

SUMMARY

ECJ 6 October 2021, case C-598/19 (Conacee), Miscellaneous

Confederación Nacional de Centros Especiales de Empleo (Conacee) – v – Diputación Foral de Gipuzkoa, Spanish case

Summary

Member States may impose additional criteria in reserving the right to participate in public procurement to particular sheltered workshops, provided that they comply with the principles of equal treatment and proportionality.

Question

Must Article 20(1) of Directive 2014/24 be interpreted as precluding a Member State from imposing requirements in addition to those laid down in that provision, thereby excluding from reserved public procurement procedures certain economic operators which satisfy the criteria laid down in that provision.

Ruling

Article 20(1) of 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 must be interpreted as not precluding a Member State from imposing additional criteria beyond those laid down by that provision, thereby excluding from reserved public procurement procedures certain economic operators which satisfy the criteria laid down in that provision, provided that that Member State complies with the principles of equal treatment and proportionality.

Creator: European Court of Justice (ECJ)

Verdict at: 2021-10-06

Case number: C-598/19