

## **Decision of the European Ombudsman on complaint 516/2000/GG against the European Commission**

Decision

**Case 516/2000/GG - Opened on 17/04/2000 - Decision on 12/10/2000**

Strasbourg, 12 October 2000 Dear Mr D., On 8 April 2000, you lodged a complaint with the European Ombudsman against the European Commission's Directorate-General X (now DG Education and Culture). Your complaint concerned the way in which the Commission handled your application for a grant for a French-German meeting and various requests for information in relation thereto. On 17 April 2000, I forwarded the complaint to the Commission for its comments. The Commission sent its opinion on your complaint on 8 August 2000. I forwarded the Commission's opinion to you on 9 August 2000 with an invitation to make observations, if you so wished. On 27 August 2000, you sent me your observations on the Commission's opinion. I am now writing to you to let you know the results of the inquiries that have been made.

### **THE COMPLAINT**

The complainant, a German ex-serviceman, is in charge of matters relating to partnerships at the regional group for Marburg-Biedenkopf of the Verband der Reservisten der Deutschen Bundeswehr e.V. (the association of ex-servicemen of the German army). Marburg is twinned with Poitiers in France. In 1989, the group had entered into a partnership with an association of French soldiers and ex-servicemen that has its seat in Poitiers. The tenth anniversary of this partnership was to be marked by a visit of a French group in Germany from 12 till 14 November 1999. Towards the end of January 1999, the complainant contacted Hartmut Nassauer MEP in order to find out whether there was a possibility to obtain a grant from the EU for this event. The MEP thereupon forwarded an information brochure and an application form for grants for town-twinning events that he had received from the Commission's Secretariat-General the year before. According to the cover letter that had been sent to the MEP on that occasion, the Secretariat-General was ready to answer any queries that might arise. The complainant was not sure whether he could use the relevant form since the proposed event was not meant to take place in the context of the town-twinning programme between Marburg and Poitiers as the form appeared to require. A query to that effect was thus sent by him to the service in charge at the Commission's Secretariat-General by fax of 28 March 1999. In the absence of a reply, the complainant turned to his MEP again. On 31 May 1999, the MEP sent a fax to the person in charge at DG X in which he asked whether there was a possibility under the town-twinning scheme or whether there were other possibilities of obtaining a grant. Despite several reminders by telephone, no reply was forthcoming. On 5 July 1999, the MEP wrote to the Director-General



of DG X. In the absence of a reply, the MEP wrote to the responsible member of the Commission on 28 July 1999, pointing out that the matter was urgent and that the information was needed by 15 August in order to allow the complainant to submit his application in time. The complainant sent a further fax to DG X on 26 July 1999. Towards the end of September 1999, the MEP's office informed the complainant that they had contacted DG X again and had been informed that it was probably not possible to obtain a grant outside a town-twinning event. The complainant then filled in the form that he had previously received from the MEP and had it approved by the town of Marburg on 24 September 1999. On 15 October 1999, the MEP informed the complainant that he had just been told by DG X that no grant could be awarded to him by the Commission. The Commission's rejection decision was sent to the complainant on 28 October 1999 and appears to have arrived on 4 November 1999, shortly before the event took place. In this decision, the Commission claimed that the application had been submitted too late and that it had been incomplete. On 21 November 1999, the complainant wrote to DG X in order to complain, setting out all the steps he and the MEP had previously undertaken. He claimed that the delay had been exclusively due to DG X that had failed to reply to all inquiries. On 17 February 2000, the Commission sent a short fax in which it pointed out the items that it considered had been missing in the application form. The Commission mentioned inter alia that on page 4 of the form neither the grant requested in respect of the costs incurred by the inviting body nor the grant requested in respect of transport costs for the invited guests had been specified by the complainant. In the Commission's view, there had been no information regarding the contents of the proposed event and it had not been possible, on the basis of the information provided, to establish that the event concerned Europe. The complainant then turned to the Ombudsman and asked him to review the Commission's decision. In this context, the complainant made the following allegations: (1) The Commission failed to reply to various requests for information that had been made by the complainant and by Hartmut Nassauer MEP. (2) The Commission failed properly to handle the complainant's application for a grant.

## THE INQUIRY

**The Commission's opinion** In its opinion, the Commission made the following comments: The Commission confirmed the position it had adopted in its decision of 28 October 1999. The application had been sent to the Commission on 24 September 1999 and registered by it on 4 October 1999. It had contained neither a complete budget nor a programme of the event. Furthermore, the application had not been lodged three months before the event as required by the rules in force. The Commission pointed out that it had replied to the complainant's letter of 21 November 1999 on 1 February 2000. In this reply, the Commission explained that the first request for information in writing that it had received was the one dated 31 May 1999. It had not received the letter of 28 March 1999. However, the Commission apologised for the delays and misunderstandings that had occurred. The Commission pointed out that an information sheet had been attached to the decision sent to the complainant in order to allow the latter better to understand the reasons why his application had been rejected. It further asked the complainant to understand that due to the lack of personnel and the thousands of applications it received every year, the Commission was unable to react to applications by individualised letters. The Commission further pointed out the items that had been missing in the application. For that reason, the Commission would have had to reject the application even if it had accepted the complainant's arguments concerning the reasons for the delay in submitting the application. The



Commission expressed the hope that it would be able to provide a grant to the complainant in relation to the actions planned for the current year. When the complainant had written again on 15 February 2000, the Commission had replied on 17 February 2000, highlighting the deficiencies of the application. **The complainant's observations** In his observations, the complainant reiterated his view that the delay in submitting the application had been due to the Commission and not to himself. The complainant further claimed that he had correctly filled in the application form. The complainant used the opportunity to highlight a problem that according to him was not directly related to his complaint but that he nevertheless considered to be important. The Commission provided grants in the framework of town-twinning partnerships. Applications thus had to be made by the towns concerned. In the complainant's view, it would be sensible to enable the Commission to provide grants also to associations that have established European partnerships.

## THE DECISION

**1 Introductory remark** 1.1 In his observations on the Commission's opinion, the complainant suggests that it would be sensible to enable the Commission to provide grants not only in the context of town-twinning events, but also to associations that have established European partnerships. 1.2 This issue was not raised in the original complaint and is not directly related to the latter. The Ombudsman considers that it is therefore not appropriate to examine this issue in the context of the present complaint. The complainant is of course free to submit his suggestion to the European Commission if he so wishes. **2 Failure to reply to correspondence** 2.1 The complainant claims that the Commission failed to reply to various requests for information that had been made by himself and by the MEP to whom he had turned for help. 2.2 The Commission has not made any specific comment on this allegation in its opinion. It has however submitted a copy of its letter to the complainant of 1 February 2000 in which it apologised for "deplorable misunderstandings and delays". 2.3 The complainant first wrote to the Commission in order to obtain information on 28 March 1999. In the absence of a reply, he and the MEP he had turned to for help wrote to the Commission on several occasions from 31 May 1999 onwards. The MEP in particular wrote first to the person in charge at DG X (on 31 May 1999), then to DG X's Director-General (on 5 July 1999) and ultimately to the member of the Commission in charge (on 28 July 1999). Despite all these letters and further contacts by telephone in which the urgency of the matter was stressed, no reply was provided by the Commission. A formal reaction from the Commission was only forthcoming when the complainant had submitted his application. 2.4 It is good administrative practice for the administration to reply to letters it receives from citizen within a reasonable period. The Ombudsman finds that in the present case the Commission consistently failed to react to the requests for information addressed to it by the complainant and the MEP to whom he had turned for help. In the Ombudsman's view, the fact that the relevant unit of the Commission may not dispose of sufficient personnel to deal with its workload is irrelevant in the present case since the Commission did not even send an acknowledgement of receipt in respect of any of the above-mentioned letters. The Ombudsman therefore finds that there was maladministration. 2.5 The Ombudsman does not normally consider it necessary to make a critical remark if the administration has apologised for the instance of maladministration concerned. However, there is a number of reasons which militate in favour of a different conclusion in the present case. First, the Ombudsman considers that the Commission's failure to reply was serious in the



present case. Neither the fact that a MEP intervened on behalf of the citizen nor the fact that letters were sent to different levels in the hierarchy of the Commission appear to have had the desired effect. Second, the Ombudsman notes that the Commission did not at all address the issue of its failure to reply to the letters from the complainant and the MEP in its opinion on the complaint. No apology for this delay was given in the Commission's opinion. 2.6 The Ombudsman therefore considers it necessary to make the following critical remark: The Commission failed to react to the requests for information addressed to it by the complainant and the MEP to whom he had turned for help. This constitutes an instance of maladministration.

**3 Failure properly to handle the complainant's application for a grant** 3.1 The complainant claims that the Commission failed to handle his application properly. He alleges that he has correctly filled in the application form and provided the necessary information. 3.2 The Commission basically claims that the application had been incomplete and did not provide all the information that had been necessary. 3.3 An examination of the application form shows that on page 4 of the form neither the grant requested in respect of the costs incurred by the inviting body nor the grant requested in respect of transport costs for the invited guests have been specified by the complainant. At the bottom of the same page of that form applicants were informed that incomplete applications cannot be taken into account by the Commission. In these circumstances the Ombudsman considers that the Commission's conclusion is reasonable. 3.4 On the basis of the above, there appears to have been no maladministration on the part of the Commission in so far as this allegation is concerned.

**4 Conclusion** On the basis of the European Ombudsman's inquiries into this complaint, it appears necessary to make the following critical remark: The Commission failed to react to the requests for information addressed to it by the complainant and the MEP to whom he had turned for help. This constitutes an instance of maladministration. The President of the European Commission will also be informed of this decision. Yours sincerely Jacob Söderman