

P. NIKIFOROS DIAMANDOUROS

Mr José Manuel Barroso  
President  
European Commission  
B-1049 Brussels  
BELGIQUE

Strasbourg, 17 -02- 2009

**Own-initiative inquiry OI/1/2009/GG concerning the European Commission**

Mr President,

Article 195 of the Treaty establishing the European Community empowers the European Ombudsman to conduct inquiries on his own initiative in relation to possible instances of maladministration in the activities of Community institutions and bodies.

In his own-initiative inquiry OI/5/99/(IJH)GG, the Ombudsman investigated the subject of late payment by the Commission. This inquiry was closed on 16 February 2001.

On 14 December 2007, I informed you that I had decided to open an own-initiative inquiry concerning the issue of timeliness of payment by the European Commission (OI/5/2007/GG). This inquiry was closed on 20 June 2008.

In my decision closing this inquiry, I noted that many of the measures adopted by the Commission in this context, and in particular those that resulted in changes of Regulation 2342/2002, appeared to be comparatively recent and that it was therefore too early to assess the impact that they would have on the situation. In my view, the best way to proceed was thus to close inquiry OI/5/2007/GG and to open a new own-initiative inquiry in early 2009, when figures for the Commission's performance in 2008 would be available.

I have therefore decided to open a new own-initiative inquiry into the subject of timeliness of payment by the Commission.

I would very much appreciate it if the Commission could inform me of the results of the steps it has taken to identify and deal with the causes of delays in making payments to contractors and to beneficiaries of grants and subsidies. I would of course also be interested in obtaining information on any further steps the Commission may have taken in this field.

In this context, it would be most useful if the Commission could also present statistical data that might illustrate the problem or the remedial action taken by the Commission. I would be particularly interested in receiving information on the number and percentage of cases where delays in payment occurred, on the extent of the delays that occurred, on the sums involved and on the cases where interest was paid on account of late payment.

As explained in point 1.10 of my decision on case OI/5/2007/GG, I also consider it necessary to review the effects of the revision of Article 106(5) of Regulation 2342/2002. It would therefore be very much appreciated if the Commission could address this aspect in its opinion.

I would very much appreciate it if the Commission could send its opinion by 31 May 2009 at the latest.

If you should have any queries concerning this case, please do not hesitate to contact Mr Gerhard Grill (+ 33 3 88 17 24 23), who will be responsible for this inquiry.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. Diamandouros', with a long horizontal line extending to the right.

P. Nikiforos DIAMANDOUROS