

(98/C 304/140)

**WRITTEN QUESTION E-0401/98**  
**by Gianni Tamino (V) to the Commission**  
(24 February 1998)

*Subject:* Consorzio Venezia Nuovo (New Venice Consortium)

Under Article 3 of Italian law No. 798/84, in the case of expenditure, projects and measures to safeguard Venice and its lagoon, the Ministry of Public Works is authorized to award a global contract covering both the planning and works to companies and/or consortia by negotiated tender, even in derogation from the regulations in force. The concession for the planning and execution of all the works provided for by the law in question has been awarded to the Consorzio Nuovo Venezia (New Venice Consortium). This global concession has, over the years, partly as a result for further laws and decrees, become a de facto monopoly for works of all kinds including regional, environmental and urban maintenance work, which could be and in fact was carried out for years by companies under normal tender procedures. This monopoly concession has been maintained even since adoption of the specific Italian law on Venice (206/95) which prohibits the global concession except in the case of legal obligations deriving from previous legislation and its effects, and since the adoption of a number of Community directives on public procurement procedures and even after the enactment of Italian legislation transposing the relevant Community directives until 1997. So as not to apply or circumvent these Community provisions, the agreements and riders to the original agreements have probably been construed as being part of the earlier agreements and hence the new agreements have been regarded as enforceable and deriving from the initial agreements or other subsequent agreements preceding the entry into force of the Community legislation (for example the 9th and 10th concessions of 1996 and the 11th, 12th and 13th concessions of 1997).

Does the Commission consider that this procedure involving concessions and subsequent agreements containing no time limits, and which might thus be manipulated so that they continue indefinitely, is compatible with the letter and the spirit of the Community directives, as set out, for instance, in the Green paper on public procurement of 27 November 1996?

Is it also lawful to give the same consortium responsibility for both the planning and execution of the works?

**Answer given by Mr Monti on behalf of the Commission**

(27 April 1998)

The Commission is conducting a detailed investigation of the problem raised by the Honourable Member and will inform him of the outcome as soon as possible.

(98/C 304/141)

**WRITTEN QUESTION E-0402/98**  
**by Honório Novo (GUE/NGL) to the Commission**  
(24 February 1998)

*Subject:* Helms-Burton Act and EU appeal to the WTO

If the Commission wishes to appeal against the World Trade Organization (WTO) panel's decision relating to the extraterritoriality of the Helms-Burton Act on strengthening the embargo on Cuba, it must do so by 13 April 1998.

Will the Commission state whether it intends to lodge an appeal with the WTO against the decision by the appointed deadline?

**Answer given by Sir Leon Brittan on behalf of the Commission**

(13 March 1998)

The Commission would refer the Honourable Member to the replies it gave to Oral Questions H-106/98 by Mr Bontempi, H-107/98 by Mr Marset Campos, H-108 by Mr Manisco, H-115/98 by Mr Newens and H-117/98 by Mr Carnero Gonzalez during question time at Parliament's February 1998 part session <sup>(1)</sup>.

<sup>(1)</sup> Debates of the Parliament (February 1998).