

**Question for written answer E-001514/2017
to the Commission**
Rule 130
Rosa D'Amato (EFDD)

Subject: TAP (Trans-Adriatic Pipeline)

In Article 11 of its Decision C(2013) 2949 final, the Commission granted TAP AG an exemption, due to expire three years after its adoption, for the start of the construction of TAP. According to that decision, the exemption will, moreover, lose its effect six years after its adoption in the event that the infrastructure has not become operational, unless the delay is due to major obstacles beyond the control of the person to whom the exemption has been granted.

These exemptions run counter to the provisions of Article 36(9) of Directive 2009/73/EC.

TAP AG informed the Commission that the infrastructure would become operational in 2019, asking for flexibility so that the exemption would not automatically lose its effect as provided for in Article 36(9) of Directive 2009/73/EC.

By Decision C(2015) 1852, the Commission prolonged the period of validity of the exemption, extending until 31 December 2020 the date by which the pipeline had to become operational.

Can the Commission explain its reasons for the discrepancy of Decision C (2013) 2949 with the provisions relating to the periods of validity set out in Article 36(9) of Directive 2009/73/EC and can it say whether, because of this discrepancy, it considers the decision to be cancellable?