

WRITTEN QUESTION P-5982/08
by Aldo Patriciello (PPE-DE)
to the Commission

Subject: Molise Water

Parliamentary Questions E-2256/07, E-2257/07 and P-3090/07 drew the Commission's attention to a number of anomalies in the tender procedure relating to the Central Molise water supply system.

In the light of the feared violations of EU law on procurement procedures (Directives 2004/17/EC¹ and 2004/18/EC², transposed into Italian law by Legislative Decree No 163 of 12 April 2006), the Commission, represented by Commissioner McCreevy, did not, at the time, plan to make any further verifications, considering it appropriate to await the findings of investigations carried out by the Italian legal authorities.

On 7 October 2008, the Council of State, a constitutional body which is the highest judicial authority in the Italian legal system, acknowledged that the Molise Water regional company had failed to comply with its obligations under the relevant Community directives.

The Council of State condemned Molise Water, in particular, for the unlawful composition of the committee which examined and selected projects, given that this committee was made up not of five experts in the field, but of four employees of the company, without the necessary qualifications to properly assess the bids received.

In view of the Council of State's ruling, does the Commission not consider that it should immediately open infringement proceedings against the awarding company for having violated Community law on procurement procedures, undermining the competitiveness of applicant companies which have been unlawfully excluded from the selection procedure for the award of an overall amount of EUR 92 588 000?

¹ OJ L 134, 30.4.2004, p. 1.

² OJ L 134, 30.4.2004, p. 114.