

JOAQUÍN ALMUNIA

VICE-PRESIDENT OF THE EUROPEAN COMMISSION

Brussels, 20. 1. 14

Dear Ms Gomes, *dear Ana,*

*Thank you for your letter of 20 December 2013 informing me of the complaint you have lodged with the Prosecutor General's Office in relation to possible criminal actions in the context of the tender of the sub-concession of the land on which Estaleiros Navais de Viana do Castelo S.A. (ENVC) operates.*

*As discussed during our meeting of 11 December 2013, let me first reiterate that the Commission currently has a case open in relation to potential state aid to ENVC, namely case SA.35546 (2013/C) – Past measures in favour of Estaleiros Navais de Viana do Castelo S.A. The formal investigation procedure in this case was initiated on 23 January 2013.*

*It expresses the doubts of the Commission about a number of measures that the Portuguese Government took in favour of ENVC in the past, such as interest-bearing loans to cover operating costs in 2012, a capital increase in 2006 and loans granted between 2006 and 2011. As in any other investigation, we seek to assess whether those measures would constitute state aid and if so whether they would be compatible with the internal market.*

*Since the opening of the formal investigation procedure, my services and the Portuguese authorities have exchanged views on several occasions. The assessment of the case is still ongoing and I cannot yet advance when a final Decision will be adopted.*

*In relation to the specific issues you raise in your letter, it appears that they are not directly linked to this formal investigation procedure, which, as mentioned above, covers only the past measures provided to ENVC. According to your letter, the alleged irregularities in the sub-concession (which was tendered in 2013) would have its origin in certain provisions of the terms of reference and the program followed for the development of the tender.*

*Ms Ana Gomes, MEP  
European Parliament  
Rue Wiertz 60  
1047 Brussels*

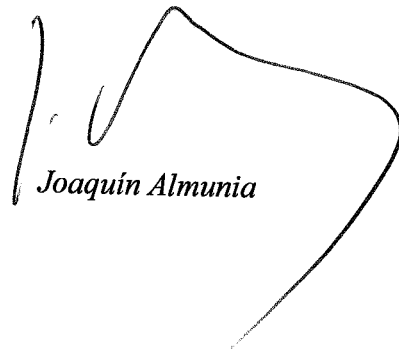
*Therefore, your concerns do not appear to relate to state aid but rather to the compliance of the tender with EU public procurement rules. The assessment of these rules falls within the remit of my colleague Michel Barnier, who is responsible for the Directorate General Internal Market and Services.*

*The additional arguments raised in your letter in respect to procedure 1712/11/MARK should also be addressed to Mr Barnier, since the Directorate General Internal Market and Services was the service dealing with this complaint in view of the fact that the issues raised therein mainly concerned EU public procurement rules.*

*For these reasons, I have forwarded your letter to Commissioner Barnier who is in charge of the Internal Market and Services portfolio. I trust that he will follow up on your request.*

*Yours sincerely,*

*Best regards,*



*Joaquín Almunia*