

To: SBS President
SBS Board Members

Oliver Grün,
President of PIN-SME, President of
Bundesverband IT-Mittelstand e.V.
(BITMi)

Fabio Massimo,
PIN-SME Vice President, SBS Board
Member

Peter Statev,
Chairman of ICT Cluster, Vice-
Chairman of the ETSI GA

Ref: SBS / PIN-SME contract

Dear President,
Dear Board Members,

Brussels, 1 July 2015

This letter is to provide additional information about the contract SBS / PIN-SME and request your reaction.

Firstly, as reported to the Board of 26 May 2015, PIN-SME diligently carried out all the tasks detailed in the SBS Work Program approved by the SBS General Assembly on 11 December 2015. These tasks include the representation of SBS in one of the three European Standards Organisations, ETSI, where our experts have been appointed as Vice Chairman of the General Assembly and member of the Board, as well as in other specific groups such as the ETSI IPR committee.

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www.pin-sme.eu

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UNION EUROPEENNE DE L'ARTISANAT ET DES PETITES ET MOYENNES ENTREPRISES
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The work of PIN-SME, as detailed in the SBS WP, is related to specific deliverables and is to be carried out in a specific number of Person-Days with a specific budget.

As you certainly know, all this was not only approved by the SBS General Assembly but also by the European Commission with the signature of the SBS grant for 2015.

Now, during the SBS Board of 26 May 2015 some members expressed concerns about the regularity of the procedures and the validity of the SBS / PIN-SME contract. This led to the decision to consult the European Commission and obtain their advice before approving the contract.

Consequently SBS received some oral indication by the European Commission and on 18 June informed the members and asked them for a vote before 25 June.

However, due to the absence of a key staff in the EC, the written response of the EC on the SBS / PIN-SME contract could only be delivered to SBS on 22 June. SBS decided not to share this information with the members of the Board, before the deadline for the vote was exceeded. The communication of the EC is in annex to this letter for your information.

The important information that we retain from the EC communication is that:

- 1) the EC approved the choice of PIN-SME as entity that will carry out the sectoral activities in the WP.**
- 2) There are no irregularities in the proposed contract.**

With this, the EC completely clarified all the issues raised by some Board members on 26 June. Therefore, we request the President of SBS to immediately sign the proposed contract.

Having said this, we also call the members of the Board to react on the following issues:

- a) The secretariat of SBS received a fundamental information from the EC on 22 June, thus before the deadline for vote on the PIN-SME contract, and decided not to share this information with the members of the Board. We consider this behaviour extremely unprofessional and not transparent, especially taking into account that SBS

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is responsible for the use of public money. We cannot support such behaviour as a member of the Board, because we do not want to bear any legal responsibility for it.

- b) The regularity of signing a contract with PIN-SME was clearly expressed by the EC. Instead, the consequences of a decision to reject such contract are still to be clarified. For sure, not signing a contract and not performing the activities listed in the EC grant are breaches in the agreement with the European Commission. Certainly, these breaches would have legal consequences that may entail responsibilities of the administrators.

We expect your timely reaction on the information and issues raised in this letter and we remain at your disposal for any additional clarification.

Yours faithfully,

Oliver Grün,
President of PIN-SME President, President of Bundesverband IT-Mittelstand e.V. (BITMi)

Fabio Massimo,
SBS Board Member, PIN-SME Vice President

Peter Statev,
Chairman of ICT Cluster, Vice-Chairman of the ETSI GA

Annex:

Email from the EC to SBS of 22 June 2015 – ref: SBS / PIN-SME contract

From: TESSAROLO Annalisa (GROW) **Sent:** Thursday, June 25, 2015 12:11 PM
To: Sebastiano Toffaletti **Cc:** 'Sandrine Laurent'; WU Alice (GROW); **Subject:**
FW: SBS-PIN SME draft contract **Importance:** High

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Dear Sebastiano,

following your request, please find here below the email with our feedback concerning the draft contract between SBS and PIN-SME.

Best regards,

ANNALISA TESSAROLO



Legal Officer **European Commission** DG for Internal Market,
Industry, Entrepreneurship and SMEs

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From: TESSAROLO Annalisa (GROW) **Sent:** Monday, June 22, 2015 12:04 PM
To: 'Sandrine Laurent' **Cc:** AGUINAGA Jean-Francois (GROW); BOLLENS Hein (GROW); WU Alice (GROW); POSLUSZNA Anna Katarzyna (GROW); GIANNIODIS Anne (GROW) **Subject:** SBS-PIN SME draft contract **Importance:** High

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Dear Sandrine,

following our phone conversation with you earlier this morning, please find below a summary of our position on the issue concerning the draft contract between SBS and PIN-SME that has been brought to our attention:

- first of all, SBS is responsible for ensuring the smooth and complete implementation of its work programme, informing the Commission if there is any problem in pursuing the implementation;
- the Commission has signed an Operating Grant Agreement with SBS to support the implementation of its 2015 Work Programme and, in the approved proposal submitted by SBS, it is foreseen that the activities concerning the ICT sector are to be performed by PIN-SME.

As already mentioned, SBS is responsible for assuring the correct implementation of the activities; the Commission does not normally intervene in the internal dynamics and contractual relationships between SBS and its members. Nevertheless, we have looked at the draft contract and we do not have particular comments about it.

Best regards,

ANNALISA TESSAROLO

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Legal Officer **European Commission** DG for Internal

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