

Question for written answer E-011097/2015
to the Commission
Rule 130
Josef Weidenholzer (S&D)

Subject: Restricting the right to take part in public procurement procedures to certain organisations, as provided for in the Directive on the award of public procurement contracts

Article 74 of Directive 2014/24/EU provides that public contracts for the services listed in Annex XIV shall be awarded in accordance with Chapter I of Title III ('Particular Procurement Regimes'), where the value of the contracts is equal to or greater than the threshold indicated. According to the interpretation of Article 77, Member States may restrict the right to participate in public procurement procedures for the services listed in this Article by CPV codes to specific organisations - for example, non-profit organisations. In view of the above, can the Commission clarify the following points:

1. Where a Member State does not restrict the right to participate in public procurement procedures to specific organisations, pursuant to Article 77, can for-profit service providers also take part in public procurement procedures for the services mentioned in this Article?
2. Is it permissible to restrict participation in award procedures for 'Blood Banks Services' (CPV code 85146000-4) to non-profit organisations under Article 77, or does this constitute an impermissible interference with the freedom of employment in the Union?
3. Where a Member State does not restrict the right, under Article 77, to participate in public procurement procedures to certain organisations, is it nevertheless entitled to refuse to allow the establishment on its territory of foreign companies that operate for-profit blood establishments, or are these service providers from across the Union also entitled to take part in procurement procedures for 'services provided by blood banks'?