

Unfair dealing with grant holders' contracts

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The European Ombudsman, Jacob SÖDERMAN, has issued a critical remark to the Commission concerning the sudden reduction of the grants attributed to a group of researchers at the Joint Research Centre for the European Atomic Energy Community and the way in which the Commission had proceeded with the reduction. Under two decisions from 1994, aiming at stimulating and promoting the training and mobility of researchers, the Joint Research Centre entered into contracts with researchers from the different Member States of the Community who received a monthly grant. The contracts were drafted by Commission services on a standard form. In July 1996 the Commission adopted a decision establishing new standard contract forms, new amounts of grants and new general conditions. As a result, the running grants of roughly 50 grant holders at the Joint Research Centre in Ispra, Italy, and Seville, Spain, suffered a reduction of 30 %. The individual grant holders were informed about the decision 6 days after it became effective, in a letter drafted in French. The grant holders association complained to the Ombudsman stating that the Commission should have informed the researchers in advance about the reduction of their grants, that the letter finally informing them of the reduction should have been addressed to the grant holders in their language and that the clauses in the contracts allowing the reduction were illegal and unfair. They stated that in some cases, in particular for researchers with family, the reduction completely frustrated the conditions under which the researcher had taken up the research programme. According to the Commission the grant holders had been informed about the coming decision at a meeting on 11 July at the Ispra site. The new amounts were adopted to meet the amount a researcher would earn in the host country. However, to allow the 50 grant holders concerned to prepare for the substantial reduction of their grants, the Commission later decided to suspend the application of the decision till 31 March 1997. As to the sending of the letter only in French, the Commission admitted that it had been a mistake. The Ombudsman criticises the Commission's proceeding as unfair. The Commission should have established suitable contacts with the grant holders beforehand enabling them to voice their opinion and should have informed them in due time about the decision in order to give them the possibility to take adequate steps to adapt themselves to the changed situation. Now the grant holders had only been informed of a possible reduction of their grants. When they were informed about the actual reduction, the decision had already taken effect. Secondly the Ombudsman states that the clauses inserted in the contracts allowing for unilateral reduction of running grants without limitation are not fair. In his view, for resorting to this kind of clauses there must be overriding reasons. The Commission was not able to indicate such reasons. "The clauses must be deemed to make the taking up of a research traineeship very precarious," concludes the Ombudsman. *For further information, please call Mr Peter DYRBERG, Senior Legal Advisor of the Ombudsman, tel. + 32-2-284 20 03.*