

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)

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ANNEX I LIST OF ACTIVITIES AS SET OUT IN POINT (A) OF POINT 2 OF ARTICLE 2

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

ANNEX II LIST OF UNION LEGAL ACTS REFERRED TO IN ARTICLE 4(3)

Rights which have been granted by means of a procedure...
granting authorisation to operate natural gas installations in
accordance with...

ANNEX III LIST OF UNION LEGAL ACTS REFERRED TO IN ARTICLE 34(3)

- A. Transport or distribution of gas or heat
- B. Production, transmission or distribution of electricity
- C. Production, transport or distribution of drinking water
- D. Contracting entities in the field of rail services

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- E. Contracting entities in the field of urban railway, tramway, trolleybus...
- F. Contracting entities in the field of postal services
- G. Extraction of oil or gas
- H. Exploration for and extraction of coal or other solid fuels...
- I. Contracting entities in the field of seaport or inlandportor other...
- J. Contracting entities in the field of airport installations

ANNEX IV

DEADLINES FOR THE ADOPTION OF THE IMPLEMENTING ACTS REFERRED TO IN ARTICLE 35

- 1. The implementing acts referred to in Article 35 shall be...
- 2. The Commission may require the Member State or the contracting...

ANNEX V

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

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

ANNEX VI

PART A

INFORMATION TO BE INCLUDED IN THE PERIODIC INDICATIVE NOTICE

- I. Information to be included in all cases
 - 1. Name, identification number (where provided for in national legislation), address...
 - 2. Main activity exercised.
 - 3. For supply contracts: nature and quantity or value of the...
 - 4. Date of dispatch of the notice or of dispatch of...
 - 5. Any other relevant information.
- II. Additional information to be supplied where the notice is used...
 - 6. A reference to the fact that interested economic operators shall...
 - 7. E-mail or internet address at which the specifications procurement documents...
 - 8. Where appropriate, state whether the contract is reserved for sheltered...
 - 9. Time limit for the receipt of applications for an invitation...
 - 10. Nature and quantity of the products to be supplied or...

11. NUTS code for the main location of works in case...
12. Time limits for delivery or completion or duration of service...
13. Address to which interested undertakings shall send their expressions of...
14. Time limit for receipt of expressions of interest.
15. Language or languages authorised for the presentation of candidatures or...
16. Economic and technical conditions, and financial and technical guarantees required...
17. Estimated date for initiating the procurement procedures in respect of...
18. Where appropriate, particular conditions to which the performance of the...
19. Where appropriate, indication whether:
20. Name and address of the body responsible for appeal and,...
21. Where known, criteria referred to in Article 82 to be...

PART B

INFORMATION TO BE INCLUDED IN NOTICES OF PUBLICATION OF A PERIODIC INDICATIVE NOTICE ON A BUYER PROFILE NOT USED AS A MEANS OF CALLING FOR COMPETITION

1. Name, identification number (where provided for in national legislation), address...
2. Main activity exercised.
3. CPV Codes.
4. Internet address of the 'buyer profile' (URL).
5. Date of dispatch of the notice of the publication of...

ANNEX VII

INFORMATION TO BE INCLUDED IN THE PROCUREMENT DOCUMENTS RELATING TO ELECTRONIC AUCTIONS (ARTICLE 53(4))

Where contracting entities have decided to hold an electronic
auction, ...
the features whose values will be the subject of electronic...

ANNEX VIII

DEFINITION OF CERTAIN TECHNICAL SPECIFICATIONS

For the purposes of this Directive,
'technical specification' means one of the following: in the case...

ANNEX IX

FEATURES CONCERNING PUBLICATION

1. Publication of notices

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2. Publication of complementary or additional information
 - (a) Except where otherwise provided for in the third and fourth...
 - (b) The buyer profile may include periodic indicative notices as referred...
3. Format and procedures for the electronic transmission of notices

ANNEX X

INFORMATION TO BE INCLUDED IN THE NOTICE ON THE EXISTENCE OF A QUALIFICATION SYSTEM

1. Name, identification number (where provided for in national legislation), address...
2. Main activity exercised.
3. Where appropriate, state whether the contract is reserved for sheltered...
4. Purpose of the qualification system (description of the products, services...
5. Conditions to be fulfilled by the economic operators in view...
6. Period of validity of the qualification system and the formalities...
7. Reference to the fact that the notice acts as the...
8. Address where further information and documentation concerning the qualification system...
9. Name and address of the body responsible for appeal and,...
10. Where known, criteria referred to in Article 82 to be...
11. Where appropriate, indication whether:
12. Any other relevant information.

ANNEX XI

INFORMATION TO BE INCLUDED IN CONTRACT NOTICES

- A. OPEN PROCEDURES
 1. Name, identification number (where provided for in national legislation), address...
 2. Main activity exercised.
 3. Where appropriate, state whether the contract is reserved for sheltered...
 4. Nature of the contract (supply, works or service, where appropriate,...
 5. NUTS code for the main location of works in case...
 6. For supplies and works:
 7. For services:
 8. Where known, indication of whether authorisation to submit variants exists...
 9. Time limits for delivery or completion or duration of service...
 10. E-mail or internet address at which the procurement documents will...

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11. Final date for receipt of tenders or indicative tenders where...
12. Where applicable, the persons authorised to be present at the...
13. Where applicable, any deposits and guarantees required.
14. Main terms concerning financing and payment and/or references to the...
15. Where appropriate, the legal form to be taken by the...
16. Minimum economic and technical conditions required of the economic operator...
17. Period during which the tenderer is bound to keep open...
18. Where appropriate, particular conditions to which the performance of the...
19. Criteria referred to in Article 82 to be used for...
20. Where appropriate, date(s) and the reference(s) to publication in the...
21. Name and address of the body responsible for appeal and,...
22. Date of dispatch of the notice by the contracting entity....
23. Any other relevant information.

B. RESTRICTED PROCEDURES

1. Name, identification number (where provided for in national legislation), address...
2. Main activity exercised.
3. Where appropriate, state whether the contract is reserved for sheltered...
4. Nature of the contract (supplies, works or services; where appropriate,...
5. NUTS code for the main location of works in case...
6. For supplies and works:
7. For services:
8. Where known, indication of whether authorisation to submit variants exists...
9. Time limits for delivery or completion or duration of the...
10. Where appropriate, the legal form to be taken by the...
11. Final date for receipt of requests to participate; Address to...
12. Final date for dispatch of invitations to tender.
13. Where applicable, any deposits and guarantees required.
14. Main terms concerning financing and payment and/or references to the...
15. Information concerning the economic operator's position and the minimum economic...
16. Criteria referred to in Article 82 to be used for...
17. Where appropriate, particular conditions to which the performance of the...
18. Where appropriate, the date(s) and reference(s) to publication in the...
19. Name and address of the body responsible for appeal and,...
20. Date of dispatch of the notice by the contracting entities....
21. Any other relevant information.

C. NEGOTIATED PROCEDURES

1. Name, identification number (where provided for in national legislation), address...
2. Main activity exercised.
3. Where appropriate, state whether the contract is reserved for sheltered...
4. Nature of the contract (supplies, works or services; where appropriate,...
5. NUTS code for the main location of works in case...
6. For supplies and works:
7. For services:
8. Where known, indication of whether authorisation to submit variants exists...
9. Time limits for delivery or completion or duration of the...
10. Where appropriate, the legal form to be taken by the...
11. Final date for receipt of requests to participate; Address to...

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12. Where appropriate, any deposits and guarantees required.
13. Main terms concerning financing and payment and/or references to the...
14. Information concerning the economic operator's position and the minimum economic...
15. Criteria referred to in Article 82 to be used for...
16. Where appropriate, the names and addresses of the economic operators...
17. Where appropriate, particular conditions to which the performance of the...
18. Where appropriate, the dates and reference(s) of publication in the...
19. Name and address of the body responsible for appeal and,...
20. Date of dispatch of the notice by the contracting entity....
21. Any other relevant information.

ANNEX XII

INFORMATION TO BE INCLUDED IN THE CONTRACT AWARD NOTICE

- I. Information for publication in the Official Journal of the European...
 1. Name, identification number (where provided for in national legislation), address...
 2. Main activity exercised.
 3. Nature of the contract (supplies, works or services and CPV...
 4. At least a summary indication of the nature and quantity...
 5. Form of the call for competition (notice on the existence...
 6. Procurement procedure (open, restricted or negotiated).
 7. Number of tenders received, specifying
 8. Date of the conclusion of the contract(s) or of the...
 9. Price paid for bargain purchases pursuant to Article 50(h).
 10. For each award, name, address including NUTS code, telephone, fax...
 11. State, where appropriate, whether the contract has been, or may...
 12. Price paid or the prices of the highest and lowest...
 13. Name and address of the body responsible for the appeal...
 14. Optional information:
- II. Information not intended for publication
 15. Number of contracts awarded (where an award has been split...
 16. Value of each contract awarded.
 17. Country of origin of the product or service (Community origin...
 18. Which award criteria were used?
 19. Was the contract awarded to a tenderer who submitted a...
 20. Were any tenders excluded on the grounds that they were...
 21. Date of transmission of the notice by the contracting entity....

ANNEX XIII

CONTENTS OF THE INVITATIONS TO SUBMIT A TENDER, PARTICIPATE IN THE DIALOGUE, TO NEGOTIATE OR TO CONFIRM INTEREST PROVIDED FOR UNDER ARTICLE 74

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

ANNEX XIV

LIST OF INTERNATIONAL SOCIAL AND ENVIRONMENTAL
CONVENTIONS REFERRED TO IN ARTICLE 36(2)

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

ANNEX XV

LIST OF UNION LEGAL ACTS REFERRED TO IN ARTICLE 83(3)

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

ANNEX XVI

INFORMATION TO BE INCLUDED IN NOTICES OF
MODIFICATIONS OF A CONTRACT DURING ITS TERM

1. Name, identification number (where provided for in national legislation), address...
2. Main activity exercised.
3. CPV codes.
4. NUTS code for the main location of works in case...
5. Description of the procurement before and after the modification: nature...
6. Where applicable, increase in price caused by the modification.
7. Description of the circumstances which have rendered necessary the modification....
8. Date of contract award decision.
9. Where applicable, the name, address including NUTS code, telephone, fax...
10. Information whether the contract is related to a project and/or...
11. Name and address of the body responsible for review and,...

ANNEX XVII

ANNEX XVIII

INFORMATION TO BE INCLUDED IN NOTICES CONCERNING CONTRACTS FOR SOCIAL AND OTHER SPECIFIC SERVICES

Part A

Contract notice

Part B

Periodic indicative notice

Part C

Notice on the existence of a qualification system

Part D

Contract award notice

ANNEX XIX

INFORMATION TO BE INCLUDED IN THE DESIGN CONTEST NOTICE

1. Name, identification number (where provided for in national legislation), address...
2. Main activity exercised.
3. Project description (CPV codes).
4. Nature of the contest: open or restricted.
5. In the case of open contests: final date for receipt...
6. In the case of restricted contests:
7. Where applicable, indication of whether participation is reserved to a...
8. Criteria to be applied in the evaluation of projects.
9. Where applicable, names of the selected members of the jury....
10. Indication of whether the decision of the jury is binding...
11. Where applicable, number and value of prizes.
12. Where applicable, details of payments to all participants.
13. Indication of whether the prize-winners are permitted any follow-up contracts....

14. Name and address of the body responsible for the appeal...
15. Date of dispatch of the notice.
16. Any other relevant information.

ANNEX XX

INFORMATION TO BE INCLUDED IN THE RESULTS OF DESIGN CONTEST NOTICES

1. Name, identification number (where provided for in national legislation), address...
2. Main activity exercised.
3. Project description (CPV codes).
4. Total number of participants.
5. Number of foreign participants.
6. Winner(s) of the contest.
7. Where applicable, the prize(s).
8. Other information.
9. Reference of the design contest notice.
10. Name and address of the body responsible for the appeal...
11. Date of dispatch of the notice.

ANNEX XXI

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- (1) [OJ C 191, 29.6.2012, p. 84.](#)
- (2) [OJ C 391, 18.12.2012, p. 49.](#)
- (3) Position of the European Parliament of 15 January 2014 (not yet published in the Official Journal), and decision of the Council of 11 February 2014.
- (4) Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors ([OJ L 134, 30.4.2004, p. 1.](#))
- (5) Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts ([OJ L 134, 30.4.2004, p. 114.](#))
- (6) Approved by Council Decision 2010/48/EC of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities ([OJ L 23, 27.1.2010, p. 35.](#))
- (7) Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement (see page 65 of this Official Journal).
- (8) Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC ([OJ L 216, 20.8.2009, p. 76.](#))
- (9) Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC ([OJ L 211, 14.8.2009, p. 94.](#))
- (10) Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC ([OJ L 211, 14.8.2009, p. 55.](#))
- (11) Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service ([OJ L 15, 21.1.1998, p. 14.](#))
- (12) Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons ([OJ L 164, 30.6.1994, p. 3.](#))
- (13) Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70 ([OJ L 315, 3.12.2007, p. 1.](#))
- (14) Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (see page 1 of this Official Journal).
- (15) Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the Agreements reached in the Uruguay Round multilateral negotiations (1986 to 1994) ([OJ L 336, 23.12.1994, p. 1.](#))
- (16) Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70 ([OJ L 315, 3.12.2007, p. 1.](#))
- (17) Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC ([OJ L 182, 29.6.2013, p. 19.](#))
- (18) Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area ([OJ L 343, 14.12.2012, p. 32.](#))
- (19) Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services ([OJ L 18, 21.1.1997, p. 1.](#))
- (20) Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and

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Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12).

- (21) Regulation (EC) No 593/2008 of the European Parliament and the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6).
- (22) Council Directive 92/13/EEC of 25 February 1992 coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (OJ L 76, 23.3.1992, p. 14).
- (23) Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (OJ L 342, 22.12.2009, p. 1).
- (24) Directive 2009/33/EC of the European Parliament and the Council of 23 April 2009 on the promotion of clean and energy-efficient road transport vehicles (OJ L 120, 15.5.2009, p. 5).
- (25) Regulation (EC) No 106/2008 of the European Parliament and the Council of 15 January 2008 on a Community energy-efficiency labelling programme for office equipment (OJ L 39, 13.2.2008, p. 1).
- (26) Council Regulation (EEC, Euratom) No 1182/71 of 3 June 1971 determining the rules applicable to periods, dates and time limits (OJ — English special edition: Series V Volume 1952-1972 p. 88).
- (27) Regulation (EC) No 2195/2002 of the European Parliament and of the Council of 5 November 2002 on the Common Procurement Vocabulary (CPV) (OJ L 340, 16.12.2002, p. 1).
- (28) Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ L 316, 14.11.2012, p. 1).
- (29) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).