

CONTENTS

<i>Extended contents</i>	xiii
<i>List of contributors</i>	xxxi
<i>Preface</i>	xxxiv
<i>List of abbreviations</i>	xxxvi
<i>Table of cases</i>	xxxviii
<i>Table of legislation</i>	xl
1 Subject-matter and scope <i>Roberto Caranta</i>	1
2 Definitions <i>Albert Sanchez-Graells</i>	17
3 Mixed procurement <i>Pawel Nowicki</i>	31
4 Threshold amounts <i>Pawel Nowicki</i>	42
5 Methods for calculating the estimated value of procurement <i>Pawel Nowicki and Kirsi-Maria Halonen</i>	48
6 Revision of the thresholds and of the list of central government authorities <i>Pawel Nowicki</i>	64
7 Contracts in the water, energy, transport and postal services sectors <i>Johan Wolswinkel</i>	69
8 Specific exclusions in the field of electronic communications <i>Johannes Stalzer</i>	80
9 Public contracts awarded and design contests organised pursuant to international rules <i>Johannes Stalzer</i>	84
10 Specific exclusions for service contracts <i>Johannes Stalzer</i>	92
11 Service contracts awarded on the basis of an exclusive right <i>Johan Wolswinkel</i>	112

CONTENTS

12	Public contracts between entities within the public sector <i>Wojciech Hartung, Katarzyna Kuźma and Willem Janssen</i>	126
13	Contracts subsidised by contracting authorities <i>Wojciech Hartung and Katarzyna Kuźma</i>	148
14	Research and development services <i>Ioan Baci</i>	154
15	Defence and security <i>Baudouin Heuinckx</i>	161
16	Mixed procurement involving defence or security <i>Baudouin Heuinckx</i>	173
17	Procurement involving defence or security aspects pursuant to international rules <i>Baudouin Heuinckx</i>	177
18	Public procurement principles <i>Carina Risvig Hamer and Marta Andhov</i>	187
19	Economic operators <i>Roberto Caranta</i>	208
20	Reserved contracts <i>Ioan Baci</i>	218
21	Confidentiality <i>Albert Sanchez-Graells</i>	226
22	Rules applicable to communication <i>Petra Ferk and Boštjan Ferk</i>	236
23	Nomenclatures <i>Patricia Valcárcel Fernández</i>	253
24	Conflicts of interest <i>Dacian C. Dragos</i>	259
25	Conditions relating to the GPA and other international agreements <i>Annamaria La Chimia</i>	274
26	Choice of procedures <i>Christoph Krönke</i>	287
27	Open procedure <i>Christoph Krönke</i>	304
28	Restricted procedure <i>Christoph Krönke</i>	309
29	Competitive procedure with negotiation <i>Piotr Bogdanowicz</i>	311
30	Competitive dialogue <i>Pedro Telles</i>	321

31	Innovation partnership <i>Pedro Cerqueira Gomes</i>	335
32	Use of the negotiated procedure without prior publication <i>Piotr Bogdanowicz</i>	350
33	Framework agreements <i>Marta Andhov</i>	363
34	Dynamic purchasing systems <i>Mari Ann Simovart</i>	377
35	Electronic auctions <i>Mari Ann Simovart</i>	392
36	Electronic catalogues <i>Mari Ann Simovart</i>	408
37	Centralised purchasing activities and CPBs <i>Mario Comba</i>	417
38	Occasional joint procurement <i>Wojciech Hartung and Katarzyna Kuźma</i>	431
39	Procurement involving contracting authorities from different Member States <i>Albert Sanchez-Graells</i>	436
40	Preliminary market consultations <i>Dacian C. Dragos</i>	448
41	Prior involvement of candidates or tenderers <i>Dacian C. Dragos</i>	456
42	Technical specifications <i>Carina Risvig Hamer</i>	462
43	Labels <i>Marta Andhov</i>	474
44	Test reports, certification and other means of proof <i>Carina Risvig Hamer</i>	482
45	Variants <i>Albert Sanchez-Graells</i>	486
46	Division of contracts into lots <i>Ignacio Herrera Anchustegui, Lisa Margrethe Nes and Tor Sikkeland</i>	496
47	Setting time limits <i>Wojciech Hartung and Katarzyna Kuźma</i>	507
48	Prior information notices <i>Wojciech Hartung and Katarzyna Kuźma</i>	514
49	Contract notices <i>Wojciech Hartung and Katarzyna Kuźma</i>	519

CONTENTS

50	Contract award notices <i>Wojciech Hartung and Katarzyna Kuźma</i>	52
51	Form and manner of publication of notices <i>Wojciech Hartung and Katarzyna Kuźma</i>	53
52	Publication at national level <i>Wojciech Hartung and Katarzyna Kuźma</i>	53
53	Electronic availability of procurement documents <i>Petra Ferk and Boštjan Ferk</i>	54
54	Invitations to candidates <i>Albert Sanchez-Graells</i>	54
55	Informing candidates and tenderers <i>Albert Sanchez-Graells</i>	55
56	Choice of participants and award of contracts <i>Pascal Friton and Janis Zöll</i>	56
57	Exclusion grounds <i>Pascal Friton and Janis Zöll</i>	58
58	Selection criteria <i>Roxana Vornicu</i>	63
59	European Single Procurement Document <i>Pedro Telles</i>	64
60	Means of proof <i>Pedro Telles</i>	65
61	Online repository of certificates (e-Certis) <i>Pedro Telles</i>	66
62	Quality assurance standards and environmental management standards <i>Abby Semple</i>	67
63	Reliance on the capacity of other entities <i>Roxana Vornicu</i>	67
64	Official lists of approved economic operators and certification by bodies established under public or private law <i>Albert Sanchez-Graells</i>	68
65	Reduction of the number of otherwise qualified candidates to be invited to participate <i>Steven Van Garsse</i>	69
66	Reduction of the number of tenders and solutions <i>Steven Van Garsse</i>	70
67	Contract award criteria <i>Abby Semple</i>	70

68	Life-cycle costing <i>Marta Andhov</i>	721
69	Abnormally low tenders <i>Grith Skovgaard Ølykke and Christian Clausen</i>	729
70	Conditions for performance of contracts <i>Marta Andhov</i>	747
71	Subcontracting <i>Johannes Stalzer</i>	755
72	Modification of contracts during their term <i>Piotr Bogdanowicz</i>	776
73	Termination of contracts <i>Kirsi-Maria Halonen</i>	798
74	Award of contracts for social and other specific services <i>Marko Turudić</i>	810
75	Publication of notices <i>Marko Turudić</i>	817
76	Principles of awarding contracts <i>Marko Turudić</i>	821
77	Reserved contracts for certain services <i>Marko Turudić</i>	830
78	Scope <i>Sarah Schoenmaekers</i>	836
79	Notices <i>Sarah Schoenmaekers</i>	844
80	Rules on the organisation of design contests and the selection of participants <i>Sarah Schoenmaekers</i>	850
81	Composition of the jury <i>Sarah Schoenmaekers</i>	855
82	Decisions of the jury <i>Sarah Schoenmaekers</i>	857
83	Enforcement <i>Pedro Cerqueira Gomes</i>	861
84	Individual reports on procedures for the award of contracts <i>Pedro Cerqueira Gomes</i>	869
85	National reporting and statistical information <i>Pedro Cerqueira Gomes</i>	875
86	Administrative cooperation <i>Benedetta Biancardi</i>	879

CONTENTS

87	Exercise of the delegation <i>Benedetta Biancardi</i>	891
88	Urgency procedure <i>Benedetta Biancardi</i>	898
89	Committee procedure <i>Benedetta Biancardi</i>	900
90	Transposition and transitional provisions <i>Bojana Todorović</i>	905
91	Repeals <i>Bojana Todorović</i>	912
92	Review <i>Bojana Todorović</i>	916
93	Entry into force <i>Bojana Todorović</i>	922
94	Addressees <i>Bojana Todorović</i>	927
	<i>Index</i>	932