

**Question for written answer E-003537/2021  
to the Commission**

Rule 138

**Martin Schirdewan** (The Left)

Subject: Application of EU procurement rules in connection with the construction of the Elbtower in Hamburg

1. Can the Commission confirm that the sale of land below market value by the public authorities to a private investor is to be regarded as a financial contribution to the latter's construction project for the land and thus, in keeping with the case-law of the Court of Justice of the European Union (Case C-451/08, in particular paragraph 52) establishes a direct economic interest on the part of the public authorities in the construction project, which necessitates the application of EU public procurement law?
2. If so, in conducting the assessment referred to in its answer to my written question E-004962/2020 to what extent did the Commission take account of the fact that the plot of land for the planned Elbtower in Hamburg was sold to the successful tenderer for EUR 122 million, despite the fact that EUR 135 million had been offered by another party, and that in subsequent negotiations the successful tenderer was also granted authorisation for denser construction, so that his offer was no longer the best in terms of the price per square metre of planned gross floor area?