Is the Commission aware of the stepping-up of repressive measures against human rights activists by the Tunisian authorities? At the recent EU-Tunisia bilateral meeting at the end of September 2003, did the Commission remind the Tunisian delegation that the EU-Tunisia Association Agreement contains a human rights clause (Article 2) that stipulates that relations between the parties and the agreement in general are based on respect for human rights and the rule of law? Does the Commission not believe that the Tunisian authorities have now shown, with enough force and consistency and for a sufficient length of time, that they never had any intention of respecting the human rights clause, and does it not believe that it is up to the EU, therefore, to devise a range of retaliatory measures, which, it seems, would be the only way to persuade the Tunisian authorities to display a more constructive attitude?

Answer given by Mr Patten on behalf of the Commission

(27 February 2004)

The Tunisian human rights organisations referred to by the Honourable Member informed the Commission of the facts stated in his letter, via the international networks to which they belong.

With regard to the Regional Conference on Democracy and Human Rights held in Sana’a from 10 to 12 January 2004, the Commission remarked on the absence of Tunisian representatives of independent civil society.

In concert with the Member States, the Commission holds a regular dialogue with the Tunisian authorities on democracy and human rights.

For example, at the Fourth EU-Tunisia Association Council meeting on 30 September 2003, the EU reminded Tunisia of the importance it attaches to respect for the fundamental principles and common values underpinning the EU-Tunisia Association Agreement. The Member of the Commission responsible for external relations emphasised this, stressing that a more participatory society was essential to the country’s harmonious development.

The Commission therefore proposed to Tunisia that the implementation of the Association Agreement and the European neighbourhood policy include a more structured and hence more effective dialogue on common values.

In addition, financial cooperation increasingly focuses on programmes relating to governance and the rule of law.

(2004/C 84 E/0621)

WRITTEN QUESTION E-0190/04

by Mario Borghezio (NI) to the Commission

(29 January 2004)

Subject: Creating transparency regarding ownership of the company Italtrend (RE), beneficiary of consulting contracts from the European Commission worth millions of euro

The European Commission has, since 1999, awarded contracts worth EUR 15 million to a service company based in Reggio Emilia, Italtrend S.r.l., whose most important associate is Necway Trading Ltd, based in Dublin at 24 and 26 City Quay, near a tax and commercial consultants' firm, and which has as ‘director’ Paul Joseph Watson, a resident of Port Saint Mary on the Isle of Man.

Does not the Commission feel that it should seek to obtain a better idea of the true identity of the owners of Italtrend, a company in which Silvia Prodi, daughter of Quintiliano Prodi, who is the brother of the President of the Commission Romano Prodi, has an important official role (director’s assistant)?
Answer given by Mr Patten on behalf of the Commission

(24 March 2004)

The Commission asks the Honourable Member to refer to its reply to his Written Question E-3586/03 (1), where it explained that the total value of contracts signed with Italy between 1 September 1999 and 31 December 2003 is EUR 7.97 million, not EUR 15 million.

The selection criteria applied in every procurement procedure include the eligibility of the tenderer/candidate to take part in the procedure. The eligibility criteria already provide for an assessment for each candidate of its financial, economic, technical and professional capacity. These criteria are defined according to the legal basis concerned and are published in the procurement notice, in compliance with the relevant Commission Decisions (of 10 November 1999 (2), then of 25 March 2003 (3) Rules and Procedures for services, supplies and works contracts financed from the general budget of the EC in the context of cooperation with third countries), as well as with the 'Practical Guide to contract procedures financed from the Community general budget in the context of external actions' (section 2.4.8.1).

The Financial Regulation, Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (4) and its Implementing Rules lay down rules on the documentary evidence that the contracting authority shall require from tenderers in order to ascertain that they are not in one of the situations of exclusion referred to in Articles 93 and 94 of the Financial Regulation. Where considered necessary, the contracting authority may also ask for documentary evidence to be produced by natural persons, 'including (…) company directors or any person with powers of representation, decision-making or control in relation to the candidate or tenderer', depending upon national law. National law regarding the disclosure of the identity of shareholders however varies greatly from one Member State to the other. The second Directive on Company Law (5) only provides for disclosure of the identity of the founding members as well as of the persons managing the companies.

In addition, Article 52 of Financial Regulation states that: ‘All financial actors shall be prohibited from taking any measures of budgetary implementation which may bring their own interest into conflict with those of the Communities.’ Therefore, if a Commission official is involved in an award process covering an entity in which he holds an interest, he shall inform both the Appointing Authority (AIPN), according to Article 14 of the Staff Regulation, and his hierarchy, according to Article 34 of the Implementing Rules, so that if the existence of a conflict of interests is confirmed, the official concerned shall withdraw from the ongoing procedure. This obligation is recalled in Articles 146 and 178 of the Implementing Rules for all members of evaluation committees for tenders and proposals.

This current legal framework seems adequate to protect the financial interests of the Community as it enables all authorising officers to check any situation where they have reasonable doubts as to a specific candidate firm.

The Commission notes that the information provided in the Honourable Member’s written question would not justify enquiries in this specific case.

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(1) See page 508.
(2) SEC(1999)1801/2.
(5) Second Council Directive 77/91/EEC of 13 December 1976 on coordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 58 of the Treaty, in respect of the formation of public limited liability companies and the maintenance and alteration of their capital, with a view to making such safeguards equivalent, OJ L 26, 31.1.1977.