

words, to French contractors, and that foreign applicants are usually not invited to bid." In Italy, "theoretically, foreign contractors may always participate in public call for bids," but there is "a provision by virtue of which the contractors to be taken into consideration must figure on so-called trusted firms lists." Although the purpose of such lists is to prevent awards to contractors who are not technically and professionally qualified, "these lists may only include Italian contractors or foreign firms established in Italy." In the Netherlands, "only persons domiciled in the Netherlands may be admitted as contractors." In Belgium, a January 1, 1965 law on public works contracts permits procedures under which bidding is limited to "Belgian companies or to companies whose capital is two-thirds in the hands of Belgian contractors." In 1960, Germany guaranteed equal terms to foreign and national applicants in regard to public works contracts. However, this guarantee "includes a clause under which it may be immediately suspended in case the economic situation should change." Moreover, "the procedure applied in Germany leaves the adjudicating authority much freedom."

The report also cites several examples of discrimination, but the EEC countries involved are not identified. It indicates that "in one Member State, the general administrative provisions of the Minister of Postal and Telegraph Services prescribe, in particular, that all persons or companies of foreign origin shall be excluded from the assignment of public works contracts." A letter to "a large public company by the competent minister of a Member State" is cited as an example of broad administrative discretion. The minister explains that "due to the difficulties presently faced by our national electric construction industry, I decided not to approve, as a rule, the import of electrical equipment, since the latter can be manufactured in our country. However, an exception is being made for orders of an exceptional nature. I therefore ask you to submit your case to me prior to taking any other steps." A letter to a Belgian contractor from the Minister of Public Works of another member state advised: "I am in a position to let you know that, on principle, foreign contractors are authorized to submit offers in my country; however, the administration of public works does not take any foreign firm into consideration."