

Question for written answer E-003670/2015
to the Commission
Rule 130
Syed Kamall (ECR)

Subject: Polish Ministry of the Environment

I have been contacted by a constituent who claims that the Polish Ministry of the Environment has breached the principles of fair competition in relation to a contract his company bid for in November 2012.

He tells me that in accordance with Polish law his company should have been granted the concession on a potash deposit in Puck, Poland issued on 12 May 2013. Instead, my constituent claims, his enterprise was passed over and the contract awarded to a company that is 30 % owned by the Polish State Treasury.

My constituent claims that this rival enterprise 'over-claimed' for this concession and was awarded the contract after the ministry changed its criteria for the award of the concession.

My constituent tells me that he has conducted a press search and found reports about a number of comparable cases, in which Polish authorities seem to have favoured Polish, in particular state-owned, enterprises, to the detriment of foreign companies.

Does the Commission agree that the Polish authorities violated the fundamental freedom of establishment as guaranteed by Article 49 TFEU, since their action was both discriminatory and non-transparent?

What action does the Commission intend to take in this instance?