

### Declaration by the European Parliament, the Council and the Commission

The European Parliament, the Council and the Commission point out that the obligation to communicate the characteristics and relative advantages of the tender selected as well as the name of the successful tenderer, in accordance with the first subparagraph of Article 41(4), must not harm the legitimate commercial interests of public or private enterprises, in particular through the release of sensitive commercial or technical information.

They also point out that, pursuant to Article 4(4) of Council Directive 93/38/EEC, suppliers, contractors or service providers, including the awardee of the contract, may require a contracting entity, in conformity with national law, to respect the confidential nature of information which they make available.

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### Commission declaration

The Commission declares that, while continuing to ensure that the principle of equal treatment of public and private entities is observed, it will limit its request for statistics pursuant to Article 42(2) to the strict minimum necessary to meet the international obligations ensuing from the GPA in order to reduce the burdens incumbent on contracting entities.

During the ongoing review of the GPA, the Commission also intends to seek a simplification of the statistical requirements at international level. If successful, the Commission will take the necessary steps to ensure that this is taken into account in the internal statistical requirements.

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