

**Question for written answer E-007243/2017
to the Commission**
Rule 130
Richard Sulík (ECR)

Subject: Single Market Information Tool (SMIT) - obtaining information in connection with the extension of a concession without opening tendering procedures for public procurement

In document SWD(2017)216, the Commission draws attention to the need for an instrument to gather information from private companies, for example, when enforcing the rules of public concessions concerning major infrastructure projects. The extension of concessions without opening additional procurement procedures is authorised by public procurement rules under certain conditions laid down by the EU. The financial implications of selecting the best/cheapest concessionary are enormous for citizens. The Commission points out that in order to ascertain whether extending a concession without opening a tendering procedure is justified or whether it infringes EU rules, detailed information is necessary concerning the investments and risks. However, most of this information is classified as trade secrets, which the Commission is unable to obtain under current legislation. Therefore, the Commission has had to rely on estimates in the past.

If a Member State decides to extend a concession without opening a tendering procedure, should it not provide a relevant justification and take responsibility for it?

If the Commission suspects that EU rules (e.g. procurement rules) have been breached, should it not resolve this with the competent Member State responsible for the error and demand justification for extending the concession without opening a tender?

If a company has provided false or misleading information, which can be considered a crime, should that company not be dealt with primarily at national level, for example, through criminal proceedings,?