Priority question for written answer P-002607/2021
to the Commission
Rule 138
Niels Fuglsang (S&D)

Subject: EU rules on public procurement and tax havens

The Commission maintains that ‘55% of procurement procedures use lowest price as the only award criterion for public contracts’ and that ‘this indicates that public buyers are probably not paying enough attention to quality, sustainability and innovation’. Moreover, in a resolution it adopted on 21 January 2021, the European Parliament called on the Commission to make it possible for companies based in tax havens to be excluded from taking part in public procurement procedures, among other things.

The Commission has been unable to state expressly whether this is possible or legal under the current EU rules on public procurement in the Member States.

If it is indeed possible, can the Commission state the exact provision of EU legislation under which such penalties may be imposed against companies based in tax havens?

And if it is not possible to refer to specific legislation, can the Commission state any plans it has to update the EU’s public procurement rules from 2017?

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1 Public procurement | Internal Market, Industry, Entrepreneurship and SMEs (europa.eu)
2 Paragraphs 23 and 26: Texts adopted (P9_TA(2021)0022) – European Parliament resolution of 21 January 2021 on reforming the EU list of tax havens (europarl.eu)