On Friday 24/06/2016 a meeting on Paks took place with the Hungarian delegation led by Mr Balázs Sonkodi as a follow up to the meeting of 14/06/2016.

The meeting was held in a good atmosphere and spirit of cooperation.

The main focus of the meeting was to discuss the draft commitment letter to be sent by Minister Lázár to Commissioner Bienkowska. HU provided us with some language at 9.00 AM 24/06/2016).

Main points discussed:

1. The subcontracting

   • HU will make a commitment to the Commission on that basis.
   • HU informed us that it is impossible to tender out half of the subcontracted part in such a short time, especially since the timeframe for the project is 10 years.
   • HU proposed to set out 2 timeframes for tendering (the first 12 months and then within a given number /to be specified/ of months after).
   • HU confirmed that the "New Conditions Subsequent Date" means the end of the standstill period with DG COMP.
   • HU will reaffirm in the commitment letter that the Public Procurement Appendix applies to the procurement of all subcontractors.
2. Possible modification of the list of elements set out for subcontracting

- HU affirmed that this concerns the event when the list of items which are supposed to be subcontracted is modified.
- GROW emphasized that in such cases they should present evidence and demonstrate that this would not have any impact on the level and value of the tendering process.

3. Publication

- GROW explained that a legal basis is needed to be able to publish in TED, but that talks are still ongoing with the OP.
- HU promised to check with RU what RU suggests for publication.
- GROW informed HU that there are specific nuclear energy related websites that publish tender notices.
- GROW also indicated the widely read international press (economist, financial times, etc.) as means for publication of tenders.

4. Jurisdiction - Remedies system for subcontracting

- HU suggested to use the HU courts, where civil lawsuits could be launched.
- GROW argued that HU courts were not OK because they could be slower than arbitration.
- HU pointed out that they are not in favour of arbitration since arbitration costs would be very high and HU SMEs could not afford to pay these fees, thus would not have access to the remedy system.
- GROW insisted on a body located in a MS with large linguistic choice. The functioning of some international arbitration mechanism located in the EU was also briefly discussed.

Follow up:

HU will meet RU again in the middle of next week to discuss some draft text. HU will come back to us with the RU reactions on the HU proposal possibly by the end of next week. A meeting could then be organised at the beginning of the week starting 4th July.
Participants:

HU
- Mr Balázs Sonkodi, Secretary of State
- Law Firm

DG GROW
- Joaquim Nunes de Almeida, Director G
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