

Comments from the Commission

IMI Notification Number: 370819 (HUNGARY)

“Government Decree on central e-health services”

The Commission would like to ask the Hungarian authorities the following questions:

1. The proposed notified decree involves a de facto direct award of two public service contracts to two designated service providers acting successively as the “Service Centre”:

i. First, to Pan-Inform Research, Development and Innovation Limited Liability Company (for the period before the entering of the Health Informatics Service and Development Centre Ltd in the commercial register)

ii. Subsequently, to the Health Informatics Service and Development Centre Ltd respectively (following its entering in the commercial register)

Without prejudice to the fact that direct awards of contracts of cross-border interest below the directives’ thresholds must, in any event, comply with the principles of transparency, non-discrimination, equal treatment and proportionality, direct awards above those thresholds can only be based on specific exemptions provided for in the public procurement directives (in this case, Directive 2014/24/EU). In view of this, in the opinion of the Hungarian authorities, which exemption is applicable for the award of the two contracts under the decree?

2. Could the Hungarian authorities please elaborate on how the notified decree complies with the provisions of the Directive 2014/24/EU, in particular, with the conditions laid therein for the use of the exemption(s) mentioned under the first answer?

The Commission would like to thank the Hungarian authorities for their co-operation.