

No 267/2000), according to which decisions concerning fundamental acts relating to public services must be adopted by the City Council, the Mayor would therefore be the only element of public control in the management company.

In view of all this and the Commission's increasing interest in improving the quality of general services in Europe (cf. report COM(2001) 598, Communication COM(2000) 580 and a number of decisions on the subject, including C(2001) 1684) can the Commission answer the following questions:

1. Does the transaction described meet the criteria and obligations laid down for the quality of general services?
2. Is the requirement of transparency, a priority in this sector, being respected by the statutes of the new company, in particular as regards the decision-making structure?
3. Does the transaction not constitute an infringement of Article 16 of the EC Treaty on the principles and conditions for carrying public service tasks?

Answer given by Mr Prodi on behalf of the Commission

(21 March 2003)

In its Communication on services of general interest in Europe⁽¹⁾ to which the Honourable Member is referring, the Commission highlighted that the Member States have a wide margin to define what they regard as a service of general economic interest and how this service should be operated. In the absence of specific Community rules, these issues are first and foremost decided by the competent national, regional or local authorities. This also implies that Community law does not question whether undertakings in charge of providing general interest services should be public or private.

The case described by the Honourable Member appears to be covered by this principle which is also underlying Article 16 of the EC Treaty. In particular, the Transparency Directive, Commission Directive 80/723/EEC of 25 June 1980 on the transparency of financial relations between Member States and public undertakings⁽²⁾, only addresses the financial relations between public undertakings and public authorities and the accounting of certain undertakings but does not cover the internal decision-making process within an undertaking.

⁽¹⁾ COM(2000) 580 final.

⁽²⁾ OJ L 195, 29.7.1980, as last amended by Commission Directive 2000/52/EEC of 26 July 2000, OJ L 193, 29.7.2000.

(2003/C 268 E/097)

WRITTEN QUESTION E-0385/03

by Patricia McKenna (Verts/ALE) to the Commission

(13 February 2003)

Subject: Building project in Elche and the Tabarca SCI (Valencian Community)

The Elche local authority has adopted an Integrated Action Programme (dated 25 March 2002) and a building scheme (dated 27 January 2003) for sector AR-1, which involves building over 3000 tourist accommodation units right next to a coastal wetland (Els Bassars-Clot de Galvany), a sand-dune system (Dunas del Carabassí), and the traditional crop growing corridor which links the wetland with the dune system, all of which are included in the Valencian Government's proposed list of sites of Community interest (SCIs) under the head 'Tabarca'. Both the Integrated Action Programme and the building scheme were adopted without any specific environmental impact procedure being carried out in accordance with Directives 97/11/EEC⁽¹⁾ of 3 March 1997 and 92/43/EEC⁽²⁾ of 21 May 1992.

The Elche Bassars-Clot de Galvany wetlands and their surroundings are of particular importance as a bird reserve, containing over 220 species, 70 of which have nesting status, including two species in danger of extinction which appear in Annex I of Directive 79/409/EC⁽³⁾ on the preservation of woodland birds: the marbled teal (*Marmaronetta angustirostris*) and the white-headed duck (*Oxyura leucocephala*). The impact

of the building scheme in sector AR-1 on the bird population will be very serious, as a result of the massive increase in human pressure on the Els-Bassars-Clot de Galvany wetlands (over 10 000 new residents in the immediate surroundings of a wetland of only 180 hectares, which is already suffering from major urban building pressure, namely from the recently built tourist resorts on its southern border, in the neighbouring township of Santa Pola).

Can the Commission investigate whether all the parameters were duly heeded which would justify the unnecessariness of either an assessment procedure (Directive 97/11/EC) or an environmental impact study (Directive 92/43/EEC) for the building scheme in question with regard to the Els Bassars-Clot de Galvany wetlands and the Carabassi dune system (which belong to the on-shore 'Tabarca' SCI)? How is the Commission going to ensure that the building scheme does not endanger this SCI?

⁽¹⁾ OJ L 73, 14.3.1997, p. 5.

⁽²⁾ OJ L 206, 22.7.1992, p. 7.

⁽³⁾ OJ L 103, 25.4.1979, p. 1.

Answer given by Mrs Wallström on behalf of the Commission

(9 April 2003)

The Commission is already aware of the situation the Honourable Member describes in her written question.

This is because it received a complaint, registered as No 2002/5164, concerning Elche's town planning programme and the scheme to build over 3 000 tourist accommodation units and a hotel within a site of Community importance without an impact assessment study having first been carried out.

The complainant reports that the said plans will seriously affect the environment and cause the destruction of the area's habitat. He claims the construction of this complex will have major adverse effects on a large number of species and habitats protected by Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

Accordingly, the Commission recently asked the Spanish authorities to comment on the situation reported by the complainant and to provide full details of the scheme.

As guardian of the Treaties, the Commission will not hesitate to take all necessary steps to ensure that Community law is complied with in this instance.

(2003/C 268 E/098)

WRITTEN QUESTION E-0405/03

by Jan Dhaene (Verts/ALE) to the Commission

(17 February 2003)

Subject: International architecture competition relating to the European Quarter in Brussels

In 1997, the European Commission and the Brussels-Capital Region launched an international architecture competition relating to the European Quarter in Brussels, jointly financed by the two bodies on the basis of 50% each. The competition was won by Aukett + Art & Build. Following the complaint brought by a participant in the competition and by the Commission regarding a breach of the rules governing competitions, as set out in Article 13 of Directive 92/50/EEC⁽¹⁾, the Belgian authorities decided on 12 April 2001 to cancel the contract in question.

The Belgian authorities awarded the service contract for the 'Place de l'Union européenne' (Le soir, 24 July 2000) to the architectural firm ODC (for operations to the value of EUR 2 478 935). This 'Place de l'Union Européenne' was included in the competition's programme of studies.

Does the Commission intend to claim reimbursement of 50% of the competition funding from the Brussels-Capital Region, given that Belgium acknowledged the Commission's grievances (see letter of 19 February 2001 from Jill Michielssen, for the Commission's DG Internal Market, to the third-placed entrant)?