

**SD-N 353176 HU – EC Request for clarification dated 18/01/2022**

1.The proposed amendment involves the de facto direct award of a contract to the designated sole service provider. Without prejudice to the fact that direct awards below the threshold and presenting a cross border interest must comply with the principles of transparency, non-discrimination, equal treatment and proportionality, direct awards above EU thresholds can only be executed based on specific exemptions provided by Public Procurement Dir. (PPD) 2014/24/EU, 2014/25/EU & 2014/23/EU. Which exemption are the procurements in the amendment and the amended act based on?

2.Could the HU authorities please elaborate how the notified amendment complies with the PPD, in particular the exemption highlighted above?

3.Please confirm whether DATRAK Digital Data Transaction Centre is a non-profit company owned by the State and, if so, to what degree.

4.Which specific State entity controls the designated service provider DATRAK? What are the State entity powers over DATRAK?