

WRITTEN QUESTION P-6124/08
by Beniamino Donnici (ALDE)
to the Commission

Subject: Freezing of ROP payments in southern Italian regions

The Region of Calabria (Italy) has provided for funding to be granted for work to enlarge and fit out tourism infrastructure, under measure 4.4.2, Axis IV, of the regional operational programme (ROP) 2000-2006, having launched calls for tender and issued the relevant decrees awarding contracts to the beneficiary companies.

On the basis of Article 2(9) of Legislative Decree No 262/2006, incorporated into Presidential Decree No 602 of 29 September 1973 laying down the arrangements for public administration payments, that Region appears not to be making payment of the due amounts.

The aforementioned legislation requires that public administrations verify, prior to paying amounts of over EUR 10 000, whether the recipient has fulfilled its tax obligations, and, if it has not, to notify this to the tax recovery body and put the payment on hold.

In the opinion of many legal experts, the provisions of Article 48a are of dubious constitutional legitimacy and would breach other rules of the Italian State's code of civil procedure. It was precisely for that reason that the article was correctly interpreted in the circular of 29.7.2008, issued by the Ragioneria Generale dello Stato (State General Accounting Department), which clarified that it could not apply to payments relating to projects cofinanced by the EU.

In the light of the above, can the Commission state:

1. whether it is aware of this state of affairs;
2. whether that freeze on payments to beneficiaries also applies to other ROP measures and extends to other Italian regions;
3. what urgent steps it will take to remedy those irregularities, which are serious damaging to entrepreneurs and completely undermine the fundamental objectives of EU regional policies?