



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market for Public Administrations
Access to Procurement Markets

Brussels,
GROW/G/2/ (2016)

NOTE TO THE FILE

Subject: Meeting between CSSER Bienkowska and Minister Lazar on 12 January 2016

1. Participants

- HU side
 - Janos Lázár, Minister of Prime Minister's Office
 - Olivér Várhelyi, Ambassador, Deputy Permanent Representative of Hungary to the EU
 - Balázs Sonkodi, State Secretary of the Prime Minister's Office responsible for strategic affairs
 - Szabolcs, Takács, State Secretary of the Prime Minister's Office responsible for EU affairs
 - [REDACTED] Prime Minister's Office
 - [REDACTED]
 - [REDACTED] interpreter
- COM side
 - CSSER Bienkowska
 - Thomas Huszak, HoC
 - Agnieszka Drzewoska, MoC
 - Joaquim Nunes de Almeida, Director, Dir G, Internal Market for Public Administrations

- ██████████ Unit G.2, Access to procurement markets

2. Aim of the meeting

Exchange of views on the compatibility of the Paks II NPP project with EU procurement rules

3. Main arguments exchanged

The CSSER stressed

- In general
 - a renewed enforcement policy, focussed on smart enforcement;
 - her readiness to discuss all cases with all MS without any discrimination;
 - the equal treatment of all MS in this respect;
 - her openness and willingness to discuss the specific case and to listen to any new arguments/facts put forward by HU.
- Concerning Paks
 - The project raised many serious concerns;
 - All contained in the LFN, to which the answer was expected by 21 January 2016;
 - The main concern of the Commission is transparency, the need to publish and open to competition all projects, irrespective of their nature;
 - This did not impede the MS capacity to enter into international cooperation agreements with any third country, as long as compatible with EU legal framework;
 - As no new arguments were presented additional contacts (also at technical level) could take place after reception of the answer to the LFN.

Minister Lazar

- In general
 - Welcomed the emergence of a constructive dialogue;
 - Underlined the necessity of equal treatment between MS and requested information on the treatment of similar cases;
 - Underlined the commitment of HU to comply with EU law;

- Stressed the importance for HU of international cooperation with Russia, but also China on other projects like the Budapest-Belgrade railway.
 - The important question would be whether MS retained the sovereign right to enter into such agreements, which would be an essential question for the EU as a whole.
 - He considered this right as fundamental for MS.
- Concerning Paks
 - Regretted that, according to his perception, infringement procedures had been launched without preliminary information and so longer after the questions were first raised in 2013.
 - The project would be implemented through an international agreement, and as there is only one Russia, no public procurement at that level could take place.
 - But the Russian partner would apply PP rules in awarding the subcontracts for the execution of the project (the same would be true for cooperation with China).

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