

**Question for written answer E-008231/2014
to the Commission**
Rule 130
Therese Comodini Cachia (PPE)

Subject: Power station

In 2013, the Government of Malta eschewed the standard tendering process for the procurement of a new 200MW power station costing EUR 370 million, claiming that its expression of interest would still be in line with EU legislation since it would 'invite a private operator to participate in the supply and generation of energy and not procure a new power station'; adding that the government would ensure that bidders were pushed to offer the lowest price possible.

In October 2013 the Government of Malta struck an 18-year agreement with a consortium, including an Azerbaijani state-owned energy company, to supply Enemalta with electricity and to build a new power station.

Within the context of EU public procurement regulations on coordination of procedures for public utilities contracts and related requirements, is the Commission satisfied with the procedure adopted by the Maltese Government and its transparency?

Does the Commission agree that the construction of a new power plant can be defined as merely 'inviting a private operator to participate in the supply and generation of energy', given that this definition could give leeway for a Member State Government to bypass procurement procedural obligations?