

Decision of the European Ombudsman on complaint 273/2001/PB against the European Commission

Decision

Case 273/2001/PB - Opened on 12/03/2001 - Decision on 15/10/2001

Strasbourg, 15 October 2001

Dear Ms M.,

On 23 February 2001, you made a complaint to the European Ombudsman concerning potential misuse of EU funds in relation to the construction and lease purchase of offices for the European Food and Veterinary Office in Grange, Co. Meath, Ireland.

On 12 March 2001, I forwarded the complaint to the President of the Commission. The Commission sent its opinion on 30 May 2001. I forwarded it to you with an invitation to make observations, which you sent on 7 September 2001.

On 10 September 2001 it came to my attention that a petition lodged with the European Parliament raises the same issue as your complaint (petition *170/2001*). Due to this petition, I decided to end my inquiries into your complaint. On 26 September 2001, a member of my staff called your office to inform you about this decision. On 4 October you accepted my suggestion that the complaint could be transferred to the European Parliament, to allow your complaint to be dealt with as a petition in your name.

Please find enclosed a copy of petition *170/2001*.

THE COMPLAINT

On 23 February 2001, the complaint submitted allegations about potential misuse of EU funds in relation to the construction and lease purchase of offices for the European Food and Veterinary Office (FVO) in Grange, Co. Meath, Ireland.

The complainant considered that the European Commission had acted wrongly by accepting the Irish Government's proposed location for the FVO. She referred to a 1993 Decision by the European Council which provides that "The Office for Veterinary and Plant-Health Inspection and Control [now the Food and Veterinary Office] shall have its seat in a town in Ireland to be determined by the Irish Government" (1). The complainant stated that the location that was



eventually chosen by the Irish Government is not 'a town', but merely an agricultural zone.

The complainant also stated that the facilities for the FVO-staff in the new area were so poor that they endangered the proper functioning of the Office. In particular, the water supply was known to be heavily polluted.

THE COMMISSION'S OPINION

The complaint was forwarded to the Commission for opinion. In its opinion, the Commission stated, in summary, that the 1993 Decision by the European Council gave Ireland a very broad discretion to determine the location of the FVO. The term "town" should therefore not be read literally.

As regards the general circumstances of the location, the Commission stated that it was engaging in dialogue with the relevant staff and national authorities in regard to possible improvements. The Commission was also taking action to make the Irish authorities improve the water supply.

THE DECISION

1 Petition before the European Parliament

1.1 The complaint concerns potential misuse of EU funds in relation to the construction and lease purchase of offices for the European Food and Veterinary Office (FVO) in Grange, Co. Meath, Ireland. The Commission has denied the allegations made in the complaint.

1.2 In the course of his inquiries, the Ombudsman has become aware that the Committee on Petitions of the European Parliament has initiated an inquiry into a petition concerning the FVO. The petition was made on 24 January 2001, and raises the same issues as the complaint.

1.3 The location of the FVO does not only raise questions about the Commission's acting, but also about acts by a former Irish Government. The mandate of the European Ombudsman is limited to Community institutions and bodies, whereas the Committee on Petitions can also inquire into acts by Member States. Thus, the scope of the right to petition allows for a full inquiry into the case. With the consent of the complainant, the Ombudsman therefore transfers the complaint to the European Parliament to be dealt with as a petition.

2 Conclusion

A petition to the European Parliament raising the same issues as the complaint is under consideration by the Committee on Petitions. The scope of the right to petition allows for a full inquiry into the case. With the consent of the complainant, the Ombudsman therefore transfers the complaint to the European Parliament to be dealt with as a petition, and closes the case.

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

Yours sincerely,



Jacob SÖDERMAN

(1) Decision taken by common Agreement between the Representatives of the Governments of the Member States, meeting at Head of State and Government level, on the location of certain bodies and departments of the European Communities and of Europol. OJ 1993 C 323/1, Article 1.