

**Question for written answer E-001452/2022
to the Commission**

Rule 138

Dimitrios Papadimoulis (The Left)

Subject: Large-scale derogations from the provisions on public contracts in Greece

According to the single market scoreboard for 2020¹, Greece has performed very poorly in the majority of indicators relating to public contracts, while the proportion of contracts awarded within the framework of procedures with only one applicant increased to 42%. In addition, according to the data from the Hellenic Single Public Procurement Authority (HSPPA)², of the total of public contracts in the period from 1 January 2020 to 31 October 2021, EUR 3.66 billion relates to restricted calls for tender (17.5%) and EUR 2.9 billion to direct awards (13.9%), of which just EUR 358 million is linked to the pandemic (1.7%). Since 2021, the Greek Government has increased the thresholds for direct awards³. At the same time, in the name of the emergency and often without obtaining an opinion in advance from the HSPPA⁴, a multitude of regulations⁵ are introducing either exceptions from the provisions of the legislation on public contracts⁶ or stand-alone public contract systems solely for specific bodies, through their own regulations. These sorts of modus operandi raise issues of legality and legal certainty⁷, open the door to large-scale direct awards and increase the risk of public funds being wasted⁸.

In the light of the above:

1. What measures will the Commission take to ensure the uniform and effective implementation of the rules on public contracts?
2. How will it ensure that the fragmentation of the public contract framework does not lead to a waste of public funds and to infringements of the fundamental principles of equal treatment, transparency and competition?

¹ https://single-market-scoreboard.ec.europa.eu/policy_areas/public-procurement

² https://ppp.eaadhsy.gr/index.php/el/?option=com_sppagebuilder&view=page&id=131

³ Article 128 of Law 4781/2021

⁴ Article 2(2) of Law 4013/2011

⁵ For example: Article 9 of Law 4643/2019, Article 48 of Law 4758/2020, Article 6 of Law 4892/2022, Article 16 of Law 998/1979 as amended by the Order of 13 August 2021, Article 72(17) and Article 90 of Law 4914/2022, Article 89 of Law 4916/2022

⁶ Law 4412/2016 transposing Directives 2014/24/EU and 2014/25/EU

⁷ For example: Opinion A 1/2022 of the HSPPA, <https://diavgeia.gov.gr/doc/%CE%A16%CE%92%CE%A9%CE%9F%CE%9E%CE%A4%CE%92-846?inline=true>

⁸ https://www.avgi.gr/arheio/353098_skandalodis-apeytheias-anathesi-ergoy-apo-ta-elta-250-hiliarika-se-etaireia-mias, <https://www.naftemporiki.gr/story/1699616/syryza-perimenoume-tin-ksekathari-thesi-mitsotaki-gia-to-plitiatsiko-nikolaou-me-tis-apeutheias-anatheseis>, <https://www.koutipandoras.gr/article/resalto-stadimosia-tameia-me-skandalodeis-apeytheias-anatheseis>