

**Question for written answer E-011861/2013
to the Commission**

Rule 117

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Subject: The management of the awarding of contracts for motorway services in the Slovak Republic

The management of contracts for the provision of motorway services in Slovakia has been entrusted to a state company, the National Motorway Company (NDS). In June and August 2012, the NDS announced a call for tenders for the construction of certain stretches of the two main arterial motorways, the D1 and D3, a project cofinanced by various EU funds. As of today, no lot has yet been awarded. Meanwhile, there have been a number of appeals lodged with the Office in charge of contracts (UVO) on grounds of unfair exclusion. For example, in the case of the INC-HANT joint venture, which was excluded from the contract after having presented the best offer, the NDS ignored the stipulations of the UVO to readmit the consortium, maintaining its position and thus causing deadlock in the provision of public services. Back in 2010, the Commission issued a warning with a reasoned opinion concerning the NDS practice of excluding victorious consortia from contracts (in that case Kapsch TrafficCom, ToSy and Slovakpass) in favour of the most expensive bid. On that occasion, the EU deplored the risks of closing the market and wasting public resources. A few months later, in May 2011, the Minister of Transport dismissed the head of the NDS for having concluded questionable contracts. Can the Commission state:

1. whether it should ask the NDS, a management company of general economic interest, as per Article 106(2) of the TFEU, to provide reasons for its de facto obstruction of the awarding of contracts and its indifference towards the reprimands issued by the UVO?
2. Whether it believes that such behaviour could represent violations of Articles 101 and 102 of the TFEU in terms of competition and the resultant closure of the internal market?