

**Question for written answer E-014985/2015
to the Commission**
Rule 130
Bogusław Liberadzki (S&D)

Subject: Discriminatory treatment of non-Estonian contractors by Estonian public procurers and violations of Directive 2004/17/EC

On 20 March 2015, a notice of public invitation to tender (No 2015/S 050-087564) for 'concrete sleepers', financed by the Cohesion Fund, was published in a supplement to the Official Journal of the European Union. *Edelaraudtee Infrastruktuuri AS*, the public procurer, sets different requirements for participation in the procedure: contractors from Estonia are required to submit a statement showing the amount of turnover attributable to concrete sleepers meeting the EN 13230–1:2009 standard, while non-Estonian contractors are required to demonstrate the amount of this turnover by submitting financial reports. Non-Estonian contractors are thus discriminated against by the public procurer, while the manner in which the procedure is being carried out is not transparent. I feel that the public procurer is therefore in violation of Directive 2004/17/EC and of the national law implementing its provisions. This matter was described in detail in a letter dated 17 November 2015, which remains unanswered.

With the above in mind:

1. Does the Commission intend to carry out an audit in order to prevent the violation of the fundamental treaty principle of free circulation of goods on the internal market?
2. Does the Commission intend to withhold funding from the project in question for the duration of the audit procedure?

Urgent action on the part of the Commission is particularly justified in view of the results of an audit carried out by the European Court of Auditors and the increasing protectionism in the EU, which is harmful to the internal market.