Public procurement: award, criminal law protection against fraudulent or unfair conduct

2000/0812(CNS) - 23/05/2002

The committee adopted the report by Ingo SCHMITT (EPP-ED, D) rejecting the framework decision proposed by the German government, on the grounds that the legal basis (Article 31(e) of the EU Treaty) was incorrect. The Treaty article in question refers to organised crime, terrorism and illicit drug trafficking, crimes which are not usually connected to fraud in the award of public contracts. However, the committee welcomed the content of the German proposal, saying that uniform, far-reaching and effective means of combating fraud in the award of public contracts were genuinely desirable as many of these contracts were awarded by way of a European invitation to tender. It therefore urged the Commission to submit a new proposal, reflecting the substance of the German proposal with some additional measures.