

ORAL QUESTION H-0104/04

for Question Time at the part-session in March I 2004

pursuant to Rule 43 of the Rules of Procedure

by Antonios Trakatellis

to the Commission

Subject: Thessaloniki Underground: errors and changes in the call for tenders - implementation of Community legislation on public procurement contracts

Twelve years after the submission of bids for the Thessaloniki Underground project and the cancellation of the competition by the Greek authorities - without any reason being given -, the announcement of the call for tenders has given rise to a new problem in the implementation of the project. In particular, the Official Journal of the European Communities (TED, S Series, of 11 February 2004) announced that the procedure had inadvertently been described as 'open' by the Commission services and was advertised as such in OJ S of 06/01/04 instead of 'closed' (which is correct), as the initial document of the ATTIKO METRO of 29.12.2003 shows.

On what grounds has the procedure been changed from an open to a closed one, who is responsible for the error and to what is it due? How is it permitted to change the terms of the call for tenders after the procedure has been completed? Is it possible for the project to be awarded to a body or company (ATTIKO METRO) without any competition and for contractors to be excluded, since in a closed competition only those contractors who have been invited by the awarding authority may make bids? Is Greek legislation on public procurement contracts in line with Community law (Directive 93/37/EEC¹), and what measures will the Commission, as the guardian of the Treaties, finally take to ensure that it is respected?

Tabled: 19.02.2004

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¹ OJ L 199, 9.8.1993, p.54