Question for written answer E-001711/2021
to the Commission
Rule 138
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Subject: Foreign subsidies and public procurement

European companies are increasingly having to deal with unfair competition by foreign state-owned enterprises on the EU public procurement market.

On 16 March 2021 the Dutch dredging company Van Oord warned that heavily subsidised, state-owned Chinese enterprises were placing abnormally low bids below the cost price[1].

The Commission announced a proposal on foreign subsidies and public procurement for 2021 based on its white paper on foreign subsidies[2] in order to address market distortions on the public procurement market.

1. How will the public authorities investigate the existence of a foreign subsidy as well as the ownership of the tenderer, and what measures will be taken in the event that a company fails to comply with its obligation to provide complete information?

2. How extensively is the Commission guidance on participation of third country bidders used by the Member States, and what efforts are being undertaken to make the guidance more widely known throughout the EU?

3. According to the Public Procurement Directive[3], a tender may be rejected if the tenderer places an abnormally low bid with the support of State aid. How often are tenders rejected for this reason? If this does not occur frequently, what will the Commission do to improve the enforcement of the directive?

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1 Baggeraars verweren zich tegen oprukkende Chinezen (fd.nl)
2 Commission adopts White Paper on foreign subsidies (europa.eu)
3 Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement, Article 69(4).