

Decision of the European Ombudsman on complaint 444/2000/ME against the European Commission

Decision

Case 444/2000/ME - Opened on 28/04/2000 - Recommendation on 07/02/2002 - Decision on 10/09/2002

Strasbourg, 10 September 2002

Dear Mr O.,

On 29 March 2000, you made a complaint to the European Ombudsman on behalf of Hunting Technical Services (HTS) concerning the alleged failure by the European Commission to make a settlement following the termination of a project in Nigeria.

On 28 April 2000, I forwarded the complaint to the President of the European Commission. The Commission sent its opinion on 17 July 2000. I forwarded it to you with an invitation to make observations, which you sent on 29 September 2000. On 5 May 2001, I proposed a friendly solution to the Commission. The Commission sent its reply on 27 September 2001. I forwarded it to you with an invitation to make observations, which you sent on 30 November 2001. On 7 February 2002, I made a draft recommendation to the Commission. The Commission sent its detailed opinion on 27 March 2002. I forwarded it to you with an invitation to make observations, which you sent on 24 May 2002. On 2 August 2002, the Commission sent a supplementary opinion. I forwarded it to you with an invitation to make observations, which you sent on 3 September 2002.

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

THE DRAFT RECOMMENDATION

By decision dated 7 February 2002, following an inquiry into the complaint and an attempt to achieve a friendly solution, the Ombudsman addressed the following draft recommendation to the Commission in accordance with Article 3(6) of the Statute of the Ombudsman (1) :

The Commission should propose a settlement of the claim for financial losses put forward by HTS, by 31 May 2002 at the latest.

Full details of the inquiry and the draft recommendation are provided in the decision of 7



February 2002, a copy of which was also forwarded to the complainant.

THE COMMISSION'S DETAILED OPINION

The Ombudsman informed the Commission that, according to Article 3(6) of the Statute, it should send a detailed opinion before 31 May 2002 and that the detailed opinion could consist of the acceptance of the Ombudsman's draft recommendation and a description of how it has been implemented.

On 27 March 2002, the Commission sent to the Ombudsman a detailed opinion regretting that it could not comply with the draft recommendation.

On 2 August 2002, the Commission sent the Ombudsman a supplementary opinion on the draft recommendation. The Commission informed the Ombudsman that it had presented an amicable settlement to the complainant at a meeting in Brussels on 29 May 2002. The Commission stated that the complainant had informed the Commission on 21 June 2002 of its acceptance of the proposed settlement. The Commission concluded that it had complied with the approach suggested by the Ombudsman and hoped that the matter could now be closed.

The Commission's detailed opinion and supplementary opinion were forwarded to the complainant. The complainant informed the Ombudsman on 3 September 2002 that a settlement had been reached and had been fully executed by the Commission as of 30 August 2002. The complainant expressed its gratitude to the Ombudsman for his attention to the matter.

THE DECISION

1. On 7 February 2002, the Ombudsman addressed the following draft recommendation to the Commission in accordance with Article 3(6) of the Statute of the Ombudsman:

The Commission should propose a settlement of the claim for financial losses put forward by HTS, by 31 May 2002 at the latest.

2. On 2 August 2002, the Commission informed the Ombudsman of its acceptance of the Ombudsman's draft recommendation and of the measures which it has taken to implement it. The measures described by the Commission appear to be satisfactory and the Ombudsman therefore closes the case.

A copy of this decision will also be sent to the European Commission.

Yours sincerely,



Jacob SÖDERMAN

(1) Decision no. 94/262/ECSC, EC, Euratom of the European Parliament of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties, OJ 1994 L 113/15.