

(English version)

**Question for written answer E-002587/25
to the Commission
Virginie Joron (PFE)
(26 June 2025)**

Subject: Public procurement: when Brussels finances a company penalised for dumping

In 2016, the Commission imposed a definitive anti-dumping duty of 4% on imports of tubes and pipes of ductile cast iron originating in India. On 22 November 2023, Ursula von der Leyen and her administration decided to impose anti-dumping duties of 16% on Electrosteel. According to the Commission, this Indian company has a 30% share of the water pipe market in France and benefits from export subsidies of 6% at home ⁽¹⁾.

The Commission found evidence that the weight of the goods had been misreported. Despite the fact that correct reporting of weights is essential to ensure that dumping margins are accurately calculated, the Commission has refused to check the previous imports for possible fraud and recover any duties not collected since 2016.

1. By underreporting the weight of its pipes, the company evaded the duties it should have paid. Why has the Commission refused to carry out an investigation and recover the cost of this fraud?
2. One project in Isère — funded by Brussels and the Auvergne-Rhône-Alpes Region, and valued at EUR 8 million — has purchased pipes from this non-EU company ⁽²⁾. Why is the Commission financing a non-EU company that has committed subsidy fraud and that it has penalised for dumping?
3. Why does the Commission not prohibit, in EU public procurement, purchases of products from non-EU companies found to have engaged in dumping or fraud?

Submitted: 26.6.2025

**Answer given by Mr Šefčovič on behalf of the European Commission
(2 September 2025)**

The Commission imposed combined anti-dumping and anti-subsidy duties on imports of tubes and pipes of ductile cast iron from Electrosteel Castings Ltd (ECL) following an interim review in November 2023.

In that investigation, the Commission discovered discrepancies in the reporting of the weight of the imported product. Despite a withdrawal of the review request by the company, the Commission did not terminate the investigation given the findings on false and misleading information provided by ECL.

The Commission disregarded the misleading information and relied instead on facts available in line with the legislation. This Commission decision resulted in higher anti-dumping and anti-subsidy duties than those that would have been applicable had the Commission used the false information provided by the company.

The Commission confirms that the firm mentioned was not supported by the European Regional Development Fund.

Concerning the last question, Article 57 of Directive 2014/24/EU ⁽³⁾ lists fraud ⁽²⁾ among the grounds for exclusion of an economic operator from participation in a procurement procedure. While dumping is not listed as ground for exclusion, bidders can be excluded for abnormally low tenders resulting from dumping.

At the same time, bidders from third countries with which the EU has no international commitments on procurement can be excluded from procurement procedures in the EU.

Where there is no EU measure concerning access of such third countries, it is for each contracting authority/entity to determine whether it admits, or not, such operators (see Guidance on the participation of third-country bidders and goods in the EU procurement market ⁽³⁾) and ECJ cases C-652/22 ⁽⁴⁾ and C-266/22 ⁽⁵⁾).

¹ Recitals 4, 80, 168, 209 and 233 of Commission Implementing Regulation (EU) 2023/2605 of 22 November 2023: countervailing duty of 9% and anti-dumping duty of 7%, https://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=OJ:L_202302605.

² Albenc — <https://caeau.fr/creation-du-reseau-d-irrigation-asl-d-irrigation-de-l-albenc-38>; https://www.linkedin.com/posts/cabinet-ca-eau_retour-sur-le-projet-dirrigation-des-terres-activity-7155144143210446848-X7rJ/?originalSubdomain=fr.

⁽¹⁾ <https://eur-lex.europa.eu/eli/dir/2014/24/oj/eng>.

⁽²⁾ ‘within the meaning of Article 1 of the Convention on the protection of the European Communities’ financial interests’.

⁽³⁾ [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52019XC0813\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52019XC0813(01)&from=EN).

⁽⁴⁾ <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62022CJ0652>.

⁽⁵⁾ <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62022CJ0266>.