

(English version)

**Priority question for written answer P-002749/25
to the Commission
Radan Kanev (PPE)
(5 July 2025)**

Subject: Failure of private hospitals in Bulgaria to apply EU public procurement rules, to the detriment of Bulgarian taxpayers: procedure INFR(2018)2268

Member States had to transpose Directive 2014/24/EU into their national legislation by 18 April 2016, with each facility over 50% publicly-funded having to comply with the rules on transparency, equal treatment and efficiency in public procurement. However, Bulgarian legislation allows for the injustice of private hospitals purchasing medicines through direct negotiations, without public tenders, despite the fact they receive significant funding from the Bulgarian National Health Insurance Fund (NHIF).

This practice is creating significant differences in medicines prices between public and private hospitals, with private hospitals paying tens times more for the same medicines and the cost being covered by Bulgarian taxpayers through the NHIF.

These breaches led to infringement procedure INFR(2018)2268 being initiated and, under the Commission's reasoned opinion issued on 24 April 2024, Bulgaria has two months to remedy them before the case is brought to the Court of Justice of the European Union.

So far, there is nothing to indicate that Bulgaria has taken any action in response.

1. What developments have there been in INFR(2018)2268 against Bulgaria, and has the Commission acted on the two-month deadline set in April 2024?
2. What is the Commission's assessment in respect of the compliance of Bulgarian legislation with the requirements of Directive 2014/24/EU?
3. What follow-up action will the Commission take in the event that Bulgaria fails to put in place effective mechanisms for the implementation and monitoring of public procurement by private hospitals?

Submitted: 5.7.2025

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

As indicated by the Honourable Member, on 24 April 2024 the Commission sent an additional reasoned opinion to Bulgaria in INFR(2018)2268 for non-compliance of the Bulgarian legislation transposing Directive 2014/24/EU ⁽¹⁾.

In its additional reasoned opinion, the Commission declared that the transposition of the definition 'bodies governed by public law' with reference to hospitals funded for more than 50% by the State or regional authorities or subject to management supervision by those authorities infringed Directive 2014/24/EU.

The Commission considered in particular that by maintaining in the national transposition law, a specific derogation exempting such hospitals from the obligation to hold public tenders regardless of whether the thresholds set in Directive 2014/24/EU were met, Bulgaria infringed that directive.

The Commission also stressed that the amendments introduced in the Bulgarian Public Procurement Act in 2023 failed to address this issue.

In its reply of 18 September 2024, Bulgaria informed that an amending law has been drafted and was due for adoption in September 2024. The Commission services are actively seeking an update from the Bulgarian authorities on the state of play of the amending legislation.

In case of further inaction of the Bulgarian authorities, the Commission may decide to refer the matter to the Court of Justice of the European Union pursuant to Article 258 Treaty on the Functioning of the EU ⁽²⁾.

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

⁽²⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12008E258>.