

(English version)

**Question for written answer E-003514/25
to the Commission
Flavio Tosi (PPE), Salvatore De Meo (PPE)
(10 September 2025)**

Subject: Protecting European companies in EU-funded public procurement: enforcing the IPI and combating foreign subsidies

In recent years, an increasing number of non-EU companies, especially Chinese ones, have been participating in European public procurement, including for large projects directly financed by EU funds. These operators, often recipients of non-transparent public subsidies, manage to make bids at artificially low prices, putting European companies at a disadvantage and distorting fair competition. Meanwhile, China does not allow equal access to its public procurement market, creating clear trade asymmetry.

The International Procurement Instrument (IPI) was designed precisely to respond to such situations in which there is a lack of reciprocity. Similarly, the EU Foreign Subsidies Regulation provides tools to investigate and sanction distortive practices. These instruments, however, are in practice still only implemented to a limited extent.

In light of the above:

1. Would the Commission consider the conditions for the activation of the IPI to be met if a formal request were received for an investigation to be launched against China to look into restrictions that are detrimental to European companies?
2. How many cases of bids subsidised by Chinese companies have been investigated under the Foreign Subsidies Regulation since 2023?
3. Will it adopt guidelines to protect European companies in EU-funded procurements, using criteria relating to quality, sustainability and the European supply chain?

Submitted: 10.9.2025

**Answer given by Executive Vice-President Séjourné on behalf of the European Commission
(24 November 2025)**

The Commission is ready to assess any substantiated complaints on alleged measures or practices restricting access for EU companies, goods or services to procurement markets in third countries, including China.

After a preliminary assessment, the Commission may decide to open an investigation under the International Procurement Instrument ⁽¹⁾ that may lead to restriction of access to EU procurement markets of economic operators, goods and services of the third country concerned, if the latter does not remove its barriers (in the form of exclusion of bidders or a score adjustment in a given sector and such restriction is not limited to projects with EU funding).

The Commission undertakes a preliminary review of all submissions received under the Foreign Subsidies Regulation ⁽²⁾. The Commission may open an in-depth investigation if there are sufficient indications that a bidder has been granted a foreign subsidy that distorts the internal market.

To date, three such investigations have been launched in two procurement procedures and closed after bidders withdrew from tender, ⁽³⁾ and a more recent one is ongoing ⁽⁴⁾, all involving different Chinese bidders.

The Commission is preparing the revision of the current public procurement legislative framework ⁽⁵⁾ to assess possible new measures, including in areas like awarding criteria, sustainability and European preference.

⁽¹⁾ Regulation (EU) 2022/1031 of the European Parliament and of the Council of 23 June 2022 on the access of third-country economic operators, goods and services to the Union's public procurement and concession markets and procedures supporting negotiations on access of Union economic operators, goods and services to the public procurement and concession markets of third countries (International Procurement Instrument — IPI) (Text with EEA relevance), *OJ L 173*, 30.6.2022, pp. 1-16.

⁽²⁾ Regulation (EU) 2022/2560 of the European Parliament and of the Council of 14 December 2022 on foreign subsidies distorting the internal market.

⁽³⁾ https://ec.europa.eu/commission/presscorner/detail/en/statement_24_1729.

⁽⁴⁾ https://single-market-economy.ec.europa.eu/news/commission-opens-depth-investigation-construction-lisbon-railway-line-under-foreign-subsidies-2025-11-05_en.

⁽⁵⁾ Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts Text with EEA relevance, Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC and Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC.

Further to judgments of the Court of Justice of the European Union in the cases *Kolin* ⁽⁶⁾ and *Qingdao* ⁽⁷⁾, it is very clear that it is already today up to the contracting authority or entity to decide on the participation of economic operators from third countries who cannot rely on EU's commitments in the World Trade Organisation Government Procurement Agreement or bilateral trade agreements.

⁽⁶⁾ C-652/22 Judgment — 22/10/2024 — Kolin İnşaat Turizm Sanayi ve Ticaret.

⁽⁷⁾ C-266/22 Judgment — 13/03/2025 — CRRC Qingdao Sifang and Others.