

WRITTEN QUESTION E-0661/04
by Alexander de Roo (Verts/ALE)
to the Commission

Subject: Public procurement for the Júcar-Vinalopó water transfer

The Spanish Government has been setting up so-called 'state water companies' since 1997, just as it has done in the past in other administrative areas. These companies include Aguas del Júcar SA (AJUSA), established by the Spanish Government to acquire, construct and operate all kinds of water works. It is a single-member company, with the Spanish State as its sole shareholder. One of the projects entrusted to AJUSA is the transfer of water from the Júcar to the Vinalopó river. The completion of the project requires a budget of EUR 240m, of which EUR 54m is expected to come from Community funds. Since April 2001, AJUSA has issued several calls for tender in relation to the Júcar-Vinalopó water transfer. In January 2003, it announced an open invitation to tender for technical assistance in carrying out the compulsory purchase procedure necessary to complete the Júcar-Vinalopó diversion project, which was published in edition 20 of the Spanish Official Journal (BOE) on 23 January 2003, with an overall budget of EUR 417 600. However, in spite of the value of the tender, it did not appear in the Official Journal of the European Union. Nor was it published in Tenders Electronic Daily, the supplement to the Official Journal. The award of the contract for carrying out the compulsory purchase procedure was published in BOE No 87 of 11 April 2003 (Annex I). The contract for carrying out the compulsory purchase procedure for the water transfer from the Júcar to the Vinalopó river is a 'public services contract', which is subject to the Community rules set out under Article 2 of Council Directive 92/50/EEC¹ of 18 June 1992 relating to the coordination of procedures for the award of public service contracts.

How does the Commission intend to respond to this failure to comply with Community law?

Has the Commission already taken any action on this matter?

Does the Commission not think that compliance with Community rules on public procurement should be a precondition for any cofinancing by the Community of the Júcar-Vinalopó water transfer?

¹ OJ L 209, 24.7.1992, p. 1.