



European Parliament

## Parliamentary questions

14 May 2014

E-002960/2014

### Answer given by Mr Barroso on behalf of the Commission

The Commission would first note that the question of the delayed signature of the signature of the contract with the Commission's external lawyer in Case T-498/09 P was dealt with in the costs order mentioned in the question. Contrary to what is stated in the question, the matter was not merely dismissed as irrelevant. The applicant in that case expressly raised the question of a possible infringement of the Financial Regulation and the General Court held that it had no bearing on the reality of the work done by the lawyer, or the Commission's right to recover the costs (which was precisely the right which the applicant contested with this argument). The Commission would refer in particular to grounds 25-27 of the order. It should also be pointed out that the applicant's appeal against this order was dismissed by the Court of Justice as inadmissible.

At the request of the applicant in the abovementioned case, OLAF did indeed look at this matter and closed the file with no further action.

The Commission strives to ensure utmost respect for the provisions mentioned in the question. Nonetheless, it may occasionally happen that all the formalities needed for signature of a contract are not yet fully accomplished at the time where the Commission asks the lawyer, in the interest of the defence of the Union's legal interests, to start working on the file; in most cases this is due to short court deadlines imposed on the Commission. Such cases of derogation from applicable rules are monitored through the Commission's system of internal control, and the number of derogations from procedural rules (ICS n° 8) is recorded in the Commission Legal Service's Annual Activity Report.

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