WRITTEN QUESTION E-0952/04
by Benedetto Della Vedova (NI)
to the Commission

Subject: Procedure under article 24 of Community Regulation (EEC) No 4253/88

In 1999, following the initiation of criminal proceedings against a former director relating to events dating back to the period 1991/1992 and unconnected with training activities, the Italian Ministry of Labour issued a training organisation with an order suspending financing for some EOS, Now, Adapt and Youthstart training programmes pending the outcome of those proceedings (procedure under article 24 of Community Regulation (EEC) No 4253/88[1]).

The organisation in question appealed first to the Regional Administrative Court and then to the Council of State against this ministerial decision. This appeal was rejected on the grounds that the ministry had not cancelled the measures granting financing, but reserved the right to do so on conclusion of the criminal proceedings.

A final judgement was subsequently delivered acquitting the former director. The organisation therefore asked the ministry to launch the projects and release the corresponding financing. The ministry replied that, despite the acquittal, it could refuse to consent to the conclusion of the new agreement and, therefore, also to the launching of the activities.

However, procedure under article 24 of Regulation (EEC) No 4253/88 is not very clear. It is unclear what the procedure should be for the relaunch of activities (and/or conclusion of an agreement on the carrying-on of activities) and the release of funds when a final outcome has been reached on the circumstances resulting in the freezing of financing (e.g. acquittal of the accused).

Could the Commission therefore indicate:

1. Whether, besides the funds, the activities frozen can be reactivated?

2. What procedure is provided for as regards conclusion of the agreement, since an order has been issued suspending both the conclusion of the agreement and the corresponding financing?

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[1]   OJ L 374, 31.12.1988, p. 1.