

The importance of carefully drawn up specifications: deviation from the RUP does not automatically lead to the substantial irregularity of the quotation.

In a remarkable judgment of 8 December 2021^[1], the Council of State ruled that a tender that deviates from the applicable zoning regulations of the Spatial Implementation Plan (RUP) is not a priori substantially irregular. In the case in question, the specifications were not sufficiently clear as to the scope of any deviation from the RUP.

This judgment once again demonstrates the importance of unambiguous and consistently drawn up specifications and of the obligation to state reasons.

This article is available in Dutch and French

[\[1\]](#) RvS nr. 252.352 van 8 december 2021.

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