

(English version)

**Question for written answer E-001612/24  
to the Commission  
Nicolás González Casares (S&D)  
(3 September 2024)**

*Subject:* Contracts

According to recent press reports <sup>(1)</sup>, the Government of Galicia has failed to fulfil its obligation to put government contracts out to public tender by subdividing the contracts in question into hundreds of invoices for services contracted to the same company. It has been reported that many of these contracts (over 1 300 in total) had the same description and amount and were invoiced to the same Galician Government department.

In light of the fact that Spain's Law on Public Sector Contracts transposes Directives 2014/23/EU and 2014/24/EU into Spanish law and that the directives specifically seek to introduce transparency and limit direct awards, I would like to know:

1. whether the Commission understands that, given the above, the Galician Government may be breaching the principles enshrined in EU legislation by using this type of contract repeatedly and without advertising;
2. whether the Commission is aware that EU funds may have been allocated to these subdivided contracts and whether the Commission has contacted, or will contact, the Galician Government in relation to this practice.

Submitted: 3.9.2024

**Answer given by Executive Vice-President Vestager on behalf of the European Commission  
(28 October 2024)**

All contracting authorities and contracting entities in the EU must respect the national rules transposing the EU Public Procurement directives <sup>(1)</sup>.

These directives ensure that public procurement is opened up to competition and public funds are used efficiently. Member States are obliged to ensure application of the provisions transposing these directives to all public contracts and concessions the value of which is estimated to be not less than certain thresholds <sup>(2)</sup>.

As specified in Directive 2014/24/EU <sup>(3)</sup>, the procurement shall not be subdivided with the effect of preventing it from falling within the scope of this directive, unless justified by objective reasons.

National courts are usually in the best position to assess whether contracting authorities and contracting entities respect their obligations under EU law.

The transposition of the directives on remedies in public procurement <sup>(4)</sup> provides economic operators with rapid review procedures to challenge award procedures that they deem to be in breach of EU law, in the case at stake, before the Administrative Tribunal on Public Procurement of the Autonomous Community of Galicia <sup>(5)</sup>.

Based on the information provided by the Honourable Member, the Commission cannot determine if these public procurement activities received EU funds.

For EU funds under shared management, the Member States shall ensure that expenditure submitted to the Commission is legal and regular and prevent, detect, correct and report on possible irregularities.

The Commission will raise the issue with the Spanish authorities and, should it identify a breach of EU law or a serious deficiency in a programme's management and control system, it may interrupt or suspend the payment deadlines, and cancel the EU contribution.

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<sup>1</sup> <https://osalto.gal/galicia/concursos-xunta-empresa-hermana-feijoo-cinco-millones-mil-facturas>.

<sup>(1)</sup> Directive 2014/23/EU : <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014L0023>, Directive 2014/24/EU : <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014L0024>, and Directive 2014/25/EU : <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014L0025>

<sup>(2)</sup> For concessions covered by Directive 2014/23/EU, the threshold is EUR 5 538 000. For public contracts covered by Directive 2014/24/EU and awarded by sub-central contracting authorities, the thresholds are EUR 5 538 000 for works contracts, EUR 750 000 for service contracts for social and some specific services and EUR 221 000 for all other service contracts and for all supplies contracts. For public contracts covered by Directive 2014/25/EU, the thresholds range from EUR 443 000 to EUR 5 538 000.

<sup>(3)</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014L0024>

<sup>(4)</sup> Directive 89/665/EEC: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:01989L0665-20140417>, and Directive 92/13/EEC: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:31992L0013>

<sup>(5)</sup> [https://tacgal.xunta.gal/index\\_es.html](https://tacgal.xunta.gal/index_es.html)