

**Question for written answer E-001930/2017
to the Commission**
Rule 130
Adam Szejnfeld (PPE)

Subject: Discrimination against tenderers from other Member States in public procurement procedures in France

Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement stipulates that award criteria or contract performance conditions must not be worded in a way that discriminates directly or indirectly against economic operators from other Member States.

Despite this, however, an increasing number of French regions are introducing clauses that are restricting the public procurement market to French firms only. A recent example of an attempt to skew the market in favour of local interests is the requirement for the staff of firms carrying out projects in receipt of public funding to have a good command of French. The so-called 'Molière clause' is already in force in France's capital region, Île-de-France, as well as in Hauts-de-France and Auvergne-Rhône-Alpes, and representatives of other regions are calling for it to be introduced.

Legal approaches of this kind are not only unjustified, disproportionate and discriminatory: they are, above all, incompatible with the principles on which the EU's common market is based. It is difficult not to conclude that the basic aim of such approaches is to favour local firms at the expense of those that employ workers from the 27 other Member States, or post workers to France. This is another blow to the principles underpinning Europe's single market, particularly with regard to the freedom to provide services.

With the foregoing in mind, when is the Commission intending to take action to put a stop to the use in France of practices, such as the 'Molière clause', that are threatening the law and principles of the EU?