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Answer given by Mr Breton
on behalf of the European Commission
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EU public procurement law is governed by a set of principles derived from the Treaty on the Functioning of the EU, in particular the principles of equal treatment, transparency, mutual recognition and competition. These principles apply equally to all economic operators applying for public contracts within the EU internal market, regardless of their origin.

As outlined in its guidance on the participation of third country bidders and goods in the EU procurement market¹, the Commission takes the view that economic operators from third countries that are not party to the Government Procurement Agreement of the World Trade Organisation (WTO)², or that have not concluded an international agreement opening the EU procurement market, or whose goods, services and works are not covered by such an agreement, do not have secured access to - and therefore may be excluded from - procurement procedures in the EU³.

In addition, public buyers operating in the utilities sectors may reject tenders for supply contracts where the proportion of the products originating in third countries exceeds 50% of the total value of the products constituting the tender⁴.

As regards the conditions under which contracting authorities may exclude an economic operator from participation in a procurement procedure for individual violations of obligations in the field of environmental, social and labour law, including the international social and environmental conventions⁵, under the EU procurement Directives, Member States shall take appropriate measures to ensure that economic operators comply with those obligations⁶.

¹ [https://ec.europa.eu/transparency/documents-register/detail?ref=C\(2019\)5494&lang=EN](https://ec.europa.eu/transparency/documents-register/detail?ref=C(2019)5494&lang=EN)

² https://www.wto.org/english/tratop_e/gproc_e/gp_gpa_e.htm

³ Article 25 of Directive 2014/24/UE.

⁴ Article 85 of Directive 2014/25/EU.

⁵ Article 57 of Directive 2014/24/EU, Article 80 of Directive 2014/25/EU, Article 38 of Directive 2014/23/EU and Article 39 of Directive 2009/81/EC.

⁶ Article 18(2) and Annex X of Directive 2014/24/EU, Article 36(2) and Annex XIV of Directive 2014/25/EU, Article 30(3) and Annex X of Directive 2014/23/EU.