

## Decision of the European Ombudsman on complaint 1123/98/IJH against the European Commission

Decision

**Case 1123/98/IJH - Opened on 29/10/1998 - Decision on 03/09/1999**

Strasbourg, 3 September 1999 Dear Mr M., On 20 October 1999, Mr W., former Acting Director of ECOS-Ouverture Programme, lodged a complaint with the European Ombudsman on behalf of Glasgow City Council and the Council of European Municipalities and Regions concerning the failure of the Commission, DG 1A, to issue an addendum to the Phare Contract No. 94-0967. On 29 October 1998, I forwarded the complaint to the President of Commission. The Commission sent its opinion on 10 March 1999 and I forwarded it to you with an invitation to make observations, if you so wished. On 10 December 1998 Mr W. sent a further letter to the Ombudsman and on 18 February 1999, I received further information from you in relation to the complaint. On 23 July 1999, a telephone call from the Ombudsman's services to your services was made. I am writing now to let you know the results of the inquiries that have been made.

### THE COMPLAINT

In February 1995 a Phare Contract was signed between the Commission and Glasgow City Council and the Council of European Municipalities and Regions. In 1995 the managing agents estimated that there would be a significant underspend on the project. Following discussions with the Commission, it was decided how the underspend would be used. They were later told by the Commission that an addendum would be necessary and the preparations for an addendum started in June 1996. In July 1997, the Commission formally accepted the need to issue an addendum and requested information from the complainants which was delivered to the Commission in October 1997. Because of the Commission's failure to issue the addendum to the contract, in October 1998 the complainants complained to the Ombudsman.

### THE INQUIRY

**Further information from the complainants** In February 1999, the complainants informed the Ombudsman that the Commission had now issued the addendum to the contract, although no payment had yet been made under the addendum. **The Commission's opinion** In its opinion the Commission stated that it had re-examined its position and settled the dispute with the complainants. The Ombudsman asked the complainants to comment on the opinion of the Commission but no written observations were received by the complainants. However, in a telephone call from the Ombudsman's services to the complainants, they confirmed that the addendum had been made and that the case, as far as the original complaint was concerned, was settled. They further stated that they had not yet received payment on the addendum but it



appeared that they did not wish to pursue the payment issue at this stage.

## THE DECISION

The complainants complained about the Commission's failure to issue an addendum to a Phare contract. During the inquiry, the Commission re-examined its position and issued the addendum to the contract. The complainants expressed satisfaction with the action of the Commission.

**Conclusion** It appears from the Commission's opinion and the complainants' observations that the Commission has taken steps to settle the matter and has thereby satisfied the complainants. The Ombudsman therefore closes the case. The Acting President of the European Commission will also be informed of this decision. Yours sincerely Jacob SÖDERMAN