

**Question for written answer E-009219/2012
to the Commission**

Rule 117

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Subject: Discrimination against the Spanish language by the Guipúzcoa Provincial Council
(Diputación Foral de Guipúzcoa)

On Monday, 1 October 2012, the Guipúzcoa Provincial Council's Committee on Mobility and Road Infrastructure reported on the new contract documents for the construction work due to take place on the GI-632 road between Antzuola and Bergara. In the report, the Guipúzcoa Provincial Council announced that in future, all companies whose engineers are unable to provide evidence that they have an excellent command of the Basque language will be prevented from tendering for contracts.

This decision means that companies that fail to demonstrate that their employees have a Basque proficiency certificate (EGA) cannot bid for public contracts offered by the Guipúzcoa Provincial Council. This is a discriminatory measure which not only violates the Spanish Constitution and Spanish and EU employment legislation (see, for instance, recital 2 of Directive 2004/18/EC) but also amounts to a flagrant violation of EU fundamental freedoms. Furthermore, by disqualifying all companies that prepare bids in one of the official languages of the EU from tendering for contracts offered by the Guipúzcoa Provincial Council, free competition is distorted.

1. Is the Commission aware of the Guipúzcoa Provincial Council's decision?
2. Does the Commission believe that this decision constitutes a violation of the fundamental principles enshrined in the EU Treaties?
3. What measures is the Commission planning to take in response to the Guipúzcoa Provincial Council's decision?