

Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (Text with EEA relevance)

TITLE I

SCOPE, DEFINITIONS AND GENERAL PRINCIPLES

CHAPTER III

Material scope

Section 2

***Excluded contracts and design contests; special provisions
for procurement involving defence and security aspects***

Subsection 4

Specific situations

Article 33

Contracts subject to special arrangements

1 Without prejudice to Article 34 of this Directive the Republic of Austria and the Federal Republic of Germany shall ensure, by way of the conditions of authorisation or other appropriate measures, that any entity operating in the sectors mentioned in Commission Decision⁽¹⁾ 2002/205/EC and Commission Decision 2004/73/EC⁽²⁾:

- a observes the principles of non-discrimination and competitive procurement in respect of the award of supplies, works and service contracts, in particular as regards the information which the entity makes available to economic operators concerning its procurement intentions;
- b communicates to the Commission, under the conditions defined in Commission Decision 93/327/EEC⁽³⁾, information relating to the contracts they award.

2 Without prejudice to Article 34, the United Kingdom shall ensure, by way of the conditions of authorisation or other appropriate measures, that any entity operating in the sectors mentioned in Decision 97/367/EEC applies points (a) and (b) of paragraph 1 of this Article in respect of contracts awarded for the pursuit of that activity in Northern Ireland.

3 Paragraphs 1 and 2 shall not apply to contracts awarded for the purpose of exploring for oil or gas.

Status: This is the original version (as it was originally adopted).

- (1) Commission Decision 2002/205/EC of 4 March 2002 following a request by Austria applying for the special regime provided for in Article 3 of Directive 93/38/EEC (OJ L 68, 12.3.2002, p. 31).
- (2) Commission Decision 2004/73/EC of 15 January 2004 on a request from Germany to apply the special procedure laid down in Article 3 of Directive 93/38/EEC (OJ L 16, 23.1.2004, p. 57).
- (3) Commission Decision 93/327/EEC of 13 May 1993 defining the conditions under which contracting entities exploiting geographical areas for the purpose of exploring for or extracting oil, gas, coal or other solid fuels must communicate to the Commission information relating to the contracts they award (OJ L 129, 27.5.1993, p. 25).