

**WRITTEN QUESTION TO THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES BY
THE DEPUTY OF ST. MARY
ANSWER TO BE TABLED ON TUESDAY 24th MARCH 2009**

Question

Can the Minister confirm whether the placing of a Notice in the OJEC (Official Journal of the European Community) by the Department in 2003 inviting companies to submit an “expression of interest” for dealing with Jersey’s waste placed a legal obstacle to engaging with and progressing expressions of interest which did not, in the first instance, come via the OJEC Notice procedure?

Answer

The OJEC notice was employed by the previous Committee to make established and reputable waste management companies aware of the Energy from Waste procurement. As Jersey is not a formal member of the European Union, there was no legal obstacle to engaging with and progressing expressions of interest from companies who did not formally respond to the OJEC notice. Indeed, the Department maintained a watching brief on all expressions of interest that arose up to the point of recommending the preferred solution for a replacement for the Bellozanne incinerator in May 2008. However, once formal tenders had been issued to four companies in November 2007, any subsequent company expressing interest would have had to offer a solution of considerable merit to have justified halting the procurement process. No such company emerged, although the Department reviewed 78 technology solution companies as part of the Waste Technology Options review.