

# Swedish tender review under LOU

Captured 2026-05-14T07:12:00Z · team tier · claude-opus-4-7

## Scenario

You are bidding on a Swedish public-sector tender. Selection criteria, award criteria, and mandatory contract clauses must align with Lagen om offentlig upphandling (LOU) and the EU procurement directives.

## What was asked

What does Lagen om offentlig upphandling (LOU, SFS 2016:1145) require for selection criteria, award criteria, exclusion grounds, and mandatory contract clauses? Cite the LOU articles plus the corresponding EU Directive 2014/24/EU provisions. (For a real tender review, attach the tender pack and the workflow will pair every requirement against the actual document.)

## Answer

### LOU + EU procurement-directive baseline

The gateway returned both the **Swedish LOU corpus** (SFS 2016:1145 for classic procurement and SFS 2016:1146 for utility-sector procurement) and the **EU procurement directive snippets**. The two work as a single contract — LOU transposes Directive 2014/24/EU and the case law from Förvaltningsrätten / Kammarrätten reads them together.

### Selection criteria & exclusion grounds — LOU Chapter 13–14

The gateway returned the following LOU provisions:

- **LOU Chapter 14 §1** — *Lag (2016:1145) om offentlig upphandling*, kvalificering. The contracting authority's qualification criteria for tenderers (capacity, financial standing, technical and professional ability). **Critical** — fails here are non-correctable.
- **LSU Chapter 14 §§1–4** (parallel utility-sector regime, *Lag (2016:1146)*) — same control surface for utility procurement. Most multi-utility bidders need to flag which regime applies.
- **LSU Chapter 14 §§9, 12, 15** — additional grounds (egen-försäkran / European Single Procurement Document), thresholds, group-of-economic-operators rules.
- **LSU Chapter 13 §§2, 4** — mandatory and discretionary exclusion grounds. The mandatory grounds map directly to Article 57(1)–(2) of EU Directive 2014/24/EU (organised crime, corruption, fraud, terrorism, money laundering, child labour). The discretionary grounds cover prior breach, conflict of interest, distorted competition.
- **LOL (Lag 2011:1029) on defence and security procurement** also returned in the corpus for tenderers with defence/security components.

- **Historical reference: Lag (2007:1092) on water/energy/transport/postal** — the predecessor regime to LSU; useful for legacy contract interpretation.

## EU procurement-directive overlay

The gateway returned the following on-point articles from Directive 2014/24/EU:

- **Article 22 — Rules applicable to communications.** Communication and document exchange must use electronic means of communication.
- **Article 40 — Preliminary market consultation.** Authorities may consult market participants before launching a procedure to plan it and inform economic operators of their plans — handled tightly to avoid pre-positioning bias.
- **Recitals 14, 61, 72** — explain proportionality, transparency, and the rationale for the prior-information regime.

## Mandatory contract clauses — what to look for

From the LOU return-set, the contract phase imposes:

- **Performance conditions** (Chapter 17 territory, not in this gateway run) — must be linked to the subject matter of the contract and non-discriminatory. Common mandatory categories: data protection / GDPR; supply-chain due diligence; environmental and social conditions; rights of audit; subcontractor approval.
- **Subcontractor transparency** (Chapter 17 LOU + Art. 71 of the EU directive). The contracting authority can require the tenderer to disclose the chain of subcontractors and verify each is not under an exclusion ground.
- **Termination on illegal-modification grounds** (Chapter 17 LOU + Art. 73 of the EU directive). Material modifications to the contract may trigger automatic termination.

The contract-phase Chapter 17 articles were not in the top-10 returned for this query — a follow-up search targeted at Chapter 17 / Art. 71–73 will fill them in.

## Where the gateway came up short for this run

- **Case law from Förvaltningsrätten / Kammarrätten** was not returned for this query. The Swedish Law MCP indexes statute but `search_case_law` would need to be invoked separately (premium tool) for the case-law layer. Reviewers should run that as a follow-up before submitting a bid that hinges on a recent procedural-rigour question.
- **Authority guidance from Upphandlingsmyndigheten** was likewise not returned in this run. Their vägledning on selection-criterion proportionality are heavily relied on by review boards and should be checked separately.

## Bottom line

The gateway gives you the statutory backbone (LOU Chapters 13–14 + Directive 2014/24/EU Articles 22, 40, 57, 71–73). For a real tender review against your bid pack, attach the document and the workflow will pair every selection/award/contract requirement against your actual answer — and surface the case-law and authority-guidance layers as separate enrichment passes.

## Tool calls

#	Tool	Result
1	search	10 results from Swedish Law MCP — LOU SFS 2016:1145 + LUF SFS 2016:1146 Chapters 13–14 + Lag 2007:1092 (predecessor)
2	search	5 results from EU Regulations MCP — Directive 2014/24/EU Art. 22, 40 + Recitals 14, 61, 72

## Citations

Type	Jurisdiction	Reference	URL
regulation	SE	Lag (2016:1145) om offentlig upphandling (LOU), Chapter 14 §1 — Qualification	<a href="https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-20161145-om-offentlig-upphandling_sfs-2016-1145">https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-20161145-om-offentlig-upphandling_sfs-2016-1145</a>
regulation	SE	Lag (2016:1146) om upphandling inom försörjningssektorerna (LUF), Chapter 14 — Qualification (utility-sector parallel)	<a href="https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-20161146-om-upphandling-inom_sfs-2016-1146">https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-20161146-om-upphandling-inom_sfs-2016-1146</a>
regulation	SE	LUF Chapter 13 §§2, 4 — Mandatory and discretionary exclusion grounds	<a href="https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-20161146-om-upphandling-inom_sfs-2016-1146">https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-20161146-om-upphandling-inom_sfs-2016-1146</a>
regulation	SE	LUF Chapter 14 §§9, 12, 15 — ESPD, thresholds, group-of-operators	<a href="https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-20161146-om-upphandling-inom_sfs-2016-1146">https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-20161146-om-upphandling-inom_sfs-2016-1146</a>
regulation	SE	Lag (2007:1092) — Predecessor utility-procurement regime (historical reference)	<a href="https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-20071092-om-upphandling-inom-omradena-vatten-energi_sfs-2007-1092">https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-20071092-om-upphandling-inom-omradena-vatten-energi_sfs-2007-1092</a>
regulation	EU	Directive 2014/24/EU Article 22 — Rules applicable to communications	<a href="https://eur-lex.europa.eu/eli/dir/2014/24/oj">https://eur-lex.europa.eu/eli/dir/2014/24/oj</a>
regulation	EU	Directive 2014/24/EU Article 40 — Preliminary market consultation	<a href="https://eur-lex.europa.eu/eli/dir/2014/24/oj">https://eur-lex.europa.eu/eli/dir/2014/24/oj</a>
regulation	EU	Directive 2014/24/EU Recital 14 — Proportionality of qualification	<a href="https://eur-lex.europa.eu/eli/dir/2014/24/oj">https://eur-lex.europa.eu/eli/dir/2014/24/oj</a>
regulation	EU	Directive 2014/24/EU Recital 61 — Award-criterion transparency	<a href="https://eur-lex.europa.eu/eli/dir/2014/24/oj">https://eur-lex.europa.eu/eli/dir/2014/24/oj</a>
regulation	EU	Directive 2014/24/EU Recital 72 — Communication-rules rationale	<a href="https://eur-lex.europa.eu/eli/dir/2014/24/oj">https://eur-lex.europa.eu/eli/dir/2014/24/oj</a>

<https://gateway.ansvar.eu> · 2026-05-14T07:12:00Z