

## Decision of the European Ombudsman on complaint 938/99/(IJH)MM against the European Commission

Decision

**Case 938/99/MM - Opened on 05/11/1999 - Decision on 19/10/2000**

Strasbourg, 19 October 2000 Dear Mr C., On 25 September 1999, you made a complaint to the European Ombudsman concerning the reimbursement of your expenses by the Commission for your attendance of a joint COST Action meeting held in Dublin on 23-25 April 1998. On 5 November 1999, I forwarded the complaint to the President of the European Commission. The Commission sent its opinion on 7 January 2000 and I forwarded it to you with an invitation to make observations, if you so wished. No observations appear to have been received from you. My services have tried to reach you without success by telephone and sent a message by fax on 22 August 2000. On 1st October 2000, you sent a message by fax. I am writing now to let you know the results of the inquiries that have been made.

### THE COMPLAINT

According to the complainant the relevant facts were as follows: The complainant attended a joint COST Action meeting 822 and 824 held in Dublin on 23-25 April 1998. He alleged that, although he contacted repeatedly the responsible at the former DG XII/B/1 (General Directorate Science, Research and Development), the Commission failed to reimburse him the expenses resulting from his attendance. Further, he claimed to receive interests for the delayed payment of expenses.

### THE INQUIRY

**The Commission's opinion** In its opinion, the Commission made the following comments: The complainant had participated at a meeting of the COST Action 822 on "Molecular aspects of differentiation" in Dublin, Ireland on 22-23 April 1998. In his first application for reimbursement of expenses the complainant supplied first wrong details concerning the bank account to which the amount should be transferred. After clarification, the transfer of 261,11 € was effected by the Commission on 16 September 1998 and credited on 24 September 1998. The complainant claimed on several occasions not to have received the reimbursement of expenses. The Commission verified that the transfer was made according to the indications of the complainant and specified him on 5 November 1998 the transfer details. The Commission did not have any evidence that the sum was returned to it and concluded that the amount in question was at the complainant's bank. **The complainant's observations** On 1st October 2000, the complainant sent a fax message maintaining his complaint, as no payment had yet been lodged at his account.



## THE DECISION

### **1 Failure to reimburse expenses resulting from an attendance at a COST Action meeting**

1.1 The complainant alleged that the Commission failed to reimburse him the expenses resulting from his attendance at a joint COST Action meeting held in Dublin on 23-25 April 1998.

The complainant spent a lot of time and effort in order to find a solution with the Commission and his bank.

1.2 The Commission put forward that the amount of 261,11 € was transferred on 16 September 1998 and credited on the complainant's indicated bank account on 24 September 1998. On 5 November 1998, the Commission forwarded the transfer details to the complainant.

According to the Commission's indications this amount had not been returned. Therefore, the Commission assumed that the amount was at the complainant's bank.

1.3 The Ombudsman considers that the Commission has furnished the proof in form of the transfer quittance forwarded to the complainant of 5 November 1998. The details on this form correspond to the indications, which the complainant forwarded per fax to Mr Hannes Schüepp at the

Commission's former DG XII/B/1. Hence, on 16 September 1998, 261,11 € had been transferred to the account of Mr C., account n° 00353062 at the Allied Irish Bank, College Road, Cork, Ireland.

All the evidence points to the fact that the amount was transferred to the Allied Irish Bank.

1.4 On the basis of the above, there appears to have been no maladministration on the part of the Commission in so far as the first allegation put forward by the complainant is concerned.

### **2 Claim to receive interests for the delayed payment of expenses**

2.1 The complainant claimed interests on the amount of 261,11 € as compensation for the delayed payment of the expenses resulting from his attendance at the joint COST Action meeting on 23-25 April 1998. On 1st October 2000, he had not yet received the payment.

2.2 The Commission did not comment on this claim. It merely stated that the amount had been duly transferred on 16 September 1998.

2.3 The Ombudsman considers that the Commission has provided evidence for having effected the transfer on 16 September 1998, which reached the indicated bank account on 24 September 1998. Therefore, it appears that the alleged delay caused could not be attributed to the Commission's negligence. The Ombudsman therefore concludes that there is no maladministration as regards this aspect of the case.

### **3 Conclusion**

On the basis of the Ombudsman's inquiries into this complaint, there appears to have been no maladministration by the European Commission. The Ombudsman therefore closes the case.

The President of the European Commission will also be informed of this decision. Yours

sincerely Jacob SÖDERMAN