

EUROPEAN PARLIAMENT

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WRITTEN DECLARATION

pursuant to Rule 116 of the Rules of Procedure

by André Laignel and Alain Hutchinson

on pooling services between municipalities and their intermunicipal
cooperation establishments

Lapse date: 26.2.2008

0095/2007

Written declaration on pooling services between municipalities and their intermunicipal cooperation establishments

The European Parliament,

- having regard to Directives 2004/17/EC and 2004/18/EC on public procurement,
 - having regard to the judgment of the European Court of Justice of 18 November 1999 in Case C-107/98 Teckal,
 - having regard to Rule 116 of its Rules of Procedure,
- A. whereas the reasoned opinion of the European Commission specifying that the provision of the General Code governing French local and regional authorities (pursuant to which a municipality which is a member of a public intermunicipal cooperation establishment (an EPCI) is authorised to make its services available to that EPCI in order to enable it to exercise its powers and responsibilities) allegedly infringes EU directives on public contracts,
- B. whereas, however, the Commission has no objection if an EPCI makes its services available to a municipality and whereas both types of body are part of the same public structure,
1. Takes the view that the provisions with which the Commission's opinion is concerned in fact relate to an act of internal administrative and budgetary rationalisation which will have no effect on the functioning of the internal market, and that they enable issues relating to the transfer of powers and responsibilities between individual municipalities and their intermunicipal cooperation establishments to be resolved;
 2. Calls on the European Commission to recognise that such pooling of the human and material resources of municipalities enables substantial annual savings in public money to be made, and that it complies with the principle of the autonomy of municipalities recognised by the 1985 European Charter of Local Self-Government;
 3. Instructs its President to forward this declaration, together with the names of the signatories, to the Council, the Commission and the Member States.