



**PERMANENT REPRESENTATION
OF DENMARK TO THE
EUROPEAN UNION**

DR

European Commission
Cabinet of Commissioner Thierry Breton
1049 Brussels
Attn.: Head of Cabinet, Mr Valère Moutarlier

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PAR PORTEUR

Enclosure
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File
2022-908

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| ACCUSE DE RECEPTION | |
| NOM (en caractères d'imprimerie): | COMMISSION EUROPÉENNE |
| REÇU LE | 12 MAI 2022 |
| SIGNATURE | RAYNAUD RENAUDIN |
| Date | 11 May 2022 |

Question regarding public procurement legislation - Denmark

Dear Head of Cabinet,

Please find attached a letter addressed to the Commissioner from Mr Simon Kollerup, Minister for Industry, Business and Financial Affairs, regarding the above-mentioned issue.

Yours sincerely,

Per Fabricius Andersen
Ambassador, Deputy Permanent Representative


**MINISTRY OF INDUSTRY, BUSINESS
AND FINANCIAL AFFAIRS**

**MINISTER FOR INDUSTRY,
BUSINESS AND FINANCIAL
AFFAIRS**

10 May 2022

Dear Mr. Thierry Breton,

The Danish government is in the process of introducing legislation obligating Danish contracting authorities to exclude undertakings based in jurisdictions that feature on the EU list of non-cooperative jurisdictions for tax purposes from public procurement.

Furthermore, the Danish government wishes to take this legislation a step further and introduce an obligation to exclude undertakings that are established in an EU member state, but controlled or owned by shareholders in jurisdictions that feature on the EU list of non-cooperative jurisdictions.

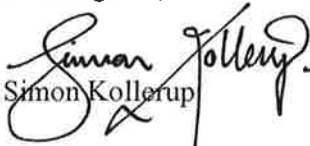
Therefore, I would like to ask if it would be in accordance with EU-law, e.g. Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC, on a national basis to introduce exclusion grounds in the public procurement legislation based on the economic operators' links to jurisdictions which feature on the EU list of non-cooperative jurisdictions for tax purposes?

Hence, would it with respect to EU-law be possible to introduce an exclusion ground in Danish law that requires Danish contracting authorities to exclude economic operators established in the EU that are, directly or indirectly, either controlled or owned (with a shareholding of more than 25 per cent) by shareholders in jurisdictions that feature on the EU list of non-cooperative jurisdictions for tax purposes?

I would like to ask you for the possibility of a meeting where we can discuss the matter further.

I thank you in advance.

Kind regards,


Simon Kollerup

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