

**Question for written answer E-003884/2019  
to the Commission**

Rule 138

**Lucia Ďuriš Nicholsonová** (ECR)

Subject: Conflict of interests

In 2014, a consortium of SALINI IMPREGILO and DÚHA received a contract to build an important section of the D1 motorway in Slovakia, Lietavská Lúčka – Višňové – Dubná Skala, including the complicated section of the Višňové tunnel.

The design documentation, which formed part of the tender documents, was prepared for the contracting authority by the same design company that the contractor included in its bid. Besides enjoying a clear advantage over other tenderers, the design company concerned was working on one project for two parties at the same time: for the contracting authority as supervisor and for the tenderer as the designer for the design documentation requested by the contracting authority.

According to Article 24 of Directive 2014/24/EU on procurement, a conflict of interest is a situation in which 'staff members of the contracting authority or of a procurement service provider acting on behalf of the contracting authority who are involved in the conduct of the procurement procedure or may influence the outcome of that procedure have, directly or indirectly, a [...] personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure'.

Does the Commission consider the situation described above to be a conflict of interest?

Does the Commission agree that, in this case, there should have been more accountability for ensuring a fair and level playing field for all?