

Contracting authority must offer the option of replacement for an unsuitable subcontractor during award procedure

In case the procurement authority discovers, during the award procedure, that an entity on whose strength a tenderer or candidate relies does not meet the selection criteria which apply to them, the procurement authority does not merely have the possibility, but the obligation to demand of this tenderer or candidate that they replace the entity in question, as explained by the Court of Justice in a [ruling of 6 October 2021](#) following a preliminary question raised by the Council of State.

This article is available in Dutch and French.

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