

WRITTEN QUESTION E-3569/06
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to the Commission

Subject: Possible breach of the principle of free competition and Spanish Government interference in the Spanish, European and international markets in internet-based learning resources

The Spanish Ministry of Industry, through the public undertaking Red.es, has issued an open call for tenders under the title 'Platform for digital learning objects'¹ for a sum of EUR 7 900 000, including EUR 3 750 000 in European funding under the ERDF. The purpose of the tender is to create digital learning objects and an internet platform to control access and availability. The contract is to be awarded in three separate lots.

The Association of Software, Internet and New Technology Businesses of the Balearics has come to the conclusion that the call for tenders will lead to the emergence, funded with state and European public monies, of a limited number of undertakings (three at most, although there could be only one) which would enjoy a privileged market position, since each of them would be the only firm to be able to exploit its exclusive share of the public monies generated by the call for tenders and would, moreover, be able to offer digital learning material on an 'official' basis.

It should be pointed out that the unrestricted transfer of intellectual property and exploitation rights stipulated in the contract document has prevented businesses which own and distribute digital learning objects that are to be found on the consumer market and are already being used in thousands of learning centres in Spain every day from participating in the tender procedure.

Is the Commission aware of the possible infringement committed by this public undertaking, co-financed with European ERDF funding, and the breach of the principle of free competition and the free market? Will the Commission gather further information in this regard? If there has indeed been a breach of free competition, will the Commission act? If so, what action will it take?

¹ Open call for tenders 'Plataforma de Objetos Digitales Educativos' (Open procedure) Ref: 502/06-DO. Published in Section V.c (Special notices) of the Spanish Official Bulletin on 7 March 2006 and 1 April 2006 (correction).