

## **Decision of the European Ombudsman on complaint 198/98/IP against the European Commission**

Decision

**Case 198/98/IP - Opened on 26/03/1998 - Decision on 26/04/2000**

Strasbourg, 26 April 2000 Dear Mr P., On 5 February 1998 you lodged a complaint, on behalf of a group of flower growers of Puglia (Italy), with the Ombudsman against the European Commission. The complaint related to the alleged negligence and lack of control by the institution to ensure the correct implementation of the programme "INTERREG II" between Italy and Greece. On 26 March 1998, I forwarded the complaint to the President of the European Commission. The Commission sent the translation into Italian of its opinion on 9 July 1998 and I forwarded it to you with an invitation to make observations, if you so wished. On 26 October 1998, I received your observations on the Commission's opinion. On 2 March 1999 you sent me further information on the complaint. I am writing now to let you know the result of the inquiries that have been made.

### **THE COMPLAINT**

On 4 September 1994, two groups of Italian and Greek flowers growers created a producer's association in the floristic sector. On 28 September 1994, they presented a project in the framework of the INTERREG II Programme to the regional authorities of Puglia (Italy), with the aim to obtain grants from the Community funds. Having been informed that the project was not retained, the complainant started an intense exchange of views with the regional and national authorities in order to clarify some aspects of the case. Since he considered that the exam of the project had not been carried out correctly and that the relevant authorities had not properly motivated their actions, the complainant sent a complaint to the European Commission on 23 January 1995. The institution was asked to intervene in the framework of the negotiations of the INTERREG II programme with a view to reaching a positive decision. On 6 April 1995, the complainant requested the intervention of MEP Tatarella, who made a Parliamentary Question on the subject (n. E-1008/95) to the Commission. In its reply of 9 June 1995, the Commission guaranteed that it would control the correct development of negotiations. On May 1997, the complainant was unofficially informed that the agricultural sector had been excluded from those financed in the framework of the INTERREG II programme. Therefore, on 13 May 1997, he sent a new letter to the Commission asking for its intervention. In its reply the institution recalled that the national authorities are solely responsible for the management of the programme. Consequently, the complainant asked MEP Tatarella to address a new Parliamentary Question to the Commission, on the same subject as the previous one of 6 April 1995. This question was introduced on 4 June 1997. On 13 August 1997, a further letter had been sent to the



Commission by the complainant, in which he reiterated the request of intervention of the institution, with the view to obtaining the financing of the project. On 5 February 1998, Mr P. sent a complaint to the European Ombudsman claiming the following: 1) Negligence of the European Commission in monitoring the negotiations in the framework of the INTERREG II programme, 2) Lack of response to a Parliamentary Question made by MEP Tatarella, on 4 June 1997.

## THE INQUIRY

**The Commission's opinion** The comments from the European Commission on the complaint were in summary the following: The complaint concerned the programme of cross-border co-operation INTERREG II between Greece and Italy and namely the exclusion of action concerning floriculture from the final project financed by the Union. This programme was inserted in a collection of operational Community programmes for the development of border and cross-border zone co-operation in the framework of the INTERREG II initiative (1) . The Commission pointed out that the question of the inclusion of action concerning the sector of floriculture had already been the subject of a Parliamentary Question presented by MEP Tatarella, on the 6 of April 1995. In its reply to this question, the institution explained that the programme was defined and agreed jointly by the two Member States concerned. They would be equally responsible for fixing the priorities of intervention and the implementation's measures in the framework of the programme. Furthermore, the Commission underlined that this position had been re-affirmed on 10 June 1996, by Directorate General VI in its reply to a letter sent by the complainant. As regards the alleged failure by the Commission to reply an additional written question also presented by MEP Tatarella on 4 June 1997, the Commission stressed that the answer to this question, which confirmed the contents of the former reply, had been published in O.J. No. C 76 of 11 March 1998. The Commission also recalled that, according to points 25 and 26 of the Communication No 94/C 180/13 (2) , it is for the Member States concerned to propose actions to co-finance the framework of operational programmes adopted under the initiative INTERREG II. On the basis of these proposals, the Commission has to evaluate the conformity of actions proposed with Community legislation and with the relevant programme. The fact that the agricultural sector had not finally been included in the programme approved by the Commission cannot be considered, according to the institution, a valuable argument to support that the Commission has not respected its obligations to properly monitor the implementation of the programme. Moreover, the Commission noted that the first version of the proposed programme, including some measures related to the floriculture sector, had been the subject of an in-depth examination at the different levels of the Commission's services. During the meeting of partnership of 24 October 1996, Directorate General VI communicated its observations to the national authorities as well as the problems raised in this sector and envisaged solutions. The Commission also pointed out that in view of these problems, the relevant authorities of the two Member States concerned preferred not to include anymore measures for the agricultural sector in the final programme that was submitted to the Commission on the 20 May 1997 and approved on 20 November 1997. **The complainant's observations** The Ombudsman forwarded the Commission's opinion to the complainant with an invitation to make observations. In his observations the complainant basically maintained his original complaint. He also underlined that, when he lodged his complaint with the Ombudsman, the Commission had not provided any reply to the Parliamentary Question made



by MEP Tatarella on 4 June 1997.

## THE DECISION

### **1 The alleged failure of properly monitoring the implementation of the negotiations related to the INTERREG II programme by the Commission**

1.1 The complainant alleged that the exclusion of action concerning floriculture in the Italian region of Puglia within the framework of the programme of cross-border co-operation Interreg II, was due to the Commission's negligence to properly monitor the development of the programme. 1.2 The Commission stated that the proposal of the programme was defined and agreed jointly by the two Member States concerned, which would be equally responsible for fixing the priorities of intervention and the implementing measures in the framework of the programme. 1.3 One of the basic principles of the Community policy for economic and social cohesion is the so called "partnership" among the different actors involved in the process. The Community operations are to be carried out through close consultation between the Commission, the Member States concerned and its competent authorities. Communication No 94/C 180/13 (3) , establishes that: *"in the context of INTERREG II, Community assistance in the form of loans and grants and technical assistance is made available for measures and in areas which respect the guidelines laid down in this notice, and which are included in operational programmes and projects submitted by the Member States and approved by the Commission of the European Communities"* . 1.4 In this case it appears that, following the meeting of 24 October 1996 between the Commission services and the national authorities of the two Member States concerned, the national authorities decided not to include anymore measures for the agricultural sector in the final programme then submitted and approved by the Commission. The Ombudsman considers that the Commission, by approving such a programme as presented by the national authorities, had not failed to fulfil its obligations and that there is no instance of maladministration in relation to this aspect of the case. **2 Lack of response to a Parliamentary Question**

2.1 The complainant alleges that the Commission did not answer to the Parliamentary Question addressed by the MEP, Mr. Salvatore Tatarella, on 4 June 1997. 2.2 The Commission in its opinion pointed out that a reply was given and published in O.J. No. C 76 of 11 March 1998. 2.3 The Ombudsman notes that when the complaint was lodged, the Commission had not replied to MEP Tatarella's Parliamentary question. Since the Commission has given a response on 11 March 1998, the Ombudsman considers that there is no instance of maladministration in relation to this aspect of the case. **3 Conclusion** On the basis of the European Ombudsman's inquiries into this complaint, there appears to have been no maladministration by the European Commission. The Ombudsman has therefore decided to close the case. The President of the European Commission will also be informed of this decision. Yours sincerely, Jacob SÖDERMAN

(1) Communication of the Commission to the Member States n° 94/C 180/13, OJ No C 180 of 01.07.1994, p. 60

(2) OJ No C 180, 01.07.1994, p. 60

(3) OJ No C 180, 01.07.1994, p. 60