

(English version)

**Question for written answer E-000988/26
to the Commission
Fabio De Masi (NI)
(10 March 2026)**

Subject: Possible circumvention of EU public procurement law with the construction of a natural history museum in the Elbtower and a new opera house in HafenCity (Hamburg)

According to reports, the Free and Hanseatic City of Hamburg intends to procure key construction and planning services for two major cultural projects — a natural history museum in the Elbtower and a new opera house in HafenCity — through structures involving private project companies, without conducting an open tender procedure published in the Official Journal of the European Union ⁽¹⁾ ⁽²⁾.

Observers and professional associations have pointed out that public works and service contracts pursuant to Directive 2014/24/EU are typically the norm with projects of this scale involving substantial public funding. This begs the question whether the chosen project structures could be a ploy to bypass EU public procurement law.

1. When did the Commission initiate an informal examination procedure (e.g. an EU pilot) or request information from Germany and/or the relevant Hamburger authorities?
2. What is the status of the examination?
3. When is the Commission expected to reach a decision on whether to initiate an infringement procedure against Germany?

Submitted: 10.3.2026

**Answer given by Executive Vice-President Séjourné on behalf of the European Commission
(21 April 2026)**

Further to complaints received on the two cases mentioned by the Honourable Member, the Commission has requested information from the German authorities and is currently assessing their replies.

From a more general point of view, the Commission would like to recall that, as a rule, national authorities and notably national review bodies are the best placed to make the appropriate in-depth analysis of the legal and factual circumstances of each individual case and to take the appropriate relevant measures. Interested economic operators are therefore invited to submit their individual appeals to those national authorities.

¹ <https://www.staatsanzeiger.de/nachrichten/ausschreibung-und-vergabe/planer-kritisieren-fehlenden-wettbewerb-fuer-oper/#:~:text=Planer%20kritisieren%20fehlenden%20Wettbewerb%20f%C3%BCr%20Hamburger%20Oper%20%7C%20Staatsanzeiger%20BW.>

² [https://www.zeit.de/hamburg/2025-12/naturkundemuseum-hamburg-elbtower-grunder-jahr-haus-standort.](https://www.zeit.de/hamburg/2025-12/naturkundemuseum-hamburg-elbtower-grunder-jahr-haus-standort)