

P. NIKIFOROS DIAMANDOUROS

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

Strasbourg, 24 -06- 2009

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

Mr President,

On 17 February 2009, I informed the Commission that I had decided to open a new own-initiative inquiry into the subject of timeliness of payment by the Commission. This new inquiry follows a previous own-initiative inquiry concerning this subject (OI/5/2007/GG), which was closed on 20 June 2008

The Commission submitted its opinion on 28 May 2009.

Having examined this opinion, I have reached the conclusion that further information is needed in order to enable me to deal with this case.

I should therefore be grateful if the Commission could provide me with additional information as regards the following questions:

- (1) In its opinion, the Commission sets out three steps that it has decided to adopt in order to improve the situation as regards the timeliness of its payments. These steps are also described in the Commission's Communication of 8 April 2009 entitled 'Streamlining financial rules and accelerating budget implementation to help economic recovery' (SEC(2009)477). The second of these steps concerns a new time-limit of 30 days for all payments other than 'first' pre-financing payments. In its Communication, the Commission explains that "[m]eeting this ambitious target will require a specific effort, given the number and volume of payments handled by the Commission and the proportion which is currently overdue compared to existing time-limits." In its opinion, the Commission has referred to the role entrusted to its Accounting Officer and the fact that Directors-General and/or Heads of Service will be required to present, and comment upon, the performance of their services. However welcome and important these steps no doubt are, it is far from clear whether they will be sufficient to ensure that the revised target is met. As a matter of fact, it is clear that, at present, the Commission has considerable

difficulties in meeting the current target. Introducing an even more ambitious target is therefore only likely to lead to improvements if steps are taken to ensure that the Commission's staff is in a position to comply with this target and will do so. Could the Commission therefore please indicate what concrete measures it has taken with regard to its staff in order to ensure that its target is reached? In answering this question, it would be good to also take into account the relevant steps that the Commission had already mentioned in its opinion in case OI/5/2007/GG.

- (2) The figures provided by the Commission show that the overall amount of interest paid has increased in 2008 and that, on average, the amount of interest paid per request has also increased. Could the Commission therefore please provide more specific information concerning the interest that it has paid in 2008? In so doing, it would be useful to identify which areas or services account for most of this interest and to indicate whether any changes have, so far, been noted by comparison to previous years. Could the Commission please also provide details for the five (5) cases in which the highest amount of interest was paid upon request in 2008 and for the five (5) cases in which the highest amount of interest was paid without a request in 2008, by indicating the sum at stake, the delay that occurred, the economic sector and the Commission service concerned and whether the creditor was an individual, a small or medium-sized company or a large enterprise?

Once I have received the Commission's reply to these questions, I will decide whether it is necessary or appropriate to invite the public to make observations on the subject of the present case. In that eventuality, the Commission's opinion, its reply to the present request for further information and my letters to the Commission concerning this case would be made available at my website.

I would be grateful to receive your reply by 30 September 2009.

Yours sincerely,

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

P. Nikiforos DIAMANDOUROS