

Sope Williams comments

21 August 2007

My main concern is the suggestion in the policy document that EIB will be able to debar or exclude firms that have been debarred by EU Member States, under the EC Procurement directives.

Whilst it may be possible for EIB to debar firms debarred by other EU institutions such as the Commission, EIB will be unable to debar firms that have been debarred by EU countries, as there is NO database of firms excluded, or convicted in these countries and it is unlikely that these countries will share information on criminal convictions because of differences in data protection legislation and because Directive

95/46 on the free movement of data does not apply to criminal law activities. Also, it is unlikely that such a database will exist in future as in many EU countries, debarment is carried out by individual contracting authorities and there is little cooperation within national borders, much less cooperation on an EU wide basis.

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