

Jose Manuel Barroso
President of the European Commission

16. 11. 2007

Brussels,
BARROSO (2007) A/6044
BARROSO (2007) D/ 1931

Dear Sir,

Thank you for your letter of 24 September.

Racism and xenophobia are incompatible with the principles on which the European Union is founded and which are common to the Member States.

Regarding your specific question, the project has been included on a list of key projects within Operational Programme Infrastructure & Environment, to be financed from European funding in 2007-2013. This list, however, is a purely internal mechanism of the Polish managing authority, drawn up to establish a project pipeline. It does not have any legal value, nor is it approved by the Commission. Every project financed by the Operational Programme will be subject to normal selection procedure, whether it is on the list of key projects or not. This means that the projects will have to respect the programme quality criteria, the monitoring committee selection criteria and, of course, Community law. The Commission has made this clear to the managing authority on numerous occasions and the Minister for Regional Development has stated that inclusion on the list is not a guarantee for funding.

It would therefore be premature to comment on the project's quality and eligibility for funding. We will keep this matter under careful review over the life of the operational programme.

I can assure you, however, that in any event, the Commission will not allow European funding to be used to support, directly or indirectly, activities incompatible with European principles, including fundamental rights. I also would like to recall Article 16 of Regulation 1083/2006¹ which lays down the rules for the implementation of European funding for cohesion policy. This prohibits discrimination based on gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation during the various stages of implementation of the funds.

Mr Moshe KANTOR
President
European Jewish Congress
78, avenue des Champs-Élysées
F - 75008 PARIS

¹ Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999, OJ L 210, 31.7.2006.

Projects are selected under the responsibility of national authorities, except in respect of funding for major projects (above €25 million or €50 million) for which the Commission must authorise a financial contribution from the funds. Since the project you mention is below this threshold, it is the responsibility of the Member State to prevent, detect and correct irregularities. However, the Commission is responsible for controlling whether these procedures are correctly applied. In case of serious deficiencies in the management and control system or serious irregularities which have not been corrected, or a serious breach by the Member State of its obligations on management and control, the Commission can decide to suspend or recover payments (Articles 92 and 99 of Regulation 1083/2006).

The Commission could also decide to apply Article 226 of the Treaty for failure to conform to the Treaty and secondary legislation.

Yours faithfully,

A handwritten signature in black ink, consisting of a vertical line on the left, a sharp downward hook, and a long, sweeping horizontal line that curves slightly upwards at the end.

José Manuel BARROSO