

Decision of the European Ombudsman on complaint 461/98/XD/BB against the European Commission

Decision

Case 461/98/BB - Opened on 22/06/1998 - Decision on 09/06/1999

Strasbourg, 9 June 1999 Dear Sirs, On 27 April 1998 you made a complaint to the European Ombudsman on behalf of the Finnish Paralympic Committee (FPC) concerning an application for Community funds by FPC in the framework of the 1996 Atlanta Paralympic Games. On 22 June 1998, I forwarded the complaint to the President of the European Commission. The Commission sent its opinion on 1 October 1998 and I forwarded it to you with an invitation to make observations, if you so wished. You have not made any observations on the Commission's opinion. I am writing now to let you know the results of the inquiries that have been made.

THE COMPLAINT

The European Commission supports sports for the disabled by means of a physical exercise programme organised through DG V and DG X. One element in the programme has been financial support for the participation in the Paralympic Games in Atlanta. The Secretariat of the International Paralympic Committee (IPC) is responsible for the practical organisation. The complainants claim that the Finnish Paralympic Committee did not receive any financial support for their participation in the 1996 Paralympics in Atlanta because of alleged errors committed by IPC. As the financial support for the Paralympic Games was awarded through the European Commission, the complainants claim that the European Commission has to be held responsible for alleged errors committed by IPC. According to FPC's calculation the contribution to the Finnish delegation would have amounted to 130.000 FRF. The complainants believe that the European Commission and IPC are jointly responsible for the compensation.

THE INQUIRY

The Commission's opinion In its opinion the Commission stated, in summary, the following: - IPC sent on 17 May 1995 to each of the Committees in the 15 Member States a letter which included an application form for the 1996 Paralympic Games. Finland was the only new Member State which claimed that it did not receive IPC's communications although the address used by IPC corresponded with the one FPC had given in later correspondence. - On 28 August 1995, the Finnish committee submitted to the European Committee on Sports for Persons with Disabilities (ECSPD) a separate ordinary project application for a contribution for the costs of taking part in the Atlanta Games under the EU Sports for Persons with Disabilities programme. - At the annual meeting on 21 November 1995, the Commission informed the Finnish delegation



that their application could not be considered on the grounds that the ordinary application procedure was not applicable, as the Atlanta Paralympic Games were treated as a separate project and, therefore, applications had to be introduced at the national level as they had to be transmitted to IPC. - The Commission was unaware of the reasons for which FPC, despite of the information provided by the Commission services, did not contact IPC between November 1995 and June 1996. - On 11 June 1996, IPC introduced the final documents to the Commission with an application for a financial contribution. Finland did not figure among the Member States applying for a contribution as it had not introduced an application. - The Commission regretted that the Finnish application could not be taken into account as the required procedures had not been followed. - From 21 November 1995 on the complainants knew, firstly, that their application could not be taken into consideration in the activities financed through the European Committee on Sports for Persons with Disabilities and, secondly, that it was necessary to be in touch with IPC and reply to the letter of 17 May 1995 in order for the costs of the Finnish delegation to be taken into consideration. **The complainant's observations** The complainants made no observations on the Commission's opinion.

THE DECISION

1 Alleged errors in the practical organisation of financial support for the Atlanta

Paralympic Games 1.1 As regards the allegation that International Paralympic Committee has committed errors, the Ombudsman observes that the allegations of the Finnish Paralympic Committee have not been corroborated with proof establishing that their application was not registered on time due to errors committed by the IPC. 1.2 Against this background, the Ombudsman has not found elements which would enable him to conclude that the Commission should in the present case be held responsible for alleged errors committed by IPC and therefore the issue of the Commission's responsibility does not arise in this case. **2 Claim for**

compensation As the Ombudsman's inquiries have not revealed an instance of maladministration by the European Commission, there is no basis for the claim that compensation should be awarded to the Finnish Paralympics Committee. **3 Conclusion** On the basis of the European Ombudsman's inquiries into this complaint, there appears to have been no maladministration by the European Commission. The Ombudsman has therefore decided to close the case. The President of the European Commission will also be informed of this decision. Yours sincerely, Jacob SÖDERMAN