

Decision of the European Ombudsman on complaint 32/2004/GG against the Committee of the Regions

Decision

Case 32/2004/GG - Opened on 13/01/2004 - Decision on 19/07/2004

Strasbourg, 19 July 2004

Dear Mr S.,

On 5 January 2004, you sent me an e-mail in which you submitted a complaint against the Committee of the Regions concerning the prices the Committee's trainees have to pay for their meals in the Committee's canteen in Brussels.

On 13 January 2004, I forwarded the complaint to the President of the Committee of the Regions. You were informed accordingly the same day in a letter that was sent to the address in Germany that you had indicated.

On 12 January 2004, I received the same complaint in the form of a letter that included the supporting documents to which you had referred in your complaint. I forwarded a copy of this letter and its annexes to the Committee on 19 January 2004.

On 5 February 2004, you sent me an e-mail from Brussels in which you informed me that you had not yet heard from me. In my reply of 17 February 2004 that was sent to the e-mail address shown on your message of 5 February 2004, I explained that I had written to your address in Germany on 13 January 2004. A copy of the letter of 13 January 2004 was annexed to my reply.

The Committee sent its opinion on 22 April 2004 and I forwarded it to you on 3 May 2004 with an invitation to make observations, if you so wished. No observations appear to have been received from you.

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

THE COMPLAINT

The complainant worked as a trainee at the Committee of the Regions. In his complaint to the Ombudsman lodged in January 2004, he pointed out that the Committee's trainees did not



benefit from any reductions in the prices of meals in the Committee's canteen in Brussels, whereas trainees working for the Commission, the Council, the European Parliament or the Economic and Social Committee were able to obtain at least one meal a day at a reduced price (normally 50 % of the normal price). The complainant alleged that this was unfair. He submitted that with a salary of less than EUR 740 a month, trainees were unable to afford a luncheon every day that cost EUR 4.50 or more. In his view, trainees from candidate countries in particular found it hard to make ends meet.

The complainant claimed that the trainees working for the Committee of the Regions should be treated in the same way as trainees working for other Community institutions or bodies.

THE INQUIRY

The opinion of the Committee of the Regions

In its opinion, the Committee of the Regions made the following comments:

The issue raised in the present complaint had already been submitted to the competent authorities, the joined services of the Committee of the Regions and of the Economic and Social Affairs, in November 2000 and again in October 2002.

The Committee's canteen was run by a private company, Sodexho, on the basis of a contract concluded after a call for tenders that had been launched in 2001. This contract foresaw a unitary tariff. Any drop in the number of persons frequenting the canteen and any decrease in prices had a direct effect on the viability of such a contract. In order to apply a preferential tariff in favour of trainees, the contractor would have to be able to invoice the balance of the price to the Committee. However, this was not foreseen in the contract. The existing contractual and legal obligations thus made it impossible for the Committee to force Sodexho to apply differentiated tariffs. The specific nature of this contract was due to the fact that the Committee was a very small body and that its staff rarely used the canteen.

In a note drawn up in January 2003, the joined services of the Committee of the Regions and of the Economic and Social Affairs had therefore had to reply negatively to the demand to introduce preferential tariffs for trainees.

Given that the question had already been dealt with in the note of January 2003, the Committee's Traineeship Office had preferred not to submit the issue again to the competent services when it had been asked to do so in the autumn of 2003.

The existing contract with Sodexho would also be applicable during the first phase of the transition after the Committee's move to the building in rue Belliard 97 which was foreseen for June 2004. However, Sodexho had confirmed in writing that it would offer a favourable price to trainees of the Committee as soon as the move had taken place. The Committee's trainees would therefore probably be able to benefit from meals at a reduced price from that date.

The Committee would in any event try and insert a clause allowing reduced prices for trainees



when a new contract would be negotiated in the future.

It should further be noted that the Secretary General of the Committee had decided, on 9 February 2004, to increase the remuneration of trainees which had thus increased from EUR 735 to EUR 1 000 a month.

The complainant's observations

No observations were received from the complainant.

THE DECISION

1 Failure to enable trainees to benefit from reductions in prices of meals in the Committee's canteen

1.1 In his complaint to the Ombudsman submitted in January 2004 the complainant, a trainee at the Committee of the Regions, pointed out that the trainees of the Committee of the Regions did not benefit from any reductions in the prices of meals in the Committee's canteen in Brussels, whereas trainees working for the Commission, the Council, the European Parliament or the Economic and Social Committee were able to obtain at least one meal a day at a reduced price (normally 50 % of the normal price). The complainant alleged that this was unfair. He submitted that with a salary of less than EUR 740 a month, trainees were unable to afford a luncheon every day that cost EUR 4.50 or more.

1.2 In its opinion, the Committee pointed out that its canteen was run by a private company, Sodexo, on the basis of a contract which foresaw a unitary tariff. In order to apply a preferential tariff in favour of trainees, the contractor would have to be able to invoice the balance of the price to the Committee. According to the Committee, however, this was not foreseen in the contract. The Committee argued that the existing contractual and legal obligations thus made it impossible for the Committee to force Sodexo to apply differentiated tariffs.

1.3 The Ombudsman does not find these arguments convincing. Even though the existing contract may not allow the Committee to oblige the private operator of its canteen to offer reduced meal prices to the Committee's trainees, there is nothing to show that the Committee would be unable to make proposals to this effect to this operator, i.e. that the operator should offer reduced meal prices to the Committee's trainees and that the Committee would cover the balance. It is furthermore difficult to reconcile the Committee's position with the fact referred to by the Committee itself that the existing contract would remain applicable during the first phase of the transition after the Committee's move to a new building which was foreseen for June 2004 and that Sodexo had nevertheless confirmed in writing that it would offer a favourable price to trainees of the Committee as soon as the move had taken place. It should also be noted that the present contract appears to have been concluded after a call for tenders that had been launched in 2001, that is to say after the issue of reduced meal prices for the Committee's trainees had first been raised in November 2000.

1.4 The Ombudsman therefore considers that the arguments submitted by the Committee so far do not allow him to ascertain whether the complainant's allegation that the unavailability of



reduced meal prices for the Committee's trainees constituted unfairness is well founded.

1.5 It should however be noted that the Committee has pointed out that on 9 February 2004, its Secretary General decided to increase the remuneration of trainees from EUR 735 to EUR 1 000 a month. The financial situation of the Committee's trainees has thus substantially improved. As a consequence, the Committee's trainees now dispose of an additional amount of more than EUR 8 per day. It appears that this is more than sufficient to allow trainees to afford daily luncheons in the Committee's canteen that cost EUR 4.50 or more.

2 Conclusion

In these circumstances, the Ombudsman considers that there are no grounds for him to continue his present inquiry. He therefore closes the case. The President of the Committee of the Regions will also be informed of this decision.

Yours sincerely,

P. Nikiforos DIAMANDOUROS