

WRITTEN QUESTION P-0488/03  
by Freddy Blak (GUE/NGL)  
to the Commission

Subject: Circumvention of rules on invitation to tender by Dansk Tipstjeneste

Dansk Tipstjeneste A/S has a monopoly on the football pools and lotteries in Denmark. Since 1 July 2000, Dansk Tipstjeneste has also had a monopoly on betting on horse and dog racing via its subsidiary DanToto A/S.

In January 2002, DanToto A/S transferred newly acquired TV production equipment to an external TV production company following the DanToto Board's decision that TV production was not within the company's sphere of competence.

The production equipment was sold to the production company for DKr 9 million. At the same time, the parties concluded an agreement on broadcasts from horse and dog races. Under the agreement, DanToto has undertaken to pay an eight-figure sum per year for the broadcasts. The agreement may be terminated by giving 12 months' notice, though not until the end of 2004 at the earliest.

Despite the value of the contract, no tenders were invited. In a new report, the National Audit Office of Denmark criticises DanToto for not having invited tenders from other TV producers and for not having consulted the market. At the same time, the National Audit Office writes that, in its opinion, DanToto is not a public body and that therefore DanToto A/S is not required to invite tenders throughout the EU even though the company is making purchases, including services, above the thresholds.

Does the Commission take the view that the Danish Government can circumvent EU rules on the award of public contracts by conferring a state monopoly on a limited company? If the Commission considers that the Danish Government has circumvented EU rules on invitations to tender, will it say what options it has available to intercede?