

## **Decision of the European Ombudsman on complaint 739/98/ADB against the European Commission**

Decision

**Case 739/98/ADB - Opened on 06/10/1998 - Decision on 05/07/1999**

Strasbourg, 5 July 1999 Dear Mr T., On 16 July 1998 you lodged a complaint with the European Ombudsman on behalf of your organisation, concerning the allegedly unfounded refusal of the European Commission to pay an invoice submitted by your organisation in the framework of a TACIS Programme. On 29 July 1998 you submitted additional evidence to the European Ombudsman. On 6 October 1998, I forwarded the complaint to the President of the European Commission. The European Commission sent its opinion on 1 February 1999 and I forwarded it to you with an invitation to make observations, if you so wished. I received your observations on 15 February 1999. On 11 March 1999 I asked the European Commission for an additional opinion, which I received on 15 June 1999 (enclosed). In accordance with Article 195 of the Treaty establishing the European Community, the European Ombudsman may not conduct inquiries where the alleged facts are or have been the subject of legal proceedings. I am writing now to let you know the result of the inquiries that have been made. In your letter of 8 June 1999 you informed me that the facts alleged in your complaint to the Ombudsman are now the subject of legal proceedings before Belgian Courts. Article 2 (7) of the Statute of the Ombudsman provides that, when the Ombudsman has to terminate his consideration of a complaint because of legal proceedings, the outcome of any inquiries he has carried out up to that point shall be filed without further action. The Ombudsman has therefore decided to close the case. Yours sincerely, Jacob SÖDERMAN