

**Question for written answer E-002155/2015  
to the Commission**

Rule 130

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**Subject:** Public tender procedure for the subconcession of the transport systems belonging to the Porto metro and the Porto public transport company STCP

On 8 August 2014, the Metro do Porto (MP) and the Porto public transport company Sociedade de Transportes Coletivos do Porto S.A. (STCP) opened a public competitive tender procedure for the subconcession of their transport systems. There was only one bidder: the group formed by the Spanish companies Ferrocarril Metropolità de Barcelona S.A. (FMB) and Transports Ciutat Comtal S.A. (TCC). The FMB is a public rail operator owned by the Metropolitan Area of Barcelona (AMB), a regional public body which provides services by awarding contracts directly, without tender procedures, and receives public subsidies to balance its accounts. This means that, under the terms of Article 5 of Regulation (EC) No 1370/2007 of the European Parliament and of the Council together with the Commission communication on Regulation (EC) No 1370/2007, the FMB/TCC is an internal operator and is therefore legally barred from taking part in the competitive tender procedure.

1. Does the FMB have the status of internal transport operator in the Metropolitan Area of Barcelona?
2. Does this status prevent the FMB from taking part in 'competitive tenders concerning the provision of public passenger transport services organised outside the territory of the competent local authority'?
3. Is this tender procedure not in breach of European legislation, and should it not therefore be annulled?