

WRITTEN QUESTION E-3877/03
by Francesco Fiori (PPE-DE)
to the Commission

Subject: Breach of Community principles - Article 24 of Law 289/2002

Article 26 of the Italian law No 488 of 23 December 1999 lays down the rules governing the supply of goods and services to the public sector on the basis of procedures open to public scrutiny. Article 24(3) of Law No 289 of 27 December 2002 reinforces the obligation to use the framework conventions defined by the Consip S.p.A for the bodies indicated in table C and for institutional bodies.

The general principles which, according to the Italian government, underlie this provision are the objectives of competition and transparency, with the aim of achieving savings, containing expenditure and ensuring efficiency in the supply systems concerned.

Nonetheless, the Italian government intends to pursue those objectives via the above-mentioned law, which appears to be in breach of both the Italian constitution (numerous regions have appealed to the Constitutional Court on the same point) and Community law and principles. Three points may be raised here: a) the opportunity given to the Italian legislative branch of independently revising (downwards) the Community threshold set by the Community directives and by the corresponding incorporating laws; b) inconsistency of the centralised supply system mediated through the Consip procedures with Community competition law; c) the creation of a legislative and administrative framework unfavourable to the development of small businesses.

In view of the above, what measures will the Commission take in support of the SMEs' associations whose members appear to be the inevitable target of this legislation?