



## Decision of the European Ombudsman on complaint 333/2000/(IJH)BB against the European Commission

Decision

**Case 333/2000/BB - Opened on 17/05/2000 - Decision on 12/10/2001**

Strasbourg, 12 October 2001

Dear Mr L.,

On 3 March 2000, you made a complaint to the European Ombudsman about alleged failure by the European Commission to make the final payment of € 80 000 due under a project called Post-16 Strategies (ID 3901) within the framework of the Leonardo da Vinci programme.

On 17 May 2000, I forwarded the complaint to the President of the European Commission. On 26 October 2000, the Commission sent an opinion on your complaint and I forwarded it to you with an invitation to make observations. As you had not sent your observations, the Ombudsman Secretariat contacted you by telephone on 24 January 2001. You expressed your satisfaction to the fact that the Commission had made the final payment of the project. However, you noted that the Commission had not paid the claimed interest. On 26 January 2001, you sent to the Ombudsman your written observations in which you reiterated your claim for interest. On 28 March 2001, I forwarded your observations to the Commission requesting a complementary opinion. On 7 June 2001, the Commission sent a complementary opinion which was forwarded to you for your complementary observations. On 26 June 2001 you sent your complementary observations expressing your satisfaction with the Commission's decision to pay interest.

I am writing now to let you know the results of the inquiries that have been made.

### THE COMPLAINT

The complainant alleged that the European Commission should have made the final payment due under the project Post-16 Strategies (ID 3901) within the framework of Leonardo da Vinci programme by August 1998. The complainant had sent two letters of reminder in 1998 and 1999 and she had contacted the Commission several times by telephone. When she last contacted the Commission on 3 March 2000, the Commission services promised that the sum would be paid in two weeks, but at a reduced amount of € 72 342.



In her complaint to the Ombudsman the complainant claimed the payment of the full amount of € 80 000 with interest.

#### **THE INQUIRY The Commission's opinion**

In its opinion the Commission made the following points:

As regards project FIN/95/3901, the final report of the project was sent to the Commission in May 1998. Within the Leonardo da Vinci Programme a technical assistance office evaluated the final report. At a later stage, the Commission decided, however, not to renew its contract with the company governing the technical assistance office. In order to guarantee continuity and management of the on-going projects the Commission decided to manage itself the programme. In practice, for many different reasons the Commission was only able to take over the management in April 1999. The Commission had to solve many problems in relation to the management of the programme. After the revision of the evaluation report, the Commission sent a request for further information on 2 September 1999. The evaluation was finalised in December 1999 after reception of the documents.

The request for the final payment was made on 10 January 2000. However, the Commission had numerous technical problems and in order to solve these problems it needed to establish a new procedure which unfortunately took a lot of time. The Commission regretted the problems caused to the contractors by this delay.

In July 2000, the financial services of the Commission received complementary documents necessary for the payment of the project and the final agreement was concluded on 16 August 2000. The final payment of this project was sent to the Commission's bank on 21 August 2000.

In the decision to fund the project it was mentioned that public authorities may not obtain interest.

#### **The complainant's observations**

The complainant maintained her claim that the Commission should pay interest for the delayed final payment.

#### **The Commission's complementary opinion**

The Commission in its complementary opinion explained that after having re-evaluated the claim on the basis of its Communication of 10 June 1997 on the conditions for the payment of interest case it had decided to pay interest to the contractor in project FIN/95/3901 Leonardo da Vinci.

#### **The complainant's complementary observations**

The complainant thanked the European Ombudsman and expressed her satisfaction with the outcome of her complaint.

#### **THE DECISION 1 Alleged failure to pay the final instalment in full**

1.1 The complainant alleged that the Commission had not made the final payment of € 80 000 in project FIN/95/3901 within the framework of the Leonardo da Vinci Programme.

1.2 In its opinion the Commission explained that it had numerous technical problems in relation to the management of the Leonardo da Vinci programme and in order to solve



these problems the Commission needed to establish a new procedure which unfortunately took a lot of time. The Commission regretted the problems caused to the contractors by this delay. In July 2000, the financial services of the Commission received complementary documents necessary for the payment of the project and the final agreement was concluded on 16 August 2000. The final payment of this project was sent to the Commission's bank on 21 August 2000.

1.3 The Commission appears to have taken steps to settle the matter and the complainant has expressed her satisfaction with the outcome of the complaint regarding the final instalment.

## **2 Payment of interest for the delay**

2.1 The complainant claimed the payment of interest for the delayed final instalment of € 80 000.

2.2 The Commission in its complementary opinion explained that after having re- evaluated the claim on the basis of its Communication of 10 June 1997 of the Commission on the conditions for the payment of interest case it had decided to pay interest to the contractor in project FIN/95/3901 Leonardo da Vinci.

2.3 The Commission appears to have taken steps to settle the matter and the complainant has expressed her satisfaction to the outcome of the complaint regarding the final instalment.

## **3 Conclusion**

It appears from the European Commission's opinion and the complainant's comments that the Commission has taken steps to settle the matter and has thereby satisfied the complaint. The Ombudsman therefore closes the case.

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

Yours sincerely,

Jacob SÖDERMAN