

Decision of the European Ombudsman on complaint 1173/2003/(TN)IJH against the European Commission

Decision

Case 1173/2003/TNIJH - Opened on 09/07/2003 - Decision on 10/12/2003

Strasbourg, 10 December 2003

Dear Mr P.,

On 26 June 2003, you made a complaint to the European Ombudsman on behalf of Stockholm University. The complaint concerned the Commission's alleged failure to make a final payment in a research project with contract number ERBBIO 4 CTT 960158.

On 9 July 2003, I forwarded the complaint to the President of the Commission. The Commission sent its opinion on 27 October 2003. I forwarded it to you with an invitation to make observations. On 26 November 2003, you spoke by telephone to my services and gave your comments on the Commission's opinion.

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

THE COMPLAINT

In June 2003, a complaint was made to the Ombudsman on behalf of Stockholm University. The complaint concerned the Commission's alleged failure to make a final payment in a research project with contract number ERBBIO 4 CTT 960158.

According to the complainant, the relevant facts are, in summary, as follows:

Stockholm University was one of the participants in a research project, which was co-ordinated by the Italian company CHIRON and funded by the Commission. At the time of lodging the complaint, CHIRON had been waiting for the Commission's final payment under the project for six months. Part of the final payment was owed to Stockholm University. The total sum due to CHIRON was 196,528 €, 60,000 € of which was intended for Stockholm University.

In June 2002, the complainant tried to find out why there had been no final payment. In December 2002, Stockholm University sent the Commission supplementary documentation and the Commission subsequently confirmed that the payment should be made to CHIRON within a



couple of weeks. No payment was made and the complainant subsequently contacted the Commission regarding the matter about ten times by telephone. The Commission informed him that because of internal reorganisation, an "operational verifactor" was missing and that was why the payment could not be made. In May 2003, the complainant wrote to the Commission regarding the matter, but received no reply.

The complainant alleges that the Commission has failed to make a final payment in the research project with contract number ERBBIO 4 CTT 960158.

The complainant claims that the final payment should be made to the co-ordinator CHIRON in Italy, together with interest for the delay.

THE INQUIRY

The Commission's opinion

In its opinion, the Commission made the following comments:

The contract in question is managed by the Commission's Directorate-General for Research (DG RTD). The scientific deliverables of the contract were approved on 29 July 2002, and the file was then transmitted to the Directorate in charge of the relevant budget. On 31 July 2002, the financial initiator within this Directorate contacted the co-ordinator CHIRON, requesting corrections in the cost statements. The requested corrections did not arrive until 5 December 2002 and the payment was processed on 19 December 2002, but by then the budget for 2002 was already closed.

Following the opening of the 2003 budget, the financial initiator again initiated the payment on 28 February 2003. Due to organisational problems within DG RTD, the necessary signatures, including those of the financial verifactor and the authorising officer, could not be obtained until 11 July 2003. The payment was then transferred to CHIRON's bank account on 21 July 2003.

The Commission recognises that as of 5 December 2002, the payment was due and should have been executed within 60 days, i.e. by 5 February 2003. It will therefore initiate the payment of interest for the period from 6 February 2003 to 21 July 2003, as soon as it receives a direct claim from the complainant, which is necessary to authorise the payment. The complainant has already been contacted in this respect.

The Commission apologises for the late payment and assures the Ombudsman that the financial circuit is now functioning satisfactorily.

The complainant's observations

The complainant confirmed to the Ombudsman's services by telephone that Stockholm University had received the final payment and that the payment of interest was on its way, if not already at CHIRON's bank account. He was therefore satisfied with the outcome of the case and thanked the Ombudsman for his assistance.



THE DECISION

1 Failure to make a final payment in a research project

1.1 The complaint concerns the Commission's alleged failure to make a final payment to the co-ordinator of a research project with contract number ERBBIO 4 CTT 960158, to which Stockholm University is a party. The complainant, who complains on behalf of Stockholm University, therefore claims that the final payment should be made to the co-ordinator, together with interest for the delay.

1.2 The Commission recognised that as of 5 December 2002, the payment was due and should have been paid within 60 days. However, due to organisational problems within DG RTD, the payment could not be transferred to CHIRON's bank account until 21 July 2003. The Commission apologised for the late payment and assured the Ombudsman that the financial circuit is now functioning satisfactorily. The Commission undertook to initiate the payment of interest for the period from 6 February 2003 to 21 July 2003.

1.3 The complainant confirms that Stockholm University has received the final payment, that the payment of interest is underway and that he is therefore satisfied.

1.4 In view of the above, the Ombudsman considers that the Commission has taken adequate steps to settle the complaint and has thereby satisfied the complainant.

2 Conclusion

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

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

Yours sincerely,

P. Nikiforos DIAMANDOUROS