

WRITTEN QUESTION E-3094/09  
by Mikel Irujo Amezaga (Verts/ALE)  
to the Commission

Subject: Irregularities in connection with work on the port at El Musel (Asturias)

In response to a complaint, the Internal Market and Services Directorate-General recently issued a report establishing a lack of compatibility in the amended contract for work to expand the port at El Musel (Asturias), since it does not comply with Directive 93/38/EEC<sup>1</sup> on public procurement procedures.

On 15 October 2008 a further complaint - still pending - was lodged with the European Anti-Fraud Office (OLAF) on the grounds of irregularities in connection with these works, which have amassed a cost overrun of 43% (including VAT) by comparison with the tender budget.

The Spanish state has requested funds under the European Regional Development Fund (ERDF) - Cohesion Fund operating programme for the period 2007-2013 for the purpose of financing the additional cost that has accrued in relation to work on the port at El Musel, necessitating a second phase of the project.

Bearing in mind the facts outlined above, will the Commission approve financing of any kind for work on the port at El Musel (Asturias) under the Cohesion Fund operating programme 2007-2013?

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<sup>1</sup> OJ L 199, 9.8.1993, p. 84.