

WRITTEN QUESTION P-3830/03
by Juan Ferrández Lezaun (Verts/ALE)
to the Commission

Subject: Spanish NHP infrastructure tendering

The Spanish Government has begun tendering for the infrastructure of the river Ebro water transfer, and specifically, two sections thereof, in the provinces of Almeria (section 46/subsection 1) and Murcia (section 41/subsection 1).

As both Commissioner Bolkestein himself and the Spanish Ministry have acknowledged, the Spanish Government failed to comply with Directive 92/50/EEC¹ on the awarding of public service contracts, by failing to respect the rules on openness to competition in awarding a service contract.

In this case, the Commission decided, despite the Spanish Government's repeated infringements in this area, not to open infringement proceedings against it, nor oblige it to re-run the tendering process.

Has the Commission been following the tendering process for the two aforementioned water transfer infrastructure sections? If so, can it confirm that Directive 92/50/EEC on coordinating the awarding of public service contracts has been respected?

Can the Commission confirm that these two water transfer sections respect Community environmental legislation? If not, which provisions does it infringe, and why? What measures is the Commission going to take in this connection?

Can the Commission confirm that these two water-transfer building operations have been preceded by a cost-benefit, project-viability and socio-economic impact assessment, as required by Regulation (EC) 1260/1999²?

Can the Commission confirm whether as of now, it has guaranteed Community co-funding for the building of these two sections of the water transfer? If so, what are the figures for each section?

¹ OJ L 209, 24.7.1992, p. 1.

² OJ L 161, 26.6.1999, p. 1.