



EUROPEAN COMMISSION

PRESS RELEASE

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Public procurement: Commission refers Greece to Court for non-compliance with EU rules in construction sector

The European Commission has today taken the decision to refer Greece to the Court of Justice of the EU for non-compliance with EU public procurement rules in the construction sector.

Greek legislation establishes a system of compulsory registration for all approved national construction companies, dividing them into classes, each class corresponding to a specific minimum and maximum budget range. When it comes to tender procedures, contracting authorities may admit only the companies that are registered in some of these classes, corresponding to the budget range foreseen for the contract envisaged. In this way, Greek legislation establishes a system that predetermines which economic operators may take part in each tender procedure. This system of compulsory registration results in the exclusion of companies that have the economic, financial, professional and technical capacity to perform a given contract from the tender, only because their financial capacity is different - usually greater - than the specific budget class which is allowed for a given procedure. Consequently, national provisions restrict market opportunities for enterprises and hinder competition amongst economic operators. The Commission considers that this restrictive legal regime is in breach of [Directive 2004/18/EC](#) and of the fundamental principles of equal treatment and non-discrimination, on which the EU public procurement rules are founded.

Background

The Commission addressed a reasoned opinion (the second stage of the infringement procedure) to Greece in November 2013 ([MEMO/13/1005](#)), asking the Greek authorities to amend the national legislation which hinders access to public procurement markets for qualified economic operators. However, the necessary legislative steps have not been taken and the restrictive national provisions are still in place. In view of this, the European Commission has decided today to refer Greece to the Court of Justice.

More information:

On this month's infringement package decisions, see [MEMO/14/470](#).

On the general infringement procedure, see [MEMO/12/12](#)

For more information on infringement procedures:
http://ec.europa.eu/eu_law/infringements/infringements_en.htm

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