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Answer given by Mr Breton

on behalf of the European Commission

(7.1.2021)

The amendments to be introduced in the Portuguese law implementing the obligations under the Public Procurement Directives will be assessed in line with the Commission's continuous monitoring of Member State's compliance with EU law. Furthermore, the Commission monitors public procurement also through the European Semester as well as through other means, including the Rule of Law Report¹.

The Commission acknowledges the exceptional nature of the current economic situation. It also supports EU Member States' action to foster their economies through efficient execution of public investment projects, in full conformity with the EU acquis. The adherence to the principles of equal treatment, non-discrimination, proportionality and transparency, reflected in the Public Procurement Directives, aims at ensuring the effective use of public funds by increasing competition and minimising the risks of corruption.

The political negotiations on the legal texts related to Next Generation EU (NGEU) and the instruments under NGEU are still ongoing. Under the proposed Recovery and Resilience Facility, Member States should prevent serious irregularities, ensure audits and controls and recover misappropriated funds. The Commission would primarily rely on national control systems, but will perform additional checks to ensure that the irregularities have been corrected by Member States. As it is the case when EU funds are used, the European Court of Auditors and the European Anti-Fraud Office (OLAF) will have the right to access information and investigate the misuse of funds, and the European Public Prosecutor's Office will investigate and prosecute any criminal conduct affecting the Union's financial interests.

¹ COM(2020) 580 final.