

DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT **D**
BUDGETARY AFFAIRS

Budgets

Budgetary Control



The use of EU funds in Member States in partnership with companies (contractors or subcontractors) outside of a given Member State

STUDY



DIRECTORATE GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT D: BUDGETARY AFFAIRS

The use of EU funds in Member States in partnership with companies (contractors or subcontractors) outside of a given Member State

STUDY Research Paper

Abstract

Between 2012 and 2014, EU Member States awarded 113,749 contracts, related to EU funds, amounting to 116.17 billion EUR. Approximately 90% of these contracts (by value) were awarded to contract operators within the respective Member State. There were 2,882 cross-border contracts amounting to approximately 9.14 billion EUR. Italy and Spain accounted for 35% of all cross-border contracts by value. Poland, Romania, and Slovakia were the top cross-border buyers (5.5 billion EUR). Road infrastructure contracts dominated (by value) cross-border contracting in Poland, and rail-related contracts were predominant in Hungary.

IP/D/CONT/IC/2015-129

28/08/2015

PE 552.303

EN

This document was requested by the European Parliament's Committee on Budgetary Control. It designated Mr Ryszard Czarnecki, MEP, to follow the study.

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LINGUISTIC VERSIONS

Original: EN
Translation:

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Manuscript completed in August 2015.
Brussels, © European Union, 2015.

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LIST OF ABBREVIATIONS

CBPP	Cross-Border Public Procurement
CPV	Common Procurement Vocabulary
CSV	Comma Separated Values
ERDF	European Regional Development Fund
EU	European Union
EU13	Member states that joined the European Union from 2004 onwards
EU15	Member states that joined the European Union before 2004
EUR	euro
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
GPA	Government Procurement Agreement
MS	Member State
TED	Tenders Electronic Daily
XML	Extensible Markup Language

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EXECUTIVE SUMMARY

Aim

The aim of the present study is to assess the extent of cross-border contracting, between Member States, where EU funds are involved. It also assesses the direction in which funds are flowing, and which Member States are the main 'suppliers' (of works, services, and supplies) to other Members. Furthermore, it looks at the distribution of cross-border contracting between types of contract (works, services, and supplies), and between common procurement vocabulary (CPV) categories.

The methodology used comprised analysis of Tenders Electronic Daily (TED) **data for 2012 to 2014**, and a review of existing literature on cross-border contracting. It was not feasible, in the limited time available for the study, to use data available directly from TED as this it requires significant processing in order to be used for analysis. Therefore, data from OpenTED was used. OpenTED has converted TED data for some years into a readily useable format.

For the purposes of this study, countries were grouped as follows:

- EU13 – Member States that joined the EU in 2004 or later;
- EU15 – Member States that joined the EU before 2004;
- Candidate countries;
- Other countries.

Contracts awarded by 'European institutions/ agencies or international organisations'¹ are not included in the analysis, except where specifically indicated.

For the purposes of this study, the possibility that contract operators located in one country are subsidiaries or branches of entities headquartered in another country is ignored, i.e. the study does not analyse linkages or relationships between entities in different countries.

The analysis also does not take account of what proportion of funds contracted to a foreign contract operator remain in, or return to, the country of the contracting authority. This is likely to be the case for works contracts in particular, and these account for 64% of cross-border contracting.

There were 114,764 contract award records relating to EU funds. A small number of these relate to contracting authorities in countries outside the EU. When these were excluded, the number of contracts was reduced to 113,749.

Conclusions

Initial analysis of these records revealed a number of inconsistencies in the way in which data have been entered into TED: All Contract Awards 2012-2014 Relating to EU Funds:

- For 6,048 records, the country of the contract operator is not provided;
- Contract values are not consistently recorded. For approximately 10,000 records, there appears to be no recorded contract value. In approximately 5,000 other records there appears to be inconsistency with regard to which values are recorded in which fields. These 15,000 records are included when considering the number of contracts, but they are treated as having a 'null' contract value;

¹ The relevant TED category refers to 'European' rather than 'EU'.

- Many of the records relate to contract awards that are below the relevant threshold for publication in TED. Some MS record far more of such contracts in TED than other MS. These can not be easily excluded;
- There are inconsistencies in the way the names of specific contracting authorities and contract operators are recorded. Such inconsistencies critically affect the results when data are aggregated by contracting authority or by contract operator;
- Some records indicate the wrong country for the contracting authority or the contract operator;
- A small number of records include contract values that are clearly too high. These have been excluded from the analysis as they significantly distort the results.

TED data indicate that Member States awarded 113,749 contracts relating to EU funds with a value of 116.17 billion EUR from 2012 to 2014 (see Table 1).

Table 1: Summary of contracts related to EU funds 2012-2014

Contracting authority country	Billion EUR	Number of contracts
EU13	80.35	29,449
EU15	35.82	84,300
Total	116.17	113,749

Source: author, based on OpenTED

Approximately 90% of these funds were awarded to contract operators in the same country as the contracting authority.

Cross-border contracting involved 2,882 contracts accounting for approximately 9.14 billion EUR.

The value of contracts awarded by EU13 Member States to EU15 contract operators amounted to EUR 5.318 billion, which is approximately 178 times greater than the value of contracts awarded by EU15 Member States to EU13 contract operators (see Figure 1).

Figure 1: Cross-border contracting between Member States



Source: author, based on OpenTED

Contract operators in countries outside the EU accounted for approximately 13.5% of cross-border contracting by value, and 20.3% by number.

IT, ES, DE, AT, and CZ were the top suppliers (of works, services, and supplies) and accounted for 70% of all cross-border contracts, by value. IT alone accounted for 21%. Two countries outside the EU, Switzerland and South Korea, accounted for 3% each.

DE contract operators accounted for approximately 18% of all cross-border contracts, in terms of the number of contracts. Nine other countries accounted for approximately 47% (UK 6.94%, CZ 6.18%, AT 5.86%, FR 5.31%, US 5.24%, IT 5.07%, NL 4.96%, ES 4.55%, and FI 3.30%).

Works accounted for 64% of cross-border contracts (by value), supplies 32%, and services 4%.

The main CPV categories, by value, were 'Construction work' (60%) and 'Transport equipment and auxiliary products to transportation' (18%).

EU13 Member States awarded 1,950 cross-border contracts amounting to 7.75 billion EUR. Three awarding Member States accounted for 72% of the value of these contracts (PL 32%, RO 20%, and SK 20%). PL accounted for 31% of the number of these contracts.

The top suppliers, by value, (of works, services, and supplies) to the EU13 were IT, ES, DE, CZ, and they accounted for 71% of all cross-border contracts awarded by the EU13 (see Table 2).

Table 2: Top 10 suppliers to EU13 Member States 2012-2014

Supplier	Billion EUR	% of value
IT	1.774	22.90%
ES	1.144	14.80%
DE	1.069	13.80%
CZ	0.992	12.80%
AT	0.537	6.90%
KR	0.318	4.10%
PL	0.272	3.50%
CH	0.247	3.20%
NL	0.227	2.90%
FR	0.191	2.50%
Total	6.77	87.40%

Source: author, based on OpenTED

Poland and Hungary

In PL, cross-border contracting accounted for 11% of procurement involving EU funds from 2012 to 2014, while in HU cross-border contracting accounted for just 3%.

In PL, cross-border contracting from 2012 to 2014 was dominated (in terms of value) by road infrastructure works involving a small number of contract operators, in particular, one each from IT and ES.

In HU, rail-related supply, works, and service contracts were predominant during this period (in terms of value). These involved contract operators from Switzerland, AT, and ES.

Contract operators from IT and ES accounted for 55.7% (by value) of cross-border contracts awarded by PL contracting authorities from 2012 to 2014. Other important countries were South Korea (13%), CZ (7.8%), DE (6.8%), and AT (6.2%).

During this period, two foreign contract operators were awarded 11 contracts by PL contracting authorities amounting to EUR 849,557,260, or 34% (by value) of all cross-border contracts. The same two contract operators were also involved in consortia that were awarded a further EUR 530,882,597 by PL contracting authorities (the relevant contracts are not all classed as cross-border, as the contract operator country in some cases is given as PL).

Construction work accounted for 81% of all cross-border contracts awarded by PL contracting authorities.

In PL, the General Directorate for National Roads and Motorways and/ or its regional branches awarded 22 cross-border contracts amounting to EUR 1,010,145,759, or 41% of all cross-border contracts (by value) awarded by PL contracting authorities from 2012 to 2014. These contracts involved eight foreign contract operators from five EU15 MS and one EU13 MS. Fifteen of the 22 contracts were awarded to the relevant contract operator individually, while seven were awarded to consortia led by one of three foreign contract operators.

In HU, four contracting authorities awarded nine cross-border contracts from 2012 to 2014 accounting for 86% of all cross-border contracts. Cross-border contracts awarded by three of these HU contracting authorities (accounting for 75% of all cross-border contracts) related to rail rolling stock, signalling and telecommunications infrastructure, and other rail-related supplies and works. The fourth contracting authority (the Municipality of Szeged) awarded a single cross-border supply contract to a DE contract operator relating to flood protection equipment. This accounted for approximately 10% of all cross-border contracts.

The largest single HU cross-border contract was awarded by MÁV-START Vasúti Személyszállító Zrt. (MÁV-START Railway Passenger Transport Company) to a Swiss contract operator for the supply of railway and tramway locomotives and rolling stock and associated parts. This contract amounted to EUR 233,436,000 and accounted for 36.72% of all cross-border contracts awarded by HU contracting authorities from 2012 to 2014.

A single AT contract operator was involved in four contracts, as sole contractor (two contracts) and consortium leader (two contracts). These contracts related to rail signalling and telecommunications works and accounted for 22% (by value) of all cross-border contracts.

A single ES contract operator was awarded one contract for rail-related supplies and services amounting to approximately 14.2% (by value) of all cross-border contracts awarded by HU contracting authorities from 2012 to 2014.

Recommendations

Recommendations are grouped into (a) areas that merit further study, and (b) recommendations for TED.

Recommendations for further study

This study was carried out under significant time constraints. It is based on analysis of an OpenTED dataset, and literature review. This study identifies patterns of cross-border contracting involving EU funds but it does not seek to explain the underlying reasons for these patterns, or their significance in the context of overall public procurement in specific sectors in the relevant MS. Further study would be useful to address these points and to gain greater insight into selected contracts. For example:

1. How do funds flow between EU13 and EU15 in reality, taking into account (a) indirect cross-border contracting; (b) what stays in, or returns to, the contracting authority country e.g. for works contracts which account for 64% of cross border contracting; and (c) contracts awarded to consortia involving foreign contract operators but where the nationality of the lead partner is the same as the that of the contracting authority (and may therefore not be classified as cross-border).
2. Why are a small number of contract operator countries responsible for such a high proportion of all cross-border contracts?
3. How significant is cross-border contracting involving EU funds in the road sector in PL and the rail sector in HU compared with overall public procurement in these sectors with and without EU funds?
4. Does public procurement involving EU funds in PL and HU reflect overall national public procurement patterns in each of these countries (e.g. in terms of the dominance of specific sectors, the use of cross-border contracting in those sectors and the predominance of contract operators from specific countries)? If there are significant differences, how are these accounted for?
5. To what extent does cross-border contracting involving EU funds in the road sector in PL and the rail sector in HU reflect structural weaknesses or gaps in national capacity?
6. What added value do contracting authorities identify when awarding contracts involving EU funds to foreign contract operators, in particular in the road sector in PL and the rail sector in HU?
7. Contracts awarded by EU institutions (not covered by this study) could be analysed to understand which countries are benefiting most from these funds. The data indicate that contracts awarded by 'European institutions/ agencies or international organisations' from 2012 to 2014 amounted to approximately 2.6 billion EUR. 95% of this was awarded to EU15 Member States compared with 1% to EU13 Member States. Contract operators in five Member States accounted for approximately 78% of the 2.6 billion EUR, with BE contract operators alone accounting for 35% (contract operators in DE, FR, IT, and LU accounted for, respectively, 13%, 11%, 10%, and 9%).

Recommendations for TED

1. In order to eliminate the problems associated with variations in how names are recorded in TED, it may be worth considering the use of a unique contract operator identification number or code (e.g. VAT registration number or company registration number).
2. It would be desirable to rationalise the entry of contract values (e.g. with data entry validation rules) in order to avoid inconsistencies in how these values are recorded in TED.
3. The introduction of a field to indicate if the value of the contract is above or below the relevant publication threshold would greatly facilitate identification of contracts below the relevant publication threshold.

1 PURPOSE OF THE STUDY AND APPROACH

KEY FINDINGS

- Tenders Electronic Daily (TED) data is easily accessible in the sense that it can be easily obtained, but it is inaccessible with regard to usability as it first requires significant processing.
- TED data for the years 2012 to 2014 has been made available in readily useable format by OpenTED.
- There are inconsistencies in the way in which data are recorded in TED and many records are missing information, such as contract values and contract operator country.
- The publication of lower value contracts in TED appears to vary between MS. This confuses the picture. It is not possible to exclude lower value contracts from the analysis, as publication thresholds vary by type of contract and contracting authority, and the authority categories available in TED data do not correspond to the categories provided in EU procurement rules.

The terms of reference for this study state that ***'The overall objective of the Paper is to provide quantitative analysis of available data (in particular, Tender Electronic Daily (TED) database) broken down by Member State for the 2007-2014 period, and to establish from which countries came the winners (contractors and subcontractors) of the tendering procedures.'***

This study comprises two parts:

- An analysis of data relating to the awarding of contracts, by MS, relating to European Union (EU) funds;
- A review of existing studies and reports.

The study has been undertaken between 23 June and 08 July 2015.² The findings were presented at a hearing in the Committee of Budgetary Control on 14 July. Further analysis, focusing on Poland and Hungary, has been undertaken in August 2015.

1.1 CONSTRAINTS

The relevant data is available for download in XML format from [ftp://ted.europa.eu](http://ted.europa.eu). Samples of the data were downloaded and analysed but it was concluded that, given the limited time and budget available for the study, it would not be feasible to use this data, as it requires significant processing before it can be used for any analysis. In particular, the following points were noted following inspection of the sample data:

- TED's Extensible Markup Language (XML) format appears to have been introduced in September 2007. This consists of one file per day containing all kinds of TED notices, from which contract award notices would have to be extracted. This would require the development of a custom script (e.g. using the Python programming language). At some point (possibly January 2011), the structure of the data changed so that each TED notice is

² The invitation to carry out the study was transmitted to service provider on 23 June 2015.

contained in a separate XML file. Moreover, the names and content of certain elements appear to have changed. Therefore, another script would have to be developed to process the files since 2011, of which there are approximately 78,000 containing almost 1,000 unique tags (the tags identify specific bits of information).

- While the country of the economic operator appears to have been consistently entered since January 2011 (two letter country abbreviations), different formats seem to have been used prior to this, for example the full country name, or nationality. In some cases, there appears to be no indication of country or nationality – just the address without the country. Additional processing would be required to standardise data element, which essential for the analysis required by this study.
- Where the contract is in a currency other than EUR, the EUR equivalent does not appear to be provided. Where EUR values are missing, these would have to be calculated using the appropriate historical exchange rate for the date on which the contract award was announced. This would require additional scripting and processing.

The Publications Office of the European Union confirmed that it is not able to provide TED data in another format, such as CSV.

In view of these constraints, **this study uses data available from OpenTED**.³ The OpenTED data includes EUR contract values where these are not provided in the original data. OpenTED data covers the years 2012 to 2015. The analysis undertaken for this study covers the the three full years available within the OpenTED data: 2012, 2013, and 2014. A small number of randomly selected records were cross checked with the corresponding TED records to provide a basic level of assurance regarding the accuracy of the OpenTED data.

1.2 DATA ANALYSIS

The OpenTED CSV contract data for the years 2012 to 2014 was transferred to a database. Records that do not explicitly relate to EU funds were excluded. This left 114,764 records where the contract award relates to EU funding.

The analysis has been conducted on:

- (a) The entire data set including records where the contracting authority country and the contract operator country are the same. This analysis provides an overview of the relative importance of cross-border contracting of EU funds;
- (b) A subset of the data including only those records where the contracting authority country and the contract operator country are different (i.e. only where cross-border contracting is involved). This analysis provides an overview of the relative importance of different countries with regard to cross-border contracting of EU funds, in terms of both the contracting authorities that award the contracts, and the contract operators that win the contracts;
- (c) A subset of (b) above including only contracts awarded by EU13 MS contracting authorities;
- (d) Cross-border contracts awarded by Polish and Hungarian contracting authorities.

³ <http://ted.openspending.org> OpenTED is a group of volunteers that has processed TED XML data and made it available for download in CSV format.

For the purposes of this study, contracting authority countries and contract operator countries are divided into four categories:

- 1: Member States that joined the EU prior 2004 (for ease of reading, these are referred to in this report as '**EU15 MS**');
- 2: Member States that acceded to the EU in 2004 or later (for ease of reading, these are referred to in this report as '**EU13 MS**');
- 3: Candidate countries;
- 4: Other countries.

Data are disaggregated at the level of these country categories, and at the individual country level.

Data are further disaggregated by type of contract (works, service, supply), and by common procurement vocabulary (CPV) code. Due to the number of unique CPV codes, the analysis presented here summarises at the level of CPV groups, rather than individual CPV codes.

Contracts awarded by 'European institutions/ agencies or international organisations'⁴ are not included in the analysis, except where specifically indicated.

For the purposes of this study, the possibility that contract operators located in one country are subsidiaries or branches of entities headquartered in another country is ignored, i.e. the study does not analyse linkages or relationships between entities in different countries.

The analysis also does not take account of what proportion of funds contracted to a foreign contract operator remain in, or return to, the country of the contracting authority. This is likely to be the case for works contracts in particular, and these account for 64% of cross-border contracting.

1.1.1. Inconsistencies in the data

Initial analysis revealed a number of inconsistencies in the way in which data have been entered into TED:

- For 6,048 records, the country of the contract operator is not provided. A review of other details in the affected records indicated that in the majority of these cases, the country of the contract operator is the same as the country of the contracting authority. Therefore, for the purposes of this study where the country of the contract operator is not indicated, it is assumed to be the same as the country of the contracting authority. There are, however, some significant exceptions (e.g. large works contracts awarded by Polish authorities to international consortia).⁵
- Contract values appear to be inconsistently recorded. OpenTED provides two fields relating to contract value (among other finance-related fields) that are of particular interest for this study: (1) total contract value,⁶ and (2) contract value.⁷ 'Total contract value' records the total value of the contracts awarded through a particular tender (e.g. the total combined value of several lots), whereas 'contract value' records the value of individual contracts. It is the latter field that is important for this analysis. However:

⁴ The relevant TED category refers to 'European' rather than 'EU'.

⁵ See for example <http://ted.europa.eu/udl?uri=TED:NOTICE:37260-2015:TEXT:EN:HTML&tabId=0>

⁶ Named 'contract_total_value_cost_eur' in the OpenTed dataset.

⁷ Named 'contract_contract_value_cost_eur' in the OpenTed dataset

- For approximately 10,000 records, no value is recorded in either of these fields;
- Approximately 5,000 records record a value in the 'total contract value' field but not in the 'contract value field'. The data recorded in the 'total contract value' field for these records can not be used as they appear to include both (a) individual contract values where the tender covers a single contract, and (b) total tender values where a tender covers multiple contracts (indicated by the appearance of identical values in several, or many, records).

In short, individual contract values appear to have been entered in different fields, or not at all. Nevertheless, individual contract values are provided for almost 100,000 records (87%).

Our analysis uses only the individual contract values i.e. the values in the 'contract value' field.⁸

- Many of the records relate to contract awards that are below the relevant threshold for publication in TED shows the number of works contract awards listed in TED that are below the threshold of EUR 5,186,000. Four MS (PL, DE, CZ, FR) account for 78% of these works contracts by number of contracts (7,101) and 55% by value (EUR 4.797 billion). This suggests that practices regarding the publication of lower value contracts vary considerably between MS. In total, there are 9,141 works contracts below the publication threshold amounting to approximately EUR 8.7 billion (12% of the value of all works contracts awarded by MS during the period under consideration). Since there is no obligation to publish lower value contracts in TED, the picture regarding lower value contracts is clearly incomplete. Excluding all contracts below the relevant publication threshold is complicated by the fact that thresholds vary according to both type of contract and type of contracting authority.⁹ **For the purposes of this study, all records are included, regardless of the value of the contract award.**
- There are inconsistencies in the way specific contracting authorities and contract operators are named e.g.:
 - 'Welsh Government' and 'The Welsh Government';
 - 'Bilfinger Baugesellschaft M. B. H.' and 'Bilfinger Baugesellschaft MBH' and 'Bilfinger Berger Baugesellschaft m.b.H'.

Such inconsistencies are important when summarising data by contracting authority or by contract operator. However, this study generally does not summarise data at this level and these inconsistencies are therefore ignored.

- Some records indicate the wrong country for the contracting authority or the contract operator. These inconsistencies are ignored as it is not possible within the context of the present study to verify this information for all records.
- A small number of records include contract values that are clearly too high. These have been excluded from the analysis as they significantly distort the results.¹⁰

⁸ VAT is included in some contract value but not in others. For the purposes of this study, VAT is ignored – the given contract value is used as provided.

⁹ http://ec.europa.eu/growth/single-market/public-procurement/rules/current/index_en.htm

¹⁰ See for example, <http://ted.europa.eu/udl?uri=TED:NOTICE:285330-2012:TEXT:EN:HTML&tabId=0> or <http://ted.europa.eu/udl?uri=TED:NOTICE:092409-2012:TEXT:HU:HTML>

Table 3: Number of works contract awards listed in TED with values below EUR 5,186,000

PL	2475	RO	205	PT	107	NL	26	IE	7
DE	2078	GR	165	IT	89	SK	19	LU	2
CZ	1496	EE	135	LT	81	UK	17	HR	2
FR	1052	SI	132	BE	71	MT	12	RS	1
BG	343	LV	126	AT	41	CY	12	SE	1
HU	285	ES	123	FI	29	DK	9		

Source: author, based on OpenTED data

1.3 REVIEW OF EXISTING STUDIES AND REPORTS

Desk research was undertaken to support the overall analysis. In particular, it aimed to address the following points:

- The extent to which EU-funded contracts in MS are won by economic operators from other MS (number of contracts, and value of funding);
- If there are significant differences between 'old' and 'new' MS in the extent to which economic operators from other MS are winning contracts;
- If particular sectors and/ or types of contract (service, works, supply) are more or less likely to be won by economic operators from other MS;
- If patterns of cross-border contracting have changed over time;
- If there are significant differences between 'old' and 'new' MS when it comes to (a) winning EU-funded contracts in other MS, and (b) awarding EU-funded contracts to economic operators from other MS;
- If particular MS and/ or particular economic operators are more prominent when it comes to winning EU-funded contracts in other MS;
- The extent to which winning local economic operators are in fact foreign owned or controlled.

2 ANALYSIS OF TED DATA 2012-2014

KEY FINDINGS

- In EU13 MS approximately 90% or more of funds stay in the country (i.e. they are awarded to contract operators in the country of the contracting authority). RO is an exception, with only 80% of funds awarded to RO contract operators.
- In EU15 MS the tendency is for a higher proportion of funds to stay in the country e.g. ES 100%, UK and FI 99%, DE and AT 98%, FR and GR 97%). However, for several EU15 MS, the proportion is much lower (e.g. SE 60%, IE 85%, NL 71%, LU 55%). In the latter cases, the figures are accounted for by a small number of relatively high value contracts awarded to contract operators in other EU15 MS.
- The volume of funds flowing from EU13 MS to EU15 MS is 179 times greater than the volume of funds flowing in the opposite direction. This difference increases as contract values increase. However, it is probable that a proportion of funds contracted to foreign contract operators for works, in particular, remains in, or returns to, the country of the contracting authority.
- 20% (by value) of contracts awarded by RO contracting authorities were awarded to EU15 MS contract operators.
- 60% of cross-border contracts accounting for 69% of cross-border contracted funds were awarded to EU15 MS contract operators, while 19% of contracts accounting for 18% of funds were awarded to EU13 MS. Contract operators from 'other countries' (i.e. not MS or candidate countries) accounted for 13% of the funding.
- Contract operators from four EU15 MS (IT, ES, DE, and AT) and one EU13 MS (CZ) account for approximately 70% of the value of all cross-border contracting, with Italian contractor operators alone accounting for 21%.
- EU13 MS awarded 1,950 cross-border contracts with a total value of EUR 7,747,580,369. Contracting authorities in three MS accounted for 72% (by value) of these contracts: PL 32%, and RO and SK 20% each.
- ES and IT contract operators accounted for approximately 56% (by value) of cross-border contracts awarded by PL with a total value of EUR 1,365,254,299. South Korean contract operators account for 13% (EUR 318,151,684).
- The majority of cross-border contracting relates to construction works and transport and related equipment.

2.1 ALL CONTRACT AWARDS 2012-2014 RELATING TO EU FUNDS

This section reviews the results when all contract awards are considered. It covers all contracts awarded by all MS to all contract operators, including those in the same country as the contracting authority.

TED data (as provided by OpenTED) includes an element/ field to indicate whether or not the contract relates to EU funding. This field includes a short description, in the original language, of the project or programme. However, it is not feasible to aggregate data on the basis of this field (e.g. to determine which of the EU's Funds are involved).

Ignoring the approximately 15,000 records for which no contract values are not provided, and other data inconsistencies (see 1.1.1), contracts amounting to EUR 116,166,337,083 were awarded by EU MS from 2012 to 2014 (see Table 4). 69% of these funds were awarded by EU13 MS contracting authorities and 31% by EU15 MS contracting authorities.

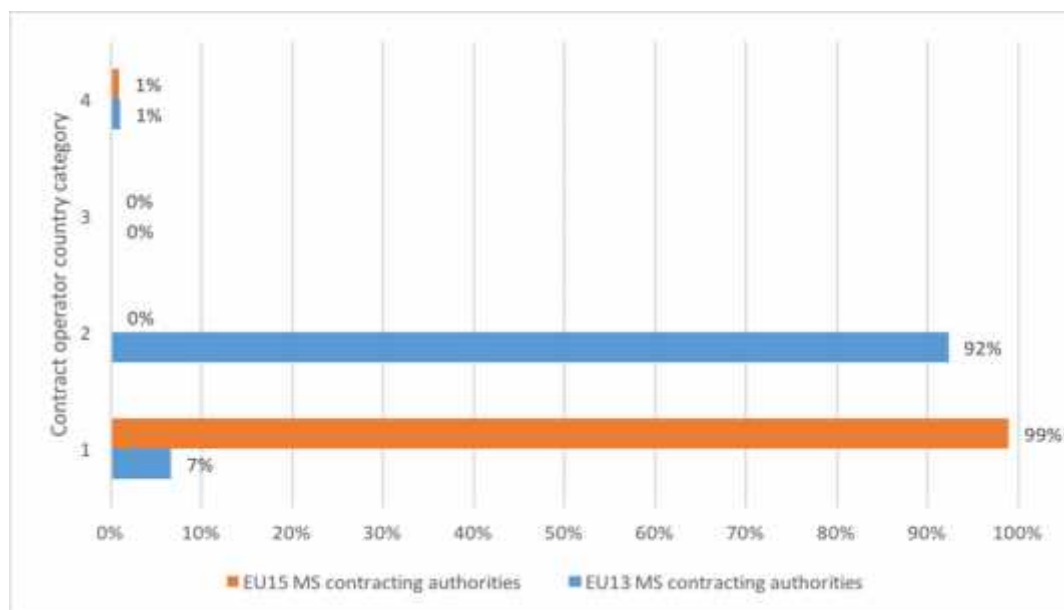
Table 4: Value of contracts awarded 2012-2014

Contracting authority country	Contract operator country				Total
	EU15	EU13	Candidate	Other	
EU13	5,318,403,090	74,181,146,783	44,567,177	806,848,419	80,350,965,468
EU15	35,449,096,219	29,641,894		336,633,502	35,815,371,615
Total	40,767,499,309	74,210,788,677	44,567,177	1,143,481,921	116,166,337,083

Source: author, based on OpenTED data

Figure 2 shows that 92% of contracts (by value) awarded by EU13 MS were awarded to contract operators in EU13 MS, 7% to operators in EU15 MS, and 1% to operators in other countries. 99% of contracts (by value) awarded by EU15 MS were awarded to contract operators in EU15 MS and the remaining 1% were awarded to countries outside the EU (contracts awarded to operators in EU13 MS accounted for just 0.04% by value of all contracts awarded by contracting authorities in EU13 MS and therefore do not register on Figure 2). The amount of funds flowing from EU13 MS to EU15 MS is 179 times greater than the amount of funds flowing in the opposite direction. To a very limited extent, this difference may be explained by fact that EU13 MS contracted approximately twice as much funding as EU15 MS.

Figure 2: Percent of contracts awarded (by value) by EU13 and EU15 2012-2014 to contract operators in different countries



1 = EU15 MS; 2 = EU13 MS; 3 = Candidate Countries; 4 = other countries

Source: author, based on OpenTED.

Key to contract operator country categories: 1 = EU15, 2 = EU13, 3 = Candidate country; 4 = other country

Table 5 shows that 20% (by value) of the contracts awarded by RO contracting authorities were awarded to contract operators in EU15 MS. This is between 8 and 18 percentage points higher than for other EU13 MS.

Table 5: Contracts awarded (% of value) by EU13 MS to contract operators in EU13 and EU15 MS and other countries

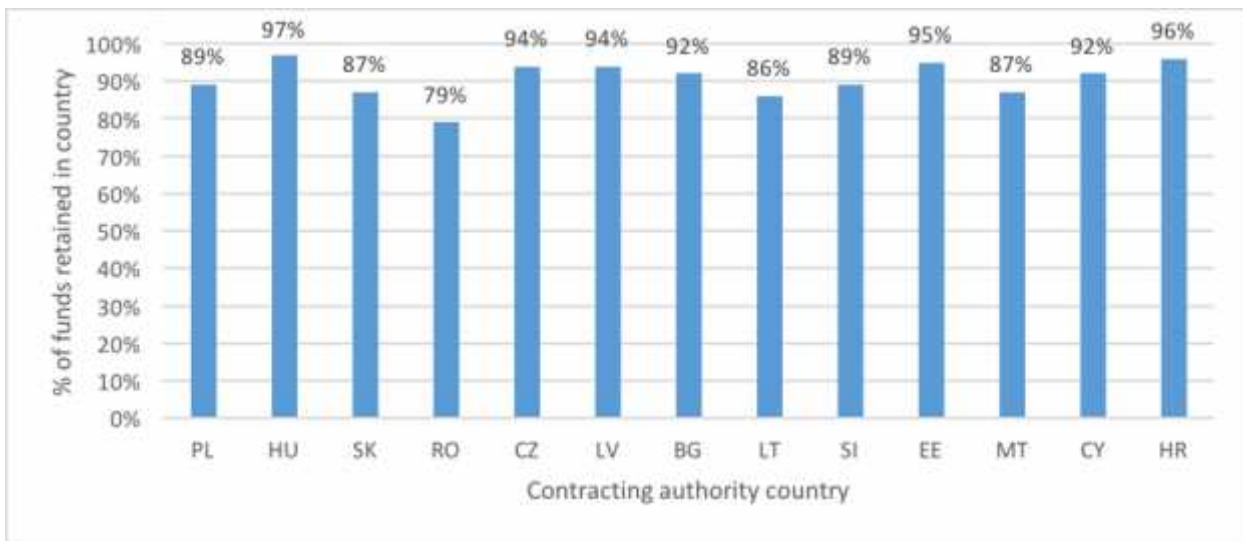
EU13 MS contracting authority countries	Contract operator countries			
	EU15	EU13	Candidate	Other
PL	8%	90%	0%	2%
HU	2%	97%	0%	1%
SK	6%	94%	0%	0%
RO	20%	80%	0%	0%
CZ	3%	95%	0%	1%
LV	4%	95%	0%	0%
BG	3%	95%	0%	1%
LT	9%	90%	1%	0%
SI	6%	93%	1%	0%
EE	3%	97%	0%	1%
MT	12%	88%	0%	0%
CY	6%	92%	0%	1%
HR	3%	97%	0%	0%

Source: author, based on OpenTED

Figure 3 shows that in EU13 MS, between 79% (RO) and 97% (HU) of contracts (by value) are awarded to contract operators in the same country as the contracting authority, i.e. most of the funds remain in the country. However, as noted in section 1.2 above, the analysis does not take account of what proportion of funds contracted to foreign contract operators remains in, or returns to, the country of the contracting authority. This is likely to be the case for works contracts in particular and these account for 64% of cross-border contracting by value. Nor does it take account of the possibility that local contract operator are branches or subsidiaries of foreign entities (or sub-contract foreign entities) and that some funds awarded to them are transferred to other countries.

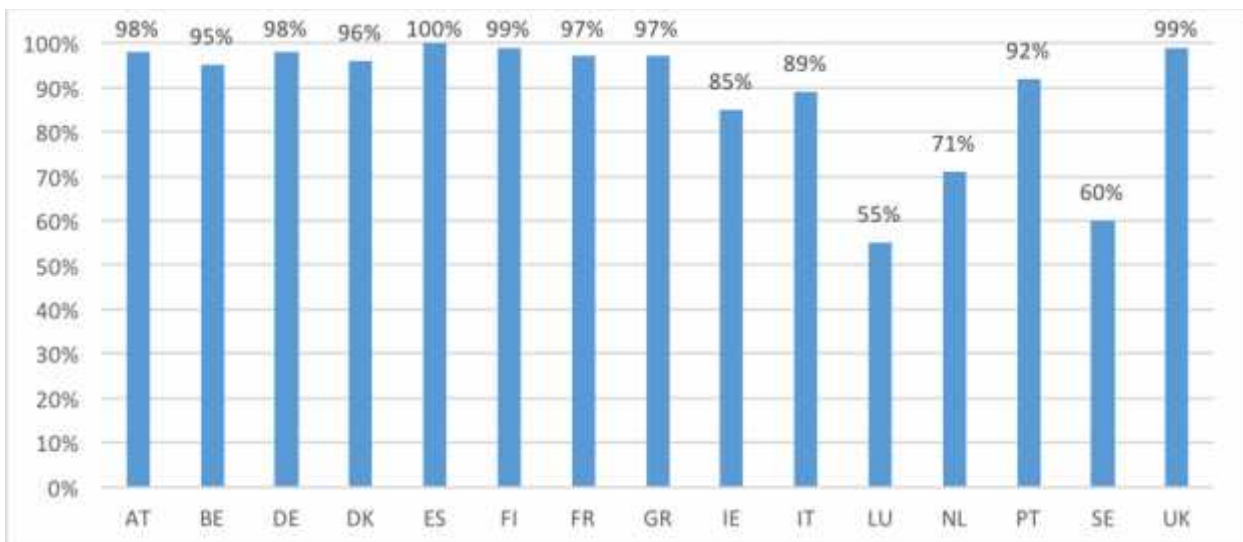
Figure 4 shows that there is a tendency for more of the funds contracted by EU15 MS contracting authorities to be awarded to contract operators in the same country as the contracting authority (e.g. e.g. ES 100%, UK and FI 99%, DE and AT 98%, FR and GR 97%). There are, however, several exceptions where the proportion awarded to contract operators in the same country is much lower (e.g. SE 60%, IE 85%, NL 71%, LU 55%). This is due to a small number of relatively high value contracts awarded to contract operators in other EU15 MS.

Figure 3: EU13 MS - percent of funds retained in country



Source: author, based on OpenTED

Figure 4: EU15 MS - percent of funds retained in country



Source: author, based on OpenTED

2.2 CROSS-BORDER CONTRACT AWARDS 2012-2014 RELATING TO EU FUNDS

This section reviews the results when only cross-border contract awards are considered. It covers all contracts awarded by all MS to foreign contract operators.

Ignoring the data inconsistencies (see 1.1.1), there were 2,882 cross-border contracts from 2012 to 2014 amounting to EUR 9,135,971,192 (see Table 6). 60% of these contracts accounting for 69% of cross-border contracted funds were awarded to EU15 MS contract operators, while 19% of contracts accounting for 18% of funds were awarded to EU13 MS. Contract operators from 'other countries' (i.e. not MS or candidate countries) accounted for 13% of the funding.

Table 6: Number and value of cross-border contracts awarded 2012-2014 by country of contract operator

Contract operator country	Number of contracts	% of number	EUR	% of EUR
EU15 MS	1,740	60%	6,340,518,516	69%
EU13 MS	534	19%	1,607,403,578	18%
Candidate countries	10	1%	44,567,177	0%
Other countries	581	20%	1,143,481,921	13%
Total	2,822	100%	9,135,971,192	100%

Source: author, based on OpenTED

Contract operators from four EU15 MS (IT, ES, DE, and AT) and one EU13 MS (CZ) account for approximately 70% of the value of all cross-border contracting, with Italian contractors operators alone accounting for 21% (see Table 7). South Korea (KR), Switzerland (CH), and the United States (US) together account for 8%.

Table 7: Percent of cross-border contracts (by value) awarded to contract operators in different countries 2012-2014

	Contract operator country	% of cross border contracts (by value)
EU15	IT	21%
EU15	ES	14%
EU15	DE	12%
EU15	AT	12%
EU13	CZ	11%
Other	KR	3%
Other	CH	3%
EU13	PL	3%
EU15	NL	3%
EU15	FR	3%
Other	US	2%
EU15	FI	1%
EU15*	RE	1%
EU15	SE	1%
EU13	SK	1%
EU15*	GP	1%
EU15*	MQ	1%
EU15	UK	1%
Eu15	BE	1%
EU13	LV	1%
EU15	DK	1%
* French overseas department		

Source: author, based on OpenTED

Table 8 shows that, overall, works contracts account for 64% (by value) of cross-border contracting by MS contracting authorities, followed by supplies (32%) and services (4%). There are, however, notable differences between EU15 and EU13 MS for all three types of contracting: services and works account for a higher proportion of cross-border contracts (by value) awarded by EU15 MS compared with EU13 MS, whereas services account for a higher proportion for EU13 MS.

Table 8: Cross-border contracting by type of contract (% of total contract values) – contracting MS perspective

Contract authority MS	Type of contract			Total
	Services	Supplies	Works	
EU15 MS	12%	17%	72%	100%
EU13 MS	3%	35%	62%	100%
Total	4%	32%	64%	100%

Source: author, based on OpenTED

Table 9 shows the same data but this time it is organised from the perspective the contract operators i.e. who won the contracts. EU15 MS won the greatest share of all types of cross-border contracts awarded by MS. 'Other countries' took a significant share of service contracts in particular (31% by value) but half of this is accounted for by contract operators in the French Overseas Department of Réunion.

Table 9: Cross border contracting by type of contract (% of contract values) – contract operator MS perspective

Contract operator country	Services	Supplies	Works	Total
EU15 MS	55%	52%	79%	69%
EU13 MS	14%	31%	11%	18%
Candidate countries	0%	1%	0%	0%
Other countries	31%	16%	10%	13%
Total	100%	100%	100%	100%

Source: author, based on OpenTED

Table 10 shows that 'construction work' accounts for almost 60% (by value) of all cross border contracting, followed by 'Transport equipment and auxiliary products to transportation' (approximately 18%).

Table 10: Cross-border contracting by CPV category

CPV category	% of cross-border contracts (by value)
Construction work	59.65%
Transport equipment and auxiliary products to transportation	17.67%
Industrial machinery	4.00%
Architectural, construction, engineering and inspection services	3.47%
Laboratory, optical and precision equipments (excl. glasses)	3.39%
Medical equipments, pharmaceuticals and personal care products	2.48%
Electrical machinery, apparatus, equipment and consumables; Lighting	1.53%
Construction structures and materials; auxiliary products to construction (excepts electric apparatus)	1.46%
Research and development services and related consultancy services	1.12%
Sewage-, refuse-, cleaning-, and environmental services	0.59%

2.3 CROSS-BORDER CONTRACT AWARDS 2012-2014 WHERE THE CONTRACTING AUTHORITY COUNTRY IS AN EU13 MS

This section reviews the results when only cross-border contract awards are considered and only where the contracting authority is located in an EU13 MS. It covers all contracts awarded by EU13 MS to all contract operators, except those in the same country as the contracting authority.

Ignoring the data inconsistencies (see 1.1.1), EU13 MS awarded 1,950 cross-border contracts from 2012 to 2014 with a total value of EUR 7,747,580,369 (see Table 11). Three MS accounted for 72% (by value) of these contracts: PL 32%, and RO and SK 20% each.

Table 11: Cross-border contracting by EU13 MS contracting authorities 2012-2014

Contracting authority country	Contracts awarded (EUR)	% of contracts awarded (by value)	Number of contracts awarded	% of contracts awarded (number)
PL	2,452,435,812	32%	600	31%
RO	1,551,880,298	20%	168	9%
SK	1,535,261,595	20%	166	9%
HU	635,702,870	8%	84	4%
CZ	455,241,306	6%	254	13%
LT	291,193,323	4%	159	8%
LV	258,481,950	3%	193	10%
BG	251,362,674	3%	56	3%
SI	212,360,021	3%	42	2%
MT	51,366,628	1%	36	2%
EE	33,499,632	0%	159	8%
CY	13,358,530	0%	17	1%
HR	5,435,732	0%	16	1%
Total	7,747,580,369	100%	1,950	100%

Source: author, based on OpenTED

3 CROSS-BORDER CONTRACTING BY POLISH AND HUNGARIAN CONTRACTING AUTHORITIES 2012-2014

KEY FINDINGS

- Contract operators from IT and ES accounted for 55.7% (by value) of cross-border contracts awarded by PL contracting authorities from 2012 to 2014. Other important countries were South Korea (13%), CZ (7.8%), DE (6.8%), and AT (6.2%).
- During this period, two foreign contract operators were awarded 11 contracts by PL contracting authorities amounting to EUR 849,557,260, or 34% (by value) of all cross-border contracts. The same two contract operators were also involved in consortia that were awarded a further EUR 530,882,597 by PL contracting authorities (the relevant contracts are not all classed as cross-border, as the contract operator country in some cases is given as PL).
- Construction work accounted for 81% of all cross-border contracts awarded by PL contracting authorities.
- In PL, the General Directorate for National Roads and Motorways and/ or its regional branches awarded 22 cross-border contracts amounting to EUR 1,010,145,759, or 41% of all cross-border contracts (by value) awarded by PL contracting authorities from 2012 to 2014. These contracts involved eight foreign contract operators from five EU15 MS and one EU13 MS. Fifteen of the 22 contracts were awarded to the relevant contract operator individually, while seven were awarded to consortia led by one of three foreign contract operators.
- In HU, four contracting authorities awarded nine cross-border contracts from 2012 to 2014 accounting for 86% of all cross-border contracts. Cross-border contracts awarded by three of these HU contracting authorities (accounting for 75% of all cross-border contracts) related to rail rolling stock, signalling and telecommunications infrastructure, and other rail-related supplies and works. The fourth contracting authority (the Municipality of Szeged) awarded a single cross-border supply contract to a DE contract operator relating to flood protection equipment. This accounted for approximately 10% of all cross-border contracts.
- The largest single HU cross-border contract was awarded by MÁV-START Vasúti Személyszállító Zrt. (MÁV-START Railway Passenger Transport Company) to a Swiss contract operator for the supply of railway and tramway locomotives and rolling stock and associated parts. This contract amounted to EUR 233,436,000 and accounted for 36.72% of all cross-border contracts awarded by HU contracting authorities from 2012 to 2014.
- A single AT contract operator was involved in four contracts, as sole contractor (two contracts) and consortium leader (two contracts). These contracts related to rail signalling and telecommunications works and accounted for 22% (by value) of all cross-border contracts.
- A single ES contract operator was awarded one contract for rail-related supplies and services amounting to approximately 14.2% (by value) of all cross-border contracts awarded by HU contracting authorities from 2012 to 2014.
- Time constraints limited the present study to analysis of an OpenTED dataset, and literature review. This study identifies patterns of cross-border contracting involving EU funds but it does not seek to explain the underlying reasons for these patterns, or their significance in the context of overall public procurement in specific sectors. Further study would be useful to address these points and to gain greater insight into specific contracts.

3.1 CROSS-BORDER CONTRACTING BY POLISH CONTRACTING AUTHORITIES 2012-2014

This section looks in more detail at contracts awarded by Polish contracting authorities to foreign contract operators.

As noted above, there appear to be inconsistencies in the way that contract values have been entered into TED. There are two fields that record contract value: (a) contract value, and (b) total contract value. The first of these, contract value, has been used in this study as it is the most consistently used. However, there are 42 cross-border contracts awarded by Polish contracting authorities (out of a total of 600) for which there is no value in this field. The value of these contracts is therefore not included in the following analysis, although the contracts are included in the summaries of the number of contracts. A review of the 42 records in question indicates that contract values are available for a few in the total contract value field. With the exception of two records, the values appear to be relatively small.¹¹ Details of the 42 contracts are provided in Annex 3.

Table 12 summarises, by country, cross-border contracts awarded by PL contracting authorities from 2012 to 2014. It lists contract operator countries where the aggregate value of contracts awarded was EUR 10,000,000 or more. From this it can be seen that ES and IT contract operators accounted for approximately 56% (by value) of cross-border contracts awarded by PL with a total value of EUR 1,365,254,299.

Table 12: Cross-border contracts awarded by PL contracting authorities 2012-2014 (by country of contract operator)

Country of contract operator	Value of contracts EUR	% of value of contracts
ES	710,720,054	29.0%
IT	654,534,245	26.7%
KR	318,151,684	13.0%
CZ	191,015,146	7.8%
DE	166,789,332	6.8%
AT	151,681,891	6.2%
FI	95,878,272	3.9%
JP	35,797,672	1.5%
FR	25,794,571	1.1%
BE	16,464,354	0.7%
UK	11,709,837	0.5%
US	11,407,572	0.5%
Total	2,452,435,812	100%

Source: author, based on OpenTED

¹¹ The two exceptions are (1) a contract of approximately EUR 20 million awarded to a Spanish contract operator in 2013 for industrial machinery, and (2) a contract of approximately EUR 109 awarded to a Korean contract operator in 2013 for construction work.

Table 13 summarises, by CPV category, cross-border contracts awarded by Polish contracting authorities from 2012 to 2014. It includes CPV groups where the aggregate value of contracts awarded was EUR 10,000,000 or more (a table listing all CPV categories is provided in Annex 1). These account for 98% by value (EUR 2,407,052,043) of all cross-border contracts, and 78 % by number of contracts. Construction work is by far the largest category in terms of the value of contracts awarded (81%), followed by architectural, construction, engineering and inspection services (7%). These two groups account for 8.5% and 9.7% respectively of the number of cross-border contracts awarded. By far the largest group in terms of the number of contracts awarded is 'laboratory, optical and precision equipments (excl. glasses)' (35%).

Table 13: Cross-border contracts awarded by PL contracting authorities 2012 -2014 (by CPV group) where aggregate contract values are EUR 10 million or more

CPV group	Contract values (EUR)	% of contract values	Count of contracts awarded	% of count of contracts awarded
Construction work	1,993,869,278	81.30%	51	8.50%
Architectural, construction, engineering and inspection services	182,151,918	7.43%	58	9.67%
Laboratory, optical and precision equipments (excl. glasses)	64,407,175	2.63%	213	35.50%
Electrical machinery, apparatus, equipment and consumables; Lighting	55,721,005	2.27%	19	3.17%
Industrial machinery	43,689,708	1.78%	50	8.33%
Transport equipment and auxiliary products to transportation	39,321,891	1.60%	33	5.50%
Medical equipments, pharmaceuticals and personal care products	17,718,232	0.72%	40	6.67%
Food, beverages, tobacco and related products	10,172,836	0.41%	7	1.17%
Total	2,407,052,043	98.15%	437	78.50

Source: author, based on OpenTED

Table 14 lists eight contracting authorities that awarded cross-border contracts amounting in total to EUR 100 million more (a longer list is provided in Annex 2). These contracting authorities account for 53% of all cross-border contracts in Poland by value, but just 3.5% by number of contracts. PKP Polskie Linie Kolejowe S.A. (PKP Polish Railway Lines SA) is at the top of this list in terms of the value and number of the contracts it awarded. It accounts for more than 10% by value of all cross-border contracts awarded by Polish contracting authorities. However, further analysis of the data shows that the General Directorate for National Roads and Motorways and/ or its regional branches awarded 22 cross-border contracts amounting to EUR 1,010,145,759, or 41% of all cross-border contracts (by value).

Table 14: Cross-border contracts awarded by PL contracting authorities 2012 -2014 (by contracting authority) where aggregate contract values are EUR 10 million or more)

Contracting authorities	Contract values (EUR)	% of contract values	Count of contracts awarded	% of count of contracts awarded
PKP Polskie Linie Kolejowe S.A.	261,000,401	10.64%	12	2.00%
Skarb Państwa Generalny Dyrektor Dróg Krajowych i Autostrad. Prowadzący postępowanie: Generalna Dyrekcja Dróg Krajowych i Autostrad Oddział we Wrocławiu	215,954,733	8.81%	2	0.33%
Krakowski Holding Komunalny Spółka Akcyjna w Krakowie	193,528,918	7.89%	1	0.17%
Generalna Dyrekcja Dróg Krajowych i Autostrad.	163,996,583	6.69%	1	0.17%
Skarb Państwa – Generalny Dyrektor Dróg Krajowych i Autostrad. Prowadzący postępowanie: Generalna Dyrekcja Dróg Krajowych i Autostrad Oddział w Warszawie, 03-808 Warszawa, ul. Mińska 25	149,372,671	6.09%	1	0.17%
Województwo Mazowieckie	108,619,477	4.43%	2	0.33%
Generalna Dyrekcja Dróg Krajowych i Autostrad. Prowadzący postępowanie: Generalna Dyrekcja Dróg Krajowych i Autostrad, Oddział w Białymstoku	105,463,766	4.30%	1	0.17%
Skarb Państwa Generalny Dyrektor Dróg Krajowych i Autostrad. Prowadzący postępowanie Generalna Dyrekcja Dróg Krajowych i Autostrad Oddział w Białymstoku	103,953,123	4.24%	1	0.17%
Total	1,301,889,673	53.09%	21	3.50%

Source: author, based on OpenTED

Table 15 lists the top seven foreign contract operators awarded contracts by PL contracting authorities from 2012 to 2014 (by value). A longer list is provided in Annex 4.

Table 15: Top seven foreign contract operators awarded contracts by PL contracting authorities from 2012 to 2014 (by total value)

Contract operator	Country of contract operator	Value of contracts (EUR)	% of contracts by value	Number
Astaldi S.p.A.	IT	318,291,755	12.98%	4
Dragados S.A.	ES	294,208,698	12.00%	4
POSCO Engineering & Construction Co., Ltd.	KR	193,528,918	7.89%	1
Metrostav a.s.	CZ	149,372,671	6.09%	1
Konsorcjum firm w składzie:FCC CONSTRUCCIÓN S.A., AZVI, S.A., DECOMA Sp. z o.o.	ES	130,044,615	5.30%	1
KT Corporation - Lider konsorcjum	KR	108,619,477	4.43%	1
Astaldi S .p. A	IT	105,463,766	4.30%	1
Total		1,299,529,900	52.99%	13

Source: author, based on OpenTED

An important point to note is that Astaldi SpA is listed here twice as two different contractors. This is due to minor variations in the way the name has been entered. There is also a third variation of the way the name has been entered (not included in this abbreviated list). All three variations are shown in Table 16. This shows that Astaldi SpA was awarded six contracts amounting to EUR 470,357,825, or 19% (by value) of all cross-border contracts awarded by PL contracting authorities for which values are available in the dataset. Astaldi SpA was also a partner in two consortia awarded contracts during this period. If these contracts are included here, the total value of contracts in which Astaldi was involved increases to EUR 643,016,606 (26% by value of all contracts awarded to foreign contract operators for which values are available in the dataset).

Table 16: Variations on the entry of Astaldi SpA

Contract operator	Value of contracts	Number of contracts
Astaldi S.p.A	105,463,766	1
Astaldi S.p.A	46,602,305	1
Astaldi S.p.A.	318,291,755	4
Total	470,357,825	6

Source: author, based on OpenTED

A similar situation arises in the case of Dragados SA. Where it is given as the sole contract operator (i.e. not working in consortium), there are two variations in the way its name has been entered: 'Dragados S.A.' and 'DRAGADOS S.A. z siedzibą w Madrycie [Hiszpania]'. If the value of the five relevant contracts is combined, the total awarded to Dragados SA amounts to 379,199,435, approximately 15% (by value) of all cross-border contracts awarded by PL contracting authorities from 2012 to 2014 for which contract values are available in the dataset.

PL contracting authorities also awarded six contracts to consortia involving Dragados SA (see Table 17). The total amount of these contracts was EUR 358,223,816. For five of these contracts, the country of the contract operator is given as PL and they are therefore not counted as cross-border contracts for the purposes of this study.

Table 17: Consortia involving Dragados SA (contract awarded by PL contracting authorities 2012 - 2014)

Contract operator	Value of contracts (EUR)	Count of contracts
Konsorcjum firm: Przedsiębiorstwo Robót Inżynieryjnych „POL-AQUA” S.A. – Lider, Dragados S.A., VIAS Y CONSTRUCCIONES S.A., Electren S.A.	126,064,171.7	1
Konsorcjum w składzie: Przedsiębiorstwo Robót Inżynieryjnych „POL-AQUA” S.A.; Dragados S.A.; VIAS Y CONSTRUCCIONES S.A.; Electren S.A.	115,629,280.7	1
Konsorcjum firm w składzie: Dragados Spółka Akcyjna Avda. Del Camino de Santiago 50, 28050 Madryt, Hiszpania, pełniąca obowiązki Lidera; Vias Y Construcciones Spółka Akcyjna C/ Orense 11, 4a Planta, 28020 Madryt, Hiszpania, pełniąca obowiązki Członka Konsorcjum; Electren Spółka Akcyjna Avda. Del Brasil 6, 2a Planta, 28020 Madryt, Hiszpania, pełniąca obowiązki Członka Konsorcjum	74,710,490.1	1
Konsorcjum: POLAQUA Spółka z ograniczoną odpowiedzialnością, Dragados S.A., Vias Y Construcciones S.A., Electren S.A.	28,356,859.2	1

Contract operator	Value of contracts (EUR)	Count of contracts
JV of firms: Przedsiębiorstwo Robót Inżynieryjnych "POL-AQUA" S.A., Dragados S.A.	13,057,114.0	1
Konsorcjum w składzie: Polaqua Sp. z o.o. (lider), Dragados S.A., Vias y Construcciones S.A., Electren S.A.	405,900.0	1
Total	358, 223, 816	6

Source: author, based on OpenTED

Further analysis of contracts awarded to, or involving, Astaldi SpA or Dragados SA

The three largest contracts awarded to Astaldi SpA were awarded by the General Directorate for National Roads and Motorways for works (see Annex 5), with implementation the responsibility of the General Directorate for National Roads and Motorways in **Wrocław** (one contract), and the General Directorate for National Roads and Motorways in **Białystok** (two contracts). The title/ purpose of the largest contract is given as 'Design and construction of the expressway S5 Poznan-Wroclaw section Korzeńsko (without node) - node Widawa Wrocław, task 3 from km approx. 137 + 500 to node Widawa Wrocław (including the hub)'.¹² No description or purpose is available in the dataset for the two Białystok contracts.

All of the five contracts awarded to Dragados SA as an individual contract operator (see Annex 6) were awarded by the General Director for National Roads and Motorways for road works, with implementation the responsibility of the General Directorate for National Roads and Motorways in **Wrocław** (two contracts), the General Directorate for National Roads and Motorways Branch in **Poznań** (one contract), the General Directorate for National Roads and Motorways Branch in **Zielona Góra** (one contract). The description of by far the largest contract (EUR 163,996,583) indicates that this relates to road works in the area of **Radom**.

Of the six contracts in which Dragados is given as a consortium or joint venture partner, five were awarded by PKP Polish Railway Lines SA, while the sixth was awarded by the Regional Water Management Board in **Wrocław**.

3.2 CROSS-BORDER CONTRACTING BY HUNGARIAN CONTRACTING AUTHORITIES 2012-2014

This section looks in more detail at contracts awarded by Hungarian contracting authorities to foreign contract operators from 2012 to 2014.

Table 18 shows that Hungarian contracting authorities awarded 84 contracts to foreign contract operators from 2012 to 2014. Swiss contract operators were awarded the most funds - EUR 238,453,244 accounting for almost 38% of all funds awarded to foreign contract operators. Four countries (including CH) accounted for 86% of funds awarded to foreign contract operators (the other three countries were AT, ES, and DE). AT and SK contract operators were awarded 17 and 16 contracts respectively, but the amount awarded to SK contract operators is equivalent to 1.2% of the amount awarded to AT contract operators.

The four contracts awarded to CH contract operators fall into three CPV groups:

¹² Translated from Polish using Google translate.

- Medical equipments, pharmaceuticals and personal care products
- Transport equipment and auxiliary products to transportation
- Laboratory, optical and precision equipments (excl. glasses)

Table 18: Cross-border contracts awarded by HU contracting authorities 2012-2014 (by country of contract operator)

Country of contract operator	Value of contracts (EUR)	% of contracts (by value)	Number of contracts	% of contracts (by number)
CH	238,453,244	37.51%	4	5%
AT	140,943,370	22.17%	17	20%
ES	90,462,455	14.23%	1	1%
DE	76,867,111	12.09%	10	12%
PL	20,473,206	3.22%	5	6%
FR	19,453,905	3.06%	5	6%
IT	12,442,431	1.96%	4	5%
FI	11,305,056	1.78%	2	2%
NL	9,273,457	1.46%	2	2%
LV	4,034,207	0.63%	1	1%
SK	2,776,504	0.44%	16	19%
TR	2,763,111	0.43%	1	1%
SI	1,893,305	0.30%	5	6%
BG	1,872,913	0.29%	2	2%
US	1,586,928	0.25%	2	2%
BE	500,867	0.08%	3	4%
LI	269,572	0.04%	1	1%
UK	190,000	0.03%	1	1%
CZ	105,791	0.02%	1	1%
CA	35,438	0.01%	1	1%
Total	635,702,870	100.00%	84	100%

Source: author, based on OpenTED

Table 19 shows the top five CPV categories in terms of the value of contracts awarded to foreign contract operators from 2012 to 2014 (a complete list is provided in Annex 7). These five groups accounted for 96.11% of funds and 48% of the number all cross-border contracts awarded during this period. By far the largest CPV category, by value of contracts awarded, was 'Transport equipment and auxiliary products to transportation', which accounted for 56.58% of funds. 'Construction work' accounted for 22%, and 'Construction structures and materials; auxiliary products to construction (excepts electric apparatus' for approximately 12%.

Table 19: Cross-border contracts awarded by HU contracting authorities 2012 -2014 (by CPV group)

CPV group	Value of contracts (EUR)	% of contracts (by value)	Number of contracts	%of contracts (by number)
Transport equipment and auxiliary products to transportation	359,663,878	56.58%	7	8%
Construction work	140,045,733	22.03%	4	5%
Construction structures and materials; auxiliary products to construction (excepts electric apparatus)	74,749,218	11.76%	3	4%
Laboratory, optical and precision equipments (excl. glasses)	27,447,546	4.32%	25	30%
Office and computing machinery, equipment and supplies except furniture and software packages	9,094,642	1.43%	1	1%
Total	611,001,018	96.11%	40	48%

Source: author, based on OpenTED

Table 20 lists six HU contracting authorities that awarded contracts to foreign contract operators amounting to EUR 10 million or more in total (a longer list is provided in Annex 8). These awarded 12 cross-border contracts from 2012 to 2014 amounting to EUR 580.411,560. At the top of the list (in terms of the value of contracts awarded), is MÁV-START Railway Passenger Transport Company.¹³ This contracting authority awarded a single cross-border contract during the relevant period to a Swiss contract operator, Stadler Bussnang AG, for the supply of 'Railway and tramway locomotives and rolling stock and associated parts.'¹⁴

Table 20: Cross-border contracts awarded by HU contracting authorities 2012 -2014 (by contracting authority) where aggregate contract values are EUR 10 million or more)

Contracting authority ¹⁵	Contract values (EUR)	% of contracts (by value)	Number of contracts	% of contracts (by number)
MÁV-START Vasúti Személyszállító Zrt. [MÁV-START Railway Passenger Transport Company]	233,436,000	36.72%	1	1%
Nemzeti Infrastruktúra Fejlesztő Zrt. [National Infrastructure Development Corporation]	140,045,733	22.03%	4	5%
BKK Budapesti Közlekedési Központ Zártkörűen Működő Részvénytársaság [BKK Budapest Transport Centre Private Limited Company]	106,082,018	16.69%	3	4%

¹³ Name translated from Hungarian to English using Google Translate.

¹⁴ This contract description is taken directly from TED, rather than the OpenTED dataset.

¹⁵ English translations of contracting authority names have been added in square brackets. The names were translated using Google Translate.

Contracting authority ¹⁵	Contract values (EUR)	% of contracts (by value)	Number of contracts	% of contracts (by number)
Szeged Megyei Jogú Város Önkormányzata [Szeged Municipality]	67,088,009	10.55%	1	1%
ELI-HU Kutatási és Fejlesztési Nonprofit Közhasznú Kft. [ELI-HU Research and Development Non- Profit Company]	23,107,937	3.64%	2	2%
Országos Mentőszolgálat [National Ambulance Service]	10,651,863	1.68%	1	1%
Total	580.411,560	91.30	12	14%

Source: author, based on OpenTED

Table 21 shows the top nine foreign contract operators (by value of contracts) award contracts by HU contract operators from 2012 to 2014 (a longer list is provided in Annex 9. A single contract operator, Stadler Bussnang AG (AT), tops the list. It was awarded a single contract for supply of 'Railway and tramway locomotives and rolling stock and associated parts.'¹⁶ This contract accounted for 36% of all cross-border contracts (by value) awarded from 2012 to 2014.

Two contracts awarded to Thales Austria GmbH accounted for 15% of cross-border contracts (by value). These were for railway signalling and telecommunications works. It was also the lead partner in a consortium involving a Hungarian partner, Dunántúli Kft., that was awarded two further contracts amounting to EUR 42,146,614 (approximately 7% of all cross-border contracts), again for works relating to railway signalling and telecommunications.¹⁷ Thales Austria GmbH was thus involved in cross-border contracts accounting for approximately 22% (by value) of all cross-border contracts awarded by HU contracting authorities.

Two other foreign contract operators with a major share of cross-border contracts (by value) were Construcciones y Auxiliar de Ferrocarriles, S.A. (ES) with approximately 14%, and IBS Planungs-, Vertriebsgesellschaft mbH (DE) with approximately 10%. The first of these was awarded a single contract by BKK Budapest Transport Centre Private Limited Company¹⁸ for 'Electric vehicles. Electrical installations for railways. Repair, maintenance and associated services related to railways and other equipment.'¹⁹ The latter was awarded a single supply contract relating to a flood protection system for the municipality of Szeged.

A list of all cross-border contracts of EUR 5 million or more awarded by HU contracting authorities from 2012 to 2014 is provided in Annex 10.

¹⁶ This contract description is taken directly from TED, rather than the OpenTED dataset.

¹⁷ The contract descriptions are taken directly from TED, rather than the OpenTED dataset.

¹⁸ Translated using Google Translate.

¹⁹ This contract description is taken directly from TED, rather than the OpenTED dataset.

Table 21: Top nine foreign contract operators (by value of contracts) awarded contracts by HU contracting authorities from 2012 to 2014

Contract operator	Value of contracts (EUR)	% of contracts (by value)	Number of contracts	% of contracts (by number)
Stadler Bussnang AG	233,436,000	36.72%	1	1.2%
THALES Austria GmbH	97,899,119	15.40%	2	2.4%
Construcciones y Auxiliar de Ferrocarriles, S.A.	90,462,455	14.23%	1	1.2%
IBS Planungs-, Vertriebsgesellschaft mbH	67,088,009	10.55%	1	1.2%
Thales Austria GmbH és a Dunántúli Kft. közös ajánlattevők	26,101,092	4.11%	1	1.2%
Amplitude Technologies SA	19,073,730	3.00%	1	1.2%
Thales Austria GmbH Közös ajánlattevő Dunántúli Kft. közös ajánlattevő	16,045,522	2.52%	1	1.2%
„Solaris-Skoda-Electric Budapest Trolibusz 2014” (közös ajánlattevők 1. tagja (vezető): SOLARIS Bus & Coach S.A. és közös ajánlattevők 2. tagja: SKODA ELECTRIC a.s.)	12,856,452	2.02%	1	1.2%
Profile Vehicles Oy	10,651,863	1.68%	1	1.2%
Totals	573,614,243	90.23%	10	12.2

Source: author, based on OpenTED

4 REVIEW OF EXISTING STUDIES AND REPORTS

This chapter reviews cross-border public procurement in general. Unless otherwise indicated, it does not differentiate between EU and other sources of funding.

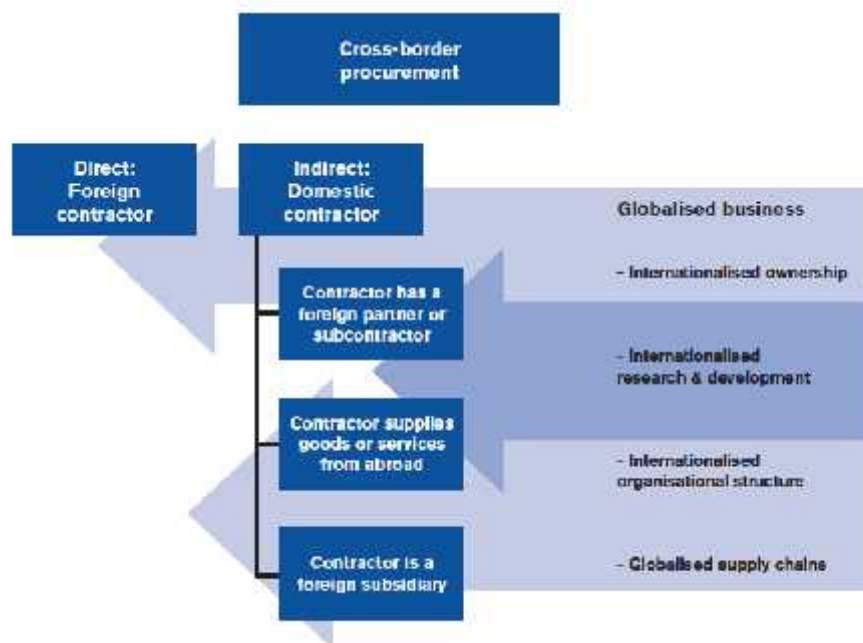
KEY FINDINGS

- Countries struggle with agreeing on international discipline to limit discretion of politicians and public administrations in decision-making on public spending. EU procurement rules aim to address this problem by ensuring non-discrimination, transparency and open competition.
- The EU public procurement market is compared to other large procurement markets considered relatively open to third parties.
- Available data indicates that direct cross-border procurement generally accounts for a smaller share of public procurement than indirect cross-border procurement.
- Import penetration in the public sector is an important indicator of indirect cross-border public procurement. Data shows that the degree of international trade in the public sector is significantly smaller than in the private sector. The difference is primarily explained by the nature of goods and services traded.
- Available data shows that the highest share of contracts is awarded by special purpose authorities engaged in the provision of utilities (i.e. water, transport, energy and telecommunications).
- Available data shows that overall the most common type of procurement procedure for direct cross-border public procurement is a negotiated procedure.
- Available data shows that the value of contracts awarded between 2008-2012 differed significantly between EU15 and EU12.
- Determining indirect cross-border procurement is challenging due to intercompany relations. This raises the need for transparency in company organisational structures.
- Available data indicates that indirect cross-border procurement is more common than direct. This could indicate that the procurement market is more accessible for foreign operators working through domestic affiliates, subsidiaries, etc.
- Research shows that geographical location and the language contribute to cross-border procurement.
- Research shows that lack of experience with doing business abroad, strong competition of national bidders and legal requirements to enter the markets are considered obstacles to cross-border procurement.

4.1 CROSS-BORDER PUBLIC PROCUREMENT (CBPP)

Public procurement involves cross-border activities in different forms in which the origin of products and nationality of companies are the main issues addressed by procurement rules. The figure below from a report of the Swedish governmental agency National Board of Trade provides a good overview of the different forms of cross-border public procurement.²⁰

Figure 5: Forms of cross-border procurement



Source: National Board of Trade (Sweden)

Direct CBPP occurs when a foreign contractor, not established in the domestic market, is awarded a public contract. Indirect CBPP occurs when the contractor is:²¹

- 'A locally established subsidiary of a foreign firm (the parent company / headquarters are located abroad, i.e. a foreign firm has submitted a bid through its subsidiary established in the market of the contracting body).
- A domestic firm (prime contractor) having a foreign subcontractor during performance of the contract.
- A domestic firm having a foreign consortium partner.
- A domestic firm importing products to perform the contract (e.g. wholesaler).'

²⁰ Sverige and Kommerskollegium (2011) *Cross-border public procurement: an EU perspective*, Stockholm, Kommerskollegium, National Board of Trade, [online] Available from: <http://www.kommers.se/In-English/Publications/2011/Cross-border-Public-Procurement/>

²¹ Ibid. p7.

4.2 INTERNATIONAL LEGISLATIVE FRAMEWORK

Actors in the private sectors are assumed to pursue rational procurement driven by profit maximising incentives. For the public sector this is not necessarily prioritised. Therefore procurement rules need to ensure non-discrimination, transparency and open competition. By limiting the discretion of politicians and public administrations, procurement rules aim to increase efficient use of public funds.

Not surprisingly, countries struggle with agreeing on international discipline to limit such discretion. This is best illustrated by important international trade agreements,²² such as the General Agreement on Tariffs and Trade (GATT, 1947) and the General Agreement on Trade in Services (GATS, 1995), that exclude public procurement. In other words, this has left members of these agreements to favour domestic over foreign suppliers of goods and services.

Nonetheless, countries have since the 1980s repeatedly addressed international public procurement discipline resulting in:

- The Government Procurement Agreement (GPA)
- Free Trade Agreements (FTAs)
- The liberalisation of public procurement through the European Single Market

The GPA is a World Trade Organisation multilateral agreement with 42 members and includes general rules and obligations as well as schedules of national entities in each member state whose procurement is subject to the GPA. It is grounded on the notion that procurement systems have significant impact on the efficient use of public funds, which in turn affects good governance and influences the public confidence in government. The principal requirements for public procurement are value for money, public access to information and fair competition. The rules only include 'covered procurement', which is specified for each member in the appendices of the agreement. The rules apply to: purchases exceeding a specific threshold; purchases covering specified public entities; purchases of listed services and in principle all goods; purchases in specific sectors (i.e. excluding defence). The GPA also includes a reporting mechanism in which members are requested to publish procurement data on the country of origin. This is however not frequently done. Available data from 1983-1992 suggest that smaller countries procure more to foreign economic operators. The effect of the GPA on opening domestic procurement to foreign companies is debated. However, recent data is lacking.

Through Free Trade Agreement access to domestic procurement markets is also granted. The EU has this way ensured access to, inter alia, Chile, South Africa, Mexico and Korea.²³

The EU is in absolute terms the largest public procurement market among GPA members. Public procurement is estimated roughly 20% of EU gross domestic product.²⁴ In 2011, the TED database published in 2011 procurement opportunities worth around EUR 425 billion. Research from 2010 shows that an internal market on public procurement generates between 5% and 8% savings on the value of public procurement.²⁵ These figures relate primarily to the Single Market in which public

²² https://www.wto.org/english/docs_e/legal_e/legal_e.htm

²³ http://ec.europa.eu/enterprise/policies/international/facilitating-trade/free-trade/index_en.htm

²⁴ European Commission, 2014. *Commission Staff Working Document - Annual Public Procurement Implementation Review 2013*. Available at: http://ec.europa.eu/internal_market/publicprocurement/docs/implementation/20140820-staff-working-document_en.pdf.

²⁵ Monti, M., 2010. *A New Strategy for the Single Market - At the Service of Europe's Economy and Society - Report to the President of the European Commission José Manuel Barroso*. [online] Available at:

procurement has been harmonised in order to allow for free movement of goods, services, capital and people. In relation to market openness to third parties, the EU market is considered relatively open. In 2010, the European Commission reports that 17,5% of EU procurement, compared to 3,2% in the US, was above the GPA thresholds.²⁶ After considering the exemptions and derogations, this allowed for foreign access of a total of EUR 312 billion.

Currently EU procurement is mainly regulated through:²⁷

- Sector Directive on water, energy, transport and postal services (EU Directive 2004/17)
- Classical Directive on contracts for public works, public supply, and public service (EU Directive 2004/18)

In relation to CBPP the Treaty is important by establishing the principles of equality and non-discrimination, free movement of goods and services.²⁸ The EU public procurement regulation underpins these principles by imposing 'negative obligations on contracting authorities to ensure they do not discriminate against undertakings based in other EU MS'.²⁹

4.3 DATA ON CBPP IN THE EU

Data on CBPP is scarce and somewhat dated. Direct CBPP accounts generally for a small share of public procurement.³⁰ In 2007, EU tenders awarded to companies from other GPA members only estimated around 3-4% of the value above the threshold procurement under the GPA. On the EU market direct procurement is estimated to less than 2% of the winning tenders between 2007-2009.

Indirect CBPP to non-EU companies accounted in 2007 for around 14% of tenders published in the TED database.³¹ This includes subsidiaries, which do not face legal restriction when participating in EU procurement. The data shows significant differences between MS with Swedish public procurement awarding 44% of the aggregated contract value to foreign subsidiaries. 6.7% was awarded to foreign firms. In The Netherlands this was 13% for both foreign companies and subsidiaries.

Import penetration in the public sector is an interesting indicator of indirect CBPP. By looking at the degree of international trade in the public sector an indication can be given of the foreign access to procurement. In 2005, the total import penetration in the EU was 7.5% of the total public demand of goods and services. In the private sector this was 19.1%.³² This difference is primarily explained by the nature of goods traded. The private sector procures less services while the public sector demands fewer tradable products.

http://ec.europa.eu/internal_market/strategy/docs/monti_report_final_10_05_2010_en.pdf.

²⁶ European Commission, 2010. *Trade as a Driver of Prosperity - Commission staff working document accompanying the Commission's Communication on 'Trade, Growth, and World affairs'*. [online] Available at: http://trade.ec.europa.eu/doclib/docs/2010/november/tradoc_146940.pdf.

²⁷ http://ec.europa.eu/growth/single-market/public-procurement/rules/current/index_en.htm

²⁸ European Union, 2012. *Consolidated Version of the Treaty on the Functioning of the European Union*. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN>.

²⁹ Schooner, S.L., 2013. EDITOR'S NOTE: REFLECTIONS ON COMPARATIVE PUBLIC PROCUREMENT LAW. *Public Contract Law Journal*, 43(1), pp.1-2.

³⁰ Sverige and Kommerskollegium, 2011. *Cross-border public procurement: an EU perspective*. [online] Stockholm: Kommerskollegium, National Board of Trade. Available at: <http://www.kommers.se/In-English/Publications/2011/Cross-border-Public-Procurement/>.

³¹ European Commission, 2010. *Trade as a Driver of Prosperity - Commission staff working document accompanying the Commission's Communication on 'Trade, Growth, and World affairs'*. [online] Available at: http://trade.ec.europa.eu/doclib/docs/2010/november/tradoc_146940.pdf.

³² Sylvest, J., Kröber, R., Jürgens, O., Schmermuly, S., Yannik, B., Hauser, C., Kronthaler, F. and Ludwig, U., 2011. *Final Report - Cross Border Procurement Above EU Thresholds*. [online] Ramboll Management Consulting and University of Applied Sciences HTW Chur. Available at: http://ec.europa.eu/internal_market/publicprocurement/docs/modernising_rules/cross-border-procurement_en.pdf.

4.4 DATA ON DIRECT CBPP

More recent data is presented in a European Commission Directorate General Trade paper by Zornitsa Kutlina-Dimitrova and Csilla Lakatos.³³ The researchers present data from 2008-2012. Table 22 presents direct CBPP based on contract awards published in TED. Their dataset showed 17,007 cross-border awards out of 1,223 million observations. This represents a share of 1.4% of direct CBPP for the five years considered. The final share of CBPP in value of contract awards is 3.7% of a total of EUR 910 billion. An interesting result of the analysis showed that 94% of awarded contracts (230,000 contracts) were covered by the Classical Directive. CBPP corresponded to 3 000 contracts, a share of 1.2% per year. This share is with 3.9% significantly higher for CBPP covered by the Utilities Directive.

Table 22: Cross-border public procurement 2008-2012

Year	Number of awards			Award value (EUR million)		
	Total	Direct cross-border	Share	Total	Direct cross-border	Share
2008	179,174	2,924	1,6%	167,440	5,678	3,4%
2009	235,066	3,071	1,3%	180,446	6,293	3,5%
2010	253,997	3,498	1,4%	200,120	7,697	3,8%
2011	275,549	3,793	1,4%	182,507	7,567	4,1%
2012	279,945	3,721	1,3%	179,496	6,347	3,5%
Total	122,3731	17,007	1,4%	910,008	33,583	3,7%

Source: Kutlina-Dimitrova and Lakatos 2014

Table 23 shows an overview of the number of awards and value per type of procurement. Supplies are most common for CBPP contracts with 1,7% on average from 2008-2012.

Table 23: Cross-border public procurement 2008-2012 by type of procurement

Regulation	Number of awards			Award value (EUR million)		
	Total	Direct cross-border	Share	Total	Direct cross-border	Share
Utilities Directive	14,815	572	3,9%	31,971	2,394	7,5%
Purchases						
Services	83,805	919	1,1%	64,051	1,540	2,4%
Supplies	130,779	2,246	1,7%	48,090	2,863	6,0%
Works	30,162	236	0,8%	69,860	2,314	3,3%

Source: Kutlina-Dimitrova and Lakatos 2014

When looking at the type of authorities that award contracts to foreign companies we see that the highest share of contracts (3.9%) is awarded by special purpose authorities engaged in the provision of utilities (i.e. water, transport, energy and telecommunications). In value this represented almost

³³ Kutlina-Dimitrova, Z. and Lakatos, C., 2014. *Determinants of direct cross-border public procurement in EU Member States*. Directorate General for Trade, European Commission.

EUR 2.4 billion per year, a share of 7.5%. The central government authorities also represent a high share of direct CBPP with 2.2%, representing EUR 1.6 billion per year and a share of 6.4%. Finally, overall the most common type of procurement procedure for direct CBPP is a negotiated procedure.

The researchers also provide interesting insights into differences between EU MS. Poland (31%), France (25%) and Germany (6%) were **awarded** most contracts from 2008 to 2012 by EU MS. When looking at the value this places FR first (19%), PL (13%), IT (12%), and the UK (12%).

If we divide MS into “old” and “new” MS there is no significant difference in the number of contracts awarded, namely 122,616 for the EU15 and 122,131 for the EU12.³⁴ The same applies when looking at cross-border contract awards. MS from the EU15 were **awarded** 1,698 cross-border contracts compared with 1,704 for MS from the EU12. If we look at the EU total share of CBPP contracts per MS, Poland (19%) was awarded most, followed by France (13%) and Romania (7%). When looking at awarded contracts per MS and the share of cross-border contracts, 17% of contracts awarded in Luxembourg were cross-border, followed by 16% of contracts in Malta and 14% in Ireland.

Concerning the value of contracts, a significant difference is noted between EU15 and EU12. Roughly EUR 129 billion was awarded to EU15 countries against EUR 52 billion to EU12 countries. Roughly EUR 6,7 billion was awarded through cross-border contracts. Poland and Romania received respectively 15% (EUR 1 billion) and 14% (EUR 960 million) of the total value contracted through CBPP. 42% of the value of all contracts awarded in Malta was through cross-border contracts, followed by Cyprus (17%) and Luxembourg (16%).

Data presented by the European Commission paper shows that the services sector accounts for about 46% of the number of awarded contracts, corresponding for more than 72% of the value (2008-2012). 29% of contracts awarded are for medical equipment and pharmaceuticals, 12% for construction works. CBPP overall is found in manufacturing sectors both in terms of value and number of contracts. In particular, there is a significant number of contracts for services related to the oil and gas industry (15%), as well as laboratory, optical and precision equipment (8%). Industrial machinery (22%), law enforcement equipment (18%) and electrical machinery (17%) represent the largest shares of value.

4.5 DATA ON INDIRECT CBPP

In 2011, Directorate General Internal Market published a study conducted by Ramboll Management consulting and the University of Applied Sciences HTW Chur.³⁵ The researched collected data from TED and combined this with intercompany relationship data from Dun & Bradstreet and a survey of economic operators in 12 EU MS to identify CBPP through subcontractors, consortia and wholesaler/distributors.

The data showed direct CBPP from 2007-2009 in 1.6% of the awarded contracts. Indirect CBPP through affiliates accounted for 1.6%, through subcontractors 1.0%, consortia 0.3% and wholesalers/distributors 11.9%. In terms of contract value direct CBPP accounted for 3.5%, indirect through affiliates 13.4%, through subcontractors 0.2%, consortia 0.1% and wholesalers/distributors 11.9%.

³⁴ EU12 = EU13 without Croatia

³⁵ Sylvest, J., Kröber, R., Jürgens, O., Schermuly, S., Yannik, B., Hauser, C., Kronthaler, F. and Ludwig, U., 2011. *Final Report - Cross Border Procurement Above EU Thresholds*. [online] Ramboll Management Consulting and University of Applied Sciences HTW Chur. Available at: http://ec.europa.eu/internal_market/publicprocurement/docs/modernising_rules/cross-border-procurement_en.pdf.

The study confirms that the larger the country's population, the smaller the share of direct CBPP. Direct CBPP for new MS is according to the study 0,65 percentage points higher than in old MS. However, the share of indirect CBPP through affiliates is 9,2 percentage points higher in the old MS. Factors that contribute to CBPP are geographical location and especially the language. The survey conducted by the researchers showed that 50% of respondents regarding language barriers as being of high relevance. Other barriers identified were: lack of experience with doing business abroad; strong competition of national bidders; and legal requirements to enter the markets.

REFERENCES

- European Commission (2010) *Trade as a Driver of Prosperity - Commission staff working document accompanying the Commission's Communication on 'Trade, Growth, and World affairs'*, [online] Available from: http://trade.ec.europa.eu/doclib/docs/2010/november/tradoc_146940.pdf.
- European Commission, 2014. *Commission Staff Working Document - Annual Public Procurement Implementation Review 2013*. Available at: http://ec.europa.eu/internal_market/publicprocurement/docs/implementation/20140820-staff-working-document_en.pdf.
- European Union (2012) '*Consolidated Version of the Treaty on the Functioning of the European Union*', Official Journal of the European Union, [online] Available from: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN>.
- Kutlina-Dimitrova, Z. and Lakatos, C. (2014) *Determinants of direct cross-border public procurement in EU Member States*, Directorate General for Trade, European Commission.
- Monti, M. (2010) *A New Strategy for the Single Market - At the Service of Europe's Economy and Society - Report to the President of the European Commission José Manuel Barroso*, [online] Available from: http://ec.europa.eu/internal_market/strategy/docs/monti_report_final_10_05_2010_en.pdf.
- Schooner, S. L. (2013) 'EDITOR'S NOTE: REFLECTIONS ON COMPARATIVE PUBLIC PROCUREMENT LAW.', *Public Contract Law Journal*, 43(1), pp. 1–2.
- Sverige and Kommerskollegium (2011) *Cross-border public procurement: an EU perspective*, Stockholm, Kommerskollegium, National Board of Trade, [online] Available from: <http://www.kommers.se/In-English/Publications/2011/Cross-border-Public-Procurement/>.
- Sylvest, J., Kröber, R., Jürgens, O., Schmermuly, S., Yannik, B., Hauser, C., Kronthaler, F. and Ludwig, U. (2011) *Final Report - Cross Border Procurement Above EU Thresholds*, Ramboll Management Consulting and University of Applied Sciences HTW Chur, [online] Available from: http://ec.europa.eu/internal_market/publicprocurement/docs/modernising_rules/cross-border-procurement_en.pdf.

ANNEXES

ANNEX 1: CROSS-BORDER CONTRACTS AWARDED BY PL CONTRACTING AUTHORITIES 2012 – 2014 (BY CPV CATEGORY)

CPV group	Contract values (EUR)	% of contract values	Count of contracts awarded	% of count of contracts awarded
Construction work	1,993,869,278	81.30%	51	8.50%
Architectural, construction, engineering and inspection services	182,151,918	7.43%	58	9.67%
Laboratory, optical and precision equipments (excl. glasses)	64,407,175	2.63%	213	35.50%
Electrical machinery, apparatus, equipment and consumables; Lighting	55,721,005	2.27%	19	3.17%
Industrial machinery	43,689,708	1.78%	50	8.33%
Transport equipment and auxiliary products to transportation	39,321,891	1.60%	33	5.50%
Medical equipments, pharmaceuticals and personal care products	17,718,232	0.72%	40	6.67%
Food, beverages, tobacco and related products	10,172,836	0.41%	7	1.17%
Office and computing machinery, equipment and supplies except furniture and software packages	8,380,073	0.34%	12	2.00%
Education and training services	6,889,477	0.28%	30	5.00%
Business services: law, marketing, consulting, recruitment, printing and security	5,203,030	0.21%	17	2.83%
Furniture (incl. office furniture), furnishings, domestic appliances (excl. lighting) and cleaning products	4,621,816	0.19%	9	1.50%
IT services: consulting, software development, Internet and support	4,429,184	0.18%	8	1.33%
Research and development services and related consultancy services	3,467,313	0.14%	4	0.67%
Software package and information systems	3,312,039	0.14%	15	2.50%
Machinery for mining, quarrying, construction equipment	2,848,136	0.12%	5	0.83%
Musical instruments, sport goods, games, toys, handicraft, art materials and accessories	2,075,698	0.08%	2	0.33%

CPV group	Contract values (EUR)	% of contract values	Count of contracts awarded	% of count of contracts awarded
Radio, television, communication, telecommunication and related equipment	1,645,917	0.07%	4	0.67%
Agricultural machinery	669,600	0.03%	1	0.17%
Recreational, cultural and sporting services	546,724	0.02%	1	0.17%
Agricultural, farming, fishing, forestry and related products	535,418	0.02%	1	0.17%
Installation services (except software)	350,000	0.01%	1	0.17%
Financial and insurance services	175,826	0.01%	1	0.17%
Hotel, restaurant and retail trade services	72,162	0.00%	4	0.67%
Security, fire-fighting, police and defence equipment	71,783	0.00%	2	0.33%
Sewage-, refuse-, cleaning-, and environmental services	57,199	0.00%	9	1.50%
Chemical products	30,330	0.00%	1	0.17%
Clothing, footwear, luggage articles and accessories	1,324	0.00%	1	0.17%
Public utilities	719	0.00%	1	0.17%
Grand Total	2,452,435,812	100.00%	600	100.00%

Source: author, based on OpenTED

ANNEX 2: CROSS-BORDER CONTRACTS AWARDED BY PL CONTRACTING AUTHORITIES 2012 – 2014 (BY CONTRACTING AUTHORITY)

Includes only contracting authorities where the aggregate value of cross-border contracts awarded is EUR 1 million or greater.

Contracting authorities	Contract values (EUR)	% of contract values	Count of contracts awarded	% of count of contracts awarded
PKP Polskie Linie Kolejowe S.A.	261,000,401	10.64%	12	2.00%
Skarb Państwa Generalny Dyrektor Dróg Krajowych i Autostrad. Prowadzący postępowanie: Generalna Dyrekcja Dróg Krajowych i Autostrad Oddział we Wrocławiu	215,954,733	8.81%	2	0.33%
Krakowski Holding Komunalny Spółka Akcyjna w Krakowie	193,528,918	7.89%	1	0.17%
Generalna Dyrekcja Dróg Krajowych i Autostrad.	163,996,583	6.69%	1	0.17%
Skarb Państwa – Generalny Dyrektor Dróg Krajowych i Autostrad. Prowadzący postępowanie: Generalna Dyrekcja Dróg Krajowych i Autostrad Oddział w Warszawie, 03-808 Warszawa, ul. Mińska 25	149,372,671	6.09%	1	0.17%
Województwo Mazowieckie	108,619,477	4.43%	2	0.33%
Generalna Dyrekcja Dróg Krajowych i Autostrad. Prowadzący postępowanie: Generalna Dyrekcja Dróg Krajowych i Autostrad, Oddział w Białymstoku	105,463,766	4.30%	1	0.17%
Skarb Państwa Generalny Dyrektor Dróg Krajowych i Autostrad. Prowadzący postępowanie Generalna Dyrekcja Dróg Krajowych i Autostrad Oddział w Białymstoku	103,953,123	4.24%	1	0.17%
Międzygminny Kompleks Unieszkodliwiania Odpadów ProNatura Sp. z o.o.	95,860,911	3.91%	1	0.17%
EDF Polska S.A.	93,535,462	3.81%	2	0.33%
Miejski Zakład Gospodarki Odpadami Komunalnymi Sp.zo.o. w Koninie	88,415,197	3.61%	1	0.17%
Skarb Państwa, Generalny Dyrektor Dróg Krajowych i Autostrad. Prowadzący postępowanie: Generalna Dyrekcja Dróg Krajowych i Autostrad, Oddział we Wrocławiu	84,990,738	3.47%	1	0.17%
Generalna Dyrekcja Dróg Krajowych i Autostrad. Prowadzący postępowanie: Generalna Dyrekcja Dróg Krajowych i Autostrad Oddział w Warszawie	76,797,870	3.13%	1	0.17%
Międzynarodowy Port Lotniczy im. Jana Pawła II Kraków-Balice sp. z o. o.	71,752,446	2.93%	1	0.17%
Skarb Państwa – Generalny Dyrektor Dróg Krajowych i Autostrad, ul. Wronia 53, 00-874 Warszawa; Prowadzący postępowanie: Generalna Dyrekcja Dróg Krajowych i Autostrad Oddział w Zielonej Górze, ul. Bohaterów Westerplatte 31	56,300,238	2.30%	1	0.17%
ENEA Wytwarzanie S.A.	35,797,672	1.46%	1	0.17%
Generalna Dyrekcja Dróg Krajowych i Autostrad Oddział w Białymstoku	34,528,398	1.41%	2	0.33%

Contracting authorities	Contract values (EUR)	% of contract values	Count of contracts awarded	% of count of contracts awarded
Miasto Jastrzębie-Zdrój Wydział Infrastruktury Komunalnej i Inwestycji	29,720,851	1.21%	1	0.17%
Urząd Marszałkowski Województwa Podlaskiego	28,910,456	1.18%	5	0.83%
Energia Wiatrowa Sp. z o.o.	27,720,000	1.13%	1	0.17%
BCT – Bałtycki Terminal Kontenerowy Sp. z o.o.	21,743,560	0.89%	7	1.17%
Uniwersytet Warszawski	20,856,120	0.85%	22	3.67%
Spółka Wodno-Ściekowa „Swarzewo” w Swarzewie	20,473,956	0.83%	1	0.17%
Miejskie Przedsiębiorstwo Wodociągów i Kanalizacji w m.st. Warszawie S. A. zarejestrowane w Krajowym Rejestrze Sądowym w Sądzie Rejonowym dla m.st. Warszawy w Warszawie, XII Wydział Gospodarczy Krajowego Rejestru Sądowego pod numerem KRS 0000146138	18,705,642	0.76%	4	0.67%
Polska Agencja Żeglugi Powietrznej	18,010,642	0.73%	7	1.17%
Zakład Zagospodarowania Odpadów Sp. z o.o. w Żarach	17,271,131	0.70%	3	0.50%
Zarząd Dróg Wojewódzkich w Olsztynie	16,018,616	0.65%	1	0.17%
Zakład Zagospodarowania Odpadów w Poznaniu Sp. z o.o.	15,749,252	0.64%	1	0.17%
Instytut Fizyki Jądrowej im. Henryka Niewodniczańskiego Polskiej Akademii Nauk	15,115,948	0.62%	2	0.33%
Agencja Rynku Rolnego	14,232,936	0.58%	8	1.33%
Uniwersytet Jagielloński	14,057,758	0.57%	31	5.17%
Sagittarius Solutions spółka z ograniczoną odpowiedzialnością	9,667,025	0.39%	1	0.17%
3E1 Sp. z o.o.	9,656,000	0.39%	1	0.17%
Główny Inspektorat Ochrony Środowiska	9,452,613	0.39%	5	0.83%
PCC Intermodal SA	8,646,045	0.35%	4	0.67%
Erontrans Sp. z o.o.	8,397,800	0.34%	3	0.50%
Windenerg Sp. z o.o. JAR 3 Sp. k.	8,154,900	0.33%	1	0.17%
Miejskie Wodociągi i Oczyszczalnia sp. z o.o.	7,801,997	0.32%	3	0.50%
Politechnika Łódzka Wydział Fizyki Technicznej, Informatyki i Matematyki Stosowanej	7,772,324	0.32%	1	0.17%
Ministerstwo Nauki i Szkolnictwa Wyższego	6,281,993	0.26%	6	1.00%
Grontmij Polska sp. z o.o.	6,212,619	0.25%	9	1.50%
PWiK "WODNIK" Sp. z o.o. w Jeleniej Górze	5,952,470	0.24%	1	0.17%
Przedsiębiorstwo Wodociągów i Kanalizacji Sp. z o.o. w Siedlcach	5,934,573	0.24%	2	0.33%
Politechnika Rzeszowska	5,715,151	0.23%	17	2.83%
Podkarpacki Zarząd Dróg Wojewódzkich	5,669,860	0.23%	1	0.17%
Przedsiębiorstwo Komunikacji Samochodowej w Kłodzku Spółka Akcyjna	5,493,084	0.22%	1	0.17%

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Contracting authorities	Contract values (EUR)	% of contract values	Count of contracts awarded	% of count of contracts awarded
Generalna Dyrekcja Dróg Krajowych i Autostrad. Prowadzący postępowanie: Generalna Dyrekcja Dróg Krajowych i Autostrad Oddział we Wrocławiu Generalna Dyrekcja Dróg Krajowych i Autostrad Oddział we Wrocławiu	5,433,078	0.22%	1	0.17%
Politechnika Wrocławska	5,244,201	0.21%	18	3.00%
Megawat Polska	4,950,000	0.20%	1	0.17%
Miasto Zduńska Wola	4,740,347	0.19%	1	0.17%
Miasto Łódź, Polskie Koleje Państwowe S.A., PKP Polskie Linie Kolejowe S.A. Zamawiający upoważniony: PKP Polskie Linie Kolejowe S.A.	4,721,049	0.19%	1	0.17%
Generalna Dyrekcja Dróg Krajowych i Autostrad. Prowadzący postępowanie: Generalna Dyrekcja Dróg Krajowych i Autostrad, Oddział w Warszawie	3,944,443	0.16%	2	0.33%
Zarząd Infrastruktury Komunalnej i Transportu w Krakowie	3,756,902	0.15%	4	0.67%
Generalna Dyrekcja Dróg Krajowych i Autostrad Prowadzący postępowanie: Generalna Dyrekcja Dróg Krajowych i Autostrad Oddział w Rzeszowie	3,360,168	0.14%	1	0.17%
Uniwersytet Marii Curie-Skłodowskiej	3,301,207	0.13%	14	2.33%
Politechnika Gdańska	2,708,929	0.11%	9	1.50%
Uniwersytet im. Adama Mickiewicza w Poznaniu	2,669,000	0.11%	12	2.00%
Instytut Badań i Rozwoju Motoryzacji BOSMAL Sp. z o.o.	2,614,970	0.11%	3	0.50%
Ministerstwo Sprawiedliwości	2,535,867	0.10%	1	0.17%
Skarb Państwa - Generalny Dyrektor Dróg Krajowych i Autostrad ul. Żelazna 59, 00-848 Warszawa Prowadzący postępowanie: Generalna Dyrekcja dróg Krajowych i Autostrad Oddział w Warszawie	2,497,191	0.10%	1	0.17%
Zarząd Dróg Wojewódzkich w Krakowie	2,461,034	0.10%	1	0.17%
Warszawski Uniwersytet Medyczny	2,202,107	0.09%	1	0.17%
Politechnika Śląska	2,147,639	0.09%	8	1.33%
Filharmonia Łódzka im. Artura Rubinsteina	2,056,939	0.08%	1	0.17%
Instytut Mechanizacji Budownictwa i Górnictwa Skalnego	2,053,338	0.08%	2	0.33%
Akademia Górniczo - Hutnicza im. Stanisława Staszica w Krakowie	1,953,141	0.08%	6	1.00%
Generalna Dyrekcja Dróg Krajowych i Autostrad. Prowadzący postępowanie: Generalna Dyrekcja Dróg Krajowych i Autostrad Oddział w Olsztynie, al. Warszawska 89, 10-083 Olsztyn	1,947,660	0.08%	1	0.17%
Międzynarodowy Port Lotniczy im. Jana Pawła II Kraków - Balice Sp. z o. o.	1,791,979	0.07%	1	0.17%
Gdański Teatr Szekspirowski	1,734,976	0.07%	2	0.33%
Miasto Zabrze – Prezydent Miasta	1,506,893	0.06%	1	0.17%
Instytut Technologii Elektronowej	1,471,378	0.06%	3	0.50%

Contracting authorities	Contract values (EUR)	% of contract values	Count of contracts awarded	% of count of contracts awarded
Dyrektor Urzędu Morskiego w Gdyni	1,353,915	0.06%	1	0.17%
Politechnika Białostocka	1,244,666	0.05%	15	2.50%
Wojewoda Podlaski	1,220,988	0.05%	1	0.17%
Tramwaj Fordon Spółka z ograniczoną odpowiedzialnością	1,209,090	0.05%	1	0.17%
Politechnika Radomska im K. Pułaskiego	1,200,979	0.05%	1	0.17%
Gmina Miasta Gdyni - Gdyńskie Centrum Innowacji Jednostka Budżetowa	1,111,610	0.05%	2	0.33%
Gmina Miasta Toruń	1,089,993	0.04%	1	0.17%
Wojskowa Akademia Techniczna im. Jarosława Dąbrowskiego	1,025,378	0.04%	2	0.33%
Akademia Górniczo-Hutnicza im. Stanisława Staszica w Krakowie	1,004,850	0.04%	8	1.33%
Total	2,413,529,832	98.41%	310	51.67%

Source: author, based on OpenTED

ANNEX 3: CROSS-BORDER CONTRACTS AWARDED BY POLISH CONTRACTING AUTHORITIES FROM 2012 TO 2014 WHERE CONTRACT VALUES ARE NOT AVAILABLE IN THE OPENTED DATASET

Contracting authority	Contract operator	Country	Contract award year	Type of contract	CPV group	Contract title
Akademia Górniczo - Hutnicza im. Stanisława Staszica w Krakowie	Neocera LLC	US	2012	SUPPLIES	Laboratory, optical and precision equipments (excl. glasses)	Dostawa i uruchomienie systemu ablacji laserowej (PLD) dla Akademickiego Centrum Materiałów i Nanotechnologii (ACMiN) AGH ZP/0044/2012.
Bumar Elektronika SA	ITC – Intercircuit Electronic GmbH	DE	2013	SUPPLIES	Industrial machinery	Fne Line Etcher – Tin Stripper
Euros Polska sp. z o.o.	Hawart Sondermaschinenbau GmbH	DE	2012	SUPPLIES	Industrial machinery	
Euros Polska Sp. z o.o.	AERO - LIFT Vakuumtechnik GmbH	DE	2013	SUPPLIES	Industrial machinery	
EUROS Polska Sp. z o.o.	Ing. - Buro Tartler GmbH	DE	2012	SUPPLIES	Industrial machinery	
EUROS Polska sp. z o.o.	HAWART	DE	2013	SUPPLIES	Industrial machinery	
EUROS Polska sp. z o.o.	AFROS S.p.A	IT	2013	SUPPLIES	Industrial machinery	
EUROS Polska Sp. z o.o.	Hawart Sondermaschinenbau GmbH	DE	2013	SUPPLIES	Industrial machinery	
EUROS Polska sp. z o.o.	AFROS S.p.A.	IT	2013	SUPPLIES	Industrial machinery	
EW Koźmin spółka z ograniczoną odpowiedzialnością	Enercon GmbH	DE	2013	SUPPLIES	Electrical machinery, apparatus, equipment and consumables; Lighting	dostawa i montaż turbin wiatrowych wraz z wykonaniem fundamentów w ramach zadania "budowa Zespołu Elektrowni Wiatrowych Koźmin wraz z niezbędną infrastrukturą techniczną", składającego się z dwóch turbin wiatrowych o mocy 2 MW każda oraz jednej turbiny o mocy 0,8 MW, zlokalizowanego na terenie gminy Koźmin Wielkopolski, powiat krotoszyński, województwo wielkopolskie

Contracting authority	Contract operator	Country	Contract award year	Type of contract	CPV group	Contract title
Gdański Teatr Szekspirowski	Chemtrol Division Teatro SA	ES	2012	SUPPLIES	Furniture (incl. office furniture), furnishings, domestic appliances (excl. lighting) and cleaning products	
Gdynia Container Terminal S.A.	Shanghai Zhenhua Heavy Industry Co., LTD	CN	2014	SUPPLIES	Industrial machinery	Supply of 1 quayside container gantry crane
Gdynia Container Terminal S.A.	MOL CY NV	BE	2012	SUPPLIES	Transport equipment and auxiliary products to transportation	
Gdynia Container Terminal S.A.	Cargotec Finland Oy	FI	2013	SUPPLIES	Industrial machinery	Purchase and delivery of 2 items of electrical RTG cranes.
Gdynia Container Terminal S.A.	Cargotec Finland Oy	FI	2014	SUPPLIES	Industrial machinery	
Gdynia Container Terminal SA	Buiscar Cargo Solutions B.V.	NL	2012	SUPPLIES	Transport equipment and auxiliary products to transportation	
Gmina Miasto Rzeszów – Urząd Miasta Rzeszowa	Aeronaval de Construcciones e Instalaciones, SAU (ACISA)	ES	2013	SUPPLIES	Industrial machinery	
Gmina Miejska Głogów	Safege Parc de l'Il	FR	2012	SERVICES	Architectural, construction, engineering and inspection services	
Instytut Biochemii i Biofizyki Polskiej Akademii Nauk	Nerbe plus GmbH	DE	2014	SUPPLIES	Laboratory, optical and precision equipments (excl. glasses)	

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Contracting authority	Contract operator	Country	Contract award year	Type of contract	CPV group	Contract title
Instytut Chemii i Techniki Jądrowej	VF a.s.	CZ	2012	SUPPLIES	Security, fire-fighting, police and defence equipment	Dostawa wraz z montażem i podłączeniem do lokalnych instalacji komory gorącej złożonej z dwóch elementów, tj.: komory wstępnej i komory właściwej do Zakładu Naukowego – Centrum Radiochemii i Chemii Jądrowej Instytutu Chemii i Techniki Jądrowej w Warszawie, przy ul. Dorodnej 16, w ramach realizacji zadania nr 3 projektu POIG 02.01.00–14–111/09–00 „Centrum Radiochemii i Chemii Jądrowej na potrzeby energetyki jądrowej i medycyny nuklearnej”.
Laude Smart Intermodal Spółka Akcyjna	Tatravagonka a.s.	SK	2014	SUPPLIES	Transport equipment and auxiliary products to transportation	
Miejskie Przedsiębiorstwo Wodociągów i Kanalizacji Spółka Akcyjna	SAFEGE, ,	FR	2013	SERVICES	Architectural, construction, engineering and inspection services	Inżynier Kontraktu dla projektu „Gospodarka wodno - ściekowa w Krakowie - etap II”.
Narodowe Centrum Badań Jądrowych	BLOCK a.s.	CZ	2012	WORKS	Construction work	
Port Lotniczy Lublin S.A.	Oshkosh Corporation	US	2012	SUPPLIES	Transport equipment and auxiliary products to transportation	Dostawa dwóch fabrycznie nowych samochodów ratowniczo-gaśniczych dla Lotniskowej Służby Ratowniczo-Gaśniczej: 1 szt. samochód szybkiej interwencji z napędem 4x4, 1 szt. samochód ciężki z napędem 6x6.
PW Bielice spółka z ograniczoną odpowiedzialnością	GE Wind Energy GmbH	DE	2014	SUPPLIES	Electrical machinery, apparatus, equipment and consumables; Lighting	
Regionalna Dyrekcja Ochrony Środowiska w Gdańsku	Adasa Sistemas S.A.U. oddział w Polsce	ES	2012	SERVICES	Sewage-, refuse-, cleaning-, and environmental services	Zadanie nr 5 PLB220010 Bielawskie Błota
Regionalna Dyrekcja Ochrony Środowiska w Kielcach	Konsorcjum: Lider - Adasa Sistemas S.A.U. i Bioexperts Nowakowski Wojciech	ES	2012	SERVICES	Sewage-, refuse-, cleaning-, and environmental services	Opracowanie projektu planu zadań ochronnych – zlecenie koordynacji i ekspertyz oraz organizacja warsztatów lokalnych w obszarach, dla obszaru Natura 2000 PLH260004 Ostoja Przedborska.

Contracting authority	Contract operator	Country	Contract award year	Type of contract	CPV group	Contract title
Regionalna Dyrekcja Ochrony Środowiska w Kielcach	Konsorcjum: Lider - Adasa Sistemas S.A.U. i Bioexperts Nowakowski Wojciech	ES	2012	SERVICES	Sewage-, refuse-, cleaning-, and environmental services	Opracowanie projektu planu zadań ochronnych – zlecenie koordynacji i ekspertyz oraz organizacja warsztatów lokalnych w obszarach, dla obszaru Natura 2000 PLH260015 Dolina Czarnej.
Regionalna Dyrekcja Ochrony Środowiska w Kielcach	Konsorcjum: Lider - Adasa Sistemas S.A.U. i Bioexperts Nowakowski Wojciech	ES	2012	SERVICES	Sewage-, refuse-, cleaning-, and environmental services	Opracowanie projektu planu zadań ochronnych – zlecenie koordynacji i ekspertyz oraz organizacja warsztatów lokalnych w obszarach, dla obszaru Natura 2000 PLH 260029 Ostoja Kozubowska.
Regionalna Dyrekcja Ochrony Środowiska w Kielcach	Konsorcjum: Lider - Adasa Sistemas S.A.U. i Bioexperts Nowakowski Wojciech	ES	2012	SERVICES	Sewage-, refuse-, cleaning-, and environmental services	Opracowanie projektu planu zadań ochronnych – zlecenie koordynacji i ekspertyz oraz organizacja warsztatów lokalnych w obszarach, dla obszaru Natura 2000 PLH260034 Ostoja Szaniecko-Solecka.
Regionalna Dyrekcja Ochrony Środowiska w Szczecinie	Dominik Moser- EuroInterpret	DE	2012	SERVICES	Business services: law, marketing, consulting, recruitment, printing and security	
Regionalny Zarząd Gospodarki Wodnej we Wrocławiu	Sinohydro Corporation Limited	CN	2012	WORKS	Construction work	
Schavemaker Invest Sp. z o.o.	Cargotec Finland Oy	FI	2014	SUPPLIES	Industrial machinery	
Uniwersytet Gdański	M+W Process Industries GmbH	DE	2012	WORKS	Construction work	Wykonanie układu automatycznej regulacji do sterowania instalacją wentylacji w pomieszczeniach zdygestoriami dla obiektu Wydziału Biologii oraz dostawa i montaż dygestoriów do laboratoriów w budynku Wydziału Biologii Uniwersytetu Gdańskiego.
Urząd Żeglugi Śródlądowej w Szczecinie	Konsorcjum - Lider - PERISKAL CVBA	BE	2013	SERVICES	Architectural, construction, engineering and inspection services	Generalny Wykonawca Pilotażowego Wdrożenia RIS Dolnej Odry
Urząd Żeglugi Śródlądowej w Szczecinie	Konsorcjum - Partner - RGO komunikacje d.o.o.	HR	2013	SERVICES	Architectural, construction, engineering and	Generalny Wykonawca Pilotażowego Wdrożenia RIS Dolnej Odry

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Contracting authority	Contract operator	Country	Contract award year	Type of contract	CPV group	Contract title
					inspection services	
Wodociągi Płockie Sp. z o.o.	SAFEGE S.A. Parc de l'Ile, 15-27 rue du Port. Adres do korespondencji: SAFEGE Oddział w Polsce ul. Solec 22; 00-410 Warszawa	FR	2013	SERVICES	Architectural, construction, engineering and inspection services	
Województwo Lubelskie z siedzibą w Lublinie	Aernoaval de Construcciones e Instalaciones , SAU	ES	2013	WORKS	Construction work	Realizacja obiektu budowlanego, tj. infrastruktury regionalnej sieci szerokopasmowej w ramach projektu „Sieć Szerokopasmowa Polski Wschodniej – województwo lubelskie”, za pomocą dowolnych środków, zgodnie z wymaganiami zamawiającego.
Województwo Mazowieckie	Daewoo International Corporation	KR	2013	WORKS	Construction work	
Zarząd Mienia m.st. Warszawy	Halcrow Group Limited	UK	2012	SERVICES	Architectural, construction, engineering and inspection services	Wykonanie kompleksowej wielobranżowej dokumentacji projektowo kosztorysowej dla zadania inwestycyjnego pod nazwą Life+ "Ochrona siedlisk kluczowych gatunków ptaków Doliny Środkowej Wisły w warunkach intensywnej presji aglomeracji warszawskiej" (WislaWarszawska.pl) oraz pełnienie nadzoru autorskiego nad realizacją inwestycji.
Związek Miast i Gmin Pojezierza Drawskiego	SAFEGE - lider, Eko-Konsulting-Projekt Conseko-BBM-design S.A. - partner	FR	2012	SERVICES	Architectural, construction, engineering and inspection services	Wykonywanie usługi Inżyniera Kontraktu w realizacji robót budowlanych pn. „Ochrona wód zlewni rzek Drawy i Regi” współfinansowanego ze środków Programu Operacyjnego Infrastruktura i Środowisko w ramach Priorytetu I – Gospodarka wodno – ściekowa, dla Gmin Złocieniec i Drawsko Pomorskie oraz Resko i Łobez - część I.
Związek Miast i Gmin Pojezierza Drawskiego	SAFEGE - lider, Eko-Konsulting-Projekt Conseko-BBM-Design S.A. - partner	FR	2012	SERVICES	Architectural, construction, engineering and inspection services	Wykonywanie usługi Inżyniera Kontraktu w realizacji robót budowlanych pn. „Ochrona wód zlewni rzek Drawy i Regi” współfinansowanego ze środków Programu Operacyjnego Infrastruktura i Środowisko w ramach Priorytetu I – Gospodarka wodno – ściekowa, dla Gmin Złocieniec i Drawsko Pomorskie oraz Resko i Łobez - część II.

ANNEX 4: FOREIGN CONTRACT OPERATORS AWARDED CONTRACTS BY PL CONTRACTING AUTHORITIES FROM 2012 TO 2014

Includes only contract operators that awarded contracts amounting to EUR 10 million or more in total.

Contract operator	Country of contract operator	Value of contracts (EUR)	% of contracts by value	Count of contracts
Astaldi S.p.A.	IT	318,291,755	12.98%	4
Dragados S.A.	ES	294,208,698	12.00%	4
POSCO Engineering & Construction Co., Ltd.	KR	193,528,918	7.89%	1
Metrostav a.s.	CZ	149,372,671	6.09%	1
Konsorcjum firm w składzie: FCC CONSTRUCCIÓN S.A., AZVI, S.A., DECOMA Sp. z o.o.	ES	130,044,615	5.30%	1
KT Corporation - Lider konsorcjum	KR	108,619,477	4.43%	1
Astaldi S.p.A.	IT	105,463,766	4.30%	1
Astaldi S.p.A. i T.M.E. S.p.A. Termomeccanica Ecologia	IT	95,860,911	3.91%	1
Konsorcjum Fortum Power and Heat Oy (lider konsorcjum) oraz Instal Kraków S.A. (członek konsorcjum)	FI	91,385,462	3.73%	1
Konsorcjum INTEGRAL - ERBUD - INTROL	AT	88,415,197	3.61%	1
DRAGADOS S.A. z siedzibą w Madrycie [Hiszpania]	ES	84,990,738	3.47%	1
Konsorcjum firm: Astaldi S.p.A. – lider konsorcjum, partner – Przedsiębiorstwo Budowy Dróg i Mostów Sp. z o.o.	IT	76,797,870	3.13%	1
Konsorcjum firm w składzie: Dragados Spółka Akcyjna Avda. Del Camino de Santiago 50, 28050 Madryt, Hiszpania, pełniąca obowiązki Lidera; Vias Y Construcciones Spółka Akcyjna C/ Orense 11, 4a Planta, 28020 Madryt, Hiszpania, pełniąca obowiązki Członka Konsorcjum; Electren Spółka Akcyjna Avda. Del Brasil 6, 2a Planta, 28020 Madryt, Hiszpania, pełniąca obowiązki Członka Konsorcjum	ES	74,710,490	3.05%	1
Astaldi S.p.A.	IT	46,602,305	1.90%	1
Aldesa Construcciones S.A.	ES	36,383,218	1.48%	4
REpower Systems SE	DE	35,874,900	1.46%	2
Babcock – Hitachi K.K.	JP	35,797,672	1.46%	1
FCC Construcción S.A.	ES	32,546,696	1.33%	1
Konsorcjum Firm: M-Silnice a.s., Rybnickie Przedsiębiorstwo Budownictwa Drogowego S.A.	CZ	29,720,851	1.21%	1
Konsorcjum Wykonawców: 1/ Ginzler Stahl –u. Anlagenbau GmbH (pełnomocnik Konsorcjum) 2/ MEGA S.A. (członek Konsorcjum)	AT	20,473,956	0.83%	1

The use of EU funds in Member States in partnership with companies (contractors or subcontractors) outside of a given Member State

Contract operator	Country of contract operator	Value of contracts (EUR)	% of contracts by value	Count of contracts
1) WTE Wassertechnik GmbH; 2) PORR Polska S.A; 3) WTE Wassertechnik Polska Sp. z o.o.	DE	18,458,978	0.75%	1
FCC CONSTRUCCION S.A. z siedzibą w Av. General Peron 36, 28020 Madryt, Hiszpania.	ES	16,018,616	0.65%	1
Konsorcjum firm: KT Corporation, WPRT S.A., Daewoo International Corporation, Biatel Telekomunikacja S.A.	KR	16,003,289	0.65%	3
konsorcjum: Lider: Eggersmann Anlagenbau Kompoferm GmbH, Partner: Grzegorz Fornalczyk, przedsiębiorca prowadzący działalność pod firmą Firma Budowlana EUROBUD	DE	15,749,252	0.64%	1
Eggersmann Anlagenbau Kompoferm GmbH, Eggersmann Anlagenbau GmbH & Co.KG.	DE	14,967,232	0.61%	1
ION BEAM APPLICATIONS SA	BE	14,769,339	0.60%	1
Total		2,145,056,871		

Source: author, based on OpenTED

ANNEX 5: CONTRACTS AWARDED BY PL CONTRACTING AUTHORITIES FROM 2012 TO 2014 TO ASTALDI SPA, AND TO CONSORTIA INVOLVING ASTALDI SPA

Contracting authority (in original language)	Contracting authority in English (translated using Google Translate)	Contract operator	Contract award year	Contract value EUR	Contract activity	Contract title/ description (where available) (translated using Google Translate)
Skarb Państwa Generalny Dyrektor Dróg Krajowych i Autostrad. Prowadzący postępowanie: Generalna Dyrekcja Dróg Krajowych i Autostrad Oddział we Wrocławiu	The Treasury General Director for National Roads and Motorways. Conducting the proceedings : General Directorate for National Roads and Motorways Wrocław	Astaldi S.p.A.	2014	142,118,430	Works	Design and construction of the expressway S5 Poznan-Wrocław section Korzeńsko (without node) - node Widawa Wrocław, task 3 from km approx. 137 + 500 to node Widawa Wrocław (including the hub)
Generalna Dyrekcja Dróg Krajowych i Autostrad. Prowadzący postępowanie: Generalna Dyrekcja Dróg Krajowych i Autostrad, Oddział w Białymstoku	The General Directorate for National Roads and Motorways. Conducting the proceedings : General Directorate for National Roads and Motorways, Branch in Białystok	Astaldi S .p. A	2014	105,463,766	Works	
Skarb Państwa Generalny Dyrektor Dróg Krajowych i Autostrad. Prowadzący postępowanie Generalna Dyrekcja Dróg Krajowych i Autostrad Oddział w Białymstoku	The Treasury General Director for National Roads and Motorways. The investigating General Directorate for National Roads and Motorways in Białystok	ASTALDI S.p.A.	2014	103,953,123	Works	
Międzygminny Kompleks Unieszkodliwiania Odpadów ProNatura Sp. z o.o.	Inter-Community Waste Disposal Complex ProNatura Ltd.	Astaldi S.p.A. i TM.E. S.p.A. Termomeccanica Ecologia	2012	95,860,911	Works	Design and execution of works with delivery of equipment and commissioning on Contract No. 1 "Construction of municipal waste incineration plant for Bydgoszcz-Toruń Metropolitan Area."

The use of EU funds in Member States in partnership with companies (contractors or subcontractors) outside of a given Member State

Contracting authority (in original language)	Contracting authority in English (translated using Google Translate)	Contract operator	Contract award year	Contract value EUR	Contract activity	Contract title/ description (where available) (translated using Google Translate)
Generalna Dyrekcja Dróg Krajowych i Autostrad. Prowadzący postępowanie: Generalna Dyrekcja Dróg Krajowych i Autostrad Oddział w Warszawie	The General Directorate for National Roads and Motorways. Conducting the proceedings: General Directorate for National Roads and Motorways in Warsaw	Konsorcjum firm: Astaldi S.p.A. – lider konsorcjum, partner – Przedsiębiorstwo Budowy Dróg i Mostów Sp. z o.o.	2014	76,797,870	Works	Design and construction of the S8 expressway from the "Brands" (without node) to the node "Radzymin South." broken down into tasks: Task II - Design and construction of the S8 expressway, section II, node "Kobylka" (without node) - node "Radzymin South."
Międzynarodowy Port Lotniczy im. Jana Pawła II Kraków-Balice sp. z o. o.	International Airport John Paul II Krakow-Balice Ltd.	Astaldi S.p.A.	2013	71,752,446	Works	Object of the contract includes the execution of works and construction - installation, system
PKP Polskie Linie Kolejowe S.A.	PKP Polish Railway Lines SA	Astaldi S.p.A	2013	46,602,305	Works	"Construction of railway connection MPL" Balice "from Krakow, Krakow Main section - Mydlniki - Balice" (IRO3ZAc-216-13 / 11-OPI & E 7.1-21)
Metro Warszawskie Sp. z o.o.	Warsaw Metro Ltd	Astaldi S.p.A.	2013	467,755	Works	Project: "second metro line in Warsaw - Work preparation, design and construction of the central section with the purchase of rolling stock" co-financed by the European Union through the Spółności Fund under the Programme Infrastructure and Environment

Source: author, based on OpenTED

ANNEX 6: CONTRACTS AWARDED BY PL CONTRACTING AUTHORITIES FROM 2012 TO 2014 TO DRAGADOS SA, AND TO CONSORTIA INVOLVING DRAGADOS SA

Contracting authority (in original language)	Contracting authority in English (translated using Google Translate)	Contract operator	Contract award year	Contract value EUR	Contract activity	Contract title/ description (where available) (translated using Google Translate)
Generalna Dyrekcja Dróg Krajowych i Autostrad.	The General Directorate for National Roads and Motorways.	Dragados S.A.	2014	163,996,583	Works	Construction of national road No. S7 the parameters of the expressway on the section end of the bypass Radom
Skarb Państwa Generalny Dyrektor Dróg Krajowych i Autostrad. Prowadzący postępowanie: Generalna Dyrekcja Dróg Krajowych i Autostrad Oddział we Wrocławiu	The Treasury General Director for National Roads and Motorways. Conducting the proceedings: General Directorate for National Roads and Motorways Wrocław	Dragados S.A.	2014	73,836,304	Works	Design and construction of the expressway S5 Poznan -Wrocław section Korzeńsko (without node) - node Widawa Wrocław, task 2 section from km approx. 123 + 700 to km approx. 137 + 500
Skarb Państwa – Generalny Dyrektor Dróg Krajowych i Autostrad, ul. Wronia 53, 00-874 Warszawa; Prowadzący postępowanie: Generalna Dyrekcja Dróg Krajowych i Autostrad Oddział w Zielonej Górze, ul. Bohaterów Westerplatte 31	Treasury - General Director for National Roads and Motorways; Conducting the proceedings : General Directorate for National Roads and Motorways Branch in Zielona Gora	Dragados S.A.	2014	56,300,238	Works	Construction of the right carriageway western bypass of the city of Gorzow Wielkopolski
Generalna Dyrekcja Dróg Krajowych i Autostrad Oddział w Poznaniu	The General Directorate for National Roads and Motorways Branch in Poznan	Dragados S.A.	2012	75,573	Works	The construction of S5 expressway section Gniezno
Skarb Państwa, Generalny Dyrektor Dróg Krajowych i	Treasury , General Director for National Roads and Motorways.	DRAGADOS S.A. z siedzibą w	2014	84,990,738	Works	Design and construction of the S-3 Nowa Sol - Legnica (A -4) , the

The use of EU funds in Member States in partnership with companies (contractors or subcontractors) outside of a given Member State

Contracting authority (in original language)	Contracting authority in English (translated using Google Translate)	Contract operator	Contract award year	Contract value EUR	Contract activity	Contract title/ description (where available) (translated using Google Translate)
Autostrad. Prowadzący postępowanie: Generalna Dyrekcja Dróg Krajowych i Autostrad, Oddział we Wrocławiu	Conducting the proceedings : General Directorate for National Roads and Motorways, Branch in Wrocław	Madrycie [Hiszpania]				job and from the node Nowa Sol South to the node Gaworzyce (without junction) , with a length of approx. 16.400 km , ie . From km 0 + 000 to approx. Km 16 + 397.76 (ie . to km 16 + 400 - set the stage of the environmental decision and the distribution of documentation episodes)
Regionalny Zarząd Gospodarki Wodnej we Wrocławiu	Regional Water Management Board in Wrocław	JV of firms: Przedsiębiorstwo Robót Inżynieryjnych "POL-AQUA" S.A., Dragados S.A.	2012	13,057,114	Works	
PKP Polskie Linie Kolejowe S.A.	PKP Polish Railway Lines SA	Konsorcjum firm w składzie: Dragados Spółka Akcyjna Avda. Del Camino de Santiago 50, 28050 Madryt, Hiszpania, pełniąca obowiązki Lidera; Vias Y Construcciones Spółka Akcyjna C/ Orense 11, 4a Planta, 28020 Madryt, Hiszpania, pełniąca obowiązki Członka Konsorcjum; Electren Spółka Akcyjna Avda. Del Brasil 6, 2a Planta, 28020 Madryt, Hiszpania, pełniąca obowiązki Członka Konsorcjum	2014	74,710,490	Works	
PKP Polskie Linie Kolejowe S.A.	PKP Polish Railway Lines SA	Konsorcjum firm: Przedsiębiorstwo Robót Inżynieryjnych „POL-AQUA” S.A. – Lider, Dragados S.A., VIAS Y	2012	126,064,172	Works	

Contracting authority (in original language)	Contracting authority in English (translated using Google Translate)	Contract operator	Contract award year	Contract value EUR	Contract activity	Contract title/ description (where available) (translated using Google Translate)
		CONSTRUCCIONES S.A., Electren S.A.				
PKP Polskie Linie Kolejowe S.A.	PKP Polish Railway Lines SA	Konsorcjum w składzie: Polaqua Sp. z o.o. (lider), Dragados S.A., Vias y Construcciones S.A., Electren S.A.	2014	405,900	Works	
PKP Polskie Linie Kolejowe S.A.	PKP Polish Railway Lines SA	Konsorcjum w składzie: Przedsiębiorstwo Robót Inżynierskich „POL-AQUA” S.A.; Dragados S.A.; VIAS Y CONSTRUCCIONES S.A.; Electren S.A.	2013	115,629,281	Works	
PKP Polskie Linie Kolejowe S.A.	PKP Polish Railway Lines SA	Konsorcjum: POLAQUA Spółka z ograniczoną odpowiedzialnością, Dragados S.A., Vias Y Construcciones S.A., Electren S.A.	2014	28,356,859	Works	

Source: author, based on OpenTED

ANNEX 7: CROSS-BORDER CONTRACTS AWARDED BY HU CONTRACTING AUTHORITIES 2012 - 2014 (BY CPV GROUP)

CPV group	Value of contracts (EUR)	% of contracts (by value)	Number of contracts	%of contracts (by number)
Transport equipment and auxiliary products to transportation	359,663,878	56.58%	7	8%
Construction work	140,045,733	22.03%	4	5%
Construction structures and materials; auxiliary products to construction (excepts electric apparatus)	74,749,218	11.76%	3	4%
Laboratory, optical and precision equipments (excl. glasses)	27,447,546	4.32%	25	30%
Office and computing machinery, equipment and supplies except furniture and software packages	9,094,642	1.43%	1	1%
Furniture (incl. office furniture), furnishings, domestic appliances (excl. lighting) and cleaning products	7,600,349	1.20%	2	2%
Industrial machinery	5,979,707	0.94%	17	20%
Medical equipments, pharmaceuticals and personal care products	4,009,328	0.63%	5	6%
Agricultural machinery	3,927,122	0.62%	10	12%
Business services: law, marketing, consulting, recruitment, printing and security	1,031,880	0.16%	3	4%
Security, fire-fighting, police and defence equipment	653,193	0.10%	1	1%
Leather and textile fabrics, plastic and rubber materials	609,419	0.10%	2	2%
Agricultural, farming, fishing, forestry and related products	501,148	0.08%	1	1%
Machinery for mining, quarrying, construction equipment	263,325	0.04%	1	1%
Food, beverages, tobacco and related products	126,383	0.02%	1	1%
IT services: consulting, software development, Internet and support	Not available		1	1%
Total	635,702,870	100.00%	84	100%

Source: author, based on OpenTED

ANNEX 8: CROSS-BORDER CONTRACTS AWARDED BY HU CONTRACTING AUTHORITIES 2012 - 2014 (BY CONTRACTING AUTHORITY) WHERE AGGREGATE CONTRACT VALUES ARE EUR 1 MILLION OR MORE)

Contracting authority	Contract values (EUR)	% of contracts (by value)	Number of contracts	% of contracts (by number)
MÁV-START Vasúti Személyszállító Zrt.	233,436,000	36.72%	1	1%
Nemzeti Infrastruktúra Fejlesztő Zrt.	140,045,733	22.03%	4	5%
BKK Budapesti Közlekedési Központ Zártkörűen Működő Részvénytársaság	106,082,018	16.69%	3	4%
Szeged Megyei Jogú Város Önkormányzata	67,088,009	10.55%	1	1%
ELI-HU Kutatási és Fejlesztési Nonprofit Közhasznú Kft.	23,107,937	3.64%	2	2%
Országos Mentőszolgálat	10,651,863	1.68%	1	1%
Pharma-flight Nemzetközi Tudományos és Szolgáltató Központ Korlátolt Felelősségű Társaság	9,157,872	1.44%	1	1%
Magyar Posta Zrt. Beszerzési Igazgatóság	9,094,642	1.43%	1	1%
Budapest Főváros Önkormányzata	7,661,209	1.21%	2	2%
Recy-Pet Hungária Kft.	6,228,584	0.98%	1	1%
Kaposvári Egyetem	3,437,144	0.54%	1	1%
Paprikakert TÉSZ Kft.	2,532,203	0.40%	6	7%
Agri-Corn Malomipari és Gabonaforgalmazó Kft.	2,394,508	0.38%	1	1%
Károly Róbert Főiskola	1,991,069	0.31%	2	2%
Merian Foods Élelmiszeripari Kft.	1,371,765	0.22%	1	1%
Országos Meteorológiai Szolgálat	1,264,230	0.20%	1	1%
Sikér Malomipari Zrt.	993,879	0.16%	1	1%
Cherry Farm Kft.	860,000	0.14%	1	1%
Nemzeti Külgazdasági Hivatal	834,649	0.13%	1	1%
Budapesti Műszaki és Gazdaságtudományi Egyetem	769,709	0.12%	11	13%
PLASZTIK-TRANZIT Csomagolóanyaggyártó Kft.	660,100	0.10%	2	2%
Hő és Légtechnika Innovációs Kft.	631,614	0.10%	5	6%
FRUCT-TÉSZ Kereskedelmi és Szolgáltató Korlátolt Felelősségű Társaság	609,419	0.10%	2	2%

The use of EU funds in Member States in partnership with companies (contractors or subcontractors) outside of a given Member State

Contracting authority	Contract values (EUR)	% of contracts (by value)	Number of contracts	% of contracts (by number)
FRUCT-TÉSZ Kereskedelmi és Szolgáltató Kft.	534,918	0.08%	3	4%
Get-Energy Magyarország Kft.	501,148	0.08%	1	1%
Országos Vérellátó Szolgálat	500,867	0.08%	3	4%
Miskolci Egyetem	449,572	0.07%	2	2%
Pécsi Tudományegyetem	366,724	0.06%	4	5%
Dynamic-JT Szolgáltató Kft.	336,125	0.05%	1	1%
Altenergia-4 Kft.	266,330	0.04%	1	1%
Double Diagonál Bt.	263,325	0.04%	1	1%
Földmérési és Távérzékelési Intézet	242,223	0.04%	1	1%
Sanex Pro Ipari Kereskedelmi és Szolgáltató Korlátolt Felelősségű Társaság	235,290	0.04%	1	1%
Dina-Brikett Fafeldolgozó Korlátolt Felelősségű Társaság	232,800	0.04%	1	1%
OROSHÁZA GLAS Kft.	210,000	0.03%	1	1%
VÁTI Magyar Regionális Fejlesztési és Urbanisztikai Nonprofit Kft.	197,231	0.03%	2	2%
Szabolcsi Halászati Kft.	126,383	0.02%	1	1%
Széchenyi István Egyetem	105,791	0.02%	1	1%
Szegedi Tudományegyetem	93,635	0.01%	2	2%
Pannon Egyetem	86,177	0.01%	3	4%
Mosonmagyaróvár Város Önkormányzata	50,176	0.01%	1	1%
Országos Egészségbiztosítási Pénztár		0.00%	1	1%
FA-Szélek Fafeldolgozó Korlátolt Felelősségű Társaság		0.00%	1	1%
Total	635,702,870	100.00%	84	100.00%

Source: author, based on OpenTED

ANNEX 9: FOREIGN CONTRACT OPERATORS AWARDED CONTRACTS BY HU CONTRACTING AUTHORITIES FROM 2012 TO 2014

Contract operator	Value of contracts (EUR)	% of contracts (by value)	Number of contracts	% of contracts (by number)
Stadler Bussnang AG	233,436,000	36.72%	1	1.2%
THALES Austria GmbH	97,899,119	15.40%	2	2.4%
Construcciones y Auxiliar de Ferrocarriles, S.A.	90,462,455	14.23%	1	1.2%
IBS Planungs-, Vertriebsgesellschaft mbH	67,088,009	10.55%	1	1.2%
Thales Austria GmbH és a Dunántúli Kft. közös ajánlattevők	26,101,092	4.11%	1	1.2%
Amplitude Technologies SA	19,073,730	3.00%	1	1.2%
Thales Austria GmbH Közös ajánlattevő Dunántúli Kft. közös ajánlattevő	16,045,522	2.52%	1	1.2%
„Solaris-Skoda-Electric Budapest Trolibusz 2014” (közös ajánlattevők 1. tagja (vezető): SOLARIS Bus & Coach S.A. és közös ajánlattevők 2. tagja: SKODA ELECTRIC a.s.)	12,856,452	2.02%	1	1.2%
Profile Vehicles Oy	10,651,863	1.68%	1	1.2%
Simteq B. V.	9,157,872	1.44%	1	1.2%
SELEX ES S.P.A	9,094,642	1.43%	1	1.2%
SULO Umwelttechnik GmbH.	7,661,209	1.21%	2	2.4%
ABC System Sp. z.o.o.	6,228,584	0.98%	1	1.2%
UAB „Ekspla” és UAB „Mokslinė-gamybinė firma „Šviesos konversija” (Light Conversion) közös ajánlattevők	4,034,207	0.63%	1	1.2%
Varian Medical Systems International AG	3,437,144	0.54%	1	1.2%
Karsan Otomotiv Sanayii ve Ticaret A.S.	2,763,111	0.43%	1	1.2%
MIG SRL	2,394,508	0.38%	1	1.2%
Panonmed d.o.o.	1,893,305	0.30%	5	6.1%
Leica Geosystems AG	1,580,100	0.25%	2	2.4%
Bonner Kft.	1,371,765	0.22%	1	1.2%
Enterprise Electronics Corporation és The Republic Group Handelsvertretung GmbH közös ajánlattevők	1,264,230	0.20%	1	1.2%
FP Spomax S. A.	993,879	0.16%	1	1.2%
UNITEC S.P.A.	860,000	0.14%	1	1.2%
Studio Nova Kft.	834,649	0.13%	1	1.2%
SPECIM, Spectral Imaging Ltd.	653,193	0.10%	1	1.2%
Bayex GmbH	638,899	0.10%	1	1.2%
Global Transfer s.r.o.	631,614	0.10%	5	6.1%

The use of EU funds in Member States in partnership with companies (contractors or subcontractors) outside of a given Member State

Contract operator	Value of contracts (EUR)	% of contracts (by value)	Number of contracts	% of contracts (by number)
INNOPHARM Bulgaria Egyszemélyes Korlátolt Felelősségű Társaság	501,148	0.08%	1	1.2%
Terumo BCT Europe N.V.	500,867	0.08%	3	3.7%
KomAgrartechnik S.R.O.	419,333	0.07%	2	2.4%
Kom Agrartechnik SRO	341,511	0.05%	1	1.2%
Slostroj s.r.o.	336,125	0.05%	1	1.2%
Inometa GmbH & Co. KG.	335,000	0.05%	1	1.2%
ISM Industrial Supply and Machinery GmbH.	325,100	0.05%	1	1.2%
AJA International, Inc.	322,698	0.05%	1	1.2%
HORIBA JOBIN YVON SAS	306,120	0.05%	2	2.4%
Vitimplex-Anstalt	269,572	0.04%	1	1.2%
Schoeller Allibert Sp. z o.o.	267,908	0.04%	1	1.2%
EURO MACHINE S.R.O.	266,330	0.04%	1	1.2%
EU-Market s.r.o.	263,325	0.04%	1	1.2%
Robot-X Slovakia s.r.o.	235,290	0.04%	1	1.2%
Agro-Road s.r.o.	232,800	0.04%	1	1.2%
Glastech GmbH.	210,000	0.03%	1	1.2%
Cryogenic Ltd.	190,000	0.03%	1	1.2%
Stresstech GmbH	180,000	0.03%	1	1.2%
Aller Aqua Polska Sp. z o.o.	126,383	0.02%	1	1.2%
AWETA G.M.P.	115,585	0.02%	1	1.2%
Kistler s.r.o.	105,791	0.02%	1	1.2%
Metis GmbH	103,950	0.02%	1	1.2%
Soges S.p.a., Euroconsultants S.A.	93,281	0.01%	1	1.2%
Mac's Medical Handels GmbH	71,317	0.01%	1	1.2%
Radiant Dyes Laser Accessories GmbH	56,661	0.01%	1	1.2%
Setaram Instrumentation	51,737	0.01%	1	1.2%
Rohde & Schwarz-Österreich Gesellschaft m.b.H.	50,739	0.01%	2	2.4%
BJ Energy Group s.r.o.	50,176	0.01%	1	1.2%
Rohde & Schwarz Österreich G.m.b.H.	49,552	0.01%	1	1.2%
Eppendorf Austria GmbH Austria	45,417	0.01%	2	2.4%
Magnettech GmbH	44,181	0.01%	1	1.2%
Rohde & Schwarz-Österreich Gesellschaft m.b.H	41,563	0.01%	4	4.9%
C-Therm Technologies Ltd.	35,438	0.01%	1	1.2%
Fa. Romtec Vertrieb für Elektromedizin	28,504	0.00%	1	1.2%

Contract operator	Value of contracts (EUR)	% of contracts (by value)	Number of contracts	% of contracts (by number)
JEOL (Europe) SAS	22,318	0.00%	1	1.2%
Parasolar Energy s.r.o.		0.00%	1	0.0%
ASSECO CENTRAL EUROPE a.s.		0.00%	1	0.0%
Total	635,702,870	100.00%	84	100.0%

Source: author, based on OpenTED

ANNEX 10: CROSS-BORDER CONTRACTS OF EUR 5 MILLION OR MORE AWARDED BY HU CONTRACTING AUTHORITIES FROM 2012 TO 2014.

Contracting authority (in original language)	Contracting authority in English (translated using Google Translate)	Contract operator country	Contract operator	Contract award year	Contract value EUR	Contract activity	CPV group	Contract title/ description (where available) (translated using Google Translate)
MÁV-START Vasúti Személyszállító Zrt.	MÁV-START Railway Passenger Transport Company	CH	Stadler Bussnang AG	2013	233,436,000	Supplies	Transport equipment and auxiliary products to transportation	Delivery of electric trains on MÁV- START Zrt.
BKK Budapesti Közlekedési Központ Zártkörűen Működő Részvénytársaság	BKK Budapest Transport Centre Private Limited Company	ES	Construcciones y Auxiliar de Ferrocarriles, S.A.	2013	90,462,455	Supplies	Transport equipment and auxiliary products to transportation	Undertaking a mixed supply contract
Nemzeti Infrastruktúra Fejlesztő Zrt.	National Infrastructure Development Corporation.	AT	Thales Austria GmbH	2013	80,346,714	Works	Construction work	Within the framework of a contract for the V120.09 Gyoma (excl.) - (. Bez) Békéscsaba railway line section works signaling and telecommunication system and the establishment of weeds ETCS (excl.) - (. Oh) Lőkösháza line section.
Szeged Megyei Jogú Város Önkormányzata	Szeged Municipality	DE	IBS Planungs-, Vertriebsgesellschaft mbH	2013	67,088,009	Supplies	Construction structures and materials; auxiliary products to construction (excepts electric apparatus)	Transport contract to develop a flood protection system in downtown Szeged Law No. EEOP 2.1.2 / 2F / 09-2011-0004 project, the purchase of a license application with the Hungarian mobile wall, suitable for the procurement technical specifications detailed engineering design requirements.
Nemzeti Infrastruktúra Fejlesztő Zrt.	National Infrastructure Development Corporation.	AT	Thales Austria GmbH és a Dunántúli Kft. közös ajánlattevők	2013	26,101,092	Works	Construction work	V030.09 Székesfehérvár railway junction signaling and telecommunication works

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Contracting authority (in original language)	Contracting authority in English (translated using Google Translate)	Contract operator country	Contract operator	Contract award year	Contract value EUR	Contract activity	CPV group	Contract title/ description (where available) (translated using Google Translate)
ELI-HU Kutatási és Fejlesztési Nonprofit Közhasznú Kft.	ELI-HU Research and Development Non- Profit Company	FR	Amplitude Technologies SA	2014	19,073,730	Supplies	Laboratory, optical and precision equipments (excl. glasses)	Part 1 deals: Delivery of ELI-1 ALPS HF PW laser system, in particular the planning, implementation, commissioning, trial operation and perform other tasks related to the laser system
Nemzeti Infrastruktúra Fejlesztő Zrt.	National Infrastructure Development Corporation.	AT	THALES Austria GmbH	2012	17,552,405	Works	Construction work	Bajánsenye Boba ETCS2
Nemzeti Infrastruktúra Fejlesztő Zrt.	National Infrastructure Development Corporation.	AT	Thales Austria GmbH Közös ajánlattevő Dunántúli Kft. közös ajánlattevő	2013	16,045,522	Works	Construction work	V120.10 Ferencvaros "C" branch - the execution of Monor install ETCS 2
BKK Budapesti Közlekedési Központ Zártkörűen Működő Részvénytársaság	BKK Budapest Transport Centre Private Limited Company	PL	„Solaris-Skoda- Electric Budapest Trolibusz 2014” (közös ajánlattevők 1. tagja (vezető): SOLARIS Bus & Coach S.A. és közös ajánlattevők 2. tagja: SKODA ELECTRIC a.s.)	2014	12,856,452	Supplies	Transport equipment and auxiliary products to transportation	Sales contract
Országos Mentőszolgálat	National Ambulance Service	FI	Profile Vehicles Oy	2013	10,651,863	SUPPLIES	Transport equipment and auxiliary products to transportation	Transport contract
Pharma-flight Nemzetközi Tudományos és Szolgáltató Központ Korlátolt Felelősségű Társaság	Pharma-flight International Science and Service Center Limited Liability Company	NL	Simteq B. V.	2014	9,157,872	SUPPLIES	Transport equipment and auxiliary products to transportation	Sales contract
Magyar Posta Zrt. Beszerzési	Magyar Posta Purchasing Director	IT	SELEX ES S.P.A	2014	9,094,642	Supplies	Office and computing machinery, equipment and supplies except	Hybrid conversion system integrator and service supplier purchases

The use of EU funds in Member States in partnership with companies (contractors or subcontractors) outside of a given Member State

Contracting authority (in original language)	Contracting authority in English (translated using Google Translate)	Contract operator country	Contract operator	Contract award year	Contract value EUR	Contract activity	CPV group	Contract title/ description (where available) (translated using Google Translate)
Igazgatóság							furniture and software packages	
Recy-Pet Hungária Kft.	Recy-Pet Hungária Kft.	PL	ABC System Sp. z.o.o.	2014	6,228,584	Supplies	Furniture (incl. office furniture), furnishings, domestic appliances (excl. lighting) and cleaning products	The acquisition and development of Food-Grade PET plastic food-waste recycling technologies Innovation Center as part of the supply contract
Budapest Főváros Önkormányzata	Municipality of Budapest	DE	SULO Umwelttechnik GmbH.	2012	5,520,694	Supplies	Construction structures and materials; auxiliary products to construction (excepts electric apparatus)	Purchase of 320,000 pieces of 120- liter containers for selective waste collection

Source: author, based on OpenTED

DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT BUDGETARY AFFAIRS **D**

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ISBN 978-92-823-7907-3 (print)

ISBN 978-92-823-7906-6 (PDF)

doi: 10.2861/26585 (print)

doi: 10.2861/939963 (PDF)

