

EN

E-000695/2025

Answer given by Mr Serafin
on behalf of the European Commission
(2.5.2025)

The 2024 Financial Regulation includes a clear definition of professional conflicting interests¹, a formal obligation for authorising officers to verify the absence of professional conflicting interests before the award of a contract² and an explicit ground for rejection of economic operators (tenderers, subcontractors, other entities providing support) from public procurement procedures in such cases³.

Any economic operator must submit a declaration on honour stating the absence of professional conflicting interests and provide relevant information when required⁴. The related Procurement Vademecum⁵, established by the Commission provides guidance on how to draft tender specifications and evaluate professional conflicting interests, including how to reject tenders where professional conflicting interests would affect the performance of the contract in an independent, impartial and objective manner.

A new Guidance⁶ defines the activities that should not be outsourced in the first place. It requires a careful scrutiny from authorising officers, including on potential professional conflicting interest before any outsourcing.

For contracts requiring the utmost impartiality for the contractor, the templates provided to authorising officers in the Commission foresee the possibility to request additional information from an economic operator, in order to prevent any professional conflicting interests, including on the group of the tenderer, any subsidies received or other contracts in the field of the call for tenders or with any EU Institutions⁷.

In addition, training for staff highlights the importance of correctly assessing any professional conflicting interests and provides tools to early detect and exclude tenderers proved to be in such a conflict.

¹ Article 2(56) of Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (recast) (hereinafter 'Financial Regulation'), OJ L, 2024/2509, 26.9.2024, defines 'professional conflicting interests' as a situation in which the previous or ongoing professional activities of an economic operator affect or risk affecting its capacity to perform a contract in an independent, impartial and objective manner:

<http://data.europa.eu/eli/reg/2024/2509/oj>

² Article 170 (1) (c) of the Financial Regulation <http://data.europa.eu/eli/reg/2024/2509/oj>

³ Article 143(1)d of the Financial Regulation <http://data.europa.eu/eli/reg/2024/2509/oj>

⁴ Point 18.4 of Annex I of the Financial Regulation <http://data.europa.eu/eli/reg/2024/2509/oj>

⁵ <https://europea.eu.sharepoint.com/sites/budgpedia/procurementDocuments/vademecum-public-procurement-en.pdf>

⁶ https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/common/guidance/guidance-funding-dev-impl-monit-enforce-of-eu-law_en.pdf

⁷ <https://europea.eu.sharepoint.com/sites/budgpedia/procurementDocuments/vademecum-public-procurement-en.pdf>