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Frans Timmermans
Vice President of the European Commission

Marianne Thyssen
Commissioner for Employment, Social Affairs, Skills and Labour Mobility

Strasbourg, 14 of November 2017

Dear Vice-President,
Dear Commissioner,

On the 6th of December of 2012, I reported to OLAF a case of alleged fraudulent use of EU funds, in addition to mismanagement and influence peddling involving the Portuguese company Tecnoforma and the NGO CPPC, in which Mr. Pedro Passos Coelho, then Prime Minister of Portugal, and Mr. Miguel Relvas, then Minister for Parliamentary Affairs, had been involved.

On May 2013 I received a letter from former Commissioner László Andor, informing me of the opening of an investigation by OLAF (OLAF OF/2012/1352).

As reported by newspaper Público¹, two criminal investigations were also launched by the Portuguese Attorney General: one in Coimbra (Departamento de Investigação e Acção Penal de Coimbra - DIAP) and another one in Lisbon (Departamento Central de Investigação e Acção Penal (DCIAP)). In DCIAP, the focus of the investigation was on the possible favouring of Tecnoforma by politicians, among them Miguel Relvas, at the time when he was Secretary of State responsible for the Foral program, under which Tecnoforma was financed between 2000 and 2006. In Coimbra, prosecutors also investigated the possible favouring of Tecnoforma in the allocation of funds to a personnel training project for the municipal aerodromes and heliports of the Central region. In 2013, DCIAP requested assistance to OLAF, who sent two fraud experts.

We now know - thanks to the investigation carried out by journalist José António Cerejo and published yesterday by newspaper Público² - that the DIAP, in Coimbra, closed the case in the summer of 2014, over one year before the end of the OLAF investigation. It was also reported, this week, that almost five years after initiating the investigation, the Public Prosecutor's Office has closed the judicial procedure initiated by DCIAP. At stake were suspicions of corruption, abuse of power, economic participation and prevarication involving European funds (ESF).

¹ <https://www.publico.pt/2017/11/13/sociedade/investigacao/comissao-europeia-e-ministerio-publico-chegaram-a-conclusoes-opostas-no-caso-tecnoforma-1792098>

² idem.



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According to the Portuguese press, it was invoked that some of the facts, including alleged abuse of power, had already reached the statute of limitation three years before they were made public and the criminal investigation was initiated. In relation to other suspicions, the Public Prosecutor considers that there was insufficient evidence to show that Tecnoforma was, in some way, lawfully or unlawfully, favoured by the then Secretary of State for Local Administration, Mr Relvas. The former Prime Minister Mr. Pedro Passos Coelho was never requested to testify. Regarding the misuse of EU funds, no evidence of wrongdoing was found, either.

However, OLAF concluded differently in its report, stating that serious irregularities or even fraud were committed in the management of European funds awarded between 2000 and 2013 to Tecnoforma and to the National Association of Parishes (Anafre), who subcontracted the implementation, in 2006, to Tecnoforma. According to OLAF, the amount of EUR 6,747,462 should be recovered by the European institutions.

In line with the OLAF report, and considering the contradictions between the findings of the Portuguese authorities and OLAF investigators, will the European Commission request the recovery of the amount mentioned above? If so, will it be demanded from fraud suspected Tecnoforma or from the Portuguese State, therefore from all the Portuguese tax payers?

Furthermore, does the European Commission envisage any avenue/legal base to demand judicial or administrative review of the case, considering the contradictions between the assessments of OLAF and of the Portuguese Public Prosecutor and considering also the possibly selective reason to close the judicial investigation, given the top role in government of the politicians involved?

*Best regards,
Ana Gomes*

Ana Gomes
Member of the European Parliament