the nature of the contract so allows, the contracting authority shall transfer due payments directly to the subcontractor for services, supplies or works provided to the economic operator to whom the public contract has been awarded (the main contractor). Such measures may include appropriate mechanisms permitting the main contractor to object to undue payments. The arrangements concerning that mode of payment shall be set out in the procurement documents.

4. Paragraphs 1 to 3 shall be without prejudice to the question of the main contractor's liability.

5. In the case of works contracts and in respect of services to be provided at a facility under the direct oversight of the contracting authority, after the award of the contract and at the latest when the performance of the contract commences, the contracting authority shall require the main contractor to indicate to the contracting authority the name, contact details and legal representatives of its subcontractors, involved in such works or services, in so far as known at this point in time. The contracting authority shall require the main contractor to notify the contracting authority of any changes to this information during the course of the contract as well as of the required information for any new subcontractors which it subsequently involves in such works or services.

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Notwithstanding the first subparagraph, Member States may impose the obligation to deliver the required information directly on the main contractor.

Where necessary for the purposes of point (b) of paragraph 6 of this Article, the required information shall be accompanied by the subcontractors' self-declarations as provided for in Article 59. The implementing measures pursuant to paragraph 8 of this Article may provide that subcontractors which are presented after the award of the contract shall provide the certificates and other supporting documents instead of the self-declaration.

The first subparagraph shall not apply to suppliers.

Contracting authorities may extend or may be required by Member States to extend the obligations provided for in the first subparagraph to for instance:

- (a) supply contracts, to services contracts other than those concerning services to be provided at the facilities under the direct oversight of the contracting authority or to suppliers involved in works or services contracts;
- (b) subcontractors of the main contractor's subcontractors or further down the subcontracting chain.

6. With the aim of avoiding breaches of the obligations referred to in Article 18(2), appropriate measures may be taken, such as:

- (a) Where the national law of a Member State provides for a mechanism of joint liability between subcontractors and the main contractor, the Member State concerned shall ensure that the relevant rules are applied in compliance with the conditions set out in Article 18(2).
- (b) Contracting authorities may, in accordance with Articles 59, 60 and 61, verify or may be required by Member States to verify whether there are grounds for exclusion of subcontractors pursuant to Article 57. In such cases, the contracting authority shall require that the economic operator replaces a subcontractor in respect of which the verification has shown that there are compulsory grounds for exclusion. The contracting authority may require or may be required by a Member State to require that the economic operator replaces a subcontractor in respect of which the verification has shown that there are non-compulsory grounds for exclusion.

7. Member States may provide for more stringent liability rules under national law or to go further under national law on direct payments to subcontractors, for instance by providing for direct payments to subcontractors without it being necessary for them to request such direct payment.

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8. Member States having chosen to provide for measures pursuant to paragraphs 3, 5 or 6 shall, by law, regulation or administrative provisions and having regard for Union law, specify the implementing conditions for those measures. In so doing, Member States may limit their applicability, for instance in respect of certain types of contracts, certain categories of contracting authorities or economic operators or as of certain amounts.

*Article 72***Modification of contracts during their term**

1. Contracts and framework agreements may be modified without a new procurement procedure in accordance with this Directive in any of the following cases:

- (a) where the modifications, irrespective of their monetary value, have been provided for in the initial procurement documents in clear, precise and unequivocal review clauses, which may include price revision clauses, or options. Such clauses shall state the scope and nature of possible modifications or options as well as the conditions under which they may be used. They shall not provide for modifications or options that would alter the overall nature of the contract or the framework agreement;
- (b) for additional works, services or supplies by the original contractor that have become necessary and that were not included in the initial procurement where a change of contractor:
  - (i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement; and
  - (ii) would cause significant inconvenience or substantial duplication of costs for the contracting authority.

However, any increase in price shall not exceed 50 % of the value of the original contract. Where several successive modifications are made, that limitation shall apply to the value of each modification. Such consecutive modifications shall not be aimed at circumventing this Directive;

- (c) where all of the following conditions are fulfilled:
  - (i) the need for modification has been brought about by circumstances which a diligent contracting authority could not foresee;
  - (ii) the modification does not alter the overall nature of the contract;
  - (iii) any increase in price is not higher than 50 % of the value of the original contract or framework agreement. Where several successive modifications are made, that limitation shall apply to the value of each modification. Such consecutive modifications shall not be aimed at circumventing this Directive;

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- (d) where a new contractor replaces the one to which the contracting authority had initially awarded the contract as a consequence of either:
- (i) an unequivocal review clause or option in conformity with point (a);
  - (ii) universal or partial succession into the position of the initial contractor, following corporate restructuring, including takeover, merger, acquisition or insolvency, of another economic operator that fulfils the criteria for qualitative selection initially established provided that this does not entail other substantial modifications to the contract and is not aimed at circumventing the application of this Directive; or
  - (iii) in the event that the contracting authority itself assumes the main contractor's obligations towards its subcontractors where this possibility is provided for under national legislation pursuant to Article 71;
- (e) where the modifications, irrespective of their value, are not substantial within the meaning of paragraph 4.

Contracting authorities having modified a contract in the cases set out under points (b) and (c) of this paragraph shall publish a notice to that effect in the *Official Journal of the European Union*. Such notice shall contain the information set out in Annex V part G and shall be published in accordance with Article 51.

2. Furthermore, and without any need to verify whether the conditions set out under points (a) to (d) of paragraph 4 are met, contracts may equally be modified without a new procurement procedure in accordance with this Directive being necessary where the value of the modification is below both of the following values:

- (i) the thresholds set out in Article 4; and
- (ii) 10 % of the initial contract value for service and supply contracts and below 15 % of the initial contract value for works contracts.

However, the modification may not alter the overall nature of the contract or framework agreement. Where several successive modifications are made, the value shall be assessed on the basis of the net cumulative value of the successive modifications.

3. For the purpose of the calculation of the price mentioned in paragraph 2 and points (b) and (c) of paragraph 1, the updated price shall be the reference value when the contract includes an indexation clause.

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4. A modification of a contract or a framework agreement during its term shall be considered to be substantial within the meaning of point (e) of paragraph 1, where it renders the contract or the framework agreement materially different in character from the one initially concluded. In any event, without prejudice to paragraphs 1 and 2, a modification shall be considered to be substantial where one or more of the following conditions is met:

- (a) the modification introduces conditions which, had they been part of the initial procurement procedure, would have allowed for the admission of other candidates than those initially selected or for the acceptance of a tender other than that originally accepted or would have attracted additional participants in the procurement procedure;
- (b) the modification changes the economic balance of the contract or the framework agreement in favour of the contractor in a manner which was not provided for in the initial contract or framework agreement;
- (c) the modification extends the scope of the contract or framework agreement considerably;
- (d) where a new contractor replaces the one to which the contracting authority had initially awarded the contract in other cases than those provided for under point (d) of paragraph 1.

5. A new procurement procedure in accordance with this Directive shall be required for other modifications of the provisions of a public contract or a framework agreement during its term than those provided for under paragraphs 1 and 2.

*Article 73***Termination of contracts**

Member States shall ensure that contracting authorities have the possibility, at least under the following circumstances and under the conditions determined by the applicable national law, to terminate a public contract during its term, where:

- (a) the contract has been subject to a substantial modification, which would have required a new procurement procedure pursuant to Article 72;
- (b) the contractor has, at the time of contract award, been in one of the situations referred to in Article 57(1) and should therefore have been excluded from the procurement procedure;
- (c) the contract should not have been awarded to the contractor in view of a serious infringement of the obligations under the Treaties and this Directive that has been declared by the Court of Justice of the European Union in a procedure pursuant to Article 258 TFEU.



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TITLE III  
**PARTICULAR PROCUREMENT REGIMES**

*CHAPTER I*

*Social and other specific services*

*Article 74*

**Award of contracts for social and other specific services**

Public contracts for social and other specific services listed in Annex XIV shall be awarded in accordance with this Chapter, where the value of the contracts is equal to or greater than the threshold indicated in point (d) of Article 4.

*Article 75*

**Publication of notices**

1. Contracting authorities intending to award a public contract for the services referred to in Article 74 shall make known their intention by any of the following means:

- (a) by means of a contract notice, which shall contain the information referred to in Annex V Part H, in accordance with the standard forms referred to in Article 51; or
- (b) by means of a prior information notice, which shall be published continuously and contain the information set out in Annex V Part I. The prior information notice shall refer specifically to the types of services that will be the subject of the contracts to be awarded. It shall indicate that the contracts will be awarded without further publication and invite interested economic operators to express their interest in writing.

The first subparagraph shall, however, not apply where a negotiated procedure without prior publication could have been used in conformity with Article 32 for the award of a public service contract.

2. Contracting authorities that have awarded a public contract for the services referred to in Article 74 shall make known the results of the procurement procedure by means of a contract award notice, which shall contain the information referred to in Annex V Part J, in accordance with the standard forms referred to in Article 51. They may, however, group such notices on a quarterly basis. In that case, they shall send the grouped notices within 30 days of the end of each quarter.

3. The Commission shall establish the standard forms referred to in paragraphs 1 and 2 of this Article by means of implementing acts. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 89(2).

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4. The notices referred to in this Article shall be published in accordance with Article 51.

*Article 76***Principles of awarding contracts**

1. Member States shall put in place national rules for the award of contracts subject to this Chapter in order to ensure contracting authorities comply with the principles of transparency and equal treatment of economic operators. Member States are free to determine the procedural rules applicable as long as such rules allow contracting authorities to take into account the specificities of the services in question.

2. Member States shall ensure that contracting authorities may take into account the need to ensure quality, continuity, accessibility, affordability, availability and comprehensiveness of the services, the specific needs of different categories of users, including disadvantaged and vulnerable groups, the involvement and empowerment of users and innovation. Member States may also provide that the choice of the service provider shall be made on the basis of the tender presenting the best price-quality ratio, taking into account quality and sustainability criteria for social 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.

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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.

*CHAPTER II****Rules governing design contests****Article 78***Scope**

This Chapter shall apply to:

- (a) design contests organised as part of a procedure leading to the award of a public service contract;
- (b) design contests with prizes or payments to participants.

In the cases referred to in point (a) of the first paragraph of this Article, the threshold referred to in Article 4 is calculated on the basis of the estimated value net of VAT of the public service contract, including any possible prizes or payments to participants.

In the cases referred to in point (b) of the first paragraph of this Article, the threshold refers to the total amount of the prizes and payments, including the estimated value net of VAT of the public services contract which might subsequently be concluded under Article 32(4) if the contracting authority has announced its intention to award such contract in the contest notice.

*Article 79***Notices**

1. Contracting authorities that intend to carry out a design contest shall make known their intention by means of a contest notice.

Where they intend to award a subsequent service contract pursuant to Article 32(4), this shall be indicated in the contest notice.

2. Contracting authorities that have held a design contest shall send a notice of the results of the contest in accordance with Article 51 and shall be able to prove the date of dispatch.

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 enterprise, whether public or private, or might prejudice fair competition between service providers, such information may be withheld from publication.

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3. The notices referred to in paragraphs 1 and 2 of this Article shall be published in accordance with Article 51(2) to (6) and Article 52. They shall include the information set out respectively in Annex V parts E and F in the format of the standard forms.

The Commission shall establish the standard forms by means of implementing acts. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 89(2).

*Article 80***Rules on the organisation of design contests and the selection of participants**

1. When organising design contests, contracting authorities shall apply procedures which are adapted to the provisions of 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, the contracting authorities shall lay down clear and non-discriminatory selection criteria. In any event, the number of candidates invited to participate shall be sufficient to ensure genuine competition.

*Article 81***Composition of the jury**

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

*Article 82***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.

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

TITLE IV  
**GOVERNANCE**

*Article 83*

**Enforcement**

1. In order to effectively ensure correct and efficient implementation, Member States shall ensure that at least the tasks set out in this Article are performed by one or more authorities, bodies or structures. They shall indicate to the Commission all authorities, bodies or structures competent for those tasks.
2. Member States shall ensure that the application of public procurement rules is monitored.

Where monitoring authorities or structures identify by their own initiative or upon the receipt of information specific violations or systemic problems, they shall be empowered to indicate those problems to national auditing authorities, courts or tribunals or other appropriate authorities or structures, such as the ombudsman, national parliaments or committees thereof.

3. The results of the monitoring activities pursuant to paragraph 2 shall be made available to the public through appropriate means of information. These results shall also be made available to the Commission. For instance, they may be integrated in the monitoring reports referred to in the second subparagraph of this paragraph.

By 18 April 2017 and every three years thereafter Member States shall submit to the Commission a monitoring report covering, where applicable, information on the most frequent sources of wrong application or of legal uncertainty, including possible structural or recurring problems in the application of the rules, on the level of SME participation in public procurement and about prevention, detection and adequate reporting of cases of procurement fraud, corruption, conflict of interest and other serious irregularities.

The Commission may, not more than every three years, request Member States to provide information on the practical implementation of national strategic procurement policies.

For the purposes of this paragraph and paragraph 4 of this Article, ‘SME’ shall be understood as defined in Commission Recommendation 2003/361/EC <sup>(1)</sup>.

<sup>(1)</sup> Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises, (OJ L 124, 20.5.2003, p. 36).

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On the basis of the data received under this paragraph, the Commission shall regularly issue a report on the implementation and best practices of national procurement policies in the internal market.

4. Member States shall ensure that:

(a) information and guidance on the interpretation and application of the Union public procurement law is available free of charge to assist contracting authorities and economic operators, in particular SMEs, in correctly applying the Union public procurement rules; and

(b) support is available to contracting authorities with regard to planning and carrying out procurement procedures.

5. Member States shall, without prejudice to the general procedures and working methods established by the Commission for its communications and contacts with Member States, designate a point of reference for cooperation with the Commission as regards the application of public procurement legislation.

6. Contracting authorities shall, at least for the duration of the contract, keep copies of all concluded contracts with a value equal to or greater than:

(a) 1 000 000 EUR in the case of public supply contracts or public service contracts;

(b) 10 000 000 EUR in the case of public works contracts.

Contracting authorities shall grant access to those contracts; however, access to specific documents or items of information may be denied to the extent and on the conditions provided for in the applicable Union or national rules on access to documents and data protection.

*Article 84***Individual reports on procedures for the award of contracts**

1. For every contract or framework agreement covered by this Directive, and every time a dynamic purchasing system is established, contracting authorities shall draw up a written report which shall include at least the following:

(a) the name and address of the contracting authority, the subject-matter and value of the contract, framework agreement or dynamic purchasing system;

(b) where applicable, the results of the qualitative selection and/or reduction of numbers pursuant to Articles 65 and 66, namely:

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- (i) the names of the selected candidates or tenderers and the reasons for their selection;
  - (ii) the names of the candidates or tenderers rejected and the reasons for their rejection;
- (c) the reasons for the rejection of tenders found to be abnormally low;
- (d) the name of the successful tenderer and the reasons why its tender was selected and, where known, the share of the contract or framework agreement which the successful tenderer intends to subcontract to third parties; and, where known at this point in time, the names of the main contractor's subcontractors, if any;
- (e) for competitive procedures with negotiations and competitive dialogues, the circumstances as laid down in Article 26 which justify the use of those procedures;
- (f) for negotiated procedures without prior publication, the circumstances referred to in Article 32 which justify the use of this procedure;
- (g) where applicable, the reasons why the contracting authority has decided not to award a contract or framework agreement or to establish a dynamic purchasing system;
- (h) where applicable, the reasons why other means of communication than electronic means have been used for the submission of tenders;
- (i) where applicable, conflicts of interests detected and subsequent measures taken.

This report shall not be required in respect of contracts based on framework agreements where these are concluded in accordance with Article 33(3) or point (a) of Article 33(4).

To the extent that the contract award notice drawn up pursuant to Article 50 or Article 75(2) contains the information required in this paragraph, contracting authorities may refer to that notice.

2. Contracting authorities shall document the progress of all procurement procedures, whether or not those are conducted by electronic means. To that end, they shall ensure that they keep sufficient documentation to justify decisions taken in all stages of the procurement procedure, such as documentation on communications with economic operators and internal deliberations, preparation of the procurement documents, dialogue or negotiation if any, selection and award of the contract. The documentation shall be kept for a period of at least three years from the date of award of the contract.

3. The report, or its main elements, shall be communicated to the Commission or the competent authorities, bodies or structures referred to in Article 83 where they so request.

*Article 85***National reporting and statistical information**

1. The Commission shall review the quality and completeness of data that can be extracted from the notices, referred to in Articles 48, 49, 50, 75 and 79, which are published in accordance with Annex VIII.

Where the quality and completeness of the data referred to in the first subparagraph of this paragraph is not compliant with the obligations stipulated in Article 48(1), Article 49, Article 50(1), Article 75(2) and Article 79(3), the Commission shall request complementary information from the Member State concerned. Within a reasonable time, the Member State concerned shall supply the missing statistical information requested by the Commission.

2. By 18 April 2017 and every three years thereafter, Member States shall forward to the Commission a statistical report for procurement which would have been covered by this Directive if its value had exceeded the relevant threshold laid down in Article 4, indicating an estimation of the aggregated total value of such procurement during the period concerned. That estimation may in particular be based on data available under national publication requirements or on sample-based estimates.

That report may be included in the report referred to in Article 83(3).

3. Member States shall make available to the Commission information on their institutional organisation related to the implementation, monitoring and enforcement of this Directive, as well as on national initiatives taken to provide guidance on or assist in implementation of Union rules on public procurement, or to respond to challenges confronting the implementation of those rules.

That information may be included in the report referred to in Article 83(3).

*Article 86***Administrative cooperation**

1. Member States shall provide mutual assistance to each other, and shall put in place measures for effective cooperation with one another, in order to ensure exchange of information on issues referred to in Articles 42, 43, 44, 57, 59, 60, 62, 64 and 69. They shall ensure the confidentiality of the information which they exchange.



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2. The competent authorities of all Member States concerned shall exchange information in compliance with personal data protection rules provided for in Directive 95/46/EC of the European Parliament and of the Council <sup>(1)</sup> and Directive 2002/58/EC of the European Parliament and of the Council <sup>(2)</sup>.

3. To test the suitability of using the Internal Market Information System (IMI) established by Regulation (EU) No 1024/2012 for the purpose of exchanging information covered by this Directive, a pilot project shall be launched by 18 April 2015.

## TITLE V

**DELEGATED POWERS, IMPLEMENTING POWERS AND FINAL PROVISIONS***Article 87***Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Articles 6, 22, 23, 56 and 68 shall be conferred on the Commission for an indeterminate period of time from 17 April 2014.

3. The delegation of power referred to in Articles 6, 22, 23, 56 and 68 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Articles 6, 22, 23, 56 and 68 shall enter into force only where no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of the act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

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<sup>(1)</sup> Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

<sup>(2)</sup> Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).



### *Article 88*

#### **Urgency procedure**

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.
2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 87(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or by the Council.

### *Article 89*

#### **Committee procedure**

1. The Commission shall be assisted by the Advisory Committee on Public Procurement established by Council Decision 71/306/EEC <sup>(1)</sup>. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.
3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

### *Article 90*

#### **Transposition and transitional provisions**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 18 April 2016. They shall forthwith communicate to the Commission the text of those measures.
2. Notwithstanding paragraph 1 of this Article, Member States may postpone the application of Article 22(1) until 18 October 2018, except where use of electronic means is mandatory pursuant to Articles 34, 35 or 36, Article 37(3), Article 51(2) or Article 53.

Notwithstanding paragraph 1 of this Article, Member States may postpone the application of Article 22(1) for central purchasing bodies until 18 April 2017.

Where a Member State chooses to postpone the application of Article 22(1), that Member State shall provide that contracting authorities may choose between the following means of communication for all communication and information exchange:

- (a) electronic means in accordance with Article 22;
- (b) post or other suitable carrier;
- (c) fax;
- (d) a combination of those means.

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<sup>(1)</sup> Council Decision 71/306/EEC of 26 July 1971 setting up an Advisory Committee for Public Works Contracts (OJ L 185, 16.8.1971, p. 15).

**▼B**

3. Notwithstanding paragraph 1 of this Article, Member States may postpone the application of the second subparagraph of Article 59(2) until 18 April 2018.
4. Notwithstanding paragraph 1 of this Article, Member States may postpone the application of the second subparagraph of Article 59(5) until 18 October 2018.
5. Notwithstanding paragraph 1 of this Article, Member States may postpone the application of Article 61(2) until 18 October 2018.
6. When Member States adopt the measures referred to in paragraphs 1 to 5, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.
7. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 91***Repeals**

Directive 2004/18/EC is repealed with effect from 18 April 2016.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex XV.

*Article 92***Review**

The Commission shall review the economic effects on the internal market, in particular in terms of factors such as the cross-border award of contracts and transaction costs, resulting from the application of the thresholds set in Article 4 and report thereon to the European Parliament and the Council by 18 April 2019.

The Commission shall, where possible and appropriate, consider suggesting an increase of the threshold amounts applicable under the GPA during the next round of negotiations. In the event of any change to the threshold amounts applicable under the GPA, the report shall, where appropriate, be followed by a proposal for a legal act amending the thresholds set out in this Directive.

*Article 93***Entry into force**

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

*Article 94***Addressees**

This Directive is addressed to the Member States.



## ANNEX I

## CENTRAL GOVERNMENT AUTHORITIES

## BELGIUM

|  |  |
|--|--|
| 1. Services publics fédéraux (Ministries):   | 1. Federale Overheidsdiensten (Ministries):  |
| SPF Chancellerie du Premier Ministre;  | FOD Kanselarij van de Eerste Minister;   |
| SPF Personnel et Organisation;   | FOD Kanselarij Personeel en Organisatie;   |
| SPF Budget et Contrôle de la Gestion;  | FOD Budget en Beheerscontrole;   |
| SPF Technologie de l'Information et de la Communication (Fedict);                                  | FOD Informatie- en Communicatietechnologie (Fedict);   |
| SPF Affaires étrangères, Commerce extérieur et Coopération au Développement;                       | FOD Buitenlandse Zaken, Buitenlandse Handel en Ontwikkelingssamenwerking;                              |
| SPF Intérieur;   | FOD Binnenlandse Zaken;  |
| SPF Finances;  | FOD Financiën;   |
| SPF Mobilité et Transports;  | FOD Mobiliteit en Vervoer;   |
| SPF Emploi, Travail et Concertation sociale;   | FOD Werkgelegenheid, Arbeid en sociaal overleg   |
| SPF Sécurité Sociale et Institutions publiques de Sécurité Sociale;                                | FOD Sociale Zekerheid en Openbare Instellingen van sociale Zekerheid                                   |
| SPF Santé publique, Sécurité de la Chaîne alimentaire et Environnement;                            | FOD Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu;                                     |
| SPF Justice;   | FOD Justitie;  |
| SPF Economie, PME, Classes moyennes et Energie;  | FOD Economie, KMO, Middenstand en Energie;   |
| Ministère de la Défense;   | Ministerie van Landsverdediging;   |
| Service public de programmation Intégration sociale, Lutte contre la pauvreté et Economie sociale; | Programmatorische Overheidsdienst Maatschappelijke Integratie, Armoedebestrijding en sociale Economie; |
| Service public fédéral de Programmation Développement durable;                                     | Programmatorische federale Overheidsdienst Duurzame Ontwikkeling;                                      |
| Service public fédéral de Programmation Politique scientifique;                                    | Programmatorische federale Overheidsdienst Wetenschapsbeleid;  |
| 2. Régie des Bâtiments;  | 2. Regie der Gebouwen;   |
| Office national de Sécurité sociale;   | Rijksdienst voor sociale Zekerheid;  |
| Institut national d'Assurance sociales pour travailleurs indépendants                              | Rijksinstituut voor de sociale Verzekeringen der Zelfstandigen;  |
| Institut national d'Assurance Maladie-Invalidité;  | Rijksinstituut voor Ziekte- en Invaliditeitsverzekering;   |
| Office national des Pensions;  | Rijksdienst voor Pensioenen;   |
| Caisse auxiliaire d'Assurance Maladie-Invalidité;  | Hulpkas voor Ziekte-en Invaliditeitsverzekering;   |
| Fond des Maladies professionnelles;  | Fonds voor Beroepsziekten;   |
| Office national de l'Emploi;   | Rijksdienst voor Arbeidsvoorziening  |

**▼B**

## BULGARIA

Администрация на Народното събрание

Администрация на Президента

Администрация на Министерския съвет

Конституционен съд

Българска народна банка

Министерство на външните работи

Министерство на вътрешните работи

Министерство на държавната администрация и административната реформа

Министерство на извънредните ситуации

Министерство на земеделието и храните

Министерство на здравеопазването

Министерство на икономиката и енергетиката

Министерство на културата

Министерство на образованието и науката

Министерство на околната среда и водите

Министерство на отбраната

Министерство на правосъдието

Министерство на регионалното развитие и благоустройството

Министерство на транспорта

Министерство на труда и социалната политика

Министерство на финансите

State agencies, state commissions, executive agencies and other state authorities established by law or by Council of Ministers' decree having a function relating to the exercise of executive power:

Агенция за ядрено регулиране

Висшата атестационна комисия

Държавна комисия за енергийно и водно регулиране

Държавна комисия по сигурността на информацията

Комисия за защита на конкуренцията

Комисия за защита на личните данни

Комисия за защита от дискриминация

Комисия за регулиране на съобщенията

Комисия за финансов надзор

Патентно ведомство на Република България

Сметна палата на Република България

Агенция за приватизация

Агенция за следприватизационен контрол

Български институт по метрология

Държавна агенция 'Архиви'

**▼ B**

Държавна агенция ‘Държавен резерв и военновременни запаси’

Държавна агенция ‘Национална сигурност’

Държавна агенция за бежанците

Държавна агенция за българите в чужбина

Държавна агенция за закрила на детето

Държавна агенция за информационни технологии и съобщения

Държавна агенция за метрологичен и технически надзор

Държавна агенция за младежта и спорта

Държавна агенция по горите

Държавна агенция по туризма

Държавна комисия по стоковите борси и тържища

Институт по публична администрация и европейска интеграция

Национален статистически институт

Национална агенция за оценяване и акредитация

Националната агенция за професионално образование и обучение

Национална комисия за борба с трафика на хора

Агенция ‘Митници’

Агенция за държавна и финансова инспекция

Агенция за държавни вземания

Агенция за социално подпомагане

Агенция за хората с увреждания

Агенция по вписванията

Агенция по геодезия, картография и кадастър

Агенция по енергийна ефективност

Агенция по заетостта

Агенция по обществени поръчки

Българска агенция за инвестиции

Главна дирекция ‘Гражданска въздухоплавателна администрация’

Дирекция ‘Материално-техническо осигуряване и социално обслужване’ на Министерство на вътрешните работи

Дирекция ‘Оперативно издирване’ на Министерство на вътрешните работи

Дирекция ‘Финансово-ресурсно осигуряване’ на Министерство на вътрешните работи

Дирекция за национален строителен контрол

Държавна комисия по хазарта

**▼ B**

Изпълнителна агенция ‘Автомобилна администрация’

Изпълнителна агенция ‘Борба с градушките’

Изпълнителна агенция ‘Българска служба за акредитация’

Изпълнителна агенция ‘Военни клубове и информация’

Изпълнителна агенция ‘Главна инспекция по труда’

Изпълнителна агенция ‘Държавна собственост на Министерството на отбраната’

Изпълнителна агенция ‘Железопътна администрация’

Изпълнителна агенция ‘Изпитвания и контролни измервания на въоръжение, техника и имущества’

Изпълнителна агенция ‘Морска администрация’

Изпълнителна агенция ‘Национален филмов център’

Изпълнителна агенция ‘Пристанищна администрация’

Изпълнителна агенция ‘Проучване и поддържане на река Дунав’

Изпълнителна агенция ‘Социални дейности на Министерството на отбраната’

Изпълнителна агенция за икономически анализи и прогнози

Изпълнителна агенция за насърчаване на малките и средни предприятия

Изпълнителна агенция по лекарствата

Изпълнителна агенция по лозата и виното

Изпълнителна агенция по околна среда

Изпълнителна агенция по почвените ресурси

Изпълнителна агенция по рибарство и аквакултури

Изпълнителна агенция по селекция и репродукция в животновъдството

Изпълнителна агенция по сортоизпитване, апробация и семеконтрол

Изпълнителна агенция по трансплантация

Изпълнителна агенция по хидромелиорации

Комисията за защита на потребителите

Контролно-техническата инспекция

Национален център за информация и документация

Национален център по радиобиология и радиационна защита

Национална агенция за приходите

Национална ветеринарномедицинска служба

Национална служба ‘Полиция’

Национална служба ‘Пожарна безопасност и защита на населението’

Национална служба за растителна защита

Национална служба за съвети в земеделието

Национална служба по зърното и фуражите

Служба ‘Военна информация’

Служба ‘Военна полиция’

Фонд ‘Републиканска пътна инфраструктура’

**▼B**

CZECH REPUBLIC

Ministerstvo dopravy

Ministerstvo financí

Ministerstvo kultury

Ministerstvo obrany

Ministerstvo pro místní rozvoj

Ministerstvo práce a sociálních věcí

Ministerstvo průmyslu a obchodu

Ministerstvo spravedlnosti

Ministerstvo školství, mládeže a tělovýchovy

Ministerstvo vnitra

Ministerstvo zahraničních věcí

Ministerstvo zdravotnictví

Ministerstvo zemědělství

Ministerstvo životního prostředí

Poslanecká sněmovna PČR

Senát PČR

Kancelář prezidenta

Český statistický úřad

Český úřad zeměměřičský a katastrální

Úřad průmyslového vlastnictví

Úřad pro ochranu osobních údajů

Bezpečnostní informační služba

Národní bezpečnostní úřad

Česká akademie věd

Vězeňská služba

Český báňský úřad

Úřad pro ochranu hospodářské soutěže

Správa státních hmotných rezerv

Státní úřad pro jadernou bezpečnost

Česká národní banka

Energetický regulační úřad

Úřad vlády České republiky

Ústavní soud

Nejvyšší soud

Nejvyšší správní soud

Nejvyšší státní zastupitelství

Nejvyšší kontrolní úřad

Kancelář Veřejného ochránce práv

Grantová agentura České republiky

Státní úřad inspekce práce

Český telekomunikační úřad



**▼B**

DENMARK

Folketinget

Rigsrevisionen

Statsministeriet

Udenrigsministeriet

Beskæftigelsesministeriet

5 styrelser og institutioner (5 agencies and institutions)

Domstolsstyrelsen

Finansministeriet

5 styrelser og institutioner (5 agencies and institutions)

Forsvarsministeriet

5 styrelser og institutioner (5 agencies and institutions)

Ministeriet for Sundhed og Forebyggelse

Adskillige styrelser og institutioner, herunder Statens Serum Institut (Several agencies and institutions, including Statens Serum Institut)

Justitsministeriet

Rigspolitechefen, anklagemyndigheden samt 1 direktorat og et antal styrelser (Commissioner of Police, the public prosecutor, 1 directorate and a number of agencies)

Kirkeministeriet

10 stiftsøvrigheder (10 diocesan authorities)

Kulturministeriet — Ministry of Culture

4 styrelser samt et antal statsinstitutioner (4 departments and a number of institutions)

Miljøministeriet

5 styrelser (5 agencies)

Ministeriet for Flygtninge, Indvandrere og Integration

1 styrelse (1 agency)

Ministeriet for Fødevarer, Landbrug og Fiskeri

4 direktater og institutioner (4 directorates and institutions)

Ministeriet for Videnskab, Teknologi og Udvikling

Adskillige styrelser og institutioner, Forskningscenter Risø og Statens uddannelsesbygninger (Several agencies and institutions, including Risø National Laboratory and Danish National Research and Education Buildings)

Skatteministeriet

1 styrelse og institutioner (1 agency and several institutions)

Velfærdsministeriet

3 styrelser og institutioner (3 agencies and several institutions)

Transportministeriet

7 styrelser og institutioner, herunder Øresundsbrokonsortiet (7 agencies and institutions, including Øresundsbrokonsortiet)

Undervisningsministeriet

3 styrelser, 4 undervisningsinstitutioner og 5 andre institutioner (3 agencies, 4 educational establishments, 5 other institutions)

Økonomi- og Erhvervsministeriet

Adskilligestyrelser og institutioner (Several agencies and institutions)

Klima- og Energiministeriet

3 styrelser og institutioner (3 agencies and institutions)

**▼ B**

## GERMANY

Auswärtiges Amt

Bundeskanzleramt

Bundesministerium für Arbeit und Soziales

Bundesministerium für Bildung und Forschung

Bundesministerium für Ernährung, Landwirtschaft und Verbraucherschutz

Bundesministerium der Finanzen

Bundesministerium des Innern (only civil goods)

Bundesministerium für Gesundheit

Bundesministerium für Familie, Senioren, Frauen und Jugend

Bundesministerium der Justiz

Bundesministerium für Verkehr, Bau und Stadtentwicklung

Bundesministerium für Wirtschaft und Technologie

Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung

Bundesministerium der Verteidigung (no military goods)

Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit

## ESTONIA

Vabariigi Presidendi Kantselei;

Eesti Vabariigi Riigikogu;

Eesti Vabariigi Riigikohus;

Riigikontroll;

Õiguskantsler;

Riigikantselei;

Rahvusarhiiv;

Haridus- ja Teadusministeerium;

Justiitsministeerium;

Kaitseministeerium;

Keskkonnaministeerium;

Kultuuriministeerium;

Majandus- ja Kommunikatsiooniministeerium;

Põllumajandusministeerium;

Rahandusministeerium;

Siseministeerium;

Sotsiaalministeerium;

Välisministeerium;

Keeleinspeksioon;

Riigiprokuratuur;

Teabeamet;

Maa-amet;

**▼B**

Keskkonnainspeksioon;  
Metsakaitse- ja Metsauenduskeskus;  
Muinsuskaitseamet;  
Patendiamet;  
Tarbijakaitseamet;  
Riigihangete Amet;  
Taimetoodangu Inspeksioon;  
Põllumajanduse Registrite ja Informatsiooni Amet;  
Veterinaar- ja Toiduamet  
Konkurentsiamet;  
Maksu –ja Tolliamet;  
Statistikaamet;  
Kaitsepolitsei;  
Kodakondsus- ja Migratsiooniamet;  
Piirivalveamet;  
Politsei;  
Eesti Kohtuekspertiisi Instituut;  
Keskriminaalpolitsei;  
Päästeamet;  
Andmekaitse Inspeksioon;  
Ravimiamet;  
Sotsiaalkindlustusamet;  
Tööturuamet;  
Tervishoiuamet;  
Tervisekaitseinspeksioon;  
Tööinspeksioon;  
Lennuamet;  
Maanteeamet;  
Veeteede Amet;  
Julgestuspolitsei;  
Kaitseressursside Amet;  
Kaitseväge Logistikakeskus;  
Tehnilise Järelevalve Amet.

## IRELAND

President's Establishment  
Houses of the Oireachtas — [Parliament]  
Department of the Taoiseach — [Prime Minister]  
Central Statistics Office  
Department of Finance

**▼B**

Office of the Comptroller and Auditor General  
Office of the Revenue Commissioners  
Office of Public Works  
State Laboratory  
Office of the Attorney General  
Office of the Director of Public Prosecutions  
Valuation Office  
Office of the Commission for Public Service Appointments  
Public Appointments Service  
Office of the Ombudsman  
Chief State Solicitor's Office  
Department of Justice, Equality and Law Reform  
Courts Service  
Prisons Service  
Office of the Commissioners of Charitable Donations and Bequests  
Department of the Environment, Heritage and Local Government  
Department of Education and Science  
Department of Communications, Energy and Natural Resources  
Department of Agriculture, Fisheries and Food  
Department of Transport  
Department of Health and Children  
Department of Enterprise, Trade and Employment  
Department of Arts, Sports and Tourism  
Department of Defence  
Department of Foreign Affairs  
Department of Social and Family Affairs  
Department of Community, Rural and Gaeltacht — [Gaelic speaking regions]  
Affairs  
Arts Council  
National Gallery.  
GREECE  
Υπουργείο Εσωτερικών;  
Υπουργείο Εξωτερικών;  
Υπουργείο Οικονομίας και Οικονομικών;  
Υπουργείο Ανάπτυξης;  
Υπουργείο Δικαιοσύνης;  
Υπουργείο Εθνικής Παιδείας και Θρησκευμάτων;  
Υπουργείο Πολιτισμού;  
Υπουργείο Υγείας και Κοινωνικής Αλληλεγγύης;  
Υπουργείο Περιβάλλοντος, Χωροταξίας και Δημοσίων Έργων;  
Υπουργείο Απασχόλησης και Κοινωνικής Προστασίας;  
Υπουργείο Μεταφορών και Επικοινωνιών;

**▼ B**

Υπουργείο Αγροτικής Ανάπτυξης και Τροφίμων;  
Υπουργείο Εμπορικής Ναυτιλίας, Αιγαίου και Νησιωτικής Πολιτικής;  
Υπουργείο Μακεδονίας- Θράκης;  
Γενική Γραμματεία Επικοινωνίας;  
Γενική Γραμματεία Ενημέρωσης;  
Γενική Γραμματεία Νέας Γενιάς;  
Γενική Γραμματεία Ισότητας;  
Γενική Γραμματεία Κοινωνικών Ασφαλίσεων;  
Γενική Γραμματεία Απόδημου Ελληνισμού;  
Γενική Γραμματεία Βιομηχανίας;  
Γενική Γραμματεία Έρευνας και Τεχνολογίας;  
Γενική Γραμματεία Αθλητισμού;  
Γενική Γραμματεία Δημοσίων Έργων;  
Γενική Γραμματεία Εθνικής Στατιστικής Υπηρεσίας Ελλάδος;  
Εθνικό Συμβούλιο Κοινωνικής Φροντίδας;  
Οργανισμός Εργατικής Κατοικίας;  
Εθνικό Τυπογραφείο;  
Γενικό Χημείο του Κράτους;  
Ταμείο Εθνικής Οδοποιίας;  
Εθνικό Καποδιστριακό Πανεπιστήμιο Αθηνών;  
Αριστοτέλειο Πανεπιστήμιο Θεσσαλονίκης;  
Δημοκρίτειο Πανεπιστήμιο Θράκης;  
Πανεπιστήμιο Αιγαίου;  
Πανεπιστήμιο Ιωαννίνων;  
Πανεπιστήμιο Πατρών;  
Πανεπιστήμιο Μακεδονίας;  
Πολυτεχνείο Κρήτης;  
Σιβιτανίδειος Δημόσια Σχολή Τεχνών και Επαγγελματιών;  
Αιγινήτειο Νοσοκομείο;  
Αρεταίειο Νοσοκομείο;  
Εθνικό Κέντρο Δημόσιας Διοίκησης;  
Οργανισμός Διαχείρισης Δημοσίου Υλικού;  
Οργανισμός Γεωργικών Ασφαλίσεων;  
Οργανισμός Σχολικών Κτιρίων;  
Γενικό Επιτελείο Στρατού;  
Γενικό Επιτελείο Ναυτικού;  
Γενικό Επιτελείο Αεροπορίας;  
Ελληνική Επιτροπή Ατομικής Ενέργειας;  
Γενική Γραμματεία Εκπαίδευσης Ενηλίκων;  
Υπουργείο Εθνικής Άμυνας;  
Γενική Γραμματεία Εμπορίου.

**▼B**

## SPAIN

Presidencia de Gobierno

Ministerio de Asuntos Exteriores y de Cooperación

Ministerio de Justicia

Ministerio de Defensa

Ministerio de Economía y Hacienda

Ministerio del Interior

Ministerio de Fomento

Ministerio de Educación, Política Social y Deportes

Ministerio de Industria, Turismo y Comercio

Ministerio de Trabajo e Inmigración

Ministerio de la Presidencia

Ministerio de Administraciones Públicas

Ministerio de Cultura

Ministerio de Sanidad y Consumo

Ministerio de Medio Ambiente y Medio Rural y Marino

Ministerio de Vivienda

Ministerio de Ciencia e Innovación

Ministerio de Igualdad

## FRANCE

## 1. Ministries

Services du Premier ministre

Ministère chargé de la santé, de la jeunesse et des sports

Ministère chargé de l'intérieur, de l'outre-mer et des collectivités territoriales

Ministère chargé de la justice

Ministère chargé de la défense

Ministère chargé des affaires étrangères et européennes

Ministère chargé de l'éducation nationale

Ministère chargé de l'économie, des finances et de l'emploi

Secrétariat d'Etat aux transports

Secrétariat d'Etat aux entreprises et au commerce extérieur

Ministère chargé du travail, des relations sociales et de la solidarité

Ministère chargé de la culture et de la communication

Ministère chargé du budget, des comptes publics et de la fonction publique

Ministère chargé de l'agriculture et de la pêche

Ministère chargé de l'enseignement supérieur et de la recherche

Ministère chargé de l'écologie, du développement et de l'aménagement durables

Secrétariat d'Etat à la fonction publique

Ministère chargé du logement et de la ville

**▼B**

Secrétariat d'Etat à la coopération et à la francophonie

Secrétariat d'Etat à l'outre-mer

Secrétariat d'Etat à la jeunesse, des sports et de la vie associative

Secrétariat d'Etat aux anciens combattants

Ministère chargé de l'immigration, de l'intégration, de l'identité nationale et du co-développement

Secrétariat d'Etat en charge de la prospective et de l'évaluation des politiques publiques

Secrétariat d'Etat aux affaires européennes,

Secrétariat d'Etat aux affaires étrangères et aux droits de l'homme

Secrétariat d'Etat à la consommation et au tourisme

Secrétariat d'Etat à la politique de la ville

Secrétariat d'Etat à la solidarité

Secrétariat d'Etat en charge de l'industrie et de la consommation

Secrétariat d'Etat en charge de l'emploi

Secrétariat d'Etat en charge du commerce, de l'artisanat, des PME, du tourisme et des services

Secrétariat d'Etat en charge de l'écologie

Secrétariat d'Etat en charge du développement de la région-capitale

Secrétariat d'Etat en charge de l'aménagement du territoire

## 2. Institutions, independent authorities and jurisdictions

Présidence de la République

Assemblée Nationale

Sénat

Conseil constitutionnel

Conseil économique et social

Conseil supérieur de la magistrature

Agence française contre le dopage

Autorité de contrôle des assurances et des mutuelles

Autorité de contrôle des nuisances sonores aéroportuaires

Autorité de régulation des communications électroniques et des postes

Autorité de sûreté nucléaire

Autorité indépendante des marchés financiers

Comité national d'évaluation des établissements publics à caractère scientifique, culturel et professionnel

Commission d'accès aux documents administratifs

Commission consultative du secret de la défense nationale

Commission nationale des comptes de campagne et des financements politiques

Commission nationale de contrôle des interceptions de sécurité

Commission nationale de déontologie de la sécurité

Commission nationale du débat public

Commission nationale de l'informatique et des libertés

**▼B**

- Commission des participations et des transferts
  - Commission de régulation de l'énergie
  - Commission de la sécurité des consommateurs
  - Commission des sondages
  - Commission de la transparence financière de la vie politique
  - Conseil de la concurrence
  - Conseil des ventes volontaires de meubles aux enchères publiques
  - Conseil supérieur de l'audiovisuel
  - Défenseur des enfants
  - Haute autorité de lutte contre les discriminations et pour l'égalité
  - Haute autorité de santé
  - Médiateur de la République
  - Cour de justice de la République
  - Tribunal des Conflits
  - Conseil d'Etat
  - Cours administratives d'appel
  - Tribunaux administratifs
  - Cour des Comptes
  - Chambres régionales des Comptes
  - Cours et tribunaux de l'ordre judiciaire (Cour de Cassation, Cours d'Appel, Tribunaux d'instance et Tribunaux de grande instance)
3. National public establishments
- Académie de France à Rome
  - Académie de marine
  - Académie des sciences d'outre-mer
  - Académie des technologies
  - Agence centrale des organismes de sécurité sociale (ACOSS)
  - Agence de biomédecine
  - Agence pour l'enseignement du français à l'étranger
  - Agence française de sécurité sanitaire des aliments
  - Agence française de sécurité sanitaire de l'environnement et du travail
  - Agence Nationale pour la cohésion sociale et l'égalité des chances
  - Agence nationale pour la garantie des droits des mineurs
  - Agences de l'eau
  - Agence Nationale de l'Accueil des Etrangers et des migrations
  - Agence nationale pour l'amélioration des conditions de travail (ANACT)
  - Agence nationale pour l'amélioration de l'habitat (ANAH)
  - Agence Nationale pour la Cohésion Sociale et l'Egalité des Chances
  - Agence nationale pour l'indemnisation des français d'outre-mer (ANIFOM)
  - Assemblée permanente des chambres d'agriculture (APCA)
  - Bibliothèque publique d'information
  - Bibliothèque nationale de France



**▼B**

Bibliothèque nationale et universitaire de Strasbourg

Caisse des Dépôts et Consignations

Caisse nationale des autoroutes (CNA)

Caisse nationale militaire de sécurité sociale (CNMSS)

Caisse de garantie du logement locatif social

Casa de Velasquez

Centre d'enseignement zootechnique

Centre d'études de l'emploi

Centre d'études supérieures de la sécurité sociale

Centres de formation professionnelle et de promotion agricole

Centre hospitalier des Quinze-Vingts

Centre international d'études supérieures en sciences agronomiques (Montpellier Sup Agro)

Centre des liaisons européennes et internationales de sécurité sociale

Centre des Monuments Nationaux

Centre national d'art et de culture Georges Pompidou

Centre national des arts plastiques

Centre national de la cinématographie

Centre National d'Etudes et d'expérimentation du machinisme agricole, du génie rural, des eaux et des forêts (CEMAGREF)

Centre national du livre

Centre national de documentation pédagogique

Centre national des œuvres universitaires et scolaires (CNOUS)

Centre national professionnel de la propriété forestière

Centre National de la Recherche Scientifique (C.N.R.S)

Centres d'éducation populaire et de sport (CREPS)

Centres régionaux des œuvres universitaires (CROUS)

Collège de France

Conservatoire de l'espace littoral et des rivages lacustres

Conservatoire National des Arts et Métiers

Conservatoire national supérieur de musique et de danse de Paris

Conservatoire national supérieur de musique et de danse de Lyon

Conservatoire national supérieur d'art dramatique

Ecole centrale de Lille

Ecole centrale de Lyon

École centrale des arts et manufactures

École française d'archéologie d'Athènes

École française d'Extrême-Orient

École française de Rome

École des hautes études en sciences sociales

**▼B**

Ecole du Louvre

École nationale d'administration

École nationale de l'aviation civile (ENAC)

École nationale des Chartes

École nationale d'équitation

Ecole Nationale du Génie de l'Eau et de l'environnement de Strasbourg

Écoles nationales d'ingénieurs

Ecole nationale d'ingénieurs des industries des techniques agricoles et alimentaires de Nantes

Écoles nationales d'ingénieurs des travaux agricoles

École nationale de la magistrature

Écoles nationales de la marine marchande

École nationale de la santé publique (ENSP)

École nationale de ski et d'alpinisme

École nationale supérieure des arts décoratifs

École nationale supérieure des arts et techniques du théâtre

École nationale supérieure des arts et industries textiles Roubaix

Écoles nationales supérieures d'arts et métiers

École nationale supérieure des beaux-arts

École nationale supérieure de céramique industrielle

École nationale supérieure de l'électronique et de ses applications (ENSEA)

Ecole nationale supérieure du paysage de Versailles

Ecole Nationale Supérieure des Sciences de l'information et des bibliothécaires

Ecole nationale supérieure de la sécurité sociale

Écoles nationales vétérinaires

École nationale de voile

Écoles normales supérieures

École polytechnique

École technique professionnelle agricole et forestière de Meymac (Corrèze)

École de sylviculture Croigny (Aube)

École de viticulture et d'œnologie de la Tour- Blanche (Gironde)

École de viticulture — Avize (Marne)

Etablissement national d'enseignement agronomique de Dijon

Établissement national des invalides de la marine (ENIM)

Établissement national de bienfaisance Koenigswarter

Établissement public du musée et du domaine national de Versailles

Fondation Carnegie

Fondation Singer-Polignac

Haras nationaux

Hôpital national de Saint-Maurice

Institut des hautes études pour la science et la technologie

**▼B**

Institut français d'archéologie orientale du Caire

Institut géographique national

Institut National de l'origine et de la qualité

Institut national des hautes études de sécurité

Institut de veille sanitaire

Institut National d'enseignement supérieur et de recherche agronomique et agroalimentaire de Rennes

Institut National d'Etudes Démographiques (I.N.E.D)

Institut National d'Horticulture

Institut National de la jeunesse et de l'éducation populaire

Institut national des jeunes aveugles — Paris

Institut national des jeunes sourds — Bordeaux

Institut national des jeunes sourds — Chambéry

Institut national des jeunes sourds — Metz

Institut national des jeunes sourds — Paris

Institut national de physique nucléaire et de physique des particules (I.N.P.N.P.P)

Institut national de la propriété industrielle

Institut National de la Recherche Agronomique (I.N.R.A)

Institut National de la Recherche Pédagogique (I.N.R.P)

Institut National de la Santé et de la Recherche Médicale (I.N.S.E.R.M)

Institut national d'histoire de l'art (I.N.H.A.)

Institut national de recherches archéologiques préventives

Institut National des Sciences de l'Univers

Institut National des Sports et de l'Education Physique

Institut national supérieur de formation et de recherche pour l'éducation des jeunes handicapés et les enseignements inadaptés

Instituts nationaux polytechniques

Instituts nationaux des sciences appliquées

Institut national de recherche en informatique et en automatique (INRIA)

Institut national de recherche sur les transports et leur sécurité (INRETS)

Institut de Recherche pour le Développement

Instituts régionaux d'administration

Institut des Sciences et des Industries du vivant et de l'environnement (Agro Paris Tech)

Institut supérieur de mécanique de Paris

Institut Universitaires de Formation des Maîtres

Musée de l'armée

Musée Gustave-Moreau

Musée national de la marine

Musée national J.-J.-Henner

Musée du Louvre

**▼B**

Musée du Quai Branly  
 Muséum National d'Histoire Naturelle  
 Musée Auguste-Rodin  
 Observatoire de Paris  
 Office français de protection des réfugiés et apatrides  
 Office National des Anciens Combattants et des Victimes de Guerre (ONAC)  
 Office national de la chasse et de la faune sauvage  
 Office National de l'eau et des milieux aquatiques  
 Office national d'information sur les enseignements et les professions (ONISEP)  
 Office universitaire et culturel français pour l'Algérie  
 Ordre national de la Légion d'honneur  
 Palais de la découverte  
 Parcs nationaux  
 Universités

## 4. Other national public bodies

Union des groupements d'achats publics (UGAP)  
 Agence Nationale pour l'emploi (A.N.P.E)  
 Caisse Nationale des Allocations Familiales (CNAF)  
 Caisse Nationale d'Assurance Maladie des Travailleurs Salariés (CNAMS)  
 Caisse Nationale d'Assurance-Vieillesse des Travailleurs Salariés (CNAVTS)

## CROATIA

Hrvatski sabor  
 Predsjednik Republike Hrvatske  
 Ured predsjednika Republike Hrvatske  
 Ured predsjednika Republike Hrvatske po prestanku obnašanja dužnosti  
 Vlada Republike Hrvatske  
 uredi Vlade Republike Hrvatske  
 Ministarstvo gospodarstva  
 Ministarstvo regionalnog razvoja i fondova Europske unije  
 Ministarstvo financija  
 Ministarstvo obrane  
 Ministarstvo vanjskih i europskih poslova  
 Ministarstvo unutarnjih poslova  
 Ministarstvo pravosuđa  
 Ministarstvo uprave  
 Ministarstvo poduzetništva i obrta  
 Ministarstvo rada i mirovinskog sustava  
 Ministarstvo pomorstva, prometa i infrastrukture  
 Ministarstvo poljoprivrede  
 Ministarstvo turizma

**▼B**

Ministarstvo zaštite okoliša i prirode  
 Ministarstvo graditeljstva i prostornog uređenja  
 Ministarstvo branitelja  
 Ministarstvo socijalne politike i mladih  
 Ministarstvo zdravlja  
 Ministarstvo znanosti, obrazovanja i sporta  
 Ministarstvo kulture  
 državne upravne organizacije  
 uredi državne uprave u županijama  
 Ustavni sud Republike Hrvatske  
 Vrhovni sud Republike Hrvatske  
 sudovi  
 Državno sudbeno vijeće  
 državna odvjetništva  
 Državnoodvjetničko vijeće  
 pravobraniteljstva  
 Državna komisija za kontrolu postupaka javne nabave  
 Hrvatska narodna banka  
 državne agencije i uredi  
 Državni ured za reviziju

ITALY

Purchasing bodies

- Presidenza del Consiglio dei Ministri
- Ministero degli Affari Esteri
- Ministero dell'Interno
- Ministero della Giustizia e Uffici giudiziari (esclusi i giudici di pace)
- Ministero della Difesa
- Ministero dell'Economia e delle Finanze
- Ministero dello Sviluppo Economico
- Ministero delle Politiche Agricole, Alimentari e Forestali
- Ministero dell'Ambiente, Tutela del Territorio e del Mare
- Ministero delle Infrastrutture e dei Trasporti
- Ministero del Lavoro, della Salute e delle Politiche Sociali
- Ministero dell'Istruzione, Università e Ricerca
- Ministero per i Beni e le Attività culturali, comprensivo delle sue articolazioni periferiche

Other national public bodies:

- CONSIP (Concessionaria Servizi Informatici Pubblici)

CYPRUS

Προεδρία και Προεδρικό Μέγαρο

- Γραφείο Συντονιστή Εναρμόνισης

Υπουργικό Συμβούλιο

**▼ B**

Βουλή των Αντιπροσώπων

Δικαστική Υπηρεσία

Νομική Υπηρεσία της Δημοκρατίας

Ελεγκτική Υπηρεσία της Δημοκρατίας

Επιτροπή Δημόσιας Υπηρεσίας

Επιτροπή Εκπαιδευτικής Υπηρεσίας

Γραφείο Επιτρόπου Διοικήσεως

Επιτροπή Προστασίας Ανταγωνισμού

Υπηρεσία Εσωτερικού Ελέγχου

Γραφείο Προγραμματισμού

Γενικό Λογιστήριο της Δημοκρατίας

Γραφείο Επιτρόπου Προστασίας Δεδομένων Προσωπικού Χαρακτήρα

Γραφείο Εφόρου Δημοσίων Ενισχύσεων

Αναθεωρητική Αρχή Προσφορών

Υπηρεσία Εποπτείας και Ανάπτυξης Συνεργατικών Εταιρειών

Αναθεωρητική Αρχή Προσφύγων

Υπουργείο Άμυνας

Υπουργείο Γεωργίας, Φυσικών Πόρων και Περιβάλλοντος

Τμήμα Γεωργίας

Κτηνιατρικές Υπηρεσίες

Τμήμα Δασών

Τμήμα Αναπτύξεως Υδάτων

Τμήμα Γεωλογικής Επισκόπησης

Μετεωρολογική Υπηρεσία

Τμήμα Αναδασμού

Υπηρεσία Μεταλλείων

Ινστιτούτο Γεωργικών Ερευνών

Τμήμα Αλιείας και Θαλάσσιων Ερευνών

Υπουργείο Δικαιοσύνης και Δημοσίας Τάξεως

Αστυνομία

Πυροσβεστική Υπηρεσία Κύπρου

Τμήμα Φυλακών

Υπουργείο Εμπορίου, Βιομηχανίας και Τουρισμού

Τμήμα Εφόρου Εταιρειών και Επίσημου Παραλήπτη

Υπουργείο Εργασίας και Κοινωνικών Ασφαλίσεων

Τμήμα Εργασίας

Τμήμα Κοινωνικών Ασφαλίσεων

Τμήμα Υπηρεσιών Κοινωνικής Ευημερίας

**▼ B**

- Κέντρο Παραγωγικότητας Κύπρου
- Ανώτερο Ξενοδοχειακό Ινστιτούτο Κύπρου
- Ανώτερο Τεχνολογικό Ινστιτούτο
- Τμήμα Επιθεώρησης Εργασίας
- Τμήμα Εργασιακών Σχέσεων
- Υπουργείο Εσωτερικών
  - Επαρχιακές Διοικήσεις
  - Τμήμα Πολεοδομίας και Οικήσεως
  - Τμήμα Αρχείου Πληθυσμού και Μεταναστεύσεως
  - Τμήμα Κτηματολογίου και Χωρομετρίας
  - Γραφείο Τύπου και Πληροφοριών
  - Πολιτική Άμυνα
  - Υπηρεσία Μέριμνας και Αποκαταστάσεων Εκτοπισθέντων
  - Υπηρεσία Ασύλου
- Υπουργείο Εξωτερικών
- Υπουργείο Οικονομικών
  - Τελωνεία
  - Τμήμα Εσωτερικών Προσόδων
  - Στατιστική Υπηρεσία
  - Τμήμα Κρατικών Αγορών και Προμηθειών
  - Τμήμα Δημόσιας Διοίκησης και Προσωπικού
  - Κυβερνητικό Τυπογραφείο
  - Τμήμα Υπηρεσιών Πληροφορικής
- Υπουργείο Παιδείας και Πολιτισμού
- Υπουργείο Συγκοινωνιών και Έργων
  - Τμήμα Δημοσίων Έργων
  - Τμήμα Αρχαιοτήτων
  - Τμήμα Πολιτικής Αεροπορίας
  - Τμήμα Εμπορικής Ναυτιλίας
  - Τμήμα Οδικών Μεταφορών
  - Τμήμα Ηλεκτρομηχανολογικών Υπηρεσιών
  - Τμήμα Ηλεκτρονικών Επικοινωνιών
- Υπουργείο Υγείας
  - Φαρμακευτικές Υπηρεσίες
  - Γενικό Χημείο
  - Ιατρικές Υπηρεσίες και Υπηρεσίες Δημόσιας Υγείας
  - Οδοντιατρικές Υπηρεσίες
  - Υπηρεσίες Ψυχικής Υγείας

**▼B**

## LATVIA

Ministries, secretariats of ministers for special assignments, and their subordinate institutions

Aizsardzības ministrija un tās padotībā esošās iestādes

Ārlietu ministrija un tās padotībā esošās iestādes

Bērnu un ģimenes lietu ministrija un tās padotībā esošās iestādes

Ekonomikas ministrija un tās padotībā esošās iestādes

Finanšu ministrija un tās padotībā esošās iestādes

Iekšlietu ministrija un tās padotībā esošās iestādes

Izglītības un zinātnes ministrija un tās padotībā esošās iestādes

Kultūras ministrija un tās padotībā esošās iestādes

Labklājības ministrija un tās padotībā esošās iestādes

Reģionālās attīstības un pašvaldības lietu ministrija un tās padotībā esošās iestādes

Satiksmes ministrija un tās padotībā esošās iestādes

Tieslietu ministrija un tās padotībā esošās iestādes

Veselības ministrija un tās padotībā esošās iestādes

Vides ministrija un tās padotībā esošās iestādes

Zemkopības ministrija un tās padotībā esošās iestādes

Īpašu uzdevumu ministra sekretariāti un to padotībā esošās iestādes

Satversmes aizsardzības birojs

## Other state institution

Augstākā tiesa

Centrālā vēlēšanu komisija

Finanšu un kapitāla tirgus komisija

Latvijas Banka

Prokuratūra un tās pārraudzībā esošās iestādes

Saeimas kanceleja un tās padotībā esošās iestādes

Satversmes tiesa

Valsts kanceleja un tās padotībā esošās iestādes

Valsts kontrole

Valsts prezidenta kanceleja

Tiesībsarga birojs

Nacionālā radio un televīzijas padome

Citas valsts iestādes, kuras nav ministriju padotībā (Other state institutions not subordinate to ministries)



**▼B**

## LITHUANIA

## Prezidentūros kanceliarija

## Seimo kanceliarija

Institutions accountable to the Seimas [Parliament]: Lietuvos mokslo taryba;

Seimo kontrolierių įstaiga;

Valstybės kontrolė;

Specialiųjų tyrimų tarnyba;

Valstybės saugumo departamentas;

Konkurencijos taryba;

Lietuvos gyventojų genocido ir rezistencijos tyrimo centras;

Vertybinių popierių komisija;

Ryšių reguliavimo tarnyba;

Nacionalinė sveikatos taryba;

Etninės kultūros globos taryba;

Lygių galimybių kontrolieriaus tarnyba;

Valstybinė kultūros paveldo komisija;

Vaiko teisių apsaugos kontrolieriaus įstaiga;

Valstybinė kainų ir energetikos kontrolės komisija;

Valstybinė lietuvių kalbos komisija;

Vyriausioji rinkimų komisija;

Vyriausioji tarnybinės etikos komisija;

Žurnalistų etikos inspektoriaus tarnyba.

## Vyriausybės kanceliarija

Institutions accountable to the Vyriausybė [Government]:

Ginklų fondas;

Informacinės visuomenės plėtros komitetas;

Kūno kultūros ir sporto departamentas;

Lietuvos archyvų departamentas;

Mokestinių ginčų komisija;

Statistikos departamentas;

Tautinių mažumų ir išeivijos departamentas;

Valstybinė tabako ir alkoholio kontrolės tarnyba;

Viešųjų pirkimų tarnyba;

Narkotikų kontrolės departamentas;

**▼B**

Valstybinė atominės energetikos saugos inspekcija;

Valstybinė duomenų apsaugos inspekcija;

Valstybinė lošimų priežiūros komisija;

Valstybinė maisto ir veterinarijos tarnyba;

Vyriausioji administracinių ginčų komisija;

Draudimo priežiūros komisija;

Lietuvos valstybinis mokslo ir studijų fondas;

Lietuvių grįžimo į Tėvynę informacijos centras.

Konstitucinis Teismas

Lietuvos bankas

Aplinkos ministerija

Institutions under the Aplinkos ministerija [Ministry of Environment]:

Generalinė miškų urėdija;

Lietuvos geologijos tarnyba;

Lietuvos hidrometeorologijos tarnyba;

Lietuvos standartizacijos departamentas;

Nacionalinis akreditacijos biuras;

Valstybinė metrologijos tarnyba;

Valstybinė saugomų teritorijų tarnyba;

Valstybinė teritorijų planavimo ir statybos inspekcija.

Finansų ministerija

Institutions under the Finansų ministerija [Ministry of Finance]:

Muitinės departamentas;

Valstybės dokumentų technologinės apsaugos tarnyba;

Valstybinė mokesčių inspekcija;

Finansų ministerijos mokymo centras.

Krašto apsaugos ministerija

Institutions under the Krašto apsaugos ministerija [Ministry of National Defence]:

Antrasis operatyvinių tarnybų departamentas;

Centralizuota finansų ir turto tarnyba;

Karo prievolės administravimo tarnyba;

Krašto apsaugos archyvas;

Krizių valdymo centras;

Mobilizacijos departamentas;

Ryšių ir informacinių sistemų tarnyba;

Infrastruktūros plėtros departamentas;

**▼ B**

Valstybinis pilietinio pasipriešinimo rengimo centras.

Lietuvos kariuomenė

Krašto apsaugos sistemos kariniai vienetai ir tarnybos

Kultūros ministerija

Institutions under the Kultūros ministerija [Ministry of Culture]:

Kultūros paveldo departamentas;

Valstybinė kalbos inspekcija.

Socialinės apsaugos ir darbo ministerija

Institutions under the Socialinės apsaugos ir darbo ministerija [Ministry of Social Security and Labour]:

Garantinio fondo administracija;

Valstybės vaiko teisių apsaugos ir įvaikinimo tarnyba;

Lietuvos darbo birža;

Lietuvos darbo rinkos mokymo tarnyba;

Trišalės tarybos sekretoriatas;

Socialinių paslaugų priežiūros departamentas;

Darbo inspekcija;

Valstybinio socialinio draudimo fondo valdyba;

Neįgalumo ir darbingumo nustatymo tarnyba;

Ginčų komisija;

Techninės pagalbos neįgaliesiems centras;

Neįgaliųjų reikalų departamentas.

Susisiekimo ministerija

Institutions under the Susisiekimo ministerija [Ministry of Transport and Communications]:

Lietuvos automobilių kelių direkcija;

Valstybinė geležinkelio inspekcija;

Valstybinė kelių transporto inspekcija;

Pasienio kontrolės punktų direkcija.

Sveikatos apsaugos ministerija

Institutions under the Sveikatos apsaugos ministerija [Ministry of Health]:

Valstybinė akreditavimo sveikatos priežiūros veiklai tarnyba;

Valstybinė ligonių kasa;

Valstybinė medicininio audito inspekcija;

Valstybinė vaistų kontrolės tarnyba;

Valstybinė teismo psichiatrijos ir narkologijos tarnyba;

Valstybinė visuomenės sveikatos priežiūros tarnyba;

Farmacijos departamentas;

**▼ B**

Sveikatos apsaugos ministerijos Ekstremalių sveikatai situacijų centras;

Lietuvos bioetikos komitetas;

Radiacinės saugos centras.

Švietimo ir mokslo ministerija

Institutions under the Švietimo ir mokslo ministerija [Ministry of Education and Science]:

Nacionalinis egzaminų centras;

Studijų kokybės vertinimo centras.

Teisingumo ministerija

Institutions under the Teisingumo ministerija [Ministry of Justice]:

Kalėjų departamentas;

Nacionalinė vartotojų teisių apsaugos taryba;

Europos teisės departamentas.

Ūkio ministerija

Institutions under the Ūkio ministerija [Ministry of Economy]:

Įmonių bankroto valdymo departamentas;

Valstybinė energetikos inspekcija;

Valstybinė ne maisto produktų inspekcija;

Valstybinis turizmo departamentas.

Užsienio reikalų ministerija

Diplomatinės atstovybės ir konsulinės įstaigos užsienyje bei atstovybės prie tarptautinių organizacijų

Vidaus reikalų ministerija

Institutions under the Vidaus reikalų ministerija [Ministry of the Interior]:

Asmens dokumentų išrašymo centras;

Finansinių nusikaltimų tyrimo tarnyba;

Gyventojų registro tarnyba;

Policijos departamentas;

Priešgaisrinės apsaugos ir gelbėjimo departamentas;

Turto valdymo ir ūkio departamentas;

Vadovybės apsaugos departamentas;

Valstybės sienos apsaugos tarnyba;

Valstybės tarnybos departamentas;

Informatikos ir ryšių departamentas;

Migracijos departamentas;

Sveikatos priežiūros tarnyba;

Bendrasis pagalbos centras.

Žemės ūkio ministerija

**▼B**

Institutions under the Žemės ūkio ministerija [Ministry of Agriculture]:

Nacionalinė mokėjimo agentūra;  
Nacionalinė žemės tarnyba;  
Valstybinė augalų apsaugos tarnyba;  
Valstybinė gyvulių veislininkystės priežiūros tarnyba;  
Valstybinė sėklų ir grūdų tarnyba;  
Žuvininkystės departamentas

Teismai [Courts]:

Lietuvos Aukščiausiasis Teismas;  
Lietuvos apeliacinis teismas;  
Lietuvos vyriausiasis administracinis teismas;  
apygardų teismai;  
apygardų administraciniai teismai;  
apylinkių teismai;  
Nacionalinė teismų administracija

Generalinė prokuratūra

Other Central Public Administration Entities (institucijos [institutions], įstaigos [establishments], tarnybos [agencies])

Aplinkos apsaugos agentūra;  
Valstybinė aplinkos apsaugos inspekcija;  
Aplinkos projektų valdymo agentūra;  
Miško genetinių išteklių, sėklų ir sodmenų tarnyba;  
Miško sanitarinės apsaugos tarnyba;  
Valstybinė miškotvarkos tarnyba;  
Nacionalinis visuomenės sveikatos tyrimų centras;  
Lietuvos AIDS centras;  
Nacionalinis organų transplantacijos biuras;  
Valstybinis patologijos centras;  
Valstybinis psichikos sveikatos centras;  
Lietuvos sveikatos informacijos centras;  
Slaugos darbuotojų tobulinimosi ir specializacijos centras;  
Valstybinis aplinkos sveikatos centras;  
Respublikinis mitybos centras;  
Užkrečiamųjų ligų profilaktikos ir kontrolės centras;  
Trakų visuomenės sveikatos priežiūros ir specialistų tobulinimosi centras;  
Visuomenės sveikatos ugdymo centras;  
Muitinės kriminalinė tarnyba;  
Muitinės informacinių sistemų centras;  
Muitinės laboratorija;

**▼B**

Muitinės mokymo centras;  
Valstybinis patentų biuras;  
Lietuvos teismo ekspertizės centras;  
Centrinė hipotekos įstaiga;  
Lietuvos metrologijos inspekcija;  
Civilinės aviacijos administracija;  
Lietuvos saugios laivybos administracija;  
Transporto investicijų direkcija;  
Valstybinė vidaus vandenų laivybos inspekcija;  
Pabėgėlių priėmimo centras

## LUXEMBOURG

Ministère d'Etat

Ministère des Affaires Etrangères et de l'Immigration

Ministère de l'Agriculture, de la Viticulture et du Développement Rural

Ministère des Classes moyennes, du Tourisme et du Logement

Ministère de la Culture, de l'Enseignement Supérieur et de la Recherche

Ministère de l'Economie et du Commerce extérieur

Ministère de l'Education nationale et de la Formation professionnelle

Ministère de l'Egalité des chances

Ministère de l'Environnement

Ministère de la Famille et de l'Intégration

Ministère des Finances

Ministère de la Fonction publique et de la Réforme administrative

Ministère de l'Intérieur et de l'Aménagement du territoire

Ministère de la Justice

Ministère de la Santé

Ministère de la Sécurité sociale

Ministère des Transports

Ministère du Travail et de l'Emploi

Ministère des Travaux publics

## HUNGARY

Egészségügyi Minisztérium

Földművelésügyi és Vidékfejlesztési Minisztérium

Gazdasági és Közlekedési Minisztérium

Honvédelmi Minisztérium

Igazságügyi és Rendészeti Minisztérium

Környezetvédelmi és Vízügyi Minisztérium

Külügyminisztérium

**▼B**

Miniszterelnöki Hivatal

Oktatási és Kulturális Minisztérium

Önkormányzati és Területfejlesztési Minisztérium

Pénzügyminisztérium

Szociális és Munkaügyi Minisztérium

Központi Szolgáltatási Főigazgatóság

MALTA

Uffiċċju tal-Prim Ministru (Office of the Prime Minister)

Ministeru għall-Familja u Solidarjeta' Soċjali (Ministry for the Family and Social Solidarity)

Ministeru ta' l-Edukazzjoni Zghazagh u Impjieg (Ministry for Education Youth and Employment)

Ministeru tal-Finanzi (Ministry of Finance)

Ministeru tar-Riżorsi u l-Infrastruttura (Ministry for Resources and Infrastructure)

Ministeru tat-Turizmu u Kultura (Ministry for Tourism and Culture)

Ministeru tal-Ġustizzja u l-Intern (Ministry for Justice and Home Affairs)

Ministeru għall-Affarijiet Rurali u l-Ambjent (Ministry for Rural Affairs and the Environment)

Ministeru għal Għawdex (Ministry for Gozo)

Ministeru tas-Sahħa, l-Anzjani u Kura fil-Kommunita' (Ministry of Health, the Elderly and Community Care)

Ministeru ta' l-Affarijiet Barranin (Ministry of Foreign Affairs)

Ministeru għall-Investimenti, Industrija u Teknologija ta' Informazzjoni (Ministry for Investment, Industry and Information Technology)

Ministeru għall-Kompetittivà u Komunikazzjoni (Ministry for Competitiveness and Communications)

Ministeru għall-Iżvilupp Urban u Toroq (Ministry for Urban Development and Roads)

NETHERLANDS

Ministerie van Algemene Zaken

Bestuursdepartement

Bureau van de Wetenschappelijke Raad voor het Regeringsbeleid

Rijksvoorlichtingsdienst

Ministerie van Binnenlandse Zaken en Koninkrijksrelaties

Bestuursdepartement

Centrale Archiefselectiedienst (CAS)

Algemene Inlichtingen- en Veiligheidsdienst (AIVD)

Agentschap Basisadministratie Persoonsgegevens en Reisdocumenten (BPR)

Agentschap Korps Landelijke Politiediensten

Ministerie van Buitenlandse Zaken

**▼B**

Directoraat-generaal Regiobeleid en Consulaire Zaken (DGRC)

Directoraat-generaal Politieke Zaken (DGPZ)

Directoraat-generaal Internationale Samenwerking (DGIS)

Directoraat-generaal Europese Samenwerking (DGES)

Centrum tot Bevordering van de Import uit Ontwikkelingslanden (CBI)

Centrale diensten ressorterend onder S/PlvS (Support services falling under the Secretary-general and Deputy Secretary-general)

Buitenlandse Posten (ieder afzonderlijk)

Ministerie van Defensie — (Ministry of Defence)

Bestuursdepartement

Commando Diensten Centra (CDC)

Defensie Telematica Organisatie (DTO)

Centrale directie van de Defensie Vastgoed Dienst

De afzonderlijke regionale directies van de Defensie Vastgoed Dienst

Defensie Materieel Organisatie (DMO)

Landelijk Bevoorradersbedrijf van de Defensie Materieel Organisatie

Logistiek Centrum van de Defensie Materieel Organisatie

Marinebedrijf van de Defensie Materieel Organisatie

Defensie Pijpleiding Organisatie (DPO)

Ministerie van Economische Zaken

Bestuursdepartement

Centraal Planbureau (CPB)

SenterNovem

Staatstoezicht op de Mijnen (SodM)

Nederlandse Mededingingsautoriteit (NMa)

Economische Voorlichtingsdienst (EVD)

Agentschap Telecom

Kenniscentrum Professioneel & Innovatief Aanbesteden, Netwerk voor Overheidsopdrachtgevers (PIANOo)

Regiebureau Inkoop Rijksoverheid

Octrooicentrum Nederland

Consumentenautoriteit

Ministerie van Financiën

Bestuursdepartement

Belastingdienst Automatiseringscentrum

Belastingdienst



**▼B**

de afzonderlijke Directies der Rijksbelastingen (the various Divisions of the Tax and Customs Administration throughout the Netherlands)

Fiscale Inlichtingen- en Opsporingsdienst (incl. Economische Controle dienst (ECD))

Belastingdienst Opleidingen

Dienst der Domeinen

Ministerie van Justitie

Bestuursdepartement

Dienst Justitiële Inrichtingen

Raad voor de Kinderbescherming

Centraal Justitie Incasso Bureau

Openbaar Ministerie

Immigratie en Naturalisatiedienst

Nederlands Forensisch Instituut

Dienst Terugkeer & Vertrek

Ministerie van Landbouw, Natuur en Voedselkwaliteit

Bestuursdepartement

Dienst Regelingen (DR)

Agentschap Plantenziektenkundige Dienst (PD)

Algemene Inspectiedienst (AID)

Dienst Landelijk Gebied (DLG)

Voedsel en Waren Autoriteit (VWA)

Ministerie van Onderwijs, Cultuur en Wetenschappen

Bestuursdepartement

Inspectie van het Onderwijs

Erfgoedinspectie

Centrale Financiën Instellingen

Nationaal Archief

Adviesraad voor Wetenschaps- en Technologiebeleid

Onderwijsraad

Raad voor Cultuur

Ministerie van Sociale Zaken en Werkgelegenheid

Bestuursdepartement

Inspectie Werk en Inkomen

Agentschap SZW

Ministerie van Verkeer en Waterstaat

Bestuursdepartement

Directoraat-Generaal Transport en Luchtvaart

Directoraat-generaal Personenvervoer

Directoraat-generaal Water

**▼B**

Centrale diensten (Central Services)

Shared services Organisatie Verkeer en Watersaat

Koninklijke Nederlandse Meteorologisch Instituut KNMI

Rijkswaterstaat, Bestuur

De afzonderlijke regionale Diensten van Rijkswaterstaat (Each individual regional service of the Directorate-general of Public Works and Water Management)

De afzonderlijke specialistische diensten van Rijkswaterstaat (Each individual specialist service of the Directorate-general of Public Works and Water Management)

Adviesdienst Geo-Informatie en ICT

Adviesdienst Verkeer en Vervoer (AVV)

Bouwdienst

Corporate Dienst

Data ICT Dienst

Dienst Verkeer en Scheepvaart

Dienst Weg- en Waterbouwkunde (DWW)

Rijksinstituut voor Kunst en Zee (RIKZ)

Rijksinstituut voor Integraal Zoetwaterbeheer en Afvalwaterbehandeling (RIZA)

Waterdienst

Inspectie Verkeer en Waterstaat, Hoofddirectie

Port state Control

Directie Toezichtontwikkeling Communicatie en Onderzoek (TCO)

Toeziethouder Beheer Eenheid Lucht

Toeziethouder Beheer Eenheid Water

Toeziethouder Beheer Eenheid Land

Ministerie van Volkshuisvesting, Ruimtelijke Ordening en Milieubeheer

Bestuursdepartement

Directoraat-generaal Wonen, Wijken en Integratie

Directoraat-generaal Ruimte

Directoraat-generaal Milieubeheer

Rijksgebouwendienst

VROM Inspectie

Ministerie van Volksgezondheid, Welzijn en Sport

Bestuursdepartement

Inspectie Gezondheidsbescherming, Waren en Veterinaire Zaken

Inspectie Gezondheidszorg

Inspectie Jeugdhulpverlening en Jeugdbescherming

Rijksinstituut voor de Volksgezondheid en Milieu (RIVM)

Sociaal en Cultureel Planbureau

**▼B**

Agentschap t.b.v. het College ter Beoordeling van Geneesmiddelen  
Tweede Kamer der Staten-Generaal  
Eerste Kamer der Staten-Generaal  
Raad van State  
Algemene Rekenkamer  
Nationale Ombudsman  
Kanselarij der Nederlandse Orden  
Kabinet der Koningin  
Raad voor de rechtspraak en de Rechtbanken

AUSTRIA

Bundeskanzleramt  
Bundesministerium für europäische und internationale Angelegenheiten  
Bundesministerium für Finanzen  
Bundesministerium für Gesundheit, Familie und Jugend  
Bundesministerium für Inneres  
Bundesministerium für Justiz  
Bundesministerium für Landesverteidigung  
Bundesministerium für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft  
Bundesministerium für Soziales und Konsumentenschutz  
Bundesministerium für Unterricht, Kunst und Kultur  
Bundesministerium für Verkehr, Innovation und Technologie  
Bundesministerium für Wirtschaft und Arbeit  
Bundesministerium für Wissenschaft und Forschung  
Österreichische Forschungs- und Prüfzentrum Arsenal Gesellschaft m.b.H  
Bundesbeschaffung G.m.b.H  
Bundesrechenzentrum G.m.b.H

POLAND

Kancelaria Prezydenta RP  
Kancelaria Sejmu RP  
Kancelaria Senatu RP  
Kancelaria Prezesa Rady Ministrów  
Sąd Najwyższy  
Naczelny Sąd Administracyjny  
Wojewódzkie sądy administracyjne  
Sądy powszechne — rejonowe, okręgowe i apelacyjne  
Trybunał Konstytucyjny  
Najwyższa Izba Kontroli  
Biuro Rzecznika Praw Obywatelskich  
Biuro Rzecznika Praw Dziecka  
Biuro Ochrony Rządu

**▼B**

Biuro Bezpieczeństwa Narodowego

Centralne Biuro Antykorupcyjne

Ministerstwo Pracy i Polityki Społecznej

Ministerstwo Finansów

Ministerstwo Gospodarki

Ministerstwo Rozwoju Regionalnego

Ministerstwo Kultury i Dziedzictwa Narodowego

Ministerstwo Edukacji Narodowej

Ministerstwo Obrony Narodowej

Ministerstwo Rolnictwa i Rozwoju Wsi

Ministerstwo Skarbu Państwa

Ministerstwo Sprawiedliwości

Ministerstwo Infrastruktury

Ministerstwo Nauki i Szkolnictwa Wyższego

Ministerstwo Środowiska

Ministerstwo Spraw Wewnętrznych i Administracji

Ministerstwo Spraw Zagranicznych

Ministerstwo Zdrowia

Ministerstwo Sportu i Turystyki

Urząd Komitetu Integracji Europejskiej

Urząd Patentowy Rzeczypospolitej Polskiej

Urząd Regulacji Energetyki

Urząd do Spraw Kombatantów i Osób Represjonowanych

Urząd Transportu Kolejowego

Urząd Dozoru Technicznego

Urząd Rejestracji Produktów Leczniczych, Wyrobów Medycznych i Produktów Biobójczych

Urząd do Spraw Repatriacji i Cudzoziemców

Urząd Zamówień Publicznych

Urząd Ochrony Konkurencji i Konsumentów

Urząd Lotnictwa Cywilnego

Urząd Komunikacji Elektronicznej

Wyższy Urząd Górniczy

Główny Urząd Miar

Główny Urząd Geodezji i Kartografii

Główny Urząd Nadzoru Budowlanego

Główny Urząd Statystyczny

Krajowa Rada Radiofonii i Telewizji

Generalny Inspektor Ochrony Danych Osobowych

**▼B**

Państwowa Komisja Wyborcza

Państwowa Inspekcja Pracy

Rządowe Centrum Legislacji

Narodowy Fundusz Zdrowia

Polska Akademia Nauk

Polskie Centrum Akredytacji

Polskie Centrum Badań i Certyfikacji

Polska Organizacja Turystyczna

Polski Komitet Normalizacyjny

Zakład Ubezpieczeń Społecznych

Komisja Nadzoru Finansowego

Naczelna Dyrekcja Archiwów Państwowych

Kasa Rolniczego Ubezpieczenia Społecznego

Generalna Dyrekcja Dróg Krajowych i Autostrad

Państwowa Inspekcja Ochrony Roślin i Nasiennictwa

Komenda Główna Państwowej Straży Pożarnej

Komenda Główna Policji

Komenda Główna Straży Granicznej

Inspekcja Jakości Handlowej Artykułów Rolno-Spożywczych

Główny Inspektorat Ochrony Środowiska

Główny Inspektorat Transportu Drogowego

Główny Inspektorat Farmaceutyczny

Główny Inspektorat Sanitarny

Główny Inspektorat Weterynarii

Agencja Bezpieczeństwa Wewnętrznego

Agencja Wywiadu

Agencja Mienia Wojskowego

Wojskowa Agencja Mieszkaniowa

Agencja Restrukturyzacji i Modernizacji Rolnictwa

Agencja Rynku Rolnego

Agencja Nieruchomości Rolnych

Państwowa Agencja Atomistyki

Polska Agencja Żeglugi Powietrznej

Polska Agencja Rozwiązywania Problemów Alkoholowych

Agencja Rezerw Materiałowych

Narodowy Bank Polski

**▼B**

Narodowy Fundusz Ochrony Środowiska i Gospodarki Wodnej

Państwowy Fundusz Rehabilitacji Osób Niepełnosprawnych

Instytut Pamięci Narodowej — Komisja Ścigania Zbrodni Przeciwko Narodowi Polskiemu

Rada Ochrony Pamięci Walk i Męczeństwa

Służba Celna Rzeczypospolitej Polskiej

Państwowe Gospodarstwo Leśne 'Lasy Państwowe'

Polska Agencja Rozwoju Przedsiębiorczości

Urzędy wojewódzkie

Samodzielne Publiczne Zakłady Opieki Zdrowotnej, jeśli ich organem założycielskim jest minister, centralny organ administracji rządowej lub wojewoda

**PORTUGAL**

Presidência do Conselho de Ministros

Ministério das Finanças e da Administração Pública

Ministério da Defesa Nacional

Ministério dos Negócios Estrangeiros

Ministério da Administração Interna

Ministério da Justiça

Ministério da Economia e da Inovação

Ministério da Agricultura, Desenvolvimento Rural e Pescas

Ministério da Educação

Ministério da Ciência, Tecnologia e do Ensino Superior

Ministério da Cultura

Ministério da Saúde

Ministério do Trabalho e da Solidariedade Social

Ministério das Obras Públicas, Transportes e Comunicações

Ministério do Ambiente, do Ordenamento do Território e do Desenvolvimento Regional

Presidência da República

Tribunal Constitucional

Tribunal de Contas

Provedoria de Justiça

**ROMANIA**

Administrația Prezidențială

Senatul României

Camera Deputaților

Inalta Curte de Casație și Justiție

Curtea Constituțională

Consiliul Legislativ

Curtea de Conturi

Consiliul Superior al Magistraturii

**▼B**

Parchetul de pe lângă Inalta Curte de Casație și Justiție

Secretariatul General al Guvernului

Cancelaria primului ministru

Ministerul Afacerilor Externe

Ministerul Economiei și Finanțelor

Ministerul Justiției

Ministerul Apărării

Ministerul Internelor și Reformei Administrative

Ministerul Muncii, Familiei și Egalității de Șanse

Ministerul pentru Intreprinderi Mici și Mijlocii, Comerț, Turism și Profesii Liberale

Ministerul Agriculturii și Dezvoltării Rurale

Ministerul Transporturilor

Ministerul Dezvoltării, Lucrărilor Publice și Locuinței

Ministerul Educației Cercetării și Tineretului

Ministerul Sănătății Publice

Ministerul Culturii și Cultelor

Ministerul Comunicațiilor și Tehnologiei Informației

Ministerul Mediului și Dezvoltării Durabile

Serviciul Român de Informații

Serviciul de Informații Externe

Serviciul de Protecție și Pază

Serviciul de Telecomunicații Speciale

Consiliul Național al Audiovizualului

Consiliul Concurenței (CC)

Direcția Națională Anticorupție

Inspectoratul General de Poliție

Autoritatea Națională pentru Reglementarea și Monitorizarea Achizițiilor Publice

Consiliul Național de Soluționare a Contestațiilor

Autoritatea Națională de Reglementare pentru Serviciile Comunitare de Utilități Publice (ANRSC)

Autoritatea Națională Sanitară Veterinară și pentru Siguranța Alimentelor

Autoritatea Națională pentru Protecția Consumatorilor

Autoritatea Navală Română

Autoritatea Feroviară Română

Autoritatea Rutieră Română

Autoritatea Națională pentru Protecția Drepturilor Copilului

Autoritatea Națională pentru Persoanele cu Handicap

Autoritatea Națională pentru Turism

Autoritatea Națională pentru Restituirea Proprietăților

**▼B**

Autoritatea Națională pentru Tineret

Autoritatea Națională pentru Cercetare Științifică

Autoritatea Națională pentru Reglementare în Comunicații și Tehnologia Informației

Autoritatea Națională pentru Serviciile Societății Informaționale

Autoritatea Electorală Permanente

Agenția pentru Strategii Guvernamentale

Agenția Națională a Medicamentului

Agenția Națională pentru Sport

Agenția Națională pentru Ocuparea Forței de Muncă

Agenția Națională de Reglementare în Domeniul Energiei

Agenția Română pentru Conservarea Energiei

Agenția Națională pentru Resurse Minerale

Agenția Română pentru Investiții Străine

Agenția Națională pentru Întreprinderi Mici și Mijlocii și Cooperație

Agenția Națională a Funcționarilor Publici

Agenția Națională de Administrare Fiscală

Agenția de Compensare pentru Achiziții de Tehnică Specială

Agenția Națională Anti-doping

Agenția Nucleară

Agenția Națională pentru Protecția Familiei

Agenția Națională pentru Egalitatea de Șanse între Bărbați și Femei

Agenția Națională pentru Protecția Mediului

Agenția națională Antidrog

SLOVENIA

Predsednik Republike Slovenije

Državni zbor Republike Slovenije

Državni svet Republike Slovenije

Varuh človekovih pravic

Ustavno sodišče Republike Slovenije

Računsko sodišče Republike Slovenije

Državna revizijska komisija za revizijo postopkov oddaje javnih naročil

Slovenska akademija znanosti in umetnosti

Vladne službe

Ministrstvo za finance

Ministrstvo za notranje zadeve

Ministrstvo za zunanje zadeve

Ministrstvo za obrambo

Ministrstvo za pravosodje

Ministrstvo za gospodarstvo

Ministrstvo za kmetijstvo, gozdarstvo in prehrano

Ministrstvo za promet



**▼B**

Ministrstvo za okolje in prostor

Ministrstvo za delo, družino in socialne zadeve

Ministrstvo za zdravje

Ministrstvo za javno upravo

Ministrstvo za šolstvo in šport

Ministrstvo za visoko šolstvo, znanost in tehnologijo

Ministrstvo za kulturo

Vrhovno sodišče Republike Slovenije

višja sodišča

okrožna sodišča

okrajna sodišča

Vrhovno državno tožilstvo Republike Slovenije

Okrožna državna tožilstva

Državno pravobranilstvo

Upravno sodišče Republike Slovenije

Višje delovno in socialno sodišče

delovna sodišča

Davčna uprava Republike Slovenije

Carinska uprava Republike Slovenije

Urad Republike Slovenije za preprečevanje pranja denarja

Urad Republike Slovenije za nadzor prirejanja iger na srečo

Uprava Republike Slovenije za javna plačila

Urad Republike Slovenije za nadzor proračuna

Policija

Inšpektorat Republike Slovenije za notranje zadeve

Generalštab Slovenske vojske

Uprava Republike Slovenije za zaščito in reševanje

Inšpektorat Republike Slovenije za obrambo

Inšpektorat Republike Slovenije za varstvo pred naravnimi in drugimi nesrečami

Uprava Republike Slovenije za izvrševanje kazenskih sankcij

Urad Republike Slovenije za varstvo konkurence

Urad Republike Slovenije za varstvo potrošnikov

Tržni inšpektorat Republike Slovenije

Urad Republike Slovenije za intelektualno lastnino

Inšpektorat Republike Slovenije za elektronske komunikacije, elektronsko pošto in pošto

Inšpektorat za energetiko in rudarstvo

Agencija Republike Slovenije za kmetijske trge in razvoj podeželja

**▼B**

Inšpektorat Republike Slovenije za kmetijstvo, gozdarstvo in hrano

Fitosanitarna uprava Republike Slovenije

Veterinarska uprava Republike Slovenije

Uprava Republike Slovenije za pomorstvo

Direkcija Republike Slovenije za caste

Prometni inšpektorat Republike Slovenije

Direkcija za vodenje investicij v javno železniško infrastrukturo

Agencija Republike Slovenije za okolje

Geodetska uprava Republike Slovenije

Uprava Republike Slovenije za jedrsko varstvo

Inšpektorat Republike Slovenije za okolje in prostor

Inšpektorat Republike Slovenije za delo

Zdravstveni inšpektorat

Urad Republike Slovenije za kemikalije

Uprava Republike Slovenije za varstvo pred sevanji

Urad Republike Slovenije za meroslovje

Urad za visoko šolstvo

Urad Republike Slovenije za mladino

Inšpektorat Republike Slovenije za šolstvo in šport

Arhiv Republike Slovenije

Inšpektorat Republike Slovenije za kulturo in medije

Kabinet predsednika Vlade Republike Slovenije

Generalni sekretariat Vlade Republike Slovenije

Služba vlade za zakonodajo

Služba vlade za evropske zadeve

Služba vlade za lokalno samoupravo in regionalno politiko

Urad vlade za komuniciranje

Urad za enake možnosti

Urad za verske skupnosti

Urad za narodnosti

Urad za makroekonomske analize in razvoj

Statistični urad Republike Slovenije

Slovenska obveščevalno-varnostna agencija

Protokol Republike Slovenije

Urad za varovanje tajnih podatkov

Urad za Slovence v zamejstvu in po svetu

Služba Vlade Republike Slovenije za razvoj

Informacijski pooblaščenec

Državna volilna komisija

**▼B**

## SLOVAKIA

Ministries and other central government authorities referred to as in Act No. 575/2001 Coll. on the structure of activities of the Government and central state administration authorities in wording of later regulations:

Kancelária Prezidenta Slovenskej republiky

Národná rada Slovenskej republiky

Ministerstvo hospodárstva Slovenskej republiky

Ministerstvo financií Slovenskej republiky

Ministerstvo dopravy, pôšt a telekomunikácií Slovenskej republiky

Ministerstvo pôdohospodárstva Slovenskej republiky

Ministerstvo výstavby a regionálneho rozvoja Slovenskej republiky

Ministerstvo vnútra Slovenskej republiky

Ministerstvo obrany Slovenskej republiky

Ministerstvo spravodlivosti Slovenskej republiky

Ministerstvo zahraničných vecí Slovenskej republiky

Ministerstvo práce, sociálnych vecí a rodiny Slovenskej republiky

Ministerstvo životného prostredia Slovenskej republiky

Ministerstvo školstva Slovenskej republiky

Ministerstvo kultúry Slovenskej republiky

Ministerstvo zdravotníctva Slovenskej republiky

Úrad vlády Slovenskej republiky

Protimonopolný úrad Slovenskej republiky

Štatistický úrad Slovenskej republiky

Úrad geodézie, kartografie a katastra Slovenskej republiky

Úrad jadrového dozoru Slovenskej republiky

Úrad pre normalizáciu, metrológiu a skúšobníctvo Slovenskej republiky

Úrad pre verejné obstarávanie

Úrad priemyselného vlastníctva Slovenskej republiky

Správa štátnych hmotných rezerv Slovenskej republiky

Národný bezpečnostný úrad

Ústavný súd Slovenskej republiky

Najvyšší súd Slovenskej republiky

Generálna prokuratúra Slovenskej republiky

Najvyšší kontrolný úrad Slovenskej republiky

Telekomunikačný úrad Slovenskej republiky

Úrad priemyselného vlastníctva Slovenskej republiky

Úrad pre finančný trh

Úrad na ochranu osobných údajov

Kancelária verejného ochrany práv

**▼ B**

## FINLAND

Oikeuskanslerinvirasto — Justitiekanslersämbetet

Liikenne- ja viestintäministeriö — Kommunikationsministeriet

Ajoneuvohallintokeskus AKE — Fordonsförvaltningscentralen AKE

Ilmailuhallinto — Luftfartsförvaltningen

Ilmatieteen laitos — Meteorologiska institutet

Merenkulkulaitos — Sjöfartsverket

Merentutkimuslaitos — Havsforskningsinstitutet

Ratahallintokeskus RHK — Banförvaltningscentralen RHK

Rautatievirasto — Järnvägsverket

Tiehallinto — Vägförvaltningen

Viestintävirasto — Kommunikationsverket

Maa- ja metsätalousministeriö — Jord- och skogsbruksministeriet

Elintarviketurvallisuusvirasto — Livsmedelssäkerhetsverket

Maanmittauslaitos — Lantmäteriverket

Maaseutuvirasto — Landsbygdsverket

Oikeusministeriö — Justitieministeriet

Tietosuoja-valtuutetun toimisto — Dataombudsmannens byrå

Tuomioistuimet — Domstolar

Korkein oikeus — Högsta domstolen

Korkein hallinto-oikeus — Högsta förvaltningsdomstolen

Hovioikeudet — Hovrätter

Kärjäoikeudet — Tingsrätter

Hallinto-oikeudet — Förvaltningsdomstolar

Markkinaoikeus — Marknadsdomstolen

Työtuomioistuin — Arbetsdomstolen

Vakuutus-oikeus — Försäkringsdomstolen

Kuluttajariitalautakunta — Konsumenttvistenämnden

Vankeinhoitolaitos — Fångvårdsväsendet

HEUNI — Yhdistyneiden Kansakuntien yhteydessä toimiva Euroopan rikin-  
naalipolitiikan instituutti — HEUNI — Europeiska institutet för krimin-  
alpolitik, verksamt i anslutning till Förenta nationerna

Konkurssiasiamiehen toimisto — Konkursombudsmannens byrå

Kuluttajariitalautakunta — Konsumenttvistenämnden

Oikeushallinnon palvelukeskus — Justitieförvaltningens servicecentral

Oikeushallinnon tietotekniikkakeskus — Justitieförvaltningens datateknik-  
central

Oikeuspoliittinen tutkimuslaitos (Optula) — Rättspolitiska forskningsinstitutet

Oikeusrekisterikeskus — Rättsregistercentralen

Onnettomuustutkintakeskus — Centralen för undersökning av olyckor

Rikosseuraamusvirasto — Brottsförhållningsverket

**▼ B**

Rikosseuraamusalan koulutuskeskus — Brottspåföljdsområdets utbildningssentral

Rikoksentorjuntaneuvosto — Rådet för brottsförebyggande

Saamelaiskäräjät — Sametinget

Valtakunnansyyttäjänvirasto — Riksåklagarämbetet

Vankeinhoitolaitos — Fångvårdsväsendet

Opetusministeriö — Undervisningsministeriet

Opetushallitus — Utbildningsstyrelsen

Valtion elokuvataarkastamo — Statens filmgranskningsbyrå

Puolustusministeriö — Försvarsministeriet

Puolustusvoimat — Försvarsmakten

Sisäasiainministeriö — Inrikesministeriet

Väestörekisterikeskus — Befolkningsregistercentralen

Keskusrikopoliisi — Centralkriminalpolisen

Liikkuva poliisi — Rörliga polisen

Rajavartiolaitos — Gränsbevakningsväsendet

Lääninhallitukset — Länstyrelserna

Suojelupoliisi — Skyddspolisen

Poliisiammattikorkeakoulu — Polisyreshögskolan

Poliisin tekniikkakeskus — Polisens teknikcentral

Poliisin tietohallintokeskus — Polisens datacentral

Helsingin kihlakunnan poliisilaitos — Polisinrättningen i Helsingfors

Pelastusopisto — Räddningsverket

Hätäkeskuslaitos — Nödcentralverket

Maahanmuuttovirasto — Migrationsverket

Sisäasiainhallinnon palvelukeskus — Inrikesförvaltningens servicecentral

Sosiaali- ja terveystieteiden ministeriö — Social- och hälsovårdsministeriet

Työttömyysturvan muutoksenhakulautakunta — Besvärnämnden för utkomstskyddsärenden

Sosiaaliturvan muutoksenhakulautakunta — Besvärnämnden för social trygghet

Lääkelaitos — Läkemedelsverket

Terveydenhuollon oikeusturvakeskus — Rättsskyddscentralen för hälsovården

Säteilyturvakeskus — Strålsäkerhetscentralen

Kansanterveyslaitos — Folkhälsoinstitutet

**▼B**

- Lääkehoidon kehittämiskeskus ROHTO — Utvecklingscentralen för läkemedelsbehandling
- Sosiaali- ja terveydenhuollon tuotevalvontakeskus — Social- och hälsovårdens produkttillsynscentral
- Sosiaali- ja terveystieteiden tutkimus- ja kehittämiskeskus Stakes — Forsknings- och utvecklingscentralen för social- och hälsovården Stakes
- Vakuutusvalvontavirasto — Försäkringsinspektionen
- Työ- ja elinkeinoministeriö — Arbets- och näringsministeriet
- Kuluttajavirasto — Konsumentverket
- Kilpailuvirasto — Konkurrensverket
- Patentti- ja rekisterihallitus — Patent- och registerstyrelsen
- Valtakunnansovittelijain toimisto — Riksförlikningsmännens byrå
- Valtion turvapaikanhakijoiden vastaanottokeskukset – Statliga förläggningar för asylsökande
- Energiamarkkinavirasto - Energimarknadsverket
- Geologian tutkimuskeskus — Geologiska forskningscentralen
- Huoltovarmuuskeskus — Försörjningsberedskapscentralen
- Kuluttajatutkimuskeskus — Konsumentforskningscentralen
- Matkailun edistämiskeskus (MEK) — Centralen för turistfrämjande
- Mittatekniikan keskus (MIKES) — Mätteknikcentralen
- Tekes — teknologian ja innovaatioiden kehittämiskeskus -Tekes — utvecklingscentralen för teknologi och innovationer
- Turvatekniikan keskus (TUKES) — Säkerhetsteknikcentralen
- Valtion teknillinen tutkimuskeskus (VTT) — Statens tekniska forskningscentral
- Syrjintälautakunta — Nationella diskrimineringsnämnden
- Työneuvosto — Arbetsrådet
- Vähemmistövaltuutetun toimisto — Minoritetsombudsmännens byrå
- Ulkoasiainministeriö — Utrikesministeriet
- Valtioneuvoston kanslia — Statsrådets kansli
- Valtiovarainministeriö — Finansministeriet
- Valtiokonttori — Statskontoret
- Verohallinto — Skatteförvaltningen
- Tullilaitos — Tullverket
- Tilastokeskus — Statistikcentralen
- Valtion taloudellinen tutkimuskeskus — Statens ekonomiska forskningscentral
- Ympäristöministeriö — Miljöministeriet
- Suomen ympäristökeskus — Finlands miljöcentral
- Asumisen rahoitus- ja kehityskeskus — Finansierings- och utvecklingscentralen för boendet
- Valtiontalouden tarkastusvirasto — Statens revisionsverk

**▼ B**

SWEDEN

A

Affärsverket svenska kraftnät

Akademien för de fria konsterna

Alkohol- och läkemedelssortiments-nämnden

Allmänna pensionsfonden

Allmänna reklamationsnämnden

Ambassader

Ansvarsnämnd, statens

Arbetsdomstolen

Arbetsförmedlingen

Arbetsgivarverk, statens

Arbetslivsinstitutet

Arbetsmiljöverket

Arkitekturmuseet

Arrendenämnder

Arvsfondsdelegationen

Arvsfondsdelegationen

B

Banverket

Barnombudsmannen

Beredning för utvärdering av medicinsk metodik, statens

Bergsstaten

Biografbyrå, statens

Biografiskt lexikon, svenskt

Birgittaskolan

Blekinge tekniska högskola

Bokföringsnämnden

Bolagsverket

Bostadsnämnd, statens

Bostadskreditnämnd, statens

Boverket

Brottsförebyggande rådet

Brottsoffermyndigheten

C

Centrala studiestödsnämnden

**▼ B**

## D

Danshögskolan

Datainspektionen

Departementen

Domstolsverket

Dramatiska institutet

## E

Ekeskolan

Ekobrottsmyndigheten

Ekonomistyrningsverket

Ekonomiska rådet

Elsäkerhetsverket

Energimarknadsinspektionen

Energimyndighet, statens

EU/FoU-rådet

Exportkreditnämnden

Exportråd, Sveriges

## F

Fastighetsmäklarnämnden

Fastighetsverk, statens

Fideikommissnämnden

Finansinspektionen

Finanspolitiska rådet

Finsk-svenska gränsälvskommissionen

Fiskeriverket

Flygmedicincentrum

Folkhälsoinstitut, statens

Fonden för fukt- och mögelskador

Forskningsrådet för miljö, areella näringar och samhällsbyggande, Formas

Folke Bernadotte Akademin

Forskarskattenämnden

Forskningsrådet för arbetsliv och socialvetenskap

Fortifikationsverket

Forum för levande historia

Försvarets materielverk

Försvarets radioanstalt

Försvarets underrättelsenämnd

Försvarshistoriska museer, statens

Försvarshögskolan

Försvarsmakten

Försäkringskassan



**▼B****G**

Gentekniknämnden  
Geologiska undersökning  
Geotekniska institut, statens  
Giftinformationscentralen  
Glesbygdsverket  
Grafiska institutet och institutet för högre kommunikation- och reklamutbildning  
Granskningsnämnden för radio och TV  
Granskningsnämnden för försvarsuppfinningar  
Gymnastik- och Idrottshögskolan  
Göteborgs universitet

**H**

Handelsflottans kultur- och fritidsråd  
Handelsflottans pensionsanstalt  
Handelssekreterare  
Handelskamrar, auktoriserade  
Handikappombudsmannen  
Handikappråd, statens  
Harpsunds-nämnden  
Haverikommission, statens  
Historiska museer, statens  
Hjälpmiddelsinstitutet  
Hovrätterna  
Hyresnämnder  
Häkterna  
Hälso- och sjukvårdens ansvarsnämnd  
Högskolan Dalarna  
Högskolan i Borås  
Högskolan i Gävle  
Högskolan i Halmstad  
Högskolan i Kalmar  
Högskolan i Karlskrona/Ronneby  
Högskolan i Kristianstad  
Högskolan i Skövde  
Högskolan i Trollhättan/Uddevalla  
Högskolan på Gotland  
Högskolans avskiljandenämnd  
Högskoleverket  
Högsta domstolen

**▼ B**

## I

ILO kommittén  
Inspektionen för arbetslöshetsförsäkringen  
Inspektionen för strategiska produkter  
Institut för kommunikationsanalys, statens  
Institut för psykosocial medicin, statens  
Institut för särskilt utbildningsstöd, statens  
Institutet för arbetsmarknadspolitisk utvärdering  
Institutet för rymdfysik  
Institutet för tillväxtpolitiska studier  
Institutionsstyrelse, statens  
Insättningsgarantinämnden  
Integrationsverket  
Internationella programkontoret för utbildningsområdet

## J

Jordbruksverk, statens  
Justitiekanslern  
Jämställdhetsombudsmannen  
Jämställdhetsnämnden  
Järnvägar, statens  
Järnvägsstyrelsen

## K

Kammarkollegiet  
Kammarrätterna  
Karlstads universitet  
Karolinska Institutet  
Kemikalieinspektionen  
Kommerskollegium  
Konjunkturinstitutet  
Konkurrensverket  
Konstfack  
Konsthögskolan  
Konstnärsnämnden  
Konstråd, statens  
Konsulat  
Konsumentverket  
Krigsvetenskapsakademin  
Krigsförsäkringsnämnden  
Kriminaltekniska laboratorium, statens  
Kriminalvården  
Krisberedskapsmyndigheten

**▼B**

Kristinaskolan  
Kronofogdemyndigheten  
Kulturråd, statens  
Kungl. Biblioteket  
Kungl. Konsthögskolan  
Kungl. Musikhögskolan i Stockholm  
Kungl. Tekniska högskolan  
Kungl. Vitterhets-, historie- och antikvitetsakademien  
Kungl Vetenskapsakademien  
Kustbevakningen  
Kvalitets- och kompetensråd, statens  
Kärnavfallsfondens styrelse

L

Lagrådet  
Lantbruksuniversitet, Sveriges  
Lantmäteriverket  
Linköpings universitet  
Livrustkammaren, Skoklosters slott och Hallwylska museet  
Livsmedelsverk, statens  
Livsmedelsekonomiska institutet  
Ljud- och bildarkiv, statens  
Lokala säkerhetsnämnderna vid kärnkraftverk  
Lotteriinspektionen  
Luftfartsverket  
Luftfartsstyrelsen  
Luleå tekniska universitet  
Lunds universitet  
Läkemedelsverket  
Läkemedelsförmånsnämnden  
Länsrätterna  
Länsstyrelserna  
Lärarhögskolan i Stockholm

M

Malmö högskola  
Manillaskolan  
Maritima muséer, statens  
Marknadsdomstolen  
Medlingsinstitutet

**▼B**

Meteorologiska och hydrologiska institut, Sveriges

Migrationsverket

Militärhögskolor

Mittuniversitetet

Moderna museet

Museer för världskultur, statens

Musikaliska Akademien

Musiksamlingar, statens

Myndigheten för handikappolitisk samordning

Myndigheten för internationella adoptionsfrågor

Myndigheten för skolutveckling

Myndigheten för kvalificerad yrkesutbildning

Myndigheten för nätverk och samarbete inom högre utbildning

Myndigheten för Sveriges nätuniversitet

Myndigheten för utländska investeringar i Sverige

Mälardalens högskola

N

Nationalmuseum

Nationellt centrum för flexibelt lärande

Naturhistoriska riksmuseet

Naturvårdsverket

Nordiska Afrikainstitutet

Notarienämnden

Nämnd för arbetstagares uppfinningar, statens

Nämnden för statligt stöd till trossamfund

Nämnden för styrelserepresentationsfrågor

Nämnden mot diskriminering

Nämnden för elektronisk förvaltning

Nämnden för RH anpassad utbildning

Nämnden för hemslöjdsfrågor

O

Oljekrisnämnden

Ombudsmannen mot diskriminering på grund av sexuell läggning

Ombudsmannen mot etnisk diskriminering

Operahögskolan i Stockholm

**▼B**

## P

Patent- och registreringsverket

Patentbesvärsrätten

Pensionsverk, statens

Personregisternämnd statens, SPAR-nämnden

Pliktverk, Totalförsvarets

Polarforskningssekreteriatet

Post- och telestyrelsen

Premiepensionsmyndigheten

Presstödsnämnden

## R

Radio- och TV-verket

Rederinämnden

Regeringskansliet

Regeringsrätten

Resegarantinämnden

Registernämnden

Revisorsnämnden

Riksantikvarieämbetet

Riksarkivet

Riksbanken

Riksdagsförvaltningen

Riksdagens ombudsmän

Riksdagens revisorer

Riksgäldskontoret

Rikshemvärnsrådet

Rikspolisstyrelsen

Riksrevisionen

Rikstrafiken

Riksutställningar, Stiftelsen

Riksvärderingsnämnden

Rymdstyrelsen

Rådet för Europeiska socialfonden i Sverige

Räddningsverk, statens

Rättshjälpsmyndigheten

Rättshjälpsnämnden

Rättsmedicinalverket

**▼ B**

S

Samarbetsnämnden för statsbidrag till trossamfund

Sameskolstyrelsen och sameskolor

Sametinget

SIS, Standardiseringen i Sverige

Sjöfartsverket

Skatterättsnämnden

Skatteverket

Skaderegleringsnämnd, statens

Skiljenämnden i vissa trygghetsfrågor

Skogsstyrelsen

Skogsvårdsstyrelserna

Skogs och lantbruksakademien

Skolverk, statens

Skolväsendets överklagandenämnd

Smittskyddsinstitutet

Socialstyrelsen

Specialpedagogiska institutet

Specialskolemyndigheten

Språk- och folkminnesinstitutet

Sprängämnesinspektionen

Statistiska centralbyrån

Statskontoret

Stockholms universitet

Stockholms internationella miljöinstitut

Strålsäkerhetsmyndigheten

Styrelsen för ackreditering och teknisk kontroll

Styrelsen för internationellt utvecklingssamarbete, SIDA

Styrelsen för Samefonden

Styrelsen för psykologiskt försvar

Stängselnämnden

Svenska institutet

Svenska institutet för europapolitiska studier

Svenska ESF rådet

Svenska Unescorådet

Svenska FAO kommittén

**▼ B**

Svenska Språknämnden

Svenska Skeppshypotekskassan

Svenska institutet i Alexandria

Sveriges författarfond

Säkerhetspolisen

Säkerhets- och integritetsskyddsnämnden

Södertörns högskola

T

Taltidningsnämnden

Talboks- och punktskriftsbiblioteket

Teaterhögskolan i Stockholm

Tingsrätterna

Tjänstepensions och grupplivnämnd, statens

Tjänsteförslagsnämnden för domstolsväsendet

Totalförsvarets forskningsinstitut

Totalförsvarets pliktverk

Tullverket

Turistdelegationen

U

Umeå universitet

Ungdomsstyrelsen

Uppsala universitet

Utlandslönenämnd, statens

Utlänningsnämnden

Utrikesförvaltningens antagningsnämnd

Utrikesnämnden

Utsädeskontroll, statens

V

Valideringsdelegationen

Valmyndigheten

Vatten- och avloppsnämnd, statens

Vattenöverdomstolen

Verket för förvaltningsutveckling

Verket för högskoleservice

Verket för innovationssystem (VINNOVA)

Verket för näringslivsutveckling (NUTEK)

Vetenskapsrådet

**▼B**

Veterinärmedicinska anstalt, statens

Veterinära ansvarsnämnden

Väg- och transportforskningsinstitut, statens

Vägverket

Vänerskolan

Växjö universitet

Växtsortnämnd, statens

Å

Åklagarmyndigheten

Åsbackaskolan

Ö

Örebro universitet

Örlogsmannasällskapet

Östervångsskolan

Överbefälhavaren

Överklagandenämnden för högskolan

Överklagandenämnden för nämndemanna-uppdrag

Överklagandenämnden för studiestöd

Överklagandenämnden för totalförsvaret

UNITED KINGDOM

Cabinet Office

Office of the Parliamentary Counsel

Central Office of Information

Charity Commission

Crown Estate Commissioners (Vote Expenditure Only)

Crown Prosecution Service

Department for Business, Enterprise and Regulatory Reform

Competition Commission

Gas and Electricity Consumers' Council

Office of Manpower Economics

Department for Children, Schools and Families

Department of Communities and Local Government

Rent Assessment Panels

Department for Culture, Media and Sport

British Library

British Museum

Commission for Architecture and the Built Environment

The Gambling Commission



**▼B**

Historic Buildings and Monuments Commission for England (English Heritage)

Imperial War Museum

Museums, Libraries and Archives Council

National Gallery

National Maritime Museum

National Portrait Gallery

Natural History Museum

Science Museum

Tate Gallery

Victoria and Albert Museum

Wallace Collection

Department for Environment, Food and Rural Affairs

Agricultural Dwelling House Advisory Committees

Agricultural Land Tribunals

Agricultural Wages Board and Committees

Cattle Breeding Centre

Countryside Agency

Plant Variety Rights Office

Royal Botanic Gardens, Kew

Royal Commission on Environmental Pollution

Department of Health

Dental Practice Board

National Health Service Strategic Health Authorities

NHS Trusts

Prescription Pricing Authority

Department for Innovation, Universities and Skills

Higher Education Funding Council for England

National Weights and Measures Laboratory

Patent Office

Department for International Development

Department of the Procurator General and Treasury Solicitor

Legal Secretariat to the Law Officers

Department for Transport

Maritime and Coastguard Agency

Department for Work and Pensions

Disability Living Allowance Advisory Board

Independent Tribunal Service

**▼B**

Medical Boards and Examining Medical Officers (War Pensions)

Occupational Pensions Regulatory Authority

Regional Medical Service

Social Security Advisory Committee

Export Credits Guarantee Department

Foreign and Commonwealth Office

Wilton Park Conference Centre

Government Actuary's Department

Government Communications Headquarters

Home Office

HM Inspectorate of Constabulary

House of Commons

House of Lords

Ministry of Defence

Defence Equipment & Support

Meteorological Office

Ministry of Justice

Boundary Commission for England

Combined Tax Tribunal

Council on Tribunals

Court of Appeal — Criminal

Employment Appeals Tribunal

Employment Tribunals

HMCS Regions, Crown, County and Combined Courts (England and Wales)

Immigration Appellate Authorities

Immigration Adjudicators

Immigration Appeals Tribunal

Lands Tribunal

Law Commission

Legal Aid Fund (England and Wales)

Office of the Social Security Commissioners

Parole Board and Local Review Committees

Pensions Appeal Tribunals

Public Trust Office

Supreme Court Group (England and Wales)

Transport Tribunal

**▼B**

The National Archives

National Audit Office

National Savings and Investments

National School of Government

Northern Ireland Assembly Commission

Northern Ireland Court Service

    Coroners Courts

    County Courts

    Court of Appeal and High Court of Justice in Northern Ireland

    Crown Court

    Enforcement of Judgements Office

    Legal Aid Fund

    Magistrates' Courts

    Pensions Appeals Tribunals

Northern Ireland, Department for Employment and Learning

Northern Ireland, Department for Regional Development

Northern Ireland, Department for Social Development

Northern Ireland, Department of Agriculture and Rural Development

Northern Ireland, Department of Culture, Arts and Leisure

Northern Ireland, Department of Education

Northern Ireland, Department of Enterprise, Trade and Investment

Northern Ireland, Department of the Environment

Northern Ireland, Department of Finance and Personnel

Northern Ireland, Department of Health, Social Services and Public Safety

Northern Ireland, Office of the First Minister and Deputy First Minister

Northern Ireland Office

    Crown Solicitor's Office

    Department of the Director of Public Prosecutions for Northern Ireland

    Forensic Science Laboratory of Northern Ireland

    Office of the Chief Electoral Officer for Northern Ireland

    Police Service of Northern Ireland

    Probation Board for Northern Ireland

    State Pathologist Service

Office of Fair Trading

Office for National Statistics

    National Health Service Central Register

**▼B**

Office of the Parliamentary Commissioner for Administration and Health Service Commissioners

Paymaster General's Office

Postal Business of the Post Office

Privy Council Office

Public Record Office

HM Revenue and Customs

The Revenue and Customs Prosecutions Office

Royal Hospital, Chelsea

Royal Mint

Rural Payments Agency

Scotland, Auditor-General

Scotland, Crown Office and Procurator Fiscal Service

Scotland, General Register Office

Scotland, Queen's and Lord Treasurer's Remembrancer

Scotland, Registers of Scotland

The Scotland Office

The Scottish Ministers

Architecture and Design Scotland

Crofters Commission

Deer Commission for Scotland

Lands Tribunal for Scotland

National Galleries of Scotland

National Library of Scotland

National Museums of Scotland

Royal Botanic Garden, Edinburgh

Royal Commission on the Ancient and Historical Monuments of Scotland

Scottish Further and Higher Education Funding Council

Scottish Law Commission

Community Health Partnerships

Special Health Boards

Health Boards

The Office of the Accountant of Court

High Court of Justiciary

Court of Session

HM Inspectorate of Constabulary

**▼B**

Parole Board for Scotland

Pensions Appeal Tribunals

Scottish Land Court

Sheriff Courts

Scottish Police Services Authority

Office of the Social Security Commissioners

The Private Rented Housing Panel and Private Rented Housing Committees

Keeper of the Records of Scotland

The Scottish Parliamentary Body Corporate

HM Treasury

Office of Government Commerce

United Kingdom Debt Management Office

The Wales Office (Office of the Secretary of State for Wales)

The Welsh Ministers

Higher Education Funding Council for Wales

Local Government Boundary Commission for Wales

The Royal Commission on the Ancient and Historical Monuments of Wales

Valuation Tribunals (Wales)

Welsh National Health Service Trusts and Local Health Boards

Welsh Rent Assessment Panels



## 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 CPV and the NACE, the CPV nomenclature will apply.

| NACE Rev. 1 (1) |       |       |  |  | CPV code |
|-----------------|-------|-------|--|--|----------|
| SECTION F       |       |       | CONSTRUCTION   |  |          |
| Division        | Group | Class | Subject  | Notes  |          |
| 45              |       |       | Construction   | This division includes:<br>— construction of new buildings and works, restoring and common repairs.  | 45000000 |
|                 | 45.1  |       | Site preparation   |  | 45100000 |
|                 |       | 45.11 | Demolition and wrecking of buildings; moving of earth                  | This class includes:<br>— demolition of buildings and other structures,<br>— clearing of building sites,<br>— earth moving: excavation, landfill, levelling and grading of construction sites, trench digging, rock removal, blasting, etc.<br>— site preparation for mining:<br>— overburden removal and other development and preparation of mineral properties and sites.<br><br>This class also includes:<br>— building site drainage.<br>— drainage of agricultural or forestry land. | 45110000 |
|                 |       | 45.12 | Test drilling and boring   | This class includes:<br>— test drilling, test boring and core sampling for construction, geophysical, geological or similar purposes.<br><br>This class excludes:<br>— drilling of production oil or gas wells, see 11.20.<br>— water well drilling, see 45.25,<br>— shaft sinking, see 45.25,<br>— oil and gas field exploration, geophysical, geological and seismic surveying, see 74.20.   | 45120000 |
|                 | 45.2  |       | Building of complete constructions or parts thereof; civil engineering |  | 45200000 |



| NACE Rev. 1 (1) |       |       |   |  | CPV code   |
|-----------------|-------|-------|---|--|--|
| SECTION F       |       |       | CONSTRUCTION  |  |  |
| Division        | Group | Class | Subject   | Notes  |  |
|                 |       | 45.21 | General construction of buildings and civil engineering works   | <p>This class includes:</p> <ul style="list-style-type: none"> <li>— construction of all types of buildings</li> <li>— construction of civil engineering constructions,</li> <li>— bridges, including those for elevated highways, viaducts, tunnels and subways,</li> <li>— long-distance pipelines, communication and power lines,</li> <li>— urban pipelines, urban communication and power lines,</li> <li>— ancillary urban works,</li> <li>— assembly and erection of prefabricated constructions on the site.</li> </ul> <p>This class excludes:</p> <ul style="list-style-type: none"> <li>— service activities incidental to oil and gas extraction, see 11.20,</li> <li>— erection of complete prefabricated constructions from self-manufactured parts not of concrete, see divisions 20, 26 and 28,</li> <li>— construction work, other than buildings, for stadiums, swimming pools, gymnasiums, tennis courts, golf courses and other sports installations, see 45.23,</li> <li>— building installation, see 45.3,</li> <li>— building completion, see 45.4,</li> <li>— architectural and engineering activities, see 74.20,</li> <li>— project management for construction, see 74.20.</li> </ul> | 45210000<br>Except:<br>– 45213316<br>45220000<br>45231000<br>45232000              |
|                 |       | 45.22 | Erection of roof covering and frames                            | <p>This class includes:</p> <ul style="list-style-type: none"> <li>— erection of roofs,</li> <li>— roof covering,</li> <li>— waterproofing.</li> </ul>   | 45261000   |
|                 |       | 45.23 | Construction of highways, roads, airfields and sport facilities | <p>This class includes:</p> <ul style="list-style-type: none"> <li>— construction of highways, streets, roads, other vehicular and pedestrian ways,</li> <li>— construction of railways,</li> <li>— construction of airfield runways,</li> <li>— construction work, other than buildings, for stadiums, swimming pools, gymnasiums, tennis courts, golf courses and other sports installations,</li> <li>— painting of markings on road surfaces and car parks.</li> </ul> <p>This class excludes:</p> <ul style="list-style-type: none"> <li>— preliminary earth moving, see 45.11.</li> </ul>  | 45212212 and DA03<br>45230000<br>except:<br>– 45231000<br>– 45232000<br>– 45234115 |

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| NACE Rev. 1 (1) |       |       |  |   | CPV code             |
|-----------------|-------|-------|--|---|----------------------|
| SECTION F       |       |       | CONSTRUCTION                                     |   |                      |
| Division        | Group | Class | Subject  | Notes   |                      |
|                 |       | 45.24 | Construction of water projects                   | <p>This class includes</p> <ul style="list-style-type: none"> <li>— construction of:</li> <li>— waterways, harbour and river works, pleasure ports (marinas), locks, etc.,</li> <li>— dams and dykes,</li> <li>— dredging,</li> <li>— subsurface work.</li> </ul>   | 45240000             |
|                 |       | 45.25 | Other construction work involving special trades | <p>This class includes:</p> <ul style="list-style-type: none"> <li>— construction activities specialising in one aspect common to different kinds of structures, requiring specialised skill or equipment,</li> <li>— construction of foundations, including pile driving,</li> <li>— water well drilling and construction, shaft sinking,</li> <li>— erection of non-self-manufactured steel elements,</li> <li>— steel bending,</li> <li>— bricklaying and stone setting,</li> <li>— scaffolds and work platform erecting and dismantling, including renting of scaffolds and work platforms,</li> <li>— erection of chimneys and industrial ovens.</li> </ul> <p>This class excludes:</p> <ul style="list-style-type: none"> <li>— renting of scaffolds without erection and dismantling, see 71.32</li> </ul> | 45250000<br>45262000 |
|                 | 45.3  |       | Building installation                            |   | 45300000             |



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| NACE Rev. 1 (1) |       |       |  |  | CPV code   |
|-----------------|-------|-------|--|--|--|
| SECTION F       |       |       | CONSTRUCTION                                   |  |  |
| Division        | Group | Class | Subject  | Notes  |  |
|                 |       | 45.31 | Installation of electrical wiring and fittings | <p>This class includes:</p> <p>installation in buildings or other construction projects of:</p> <ul style="list-style-type: none"> <li>— electrical wiring and fittings,</li> <li>— telecommunications systems,</li> <li>— electrical heating systems,</li> <li>— residential antennas and aerials,</li> <li>— fire alarms,</li> <li>— burglar alarm systems,</li> <li>— lifts and escalators,</li> <li>— lightning conductors, etc.</li> </ul>                                | <p>45213316</p> <p>45310000</p> <p>Except:</p> <p>— 45316000</p> |
|                 |       | 45.32 | Insulation work activities                     | <p>This class includes:</p> <ul style="list-style-type: none"> <li>— installation in buildings or other construction projects of thermal, sound or vibration insulation.</li> </ul> <p>This class excludes:</p> <ul style="list-style-type: none"> <li>— waterproofing, see 45.22.</li> </ul>  | 45320000   |
|                 |       | 45.33 | Plumbing                                       | <p>This class includes:</p> <ul style="list-style-type: none"> <li>— installation in buildings or other construction projects of:</li> <li>— plumbing and sanitary equipment,</li> <li>— gas fittings,</li> <li>— heating, ventilation, refrigeration or air-conditioning equipment and ducts,</li> <li>— sprinkler systems.</li> </ul> <p>This class excludes:</p> <ul style="list-style-type: none"> <li>— installation of electrical heating systems, see 45.31.</li> </ul> | 45330000   |
|                 |       | 45.34 | Other building installation                    | <p>This class includes:</p> <ul style="list-style-type: none"> <li>— installation of illumination and signalling systems for roads, railways, airports and harbours,</li> <li>— installation in buildings or other construction projects of fittings and fixtures n.e.c.</li> </ul>  | <p>45234115</p> <p>45316000</p> <p>45340000</p>                  |
|                 | 45.4  |       | Building completion                            |  | 45400000   |

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| NACE Rev. 1 (1) |       |       |                         |  | CPV code |
|-----------------|-------|-------|-------------------------|--|----------|
| SECTION F       |       |       | CONSTRUCTION            |  |          |
| Division        | Group | Class | Subject                 | Notes  |          |
|                 |       | 45.41 | Plastering              | <p>This class includes:</p> <ul style="list-style-type: none"> <li>— application in buildings or other construction projects of interior and exterior plaster or stucco, including related lathing materials.</li> </ul>   | 45410000 |
|                 |       | 45.42 | Joinery installation    | <p>This class includes:</p> <ul style="list-style-type: none"> <li>— installation of not self-manufactured doors, windows, door and window frames, fitted kitchens, staircases, shop fittings and the like, of wood or other materials,</li> <li>— interior completion such as ceilings, wooden wall coverings, movable partitions, etc.</li> </ul> <p>This class excludes:</p> <ul style="list-style-type: none"> <li>— laying of parquet and other wood floor coverings, see 45.43.</li> </ul> | 45420000 |
|                 |       | 45.43 | Floor and wall covering | <p>This class includes:</p> <ul style="list-style-type: none"> <li>— laying, tiling, hanging or fitting in buildings or other construction projects of:</li> <li>— ceramic, concrete or cut stone wall or floor tiles,</li> <li>— parquet and other wood floor coverings carpets and linoleum floor coverings,</li> <li>— including of rubber or plastic,</li> <li>— terrazzo, marble, granite or slate floor or wall coverings,</li> <li>— wallpaper.</li> </ul>                                | 45430000 |
|                 |       | 45.44 | Painting and glazing    | <p>This class includes:</p> <ul style="list-style-type: none"> <li>— interior and exterior painting of buildings,</li> <li>— painting of civil engineering structures,</li> <li>— installation of glass, mirrors, etc.</li> </ul> <p>This class excludes:</p> <ul style="list-style-type: none"> <li>— installation of windows, see 45.42,</li> </ul>  | 45440000 |

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| NACE Rev. 1 <sup>(1)</sup> |       |       |   |  | CPV code                      |
|----------------------------|-------|-------|---|--|-------------------------------|
| SECTION F                  |       |       | CONSTRUCTION  |  |                               |
| Division                   | Group | Class | Subject   | Notes  |                               |
|                            |       | 45.45 | Other building completion                                     | <p>This class includes:</p> <ul style="list-style-type: none"> <li>— installation of private swimming pools,</li> <li>— steam cleaning, sand blasting and similar activities for building exteriors,</li> <li>— other building completion and finishing work n.e.c.</li> </ul> <p>This class excludes:</p> <ul style="list-style-type: none"> <li>— interior cleaning of buildings and other structures, see 74.70.</li> </ul> | 45212212 and DA04<br>45450000 |
|                            | 45.5  |       | Renting of construction or demolition equipment with operator |  | 45500000                      |
|                            |       | 45.50 | Renting of construction or demolition equipment with operator | <p>This class excludes:</p> <ul style="list-style-type: none"> <li>— renting of construction or demolition machinery and equipment without operators, see 71.32.</li> </ul>  | 45500000                      |

<sup>(1)</sup> Council Regulation (EEC) No 3037/90 of 9 October 1990 on the statistical classification of economic activities in the European Community (OJ L 293, 24.10.1990, p. 1).



*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 is that in Annex 1 point 3 of the GPA on which the following indicative list of products is based:

|             |  |
|-------------|--|
| Chapter 25: | Salt, sulphur, earths and stone, plastering materials, lime and cement   |
| Chapter 26: | Metallic ores, slag and ash  |
| Chapter 27: | Mineral fuels, mineral oils and products of their distillation, bituminous substances, mineral waxes<br>except:<br>ex 27.10: special engine fuels  |
| Chapter 28: | Inorganic chemicals, organic and inorganic compounds of precious metals, of rare-earth metals, of radioactive elements and of isotopes<br>except:<br>ex 28.09: explosives<br>ex 28.13: explosives<br>ex 28.14: tear gas<br>ex 28.28: explosives<br>ex 28.32: explosives<br>ex 28.39: explosives<br>ex 28.50: toxic products<br>ex 28.51: toxic products<br>ex 28.54: explosives  |
| Chapter 29: | Organic chemicals<br>except:<br>ex 29.03: explosives<br>ex 29.04: explosives<br>ex 29.07: explosives<br>ex 29.08: explosives<br>ex 29.11: explosives<br>ex 29.12: explosives<br>ex 29.13: toxic products<br>ex 29.14: toxic products<br>ex 29.15: toxic products<br>ex 29.21: toxic products<br>ex 29.22: toxic products<br>ex 29.23: toxic products<br>ex 29.26: explosives<br>ex 29.27: toxic products<br>ex 29.29: explosives |

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|             |   |
|-------------|---|
| Chapter 30: | Pharmaceutical products   |
| Chapter 31: | Fertilisers   |
| Chapter 32: | Tanning and dyeing extracts, tannings and their derivatives, dyes, colours, paints and varnishes, putty, fillers and stoppings, inks  |
| Chapter 33: | Essential oils and resinoids, perfumery, cosmetic or toilet preparations  |
| Chapter 34: | Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing and scouring preparations, candles and similar articles, modelling pastes and 'dental waxes' |
| Chapter 35: | Albuminoidal substances, glues, enzymes   |
| Chapter 37: | Photographic and cinematographic goods  |
| Chapter 38: | Miscellaneous chemical products,<br>except:<br>ex 38.19: toxic products   |
| Chapter 39: | Artificial resins and plastic materials, celluloses esters and ethers, articles thereof,<br>except:<br>ex 39.03: explosives   |
| Chapter 40: | Rubber, synthetic rubber, factice, and articles thereof,<br>except:<br>ex 40.11: bullet-proof tyres   |
| Chapter 41: | Raw hides and skins (other than fur skins) and leather  |
| Chapter 42: | Articles of leather, saddlery and harness, travel goods, handbags and similar containers, articles of animal gut (other than silk-worm gut)   |
| Chapter 43: | Fur skins and artificial fur, manufactures thereof  |
| Chapter 44: | Wood and articles of wood, wood charcoal  |
| Chapter 45: | Cork and articles of cork   |
| Chapter 46: | Manufactures of straw of esparto and of other plaiting materials, basketware and wickerwork   |
| Chapter 47: | Paper-making material   |
| Chapter 48: | Paper and paperboard, articles of paper pulp, of paper or of paperboard   |
| Chapter 49: | Printed books, newspapers, pictures and other products of the printing industry, manuscripts, typescripts and plans   |
| Chapter 65: | Headgear and parts thereof  |

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|             |   |
|-------------|---|
| Chapter 66: | Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof   |
| Chapter 67: | Prepared feathers and down and articles made of feathers or of down, artificial flowers, articles of human hair   |
| Chapter 68: | Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials   |
| Chapter 69: | Ceramic products  |
| Chapter 70: | Glass and glassware   |
| Chapter 71: | Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewellery   |
| Chapter 73: | Iron and steel and articles thereof   |
| Chapter 74: | Copper and articles thereof   |
| Chapter 75: | Nickel and articles thereof   |
| Chapter 76: | Aluminium and articles thereof  |
| Chapter 77: | Magnesium and beryllium and articles thereof  |
| Chapter 78: | Lead and articles thereof   |
| Chapter 79: | Zinc and articles thereof   |
| Chapter 80: | Tin and articles thereof  |
| Chapter 81: | Other base metals employed in metallurgy and articles thereof   |
| Chapter 82: | Tools, implements, cutlery, spoons and forks, of base metal, parts thereof, except:<br>ex 82.05: tools<br>ex 82.07: tools, parts  |
| Chapter 83: | Miscellaneous articles of base metal  |
| Chapter 84: | Boilers, machinery and mechanical appliances, parts thereof, except:<br>ex 84.06: engines<br>ex 84.08: other engines<br>ex 84.45: machinery<br>ex 84.53: automatic data-processing machines<br>ex 84.55: parts of machines under heading No 84.53<br>ex 84.59: nuclear reactors |

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|             |  |
|-------------|--|
| Chapter 85: | Electrical machinery and equipment, parts thereof,<br>except:<br>ex 85.13: telecommunication equipment<br>ex 85.15: transmission apparatus   |
| Chapter 86: | Railway and tramway locomotives, rolling-stock and parts thereof, railway and tramway tracks fixtures and fittings, traffic signalling equipment of all kinds (not electrically powered),<br>except:<br>ex 86.02: armoured locomotives, electric<br>ex 86.03: other armoured locomotives<br>ex 86.05: armoured wagons<br>ex 86.06: repair wagons<br>ex 86.07: wagons   |
| Chapter 87: | Vehicles, other than railway or tramway rolling-stock, and parts thereof,<br>except:<br>ex 87.08: tanks and other armoured vehicles<br>ex 87.01: tractors<br>ex 87.02: military vehicles<br>ex 87.03: breakdown lorries<br>ex 87.09: motorcycles<br>ex 87.14: trailers   |
| Chapter 89: | Ships, boats and floating structures,<br>except:<br>ex 89.01A: warships  |
| Chapter 90: | Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus, parts thereof,<br>except:<br>ex 90.05: binoculars<br>ex 90.13: miscellaneous instruments, lasers<br>ex 90.14: telemeters<br>ex 90.28: electrical and electronic measuring instruments<br>ex 90.11: microscopes<br>ex 90.17: medical instruments<br>ex 90.18: mechano-therapy appliances<br>ex 90.19: orthopaedic appliances<br>ex 90.20: X-ray apparatus |
| Chapter 91: | Manufacture of watches and clocks  |

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|             |  |
|-------------|--|
| Chapter 92: | Musical instruments, sound recorders or reproducers, television image and sound recorders or reproducers, parts and accessories of such articles       |
| Chapter 94: | Furniture and parts thereof, bedding, mattresses, mattress supports, cushions and similar stuffed furnishings,<br>except:<br>ex 94.01A: aircraft seats |
| Chapter 95: | Articles and manufactures of carving or moulding material  |
| Chapter 96: | Brooms, brushes, powder-puffs and sieves   |
| Chapter 98: | Miscellaneous manufactured articles  |



**▼B***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 for participation as well as plans and projects in design contests must at least guarantee, through technical means and appropriate procedures, that:

- (a) the exact time and date of the receipt of tenders, requests to participate and the submission of plans and projects can be determined precisely;
- (b) it may be reasonably ensured that, before the time limits laid down, no-one can have access to data transmitted under these requirements;
- (c) only authorised persons may set or change the dates for opening data received;
- (d) during the different stages of the procurement procedure or of the design contest access to all data submitted, or to part thereof, must be possible only for authorised persons;
- (e) only authorised persons must give access to data transmitted and only after the prescribed date;
- (f) data received and opened in accordance with these requirements must remain accessible only to persons authorised to acquaint themselves therewith;
- (g) where the access prohibitions or conditions referred to under points (b), (c), (d), (e) and (f) are infringed or there is an attempt to do so, it may be reasonably ensured that the infringements or attempts are clearly detectable.

*ANNEX V***INFORMATION TO BE INCLUDED IN NOTICES**

## PART A

**Information to be included in notices of the publication of a prior information notice on a buyer profile**

1. Name, identification number (where provided for in national legislation), address including NUTS code, telephone, fax number, email and internet address of the contracting authority and, where different, of the service from which additional information may be obtained.
2. Type of contracting authority and main activity exercised.
3. Where appropriate, indication that the contracting authority is a centralised purchasing body; or that any other form of joint procurement is or may be involved.
4. CPV codes.
5. Internet address of the 'buyer profile' (URL).
6. Date of dispatch of the notice of the publication of the prior information notice on the buyer profile.

## PART B

**Information to be included in prior information notices**

(as referred to in Article 48)

**I. Information to be included in all cases**

1. Name, identification number (where provided for in national legislation), address including NUTS code, telephone, fax number, email and internet address of the contracting authority and, where different, of the service from which additional information may be obtained.
2. Email or internet address at which the procurement documents will be available for unrestricted and full direct access, free of charge.

Where unrestricted and full direct access, free of charge, is not available for the reasons set out in the second and third subparagraph of Article 53(1), an indication of how the procurement documents can be accessed.

3. Type of contracting authority and main activity exercised.
4. Where appropriate, indication that the contracting authority is a centralised purchasing body or that any other form of joint procurement is or may be involved.

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5. CPV codes; where the contract is divided into lots, this information shall be provided for each lot.
  6. NUTS code for the main location of works in case of works contracts or NUTS code for the main place of delivery or performance in supply and service contracts; where the contract is divided into lots, this information shall be provided for each lot.
  7. Brief description of the procurement: nature and extent of works, nature and quantity or value of supplies, nature and extent of services.
  8. Where this notice is not used as a means of calling for competition, estimated date(s) for publication of a contract notice or contract notices in respect of the contract(s) referred to in this prior information notice.
  9. Date of dispatch of the notice.
  10. Any other relevant information.
  11. Indication whether the contract is covered by the GPA.
- II. Additional information to be supplied where the notice is used as a means of calling for competition (Article 48(2))**
1. A reference to the fact that interested economic operators shall advise the authority of their interest in the contract or contracts.
  2. Type of award procedure (restricted procedures, whether or not involving a dynamic purchasing system, or competitive procedures with negotiation).
  3. Where appropriate, indication whether:
    - (a) a framework agreement is involved,
    - (b) a dynamic purchasing system is involved.
  4. As far as already known, time-frame for delivery or provision of products, works or services and duration of the contract.
  5. As far as already known, conditions for participation, including:
    - (a) where appropriate, indication whether the public contract is restricted to sheltered workshops, or whether its execution is restricted to the framework of protected job programmes,
    - (b) where appropriate, indication whether the provision of the service is reserved by law, regulation or administrative provision to a particular profession,
    - (c) brief description of selection criteria.
  6. As far as already known, brief description of criteria to be used for award of the contract.
  7. As far as already known, estimated total magnitude for contract(s); where the contract is divided into lots, this information shall be provided for each lot.
  8. Time limits for receipt of expressions of interest.

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9. Address where expressions of interest shall be transmitted.
10. Language or languages authorised for the presentation of candidatures or tenders.
11. Where appropriate, indication whether:
  - (a) electronic submission of tenders or requests to participate will be required/accepted,
  - (b) electronic ordering will be used,
  - (c) electronic invoicing will be used,
  - (d) electronic payment will be accepted.
12. Information whether the contract is related to a project and /or programme financed by Union funds.
13. Name and address of the body responsible for review and, where appropriate, mediation procedures. Precise information concerning time limits for review procedures, or, if need be, the name, address, telephone number, fax number and e-mail address of the service from which this information may be obtained.

## PART C

**Information to be included in contract notices**

(as referred to in Article 49)

1. Name, identification number (where provided for in national legislation), address including NUTS code, telephone, fax number, email and internet address of the contracting authority and, where different, of the service from which additional information may be obtained.
2. Email or internet address at which the procurement documents will be available for unrestricted and full direct access, free of charge.

Where unrestricted and full direct access, free of charge, is not available for the reasons set out in the second and third subparagraphs of Article 53(1), an indication of how the procurement documents can be accessed.
3. Type of contracting authority and main activity exercised.
4. Where appropriate, indication that the contracting authority is a central purchasing body or that any other form of joint procurement is involved.
5. CPV codes; where the contract is divided into lots, this information shall be provided for each lot.
6. NUTS code for the main location of works in case of works contracts or NUTS code for the main place of delivery or performance in supply and service contracts; where the contract is divided into lots, this information shall be provided for each lot.
7. Description of the procurement: nature and extent of works, nature and quantity or value of supplies, nature and extent of services. Where the contract is divided into lots, this information shall be provided for each lot. Where appropriate, description of any options.
8. Estimated total order of magnitude of contract(s); where the contract is divided into lots, this information shall be provided for each lot.

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9. Admission or prohibition of variants.
10. Time-frame for delivery or provision of supplies, works or services and, as far as possible, duration of the contract.
  - (a) In the case of a framework agreement, indication of the planned duration of the framework agreement, stating, where appropriate, the reasons for any duration exceeding four years; as far as possible, indication of value or order of magnitude and frequency of contracts to be awarded, number and, where appropriate, proposed maximum number of economic operators to participate.
  - (b) In the case of a dynamic purchasing system, indication of the planned duration of that system; as far as possible, indication of value or order of magnitude and frequency of contracts to be awarded.
11. Conditions for participation, including:
  - (a) where appropriate, indication whether the public contract is restricted to sheltered workshops, or whether its execution is restricted to the framework of protected job programmes,
  - (b) where appropriate, indication whether the provision of the service is reserved by law, regulation or administrative provision to a particular profession; reference to the relevant law, regulation or administrative provision,
  - (c) a list and brief description of criteria regarding the personal situation of economic operators that may lead to their exclusion and of selection criteria; minimum level(s) of standards possibly required; indication of required information (self-declarations, documentation).
12. Type of award procedure; where appropriate, reasons for use of an accelerated procedure (in open and restricted procedures and competitive procedures with negotiation);
13. Where appropriate, indication whether:
  - (a) a framework agreement is involved,
  - (b) a dynamic purchasing system is involved,
  - (c) an electronic auction is involved (in the event of open or restricted procedures or competitive procedures with negotiation).
14. Where the contract is to be subdivided into lots, indication of the possibility of tendering for one, for several or for all of the lots; indication of any possible limitation of the number of lots that may be awarded to any one tenderer. Where the contract is not subdivided into lots, indication of the reasons therefor, unless this information is provided in the individual report.
15. In the case of a restricted procedure, a competitive procedure with negotiation, a competitive dialogue or an innovation partnership, where recourse is made to the option of reducing the number of candidates to be invited to submit tenders, to negotiate or to engage in dialogue: minimum and, where appropriate, proposed maximum number of candidates and objective criteria to be used to choose the candidates in question.

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16. In the case of a competitive procedure with negotiation, a competitive dialogue or an innovation partnership, indication, where appropriate, of recourse to a staged procedure in order gradually to reduce the number of tenders to be negotiated or solutions to be discussed.
17. Where appropriate, particular conditions to which performance of the contract is subject.
18. Criteria to be used for award of the contract or contracts. Except where the most economically advantageous offer is identified on the basis of price alone, criteria representing the most economically advantageous tender as well as their weighting shall be indicated where they do not appear in the specifications or, in the event of a competitive dialogue, in the descriptive document.
19. Time limit for receipt of tenders (open procedures) or requests to participate (restricted procedures, competitive procedures with negotiation, dynamic purchasing systems, competitive dialogues, innovation partnerships).
20. Address to which tenders or requests to participate shall be transmitted.
21. In the case of open procedures:
  - (a) time frame during which the tenderer must maintain its tender,
  - (b) date, time and place for the opening of tenders,
  - (c) persons authorised to be present at such opening.
22. Language or languages in which tenders or requests to participate must be drawn up.
23. Where appropriate, indication whether:
  - (a) electronic submission of tenders or requests to participate will be accepted,
  - (b) electronic ordering will be used,
  - (c) electronic invoicing will be accepted,
  - (d) electronic payment will be used.
24. Information whether the contract is related to a project and/or programme financed by Union funds.
25. Name and address of the body responsible for review and, where appropriate, mediation procedures. Precise information concerning deadlines for review procedures, or if need be, the name, address, telephone number, fax number and email address of the service from which this information may be obtained.
26. Date(s) and reference(s) of previous publications in the *Official Journal of the European Union* relevant to the contract(s) advertised in this notice.
27. In the case of recurrent procurement, estimated timing for further notices to be published.
28. Date of dispatch of the notice.
29. Indication whether the contract is covered by the GPA.
30. Any other relevant information.



## PART D

**Information to be included in contract award notices**

(as referred to in Article 50)

1. Name, identification number (where provided for in national legislation), address including NUTS code, telephone, fax number, email and internet address of the contracting authority and, where different, of the service from which additional information may be obtained.
2. Type of contracting authority and main activity exercised.
3. Where appropriate, indication whether the contracting authority is a central purchasing body or that any other form of joint procurement is involved.
4. CPV codes.
5. NUTS code for the main location of works in case of works contracts or NUTS code for the main place of delivery or performance in supply and service contracts.
6. Description of the procurement: nature and extent of works, nature and quantity or value of supplies, nature and extent of services. Where the contract is divided into lots, this information shall be provided for each lot. Where appropriate, description of any options.
7. Type of award procedure; in the case of negotiated procedure without prior publication, justification.
8. Where appropriate, indication whether:
  - (a) a framework agreement was involved,
  - (b) a dynamic purchasing system was involved.
9. Criteria referred to in Article 67 which were used for award of the contract or contracts. Where appropriate, indication whether the holding of an electronic auction was involved (in the event of open or restricted procedures or competitive procedures with negotiation).
10. Date of the conclusion of the contract(s) or of the framework agreement(s) following the decision to award or conclude it/them.
11. Number of tenders received with respect of each award, including:
  - (a) number of tenders received from economic operators which are small and medium enterprises,
  - (b) number of tenders received from another Member State or from a third country,
  - (c) number of tenders received electronically.
12. For each award, name, address including NUTS code, telephone, fax number, email address and internet address of the successful tenderer(s) including
  - (a) information whether the successful tenderer is small and medium enterprise,
  - (b) information whether the contract was awarded to a group of economic operators (joint venture, consortium or other).
13. Value of the successful tender (tenders) or the highest tender and lowest tender taken into consideration for the contract award or awards.

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14. Where appropriate, for each award, value and proportion of contract likely to be subcontracted to third parties.
15. Information whether the contract is related to a project and /or programme financed by Union funds.
16. Name and address of the body responsible for review and, where appropriate, mediation procedures. Precise information concerning the deadline for review procedures, or if need be, the name, address, telephone number, fax number and email address of the service from which this information may be obtained.
17. Date(s) and reference(s) of previous publications in the *Official Journal of the European Union* relevant to the contract(s) advertised in this notice.
18. Date of dispatch of the notice.
19. Any other relevant information.

## PART E

**Information to be included in design contest notices**

(as referred to in Article 79(1))

1. Name, identification number (where provided for in national legislation), address including NUTS code, telephone, fax number, email and internet address of the contracting authority and, where different, of the service from which additional information may be obtained.
2. Email or internet address at which the procurement documents will be available for unrestricted and full direct access, free of charge.  
  
Where unrestricted and full direct access, free of charge, is not available for the reasons set out in the second and third subparagraphs of Article 53(1), an indication of how the procurement documents can be accessed.
3. Type of contracting authority and main activity exercised.
4. Where appropriate, indication whether the contracting authority is a central purchasing body or that any other form of joint procurement is involved.
5. CPV codes; where the contract is divided into lots, this information shall be provided for each lot.
6. Description of the principal characteristics of the project.
7. Number and value of any prizes.
8. Type of design contest (open or restricted).
9. In the event of an open design contest, time limit for the submission of projects.
10. In the event of a restricted design contest:
  - (a) number of participants contemplated,
  - (b) names of the participants already selected, if any,
  - (c) criteria for the selection of participants,
  - (d) time limit for requests to participate.



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11. Where appropriate, indication that the participation is restricted to a specified profession.
12. Criteria to be applied in the evaluation of the projects.
13. Indication whether the jury's decision is binding on the contracting authority.
14. Payments to be made to all participants, if any.
15. Indication whether any contracts following the design contest will or will not be awarded to the winner or winners of the design contest.
16. Date of dispatch of the notice.
17. Any other relevant information.

## PART F

**Information to be included in notices of the results of a contest**

(as referred to in Article 79(2))

1. Name, identification number (where provided for in national legislation), address including NUTS code, telephone, fax number, email and internet address of the contracting authority and, where different, of the service from which additional information may be obtained.
2. Type of contracting authority and main activity exercised.
3. Where appropriate, indication whether the contracting authority is a central purchasing body or that any other form of joint procurement is involved.
4. CPV codes.
5. Description of the principal characteristics of the project.
6. Value of the prizes.
7. Type of design contest (open or restricted).
8. Criteria which were applied in the evaluation of the projects.
9. Date of the jury decision.
10. Number of participants.
  - (a) Number of participants who are SMEs.
  - (b) Number of participants from abroad.
11. Name, address including NUTS code, telephone, fax number, email address and internet address of the winner(s) of the contest and indication whether the winner(s) are small and medium enterprises.
12. Information whether the design contest is related to a project or programme financed by Union funds.
13. Date(s) and reference(s) of previous publications in the *Official Journal of the European Union* relevant to the project(s) concerned by this notice.
14. Date of dispatch of the notice.
15. Any other relevant information.

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## PART G

**Information to be included in notices of modifications of a contract during its term**

(as referred to in Article 72(1))

1. Name, identification number (where provided for in national legislation), address including NUTS code, telephone, fax number, email and internet address of the contracting authority and, where different, of the service from which additional information may be obtained.
2. CPV codes.
3. NUTS code for the main location of works in case of works contracts or NUTS code for the main place of delivery or performance in supply and service contracts;
4. Description of the procurement before and after the modification: nature and extent of the works, nature and quantity or value of supplies, nature and extent of services.
5. Where applicable, increase in price caused by the modification.
6. Description of the circumstances which have rendered necessary the modification.
7. Date of contract award decision.
8. Where applicable, the name, address including NUTS code, telephone, fax number, email address and internet address of the new economic operator or operators.
9. Information whether the contract is related to a project and /or programme financed by Union funds.
10. Name and address of the oversight body and the body responsible for review and, where appropriate, mediation procedures. Precise information concerning the deadline for review procedures, or if need be, the name, address, telephone number, fax number and email address of the service from which this information may be obtained.
11. Date(s) and reference(s) of previous publications in the *Official Journal of the European Union* relevant to the contract(s) concerned by this notice.
12. Date of dispatch of the notice.
13. Any other relevant information.

## PART H

**Information to be included in contract notices concerning contracts for social and other specific services**

(as referred to in Article 75(1))

1. Name, identification number (where provided for in national legislation), address including NUTS code, email and internet address of the contracting authority.
2. NUTS code for the main location of works in the case of works or NUTS code for the main place of delivery or performance in the case of supplies and services.

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3. Brief description of the contract in question including CPV codes.
4. Conditions for participation, including
  - where appropriate, indication whether the contract is restricted to sheltered workshops, or whether its execution is restricted to the framework of protected job programmes,
  - where appropriate, indication whether the execution of the service is reserved by law, regulation or administrative provision to a particular profession.
5. Time limit(s) for contacting the contracting authority in view of participation.
6. Brief description of the main features of the award procedure to be applied.

## PART I

**Information to be included in prior information notices for social and other specific services**

(as referred to in Article 75(1))

1. Name, identification number (where provided for in national legislation), address including NUTS code, email and internet address of the contracting authority.
2. Brief description of the contract in question including the estimated total value of the contract and CPV codes.
3. As far as already known:
  - (a) NUTS code for the main location of works in case of works or NUTS code for the main place of delivery or performance in case of supplies and services
  - (b) time-frame for delivery or provision of supplies, works or services and duration of the contract.
  - (c) conditions for participation, including:
    - where appropriate, indication whether the public contract is restricted to sheltered workshops, or whether its execution is restricted to the framework of protected job programmes,
    - where appropriate, indication whether the execution of the service is reserved by law, regulation or administrative provision to a particular profession,
  - (d) brief description of the main features of the award procedure to be applied.
4. A reference to the fact that interested economic operators shall advise the contracting authority of their interest in the contract or contracts and time limits for receipt of expressions of interest and address to which expressions of interest shall be transmitted.

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PART J

**Information to be included in contract award notices concerning contracts for social and other specific services**

(as referred to in Article 75(2))

1. Name, identification number (where provided for in national legislation), address including NUTS code, email and internet address of the contracting authority.
2. Brief description of the contract in question including CPV codes.
3. NUTS code for the main location of works in case of works or NUTS code for the main place of delivery or performance in case of supplies and services.
4. Number of tenders received.
5. Price or range of prices (maximum/minimum) paid.
6. For each award, name, address including NUTS code, email address and internet address of the successful economic operator or operators.
7. Any other relevant information.

**▼B***ANNEX VI***INFORMATION TO BE INCLUDED IN THE PROCUREMENT DOCUMENTS RELATING TO ELECTRONIC AUCTIONS**

(Article 35(4))

Where contracting authorities have decided to hold an electronic auction, the procurement documents shall include at least the following details:

- (a) the features, the values for which will be the subject of electronic auction, provided that such features are quantifiable and can be expressed in figures or percentages;
- (b) any limits on the values which may be submitted, as they result from the specifications relating to the subject of the contract;
- (c) the information which will be made available to tenderers in the course of the electronic auction and, where appropriate, when it will be made available to them;
- (d) the relevant information concerning the electronic auction process;
- (e) the conditions under which the tenderers will be able to bid and, in particular, the minimum differences which will, where appropriate, be required when bidding;
- (f) the relevant information concerning the electronic equipment used and the arrangements and technical specifications for connection.



## ANNEX VII

## DEFINITION OF CERTAIN TECHNICAL SPECIFICATIONS

For the purposes of this Directive:

- (1) ‘technical specification’ means one of the following:
  - (a) in the case of public works contracts the totality of the technical prescriptions contained in particular in the procurement documents, defining the characteristics required of a material, product or supply, so that it fulfils the use for which it is intended by the contracting authority; those characteristics include levels of environmental and climate performance, design for all requirements (including accessibility for disabled persons) and conformity assessment, performance, safety or dimensions, including the procedures concerning quality assurance, terminology, symbols, testing and test methods, packaging, marking and labelling, user instructions and production processes and methods at any stage of the life cycle of the works; those characteristics also include rules relating to design and costing, the test, inspection and acceptance conditions for works and methods or techniques of construction and all other technical conditions which the contracting authority is in a position to prescribe, under general or specific regulations, in relation to the finished works and to the materials or parts which they involve;
  - (b) in the case of public supply or service contracts a specification in a document defining the required characteristics of a product or a service, such as quality levels, environmental and climate performance levels, design for all requirements (including accessibility for disabled persons) and conformity assessment, performance, use of the product, safety or dimensions, including requirements relevant to the product as regards the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking and labelling, user instructions, production processes and methods at any stage of the life cycle of the supply or service and conformity assessment procedures;
- (2) ‘standard’ means a technical specification, adopted by a recognised standardisation body, for repeated or continuous application, with which compliance is not compulsory, and which is one of the following:
  - (a) ‘international standard’ means a standard adopted by an international standardisation organisation and made available to the general public,
  - (b) ‘European standard’ means a standard adopted by a European standardisation organisation and made available to the general public,
  - (c) ‘national standard’ means a standard adopted by a national standardisation organisation and made available to the general public;
- (3) ‘European Technical Assessment’ means the documented assessment of the performance of a construction product, in relation to its essential characteristics, in accordance with the respective European Assessment Document, as defined in point 12 of Article 2 of Regulation (EU) No 305/2011 of the European Parliament and of the Council<sup>(1)</sup>;
- (4) ‘common technical specification’ means a technical specification in the field of ICT laid down in accordance with Articles 13 and 14 of Regulation (EU) 1025/2012;
- (5) ‘technical reference’ means any deliverable produced by European standardisation bodies, other than European standards, according to procedures adapted to the development of market needs.

<sup>(1)</sup> Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88, 4.4.2011, p. 5).

*ANNEX VIII***FEATURES CONCERNING PUBLICATION****1. Publication of notices**

The notices referred to in Articles 48, 49, 50, 75 and 79 shall be sent by the contracting authorities to the Publications Office of the European Union and published in accordance with the following rules:

Notices referred to in Articles 48, 49, 50, 75 and 79 shall be published by the Publications Office of the European Union or by the contracting authorities in the event of a prior information notice published on a buyer profile in accordance with Article 48(1).

In addition, contracting authorities may publish this information on the Internet on a 'buyer profile' as referred to in point 2(b).

The Publications Office of the European Union shall give the contracting authority the confirmation referred to in Article 51(5), second subparagraph.

**2. Publication of complementary or additional information**

(a) Except where otherwise provided for in the second and third subparagraphs of Article 53(1), contracting authorities shall publish the procurement documents in their entirety on the Internet.

(b) The buyer profile may include prior information notices as referred to in Article 48(1), information on ongoing invitations to tender, scheduled purchases, contracts concluded, procedures cancelled and any useful general information, such as a contact point, a telephone and a fax number, a postal address and an e-mail address. The buyer profile may also include prior information notices used as a means of calling for competition, which are published at national level pursuant to Article 52.

**3. Format and procedures for sending notices electronically**

The format and procedure for sending notices electronically as established by the Commission are made accessible at the Internet address '<http://simap.europa.eu>'.

*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 the dialogue provided for under Article 54 must contain at least:

- (a) a reference to the call for competition published;
- (b) the deadline for the receipt of the tenders, the address to which the tenders must be sent and the language or languages in which the tenders must be drawn up;
- (c) in the case of competitive dialogue the date and the address set for the start of consultation and the language or languages used;
- (d) a reference to any possible adjoining documents to be submitted, either in support of verifiable declarations by the tenderer in accordance with Articles 59 and 60 and, where appropriate, Article 62 or to supplement the information referred to in those Articles, and under the conditions laid down in Articles 59, 60 and 62;
- (e) the relative weighting of criteria for the award of the contract or, where appropriate, the descending order of importance for such criteria, where they are not given in the contract notice, in the invitation to confirm interest, in the technical specifications or the descriptive document.

However, in the case of contracts awarded through a competitive dialogue or an innovation partnership, the information referred to in point (b) shall not appear in the invitation to participate in the dialogue or to negotiate but it shall appear in the invitation to submit a tender.

2. When a call for competition is made by means of a prior information notice, contracting authorities shall subsequently invite all candidates to confirm their interest on the basis of detailed information on the contract concerned before beginning the selection of tenderers or participants in negotiations.

That invitation shall include at least the following information:

- (a) nature and quantity, including all options concerning complementary contracts and, where possible, the estimated time available for exercising these options for renewable contracts, the nature and quantity and, where possible, the estimated publication dates of future notices of competition for works, supplies or services to be put out to tender;
- (b) type of procedure: restricted procedure or competitive procedure with negotiation;
- (c) where appropriate, the date on which the delivery of supplies or the execution of works or services is to commence or terminate;
- (d) where electronic access cannot be offered, the address and closing date for the submission of requests for procurement documents and the language or languages in which they are to be drawn up;
- (e) the address of the contracting authority which is to award the contract;
- (f) economic and technical conditions, financial guarantees and information required from economic operators;



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- (g) the form of the contract which is the subject of the invitation to tender: purchase, lease, hire or hire-purchase, or any combination of these; and
- (h) the contract award criteria and their weighting or, where appropriate, the order of importance of such criteria, where this information is not given in the prior information notice or the technical specifications or in the invitation to tender or to negotiate.

*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 of the Right to Organise;
- ILO Convention 98 on the Right to Organise and Collective Bargaining;
- ILO Convention 29 on Forced Labour;
- ILO Convention 105 on the Abolition of Forced Labour;
- ILO Convention 138 on Minimum Age;
- ILO Convention 111 on Discrimination (Employment and Occupation);
- ILO Convention 100 on Equal Remuneration;
- ILO Convention 182 on Worst Forms of Child Labour;
- Vienna Convention for the protection of the Ozone Layer and its Montreal Protocol on substances that deplete the Ozone Layer;
- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention);
- Stockholm Convention on Persistent Organic Pollutants (Stockholm POPs Convention);
- Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (UNEP/FAO) (The PIC Convention) Rotterdam, 10 September 1998, and its 3 regional Protocols.



*ANNEX XI*

**REGISTERS <sup>(1)</sup>**

The relevant professional and trade registers and corresponding declarations and certificates for each Member State are:

- in Belgium the ‘Registre du Commerce’/‘Handelsregister’, and, in the case of service contracts, the ‘Ordres professionnels/Beroepsorden’;
- in Bulgaria, the ‘Търговски регистър’;
- in the Czech Republic, the ‘obchodní rejstřík’;
- in Denmark, the ‘Erhvervsstyrelsen’;
- in Germany, the ‘Handelsregister’, the ‘Handwerksrolle’, and, in the case of service contracts, the ‘Vereinsregister’, the ‘Partnerschaftsregister’ and the ‘Mitgliedsverzeichnisse der Berufskammern der Länder’;
- in Estonia, the ‘Registrite ja Infosüsteemide Keskus’;
- in Ireland, the economic operator may be requested to provide a certificate from the Registrar of Companies or the Registrar of Friendly Societies or, where he is not so certified, a certificate stating that the person concerned has declared on oath that he is engaged in the profession in question in the country in which he is established, in a specific place under a given business name;
- in Greece, the ‘Μητρώο Εργοληπτικών Επιχειρήσεων — ΜΕΕΠ’ of the Ministry for Environment, Town and Country Planning and Public Works (Υ.ΠΕ.ΧΩ.Δ.Ε) in respect of works contracts; the ‘Βιοτεχνικό ή Εμπορικό ή Βιομηχανικό Επιμελητήριο’ and the ‘Μητρώο Κατασκευαστών Αμυντικού Υλικού’ in the case of supplies contracts; in the case of service contracts, the service provider may be asked to provide a declaration on the exercise of the profession concerned made on oath before a notary; in the cases provided for by existing national legislation, for the provision of research services as referred to in Annex I, the professional register ‘Μητρώο Μελετητών’ and the ‘Μητρώο Γραφείων Μελετών’;
- in Spain, the ‘Registro Oficial de Licitadores y Empresas Clasificadas del Estado’ in respect of works and services contracts, and, in the case of supplies contracts, the ‘Registro Mercantil’ or, in the case of non-registered individuals, a certificate stating that the person concerned has declared on oath that he is engaged in the profession in question;
- in France, the ‘Registre du commerce et des sociétés’ and the ‘Répertoire des métiers’;
- in Croatia, the ‘Sudski registar’ and the ‘Obrtni registar’ or, in the case of some activities, a certificate stating that the person concerned is authorised to be engaged in the commercial activity or profession in question;
- in Italy, the ‘Registro della Camera di commercio, industria, agricoltura e artigianato’; in the case of supplies and services contracts also the ‘Registro delle commissioni provinciali per l’artigianato’ or, in addition to the already mentioned registers, the ‘Consiglio nazionale degli ordini professionali’ in respect of services contracts; in respect of works or services contracts, the ‘Albo nazionale dei gestori ambientali’ in addition to the already mentioned registers;

<sup>(1)</sup> For the purposes of Article 58(2), ‘professional or trade registers’ means those listed in this Annex and, where changes have been made at national level, the registers which have replaced them.

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- in Cyprus, the contractor may be requested to provide a certificate from the ‘Council for the Registration and Audit of Civil Engineering and Building Contractors (Συμβούλιο Εγγραφής και Ελέγχου Εργοληπτών Οικοδομικών και Τεχνικών Έργων)’ in accordance with the Registration and Audit of Civil Engineering and Building Contractors Law in respect of works contracts; in the case of supplies and services contracts the supplier or service provider may be requested to provide a certificate from the ‘Registrar of Companies and Official Receiver’ (Εφορος Εταιρειών και Επίσημος Παραλήπτης) or, where this is not the case, a certificate stating that the person concerned has declared on oath that he is engaged in the profession in question in the country in which he is established, in a specific place and under a given business name;
- in Latvia, the ‘Uzņēmumu reģistrs’;
- in Lithuania, the ‘Juridinių asmenų registras’;
- in Luxembourg, the ‘Registre aux firmes’ and the ‘Rôle de la Chambre des métiers’;
- in Hungary, the ‘Cégnylvántartás’, the ‘egyéni vállalkozók jegyzői nyilvántartása’ and, in the case of service contracts, some ‘szakmai kamarák nyilvántartása’ or, in the case of some activities, a certificate stating that the person concerned is authorised to be engaged in the commercial activity or profession in question;
- in Malta, the economic operator obtains his ‘numru ta’ registrazzjoni tat-Taxxa tal-Valur Miżjud (VAT) u n-numru tal-licenzja ta’ kummerċ’, and, in the case of a partnership or company, the relevant registration number as issued by the Malta Financial Services Authority;
- in the Netherlands, the ‘Handelsregister’;
- in Austria, the ‘Firmenbuch’, the ‘Gewerberegister’, the ‘Mitgliederverzeichnisse der Landeskammern’;
- in Poland, the ‘Krajowy Rejestr Sądowy’;
- in Portugal, the ‘Instituto da Construção e do Imobiliário’ (INCI) in respect of works contracts; the ‘Registo Nacional das Pessoas Colectivas’ in the case of supplies and services contracts;
- in Romania, the ‘Registrul Comerțului’;
- in Slovenia, the ‘sodni register’ and the ‘obrtni register’;
- in Slovakia, the ‘Obchodný register’;
- in Finland, the ‘Kaupparekisteri’/‘Handelsregistret’;
- in Sweden, the ‘aktiebolags-, handels- eller föreningsregistren’;
- in the United Kingdom, the economic operator may be requested to provide a certificate from the Registrar of Companies stating that he is certified as incorporated or registered or, where he is not so certified, a certificate stating that the person concerned has declared on oath that he is engaged in the profession in a specific place under a given business name.

*ANNEX XII***MEANS OF PROOF OF SELECTION CRITERIA****Part I: Economic and financial standing**

Proof of the economic operator's economic and financial standing may, as a general rule, be furnished by one or more of the following references:

- (a) appropriate statements from banks or, where appropriate, evidence of relevant professional risk indemnity insurance;
- (b) the presentation of financial statements or extracts from the financial statements, where publication of financial statements is required under the law of the country in which the economic operator is established;
- (c) a statement of the undertaking's overall turnover and, where appropriate, of turnover in the area covered by the contract for a maximum of the last three financial years available, depending on the date on which the undertaking was set up or the economic operator started trading, as far as the information on these turnovers is available.

**Part II: Technical ability**

Means providing evidence of the economic operators' technical abilities, as referred to in Article 58:

- (a) the following lists:
  - (i) a list of the works carried out over at the most the past five years, accompanied by certificates of satisfactory execution and outcome for the most important works; where necessary in order to ensure an adequate level of competition, contracting authorities may indicate that evidence of relevant works carried out more than five years before will be taken into account;
  - (ii) a list of the principal deliveries effected or the main services provided over at the most the past three years, with the sums, dates and recipients, whether public or private, involved. Where necessary in order to ensure an adequate level of competition, contracting authorities may indicate that evidence of relevant supplies or services delivered or performed more than three years before will be taken into account;
- (b) an indication of the technicians or technical bodies involved, whether or not belonging directly to the economic operator's undertaking, especially those responsible for quality control and, in the case of public works contracts, those upon whom the contractor can call in order to carry out the work;
- (c) a description of the technical facilities and measures used by the economic operator for ensuring quality and the undertaking's study and research facilities;
- (d) an indication of the supply chain management and tracking systems that the economic operator will be able to apply when performing the contract;
- (e) where the products or services to be supplied are complex or, exceptionally, are required for a special purpose, a check carried out by the contracting authorities or on their behalf by a competent official body of the country in which the supplier or service provider is established, subject to that body's agreement, on the production capacities of the supplier or the technical capacity of the service provider and, where necessary, on the means of study and research which are available to it and the quality control measures it will operate;

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- (f) the educational and professional qualifications of the service provider or contractor or those of the undertaking's managerial staff, provided that they are not evaluated as an award criterion;
- (g) an indication of the environmental management measures that the economic operator will be able to apply when performing the contract;
- (h) a statement of the average annual manpower of the service provider or contractor and the number of managerial staff for the last three years;
- (i) a statement of the tools, plant or technical equipment available to the service provider or contractor for carrying out the contract;
- (j) an indication of the proportion of the contract which the economic operator intends possibly to subcontract;
- (k) with regard to the products to be supplied:
  - (i) samples, descriptions or photographs, the authenticity of which must be certified where the contracting authority so requests;
  - (ii) certificates drawn up by official quality control institutes or agencies of recognised competence attesting the conformity of products clearly identified by references to technical specifications or standards.

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*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

## SERVICES REFERRED TO IN ARTICLE 74

| CPV Code  | Description  |
|---|--|
| 75200000-8; 75231200-6; 75231240-8; 79611000-0; 79622000-0 [Supply services of domestic help personnel]; 79624000-4 [Supply services of nursing personnel] and 79625000-1 [Supply services of medical personnel] from 85000000-9 to 85323000-9; 98133100-5, 98133000-4; 98200000-5; 98500000-8 [Private households with employed persons] and 98513000-2 to 98514000-9 [Manpower services for households, Agency staff services for households, Clerical staff services for households, Temporary staff for households, Home-help services and Domestic services]   | Health, social and related services  |
| 85321000-5 and 85322000-2, 75000000-6 [Administration, defence and social security services], 75121000-0, 75122000-7, 75124000-1; from 79995000-5 to 79995200-7; from 80000000-4 Education and training services to 80660000-8; from 92000000-1 to 92700000-8 79950000-8 [Exhibition, fair and congress organisation services], 79951000-5 [Seminar organisation services], 79952000-2 [Event services], 79952100-3 [Cultural event organisation services], 79953000-9 [Festival organisation services], 79954000-6 [Party organisation services], 79955000-3 [Fashion shows organisation services], 79956000-0 [Fair and exhibition organisation services] | Administrative social, educational, healthcare and cultural services   |
| 75300000-9  | Compulsory social security services <sup>(1)</sup>   |
| 75310000-2, 75311000-9, 75312000-6, 75313000-3, 75313100-4, 75314000-0, 75320000-5, 75330000-8, 75340000-1  | Benefit services   |
| 98000000-3; 98120000-0; 98132000-7; 98133110-8 and 98130000-3   | Other community, social and personal services including services furnished by trade unions, political organisations, youth associations and other membership organisation services |
| 98131000-0  | Religious services   |
| 55100000-1 to 55410000-7; 55521000-8 to 55521200-0 [55521000-8 Catering services for private households, 55521100-9 Meals-on-wheels services, 55521200-0 Meal delivery service] 55520000-1 Catering services, 55522000-5 Catering services for transport enterprises, 55523000-2 Catering services for other enterprises or other institutions, 55524000-9 School catering services 55510000-8 Canteen services, 55511000-5 Canteen and other restricted-clientele cafeteria services, 55512000-2 Canteen management services, 55523100-3 School-meal services  | Hotel and restaurant services  |
| 79100000-5 to 79140000-7; 75231100-5;   | Legal services, to the extent not excluded pursuant to point (d) of Article 10   |
| 75100000-7 to 75120000-3; 75123000-4; 75125000-8 to 75131000-3  | Other administrative services and government services  |
| 75200000-8 to 75231000-4  | Provision of services to the community   |



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| CPV Code   | Description   |
|--|---|
| 75231210-9 to 75231230-5; 75240000-0 to 75252000-7; 794300000-7; 98113100-9  | Prison related services, public security and rescue services to the extent not excluded pursuant to point (h) of Article 10 |
| 79700000-1 to 79721000-4 [Investigation and security services, Security services, Alarm-monitoring services, Guard services, Surveillance services, Tracing system services, Absconder-tracing services, Patrol services, Identification badge release services, Investigation services and Detective agency services] 79722000-1 [Graphology services], 79723000-8 [Waste analysis services]  | Investigation and security services   |
| 98900000-2 [Services provided by extra-territorial organisations and bodies] and 98910000-5 [Services specific to international organisations and bodies]  | International services  |
| 64000000-6 [Postal and telecommunications services], 64100000-7 [Post and courier services], 64110000-0 [Postal services], 64111000-7 [Postal services related to newspapers and periodicals], 64112000-4 [Postal services related to letters], 64113000-1 [Postal services related to parcels], 64114000-8 [Post office counter services], 64115000-5 [Mailbox rental], 64116000-2 [Post-restante services], 64122000-7 [Internal office mail and messenger services] | Postal services   |
| 50116510-9 [Tyre-remoulding services], 71550000-8 [Blacksmith services]  | Miscellaneous services  |

(<sup>1</sup>) These services are not covered by the present Directive where they are organised as non-economic services of general interest. Member States are free to organise the provision of compulsory social services or of other services as services of general interest or as non-economic services of general interest.



## ANNEX XV

## CORRELATION TABLE

| This Directive                | Directive 2004/18/EC                        |
|-------------------------------|---|
| Art. 1, par. 1, 2, 4, 5 and 6 | —   |
| Art. 1, par. 3                | Art. 10                                     |
| Art. 2, par 1, point (1)      | Art. 1, par. 9, 1st subparagraph            |
| Art. 2, par 1, point (2)      | Art. 7, point (a)                           |
| Art. 2, par 1, point (3)      | —   |
| Art. 2, par 1, point (4) (a)  | Art. 1, par. 9, 2nd subparagraph, point (a) |
| Art. 2, par 1, point (4) (b)  | Art. 1, par. 9, 2nd subparagraph, point (b) |
| Art. 2, par 1, point (4) (c)  | Art. 1, par. 9, 2nd subparagraph, point (c) |
| Art. 2, par 1, point (5)      | Art. 1, par. 2, point (a)                   |
| Art. 2, par 1, point (6)      | Art. 1, par. 2, point (b), 1st sentence     |
| Art. 2 par 1, point (7)       | Art. 1, par. 2, point (b), 2nd sentence     |
| Art. 2, par 1, point (8)      | Art. 1, par. 2, point (c)                   |
| Art. 2, par 1, point (9)      | Art. 1, par. 2, point (d)                   |
| Art. 2, par 1, point (10)     | Art. 1, par. 8, 2nd subparagraph            |
| Art. 2, par 1, point (11)     | Art. 1, par. 8, 3rd subparagraph            |
| Art. 2, par 1, point (12)     | Art. 1, par. 8, 3rd subparagraph            |
| Art. 2, par 1, point (13)     | Art. 23, par. 1                             |
| Art. 2, par 1, point (14)     | Art. 1, par. 10                             |
| Art. 2, par 1, point (15)     | —   |
| Art. 2, par 1, point (16)     | Art. 1, par. 10                             |
| Art. 2, par 1, point (17)     | —   |
| Art. 2, par 1, point (18)     | Art. 1, par. 12                             |
| Art. 2, par 1, point (19)     | Art. 1, par. 13                             |
| Art. 2, par 1, point (20)     | —   |
| Art. 2, par 1, point (21)     | Art. 1, par. 11, point (e)                  |
| Art. 2, par 1, point (22)     | —   |

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| This Directive                   | Directive 2004/18/EC   |
|----------------------------------|--|
| Art. 2, par 1, point (23)        | —  |
| Art. 2, par 1, point (24)        | —  |
| Art. 2, par 2                    | —  |
| Art. 3, par. 1                   | —  |
| Art. 3, par. 2, 1st subparagraph | —  |
| Art. 3, par. 2, 2nd subparagraph | Art. 22; Art. 1, par. 2, point (d)   |
| Art. 3, par. 3                   | —  |
| Art. 3, par. 4                   | —  |
| Art. 3, par. 5                   | —  |
| Art. 3, par. 6                   | —  |
| Art. 4                           | Art. 7, 67   |
| Art. 5, par. 1                   | Art. 9, par. 1   |
| Art. 5, par. 2                   | —  |
| Art. 5, par. 3                   | Art. 9, par. 3, Art. 9 par. 7, 2nd subparagraph,   |
| Art. 5, par. 4                   | Art. 9, par. 2   |
| Art. 5, par. 5                   | Art. 9, par. 9   |
| Art. 5, par. 6                   | —  |
| Art. 5, par. 7                   | Art. 9, par. 4   |
| Art. 5, par. 8                   | Art. 9, par. 5, point (a), 1st subparagraph  |
| Art. 5, par. 9                   | Art. 9, par. 5, point (b), 1st and 2nd subparagraph  |
| Art. 5, par 10                   | Art. 9, par. 5, point (a), 3rd subparagraph<br>Art. 9, par. 5, point (b), 3rd subparagraph |
| Art. 5, par. 11                  | Art. 9, par. 7   |
| Art. 5, par. 12                  | Art. 9, par. 6   |
| Art. 5, par. 13                  | Art. 9, par. 8, point (a)  |
| Art. 5, par. 14                  | Art. 9, par. 8, point (b)  |
| Art. 6, par. 1 to 6              | Art. 78, Art. 79, par. 2, point (a)  |

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| This Directive           | Directive 2004/18/EC                                  |
|--------------------------|---|
| Art. 6, par. 7           | Art. 79(2)(d)   |
| Art. 7                   | Art. 12, Art. 68 (a)                                  |
| Art. 8, 1st subparagraph | Art. 13, Art 68 (b)                                   |
| Art. 8, 2nd subparagraph | Art. 1, par. 15                                       |
| Art. 9                   | Art. 15, Art. 68 (b)                                  |
| Art. 10, point (a)       | Art. 16, point (a)                                    |
| Art. 10, point (b)       | Art. 16, point (b)                                    |
| Art. 10, point (c)       | Art. 16, point (c)                                    |
| Art. 10, point (d)       | —   |
| Art. 10, point (e)       | Art. 16, point (d)                                    |
| Art. 10, point (f)       | —   |
| Art. 10, point (g)       | Art. 16, point (e)                                    |
| Art. 10, point (h)       | —   |
| Art. 10, point (i)       | —   |
| Art. 10, point (j)       | —   |
| Art. 11                  | Art. 18   |
| Art. 12                  | —   |
| Art. 13, 1st subpar      | Art. 8, 1st subpar                                    |
| Art. 13, 2nd subpar      | Art. 8, 2nd subpar                                    |
| Art. 14                  | Art. 16, point (f)                                    |
| Art. 15, par 1 + 2       | Art. 10, Art 14, Art 68 (b)                           |
| Art. 15, par. 3          | Art. 14, Art 68 (b)                                   |
| Art. 16                  | —   |
| Art. 17, par. 1          | Art. 10, 2nd subpar.; Art. 12 of Directive 2009/81/EC |
| Art. 17, par. 2          | —   |
| Art. 18, par. 1          | Art. 2  |
| Art. 18, par. 2          | —   |
| Art. 19, par. 1          | Art. 4, par. 1  |
| Art. 19, par. 2 - 3      | Art. 4, par. 2  |

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| This Directive                    | Directive 2004/18/EC                      |
|-----------------------------------|---|
| Art. 20, par. 1                   | Art. 19                                   |
| Art. 20, par. 2                   | Art. 19, 2nd subpar.                      |
| Art. 21, par. 1                   | Art. 6                                    |
| Art. 21, par. 2                   | —   |
| Art. 22, par. 1                   | Art. 42, par. 1, 2 and 4; Art. 71, par. 1 |
| Art. 22, par. 2                   | —   |
| Art. 22, par. 3                   | Art. 42, par. 3, Art. 71 par. 2           |
| Art. 22, par. 4                   | —   |
| Art. 22, par. 5                   | —   |
| Art. 22, par. 6                   | Art. 42, par. 5 and 6, Art. 71 par. 3     |
| Art. 22, par. 7, 1st subpar.      | Art. 79, par. 2, point (g)                |
| Art. 22 par. 7, 2nd + 3rd subpar. | —   |
| Art. 23, par. 1                   | Art. 1, par. 14, 1st subpar               |
| Art. 23, par. 2                   | Art. 79, par. 2 points (e) and (f)        |
| Art. 24                           | —   |
| Art. 25                           | Art. 5                                    |
| Art. 26, par 1                    | Art. 28, 1st subpar                       |
| Art. 26, par 2                    | Art. 28, 2nd subpar                       |
| Art. 26, par 3                    | —   |
| Art. 26, par 4                    | Art. 28, 2nd subpar, Art 30, par 1        |
| Art. 26, par 5, 1st subpar        | Art. 35, par 2                            |
| Art. 26, par 5, 2nd subpar        | —   |
| Art. 26, par 6                    | Art. 28, 2nd subpar                       |
| Art. 27, par. 1, 1st subpar       | Art. 1 par. 11 point (a)                  |
| Art. 27, par 1, 2nd + 3rd subpar  | Art. 38 par 2                             |
| Art. 27, par. 2                   | Art. 38, par. 4                           |
| Art. 27, par. 3                   | —   |
| Art. 27, par. 4                   | —   |

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| This Directive                  | Directive 2004/18/EC   |
|---------------------------------|--|
| Art. 28, par. 1                 | Art. 38, par. 3, point (a), Art. 1 par. 11 point (b)                   |
| Art. 28, par. 2                 | Art 1, par 11(b), Art. 38, par. 3(b), Art 44, par 3, 1st sentence      |
| Art. 28, par. 3                 | Art. 38, par. 4  |
| Art. 28, par. 4                 | —  |
| Art. 28, par. 5                 | —  |
| Art. 28, par. 6                 | Art. 38, par. 8  |
| Art. 29, par. 1, 1st subpar     | Art. 1 par. 11 point (d)   |
| Art. 29, par. 1, 2nd-3rd subpar | —  |
| Art. 29, par. 1, 4th subpar     | Art. 38, par 3 (a) + (b)   |
| Art. 29, par. 2                 | Art. 1 par. 11 point (d), Art 44, par 3, 1st sentence                  |
| Art. 29, par. 3                 | Art. 30, par. 2  |
| Art. 29, par. 4                 | —  |
| Art. 29, par. 5                 | Art. 30, par. 3  |
| Art. 29, par. 6                 | Art. 30, par. 4  |
| Art. 29, par. 7                 | Art. 30, par. 2  |
| Art30, par. 1                   | Art. 1 par. 11 point (c), Art. 38, par. 3, Art 44, par 3, 1st sentence |
| Art. 30, par. 2                 | Art. 29, par. 2, par. 7  |
| Art. 30, par. 3                 | Art. 29, par. 3  |
| Art. 30, par. 4                 | Art. 29, par. 4  |
| Art. 30, par. 5                 | Art. 29, par. 5  |
| Art. 30, par. 6                 | Art. 29, par. 6  |
| Art. 30, par. 7                 | Art. 29, par. 7  |
| Art. 30 par. 8                  | Art. 29, par. 8  |
| Art. 31                         | —  |
| Art. 32, par. 1                 | Art. 31, 1st sentence  |
| Art. 32, par. 2, point (a)      | Art. 31, point (1) (a)   |
| Art. 32, par. 2, point (b)      | Art. 31, point (1) (b)   |

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| This Directive                    | Directive 2004/18/EC  |
|-----------------------------------|---|
| Art. 32, par. 2, point (c)        | Art. 31, point (1) (c)  |
| Art. 32, par. 3, point (a)        | Art. 31, point (2) (a)  |
| Art. 32, par. 3, point (b)        | Art. 31, point (2) (b)  |
| Art. 32, par. 3, point (c)        | Art. 31, point (2) (c)  |
| Art. 32, par. 3, point (d)        | Art. 31, point (2) (d)  |
| Art. 32, par. 4                   | Art. 31, point (3)  |
| Art. 32, par. 5                   | Art. 31, point (4) (b)  |
| Art. 33, par. 1                   | Art. 32, par. 1, Art. 1, par. 5, Art 32, par 2 1st + 4th subpar |
| Art. 33, par. 2                   | Art. 32, par. 2, 2nd + 3rd subpar                               |
| Art. 33, par. 3                   | Art. 32, par. 3   |
| Art. 33, par. 4                   | Art. 32, par. 4   |
| Art. 33, par. 5                   | Art. 32, par. 4   |
| Art. 34, par. 1                   | Art. 33, par. 1; Art. 1, par. 6                                 |
| Art. 34, par. 2                   | Art. 33, par. 2   |
| Art. 34, par. 3                   | Art. 33, par. 2 in fine   |
| Art. 34, par. 4                   | Art. 33, par. 3   |
| Art. 34, par. 5                   | Art. 33, par. 4   |
| Art. 34, par. 6                   | Art. 33, par. 6   |
| Art. 34, par. 7                   | —   |
| Art. 34, par. 8                   | —   |
| Art. 34, par. 9                   | Art. 33, par. 7, 3rd subparagraph                               |
| Art. 35, par. 1, 1st subpar       | Art. 54, par. 1   |
| Art. 35, par. 1, 2nd + 3rd subpar | Art. 1, par. 7  |
| Art. 35, par. 2                   | Art. 54, par. 2, 1st + 2nd subpar                               |
| Art. 35, par. 3                   | Art. 54, par. 2, 3rd subparagraph                               |
| Art. 35, par. 4                   | Art. 54, par. 3   |
| Art. 35, par. 5                   | Art. 54, par. 4   |
| Art. 35, par. 6                   | Art. 54, par. 5   |

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| This Directive  | Directive 2004/18/EC   |
|-----------------|--|
| Art. 35, par. 7 | Art. 54, par. 6  |
| Art. 35, par. 8 | Art. 54, par. 7  |
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