

(2002/C 172 E/102)

WRITTEN QUESTION P-3629/01**by Salvador Garriga Polledo (PPE-DE) to the Commission**

(8 January 2002)

Subject: List of ESF-related cases of fraud and irregularities in Spain in the 1994-1999 period

In accordance with the framework agreement of 29 June 2000 on relations between Parliament and the Commission, in liaison with OLAF, forward a list specifying the bodies involved in the 137 irregularities concerning non-eligible expenditure relating to the ESF during the 1994-1999 programming period which have been notified by Spain?

Answer given by Ms Schreyer on behalf of the Commission

(28 January 2002)

The Commission would refer the Honourable Member to the answer it gave to his Written Question P-3135/01 ⁽¹⁾.

It notes that Article 10 of Commission Regulation (EC) No 1681/94 of 11 July 1994 concerning irregularities and the recovery of sums wrongly paid in connection with the financing of the structural policies and the organisation of an information system in this field ⁽²⁾ provides that 'the names of natural or legal persons may be disclosed to another Member State or Community institution only where this is necessary in order to prevent or prosecute an irregularity or to establish whether an alleged irregularity has taken place'.

Accordingly, in the absence of specific grounds, the Commission is not planning to forward the list of names referred to by the Honourable Member.

⁽¹⁾ OJ C 147 E, 20.6.2002, p. 111.

⁽²⁾ OJ L 178, 12.7.1994.

(2002/C 172 E/103)

WRITTEN QUESTION E-3638/01**by Stefano Zappalà (PPE-DE) and Antonio Tajani (PPE-DE) to the Commission**

(11 January 2002)

Subject: Monte Porzio Catone wine cooperative

Arsial, the regional agency for agricultural development and technical innovation in Lazio, Italy, intends, under Regional Law No 2/95 of 10 January 1995 (assenting opinion given by the Commission on 13 June 1997, reference SG-97-D/4471), to give incentives for share capital subscription for equipment for agricultural products. This is to be done under the conditions set out in the operational programme 1994-1999 for Lazio, approved by Decision (EC) 2602/96 of 3 October 1996 implementing Regulation (EC) 951/97 ⁽¹⁾ and the criteria set by the EU in Decision 94/173/EC ⁽²⁾.

The above-mentioned wine cooperative has requested funding for a measure of this type.

Arsial has also included the immovable property to be decommissioned in the evaluation, thus reducing the amount for which aid is to be given.

On 15 February 2001 the cooperative applied to the Lazio regional administrative court, which annulled Arsal's decision.

The Lazio region wrote to the Commission's Agriculture Directorate-General, on 30 December 1999, reference 13304, asking it to give an opinion on the matter.

In view of the above can the Commission say whether it intends to reply to the Lazio region, and if so, when?

Does the Commission not consider that financial aid should be granted in the amount requested, as held by the administrative court, with a view to helping regional agricultural development to become a genuine reality?

⁽¹⁾ OJ L 142, 2.6.1997, p. 22.

⁽²⁾ OJ L 79, 23.3.1994, p. 29.

Answer given by Mr Fischler on behalf of the Commission

(15 February 2002)

The Honourable Members' question relates to the activity of Arsial, the regional agency for agricultural development and innovation in Lazio (Agenzia Regionale per lo Sviluppo e l'Innovazione nell'Agricoltura del Lazio) and the way it applies Council Regulation (EC) No 951/97 of 20 May 1997 on improving the processing and marketing conditions for agricultural products⁽¹⁾ and the selection criteria for investments for improving the processing and marketing conditions for agricultural and forestry products set out by the Commission in Decision 94/173/EC of 22 March 1994⁽²⁾.

The Monte Porzio Catone wine cooperative applied for public financing under those provisions.

When assessing the application, Arsial deducted the value of a decommissioned production building from the overall financing.

On 15 February 2001 the wine cooperative brought the matter before the Lazio regional administrative court, which annulled Arsial's decision.

The letter of 30 December 1999 (reference 13304) which the Honourable Members claim Arsial sent the Commission has never been received by the latter.

It should be stressed that the way aid part-financed by the Community is used for the abovementioned programmes is the responsibility of the Italian regional and local authorities.

As a consequence, any appeals against administrative decisions concerning the management of part-financed aid must be brought before the courts in the Member State.

In cases as provided for in Article 234 of the EC Treaty, the Italian court concerned could request a ruling from the Court of Justice, which is the only institution competent to interpret the provisions of Community law.

In the light of the documents in the Commission's possession, Arsial appears to have taken the right decision with a view to sound financial management when it reduced the amount on which aid was to be granted by including the building to be decommissioned in the assessment.

⁽¹⁾ OJ L 142, 2.6.1997.

⁽²⁾ OJ L 79, 23.3.1994.

(2002/C 172 E/104)

WRITTEN QUESTION P-3646/01

by Fernando Fernández Martín (PPE-DE) to the Commission

(8 January 2002)

Subject: Budget line B7-6000

On 18 January 2000 the Commission adopted a discussion paper entitled 'The Commission and non-governmental organisations: building a stronger partnership'. The document outlined various ways of providing a Commission-wide framework for cooperation more coherent than that previously organised on a sector-by-sector basis.