Priority question for written answer P-003415/2019/rev.1

to the Commission

Rule 138

Urmas Paet (Renew)

Subject: Freedom of competition

On 16 July 2019, I submitted Written Question E-002300/2019 to the Commission regarding a specific example of Lithuania’s disregard for EU public procurement law in the interests of national protectionism, but did not receive a substantive answer.

In 2018, UAB Skinest Baltija – an Estonian company formed under Lithuanian law – participated in Lithuanian public procurement procedures for the supply of railway sleepers and spare parts to the fully state-owned railroad company AB Lietuvos geležinkeliai. Skinest Baltija was recognised as a winning tenderer, but was immediately eliminated from both procurement procedures in favour of a national tenderer. EU law lays down an exhaustive list of exclusion criteria on the basis of which a tenderer might be excluded from public procurement procedures. Lithuania eliminated the company on the basis of a non-exhaustive list of general and abstract criteria that is laid down in its own law, without providing any justification.

1. 1. Does the Commission plan to investigate Lithuania’s disregard for EU public procurement law in this case involving UAB Skinest Baltija?

2. If so, when will it do so?

3. What actions does it plan to take in response to Lithuania’s disregard for public procurement law in the interests of national protectionism?