

**Question for written answer E-003808/2017
to the Commission**
Rule 130
Hugues Bayet (S&D)

Subject: The implementation of Article 85 of Directive 2014/25/EU

Article 85(2) of Directive 2014/25/EU on procurement by entities operating in the water, energy, transport and postal services sectors stipulates that: 'Any tender submitted for the award of a supply contract may be rejected where the proportion of the products originating in third countries (...) exceeds 50% of the total value of the products constituting the tender.'

This rule applies to tenders comprising products from third countries with which the European Union does not have an agreement that grants comparable access to their markets.

It appears that this rule has not been used by ordering parties within the Union very often.

This is greatly surprising, when, for example, there is evidence that the railway sector in the Chinese market is becoming increasingly closed!

1. Can the Commission provide an overview of the implementation of Article 85?
2. What progress is being made in transposing the text in Member States?
3. Has the Commission issued recommendations that would help European operators to make use of this rule, which could be very useful for helping some parts of European industry? If not, does it intend to do so quickly?