

**Question for written answer P-008019/2016  
to the Commission**  
Rule 130  
**Werner Langen (PPE)**

Subject: Procurement practice of Deutsche Bahn with regard to its subsidiary DB Bahnbaugruppe GmbH

DB Bahnbaugruppe GmbH (BBG) is a subsidiary of Deutsche Bahn AG (DB). Deutsche Bahn AG is owned by the Federal Republic of Germany. In the past, BBG has often been awarded works contracts following procurement procedures by DB. This raises issues of state-aid law, as BBG participates in market procedures under different conditions than its competitors.

In the light of the above, could the Commission answer the following questions?

1. Until 31 May 2016, there was a profit-transfer agreement between DB and BBG. This renders BBG insolvency-proof and enables it to offer riskier tenders than its competitors. To what extent does this constitute illegal State aid?
2. In contrast to competitors, BBG does not have to put up performance bonds or guarantees or to give discounts. Is this compatible with European competition law?
3. BBG takes part in tender procedures for tax-funded construction work but is awarded contracts by DB without any call for tenders for work it is funding from its own resources. Does this constitute a direct award that is inadmissible?