

WRITTEN QUESTION P-3715/07
by André Laignel (PSE)
to the Commission

Subject: French local authorities

The Commission has recently issued an opinion to the effect that a provision contained in the General Code governing French local and regional authorities (pursuant to which a municipality which is a member of a public intermunicipal-cooperation establishment [an EPCI] is authorised to make its services available to that EPCI in order to enable it to exercise its powers and responsibilities) infringes EU directives on public contracts.

Since, on the other hand, the Commission has no objection if an EPCI makes its services available to a municipality and since both types of body are part of the same public structure, will the Commission state the reasons which lie behind its seemingly inconsistent opinion, which if acted upon would give rise to many serious practical difficulties?

The provisions with which the Commission's opinion is concerned in fact relate to an act of internal administrative and budgetary rationalisation which will have no effect on the functioning of the internal market. Furthermore, those provisions enable issues relating to the transfer of powers and responsibilities between individual municipalities and their umbrella organisation to be resolved, thereby generating public savings through the pooling of local authorities' human and material resources.