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E-002831/2024

Answer given by Executive Vice-President Séjourné
on behalf of the European Commission
(13.2.2025)

The Bulgarian transposition of the concept of ‘body governed by public law’, for the purposes of the Public Procurement Directive 2014/24/EU¹, introduced a derogation from public tender obligations with regard to private hospitals whose activities are financed by more than 50% from public funds, exempting them from the obligation to hold public tenders where two-thirds of their capital is in private hands. This exemption represents a breach of Directive 2014/24/EU which was not addressed by the amendments introduced in the Bulgarian Public Procurement Act in 2023.

While the infringement referred to by the Honourable Member was originally launched on the Commission own initiative, following transposition checks of the 2014 Public Procurement and Concessions Directives, it also takes into account further information received later on through complaints.

It should finally be recalled that these rules are without prejudice to the freedom of national, regional and local authorities to define, in conformity with EU law, services of general economic interest, their scope and the characteristics of the service to be provided, including any conditions regarding the quality of the service.

¹ OJ L 94, 28.3.2014, p. 65–242.