

Decision of the European Ombudsman on complaint 1288/98/PD against the European Commission

Decision

Case 1288/98/PD - Opened on 18/12/1998 - Decision on 08/07/1999

Strasbourg, 8 July 1999 Dear Mr S., On 7 December 1998 you made a complaint against the European Commission concerning the Commission's failure to reply to your demand for reimbursement of costs related to your participation in competition COM/A/12/98. On 18 December 1998 I forwarded the complaint to the President of the European Commission. The Commission sent its opinion on 22 March 1999 and I forwarded it to you with an invitation to make observations, if you so wished. No observations were received. I am writing now to let you know the results of the inquiries that have been made.

THE COMPLAINT

On 14 September 1998 the Commission organised written tests in the competition in question. Shortly after the tests, the Commission considered itself obliged to annul the tests, in particular because there had been a leak of the questions asked to the applicants. The complainant participated in the tests, at the exam venue in Dusseldorf. Given the fact that the complainant lived in New York, he had to bear the costs for a return ticket New York-Dusseldorf in order to assist. Given the subsequent annulment of the tests, the complainant considered that the Commission should reimburse him the costs. He addressed the Commission on this subject but in vain. Against this background, the complainant lodged the complaint with the European Ombudsman.

THE INQUIRY

The Commission's opinion In its opinion the Commission regretted that it had to annul the tests in question. Furthermore, it explained that normally, it does not dispose of sufficient budgetary funds for reimbursing applicants. However, given the exceptional character of the situation, it had decided to reimburse applicants for their travel costs, provided that they participated in the tests organised in replacement of the annulled ones. The reimbursement would be subject to maximum limits. **The complainant's observations** No observations were lodged. In the absence of the observations, the Ombudsman's services contacted the complainant. The complainant expressed satisfaction with the Commission's action and thanked the Ombudsman for his intervention.

THE DECISION

1 Reimbursement of travel costs 1.1 It appears from the Commission's opinion that it has



taken steps to grant the complainant's claim with which the complainant is content. **2**

Conclusion It appears from the Commission's opinion and the complainant's observations that the Commission has taken steps to settle the matter and has thereby satisfied the complainant. 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