

Decision of the European Ombudsman on complaint 192/2004/(AJ)TN against the European Commission

Decision

Case 192/2004/(AJ)TN - Opened on 18/02/2004 - Decision on 28/07/2004

Strasbourg, 28 July 2004

Dear Mr K.,

On 14 January 2004, you made a complaint to the European Ombudsman concerning travel and subsistence expenses related to your participation in the conference *Sustainable Agriculture for Developing Countries: Options from Life Sciences*, organised in Brussels in January 2003 by DG Research of the European Commission.

On 18 February 2004, I forwarded the complaint to the President of the European Commission. The Commission sent its opinion on 27 April 2004 and I forwarded it to you with an invitation to make observations, if you so wished by 31 May 2004. 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. I would also like to inform you that responsibility for handling your case in the Ombudsman's office was transferred to another legal officer on 29 June 2004. In view of the date of the present decision, I did not consider it useful or necessary to inform you separately of the transfer.

THE COMPLAINT

In January 2004, a complaint was made to the Ombudsman against the European Commission concerning reimbursement of travel and subsistence expenses related to participation in the conference *Sustainable Agriculture for Developing Countries: Options from Life Sciences*, organised in Brussels in January 2003 by DG Research of the European Commission.

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

The complainant works for the English Service of Radio France Internationale. He was invited to participate in a conference organised by the Commission's DG Research on the subject of *Sustainable Agriculture for Developing Countries: Options from Life Sciences* in Brussels. Before the conference, and according to the invitation, he was informed that his travel and subsistence



expenses would be reimbursed. After the conference, he filled out the necessary forms. More than six months after the conference, he had still not been reimbursed for his travel and subsistence expenses of EUR 231. He therefore contacted, by telephone, an official in DG Research who assured him that the payment had been sent to him on 12 May 2003. He contacted his bank, which confirmed that he had not received any payment from the Commission to his bank account. However, DG Research insisted that the reimbursement had been sent and that no further payment would be forthcoming.

In substance, the complainant alleges that the Commission failed to reimburse his travel and subsistence expenses, because he never received the payment in his bank account, despite the fact that the payment had been registered as having been sent by the administration of DG Research.

THE INQUIRY

The Commission's opinion

In its opinion, the Commission makes the following comments:

The complainant participated in the named conference on 30 January 2003. The processing of his claim for reimbursement of EUR 231.63 was initiated on 30 April 2003, through a "third party validation" within the Commission's services. The payment was created on 2 May 2003 and the payment data were as follows: Beneficiary: Mr K.; account no. [number omitted]; bank: BNP PARIBAS, Agence Paris Louvre, 1 rue du Colonel Driant, 75001 Paris; amount: EUR 231.63; payment order: [number omitted]; value date: 12 May 2003.

The payment was made to the bank, which has confirmed to the Commission, in writing, that the complainant's account was credited with the sum of EUR 231.63 in May 2003.

The Commission enclosed with its opinion a copy of a fax message with the heading "BNP PARIBAS, 1 rue du Colonel Driant, 75001 PARIS", dated 19 March 2004 and signed by Karine NAGORNY, stating *"./.../ je vous confirme que le compte de notre client M K. a bien été crédité de la somme de 231.63 au mois de mai"* .

The Ombudsman invited the complainant to submit observations on the Commission's opinion. No observations have been received from the complainant.

THE DECISION

1 The alleged failure to reimburse travel and subsistence expenses

1.1 The complainant alleges that the Commission failed to reimburse his travel and subsistence expenses of EUR 231 for his participation in Brussels, on 30 January 2003, in a conference organised by the Commission's DG Research on the subject of *Sustainable Agriculture for Developing Countries: Options from Life Sciences* . According to the complainant, he never received the payment in his bank account, despite the fact that the payment had been registered as having been sent by the administration of DG Research. The complainant states



that his bank has confirmed that he has not received any payment.

1.2 According to the Commission, EUR 231.63 was paid to the complainant's bank account at his bank BNP PARIBAS, Agence Paris Louvre, 1 rue du Colonel Driant, 75001 Paris, on 12 May 2003. The Commission states that the bank has confirmed, in writing, that the complainant's account was credited with the sum in question in May 2003. The Commission enclosed with its opinion a copy of a fax message with the heading "BNP PARIBAS, 1 rue du Colonel Driant, 75001 PARIS", dated 19 March 2004 and signed by Karine NAGORNY, stating *"./.../ je vous confirme que le compte de notre client M K. a bien été crédité de la somme de 231.63 au mois de mai"* .

1.3 The Ombudsman notes that the Commission has submitted evidence that the payment was made and that the complainant's bank has confirmed that the complainant's account was credited with a sum of EUR 231.63 in May 2003. The complainant has not supplied any evidence in rebuttal. In view thereof, and of the fact that the Ombudsman has not found any concrete evidence to support the complainant's allegation that the Commission had failed to reimburse his travel and subsistence expenses, the Ombudsman concludes that the inquiry has revealed no maladministration by the Commission regarding the matter.

2 Conclusion

On the basis of the Ombudsman's inquiries into this complaint, there appears to have been no maladministration by the European Commission. The Ombudsman therefore closes the case.

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

Yours sincerely,

P. Nikiforos DIAMANDOUROS