

**Question for written answer E-010212/2013
to the Commission**

Rule 117

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Subject: Design and construction of Sofia's high-speed northern bypass using European funds

On 29 April 2013, after participating in the open tender procedure and offering the most financially advantageous bid for designing and constructing Sofia's high-speed northern bypass (from 0+000 km to 16+540 km), the Salini–Impregilo joint venture had received notification of being awarded the contract (ARI Decision No 52/29.4.2013) by the Bulgarian Agency for Roads and Infrastructure (ARI) for the highest score achieved, based on the technical proposal and implementation times envisaged.

As a result of an appeal lodged by two of the other participants, Porr Bau GmbH (Austria) and the HPVS–SST consortium (Bulgaria), the Bulgarian Commission for the Protection of Competition (CPC) announced on 19 June 2013 that it upheld the appeal from the HPVS–SST consortium, while disqualifying the Salini–Impregilo joint venture based on its alleged failure to meet the following tender requirements:

- demonstrating that the experience of the specialists being put forward for the project manager and assistant project manager positions was equivalent to a master's degree in 'Transport construction/Engineering';
- demonstrating the necessary work experience for the position of health and safety coordinator.

The company maintains that it supplied all the necessary documentation to prove the requirements were met.

In light of the above, can the Commission answer the following questions:

1. Is it true that the infrastructure in question will be constructed using funds coming from the European Union's budget?
2. If this is the case and given the suspected illegitimate nature of the decisions made by the Bulgarian Agency for Roads and Infrastructure (ARI) on this matter, what audit checks does the Commission intend to carry out to ensure that European funds are used properly, efficiently and effectively?
3. Furthermore, does the Commission believe that the European directives on public procurement have been infringed, given that the principles of transparency and non-discrimination seem to have been disregarded?
4. Finally, does it also believe that European law on professional qualifications has been infringed, given the refusal to recognise the specialists who have all the necessary attributes?