

Decision of the European Ombudsman on complaint 299/2005/MF against the European Commission

Decision

Case 299/2005/MF - Opened on 28/02/2005 - Decision on 06/12/2005

Strasbourg, 6 December 2005

Dear Mr X.,

On 26 January 2005, you made a complaint to me against the European Commission concerning its alleged failure to pay you a severance grant in due time.

On 31 January 2005, my services telephoned you in order to ask you to send the supporting documents attesting to the fact that you had made the appropriate prior administrative approaches. In an e-mail of the same day, you informed me that you had contacted the Commission on several occasions and that your first contact dated from 13 October 2004. You enclosed with your e-mail a letter dated 23 December 2004 in which you requested to be paid interest for the delay in the payment of your severance grant by the Commission.

On 28 February 2005, I forwarded the complaint to the President of the European Commission. The European Commission sent its opinion on 15 June 2005. On 22 June 2005, I forwarded it to you with an invitation to make observations by 31 July at the latest. No observations were received from you by that date.

On 27 October 2005, my services contacted you by telephone in order to ascertain whether you were satisfied with the Commission's reply.

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

THE COMPLAINT

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

The complainant is a retired staff member of the European Commission where he used to work as a temporary agent. When he retired, he was informed that he would be paid a severance grant on the day of his retirement, given that the length of his employment was shorter than 10 years.



The complainant retired on 30 April 2004. He was informed that "due to the lack of staff" there would be a slight delay in the payment of his severance grant and that the foreseen date for such a payment would be the end of July 2004. The complainant was paid the severance grant on 19 November 2004.

On 26 January 2005, the complainant lodged the present complaint with the European Ombudsman. He alleged that the European Commission had failed to pay him severance grant in due time. He claimed that he should be paid interest on account of the delay in the payment of his severance grant by the European Commission.

THE INQUIRY

The Commission's opinion

The opinion of the European Commission on the complaint was in summary as follows:

Payment of a severance grant is subject to prior verifications of the sums owed by the beneficiary to his/her institution. Due to these verifications, it normally takes between three and four months from the last day of activity to execute all the financial obligations owed to the beneficiary by his/her institution.

In the present case, the severance grant should have been paid before September 2004. As the complainant received his payment on 19 November 2004, the Commission was subject to the payment of interest for the period from 1 September 2004 to 18 November 2004.

As a conclusion, the Commission recognised that it had not complied with its obligation as stated in the Financial Regulations (1) . On this basis, the Commission was prepared to pay the complainant an amount of EUR 192.08. The payment would be made in the shortest possible time.

The complainant's observations

No observations were received from the complainant by the date set for this purpose.

On 27 October 2005, the Ombudsman's services contacted the complainant by telephone in order to ascertain whether he was satisfied with the Commission's reply. The complainant informed the Ombudsman that he considered the complaint to have been settled and thanked the Ombudsman for his intervention.

THE DECISION

1 The alleged failure of the European Commission to pay the complainant a severance grant in due time

1.1 The complainant is a retired staff member of the European Commission where he used to work as a temporary agent. When he retired, he was informed that she would be paid a severance grant on the day of his retirement, given that the length of his employment was shorter than 10 years. The complainant retired on 30 April 2004. He was informed that "due to



the lack of staff" there would be a slight delay in the payment of his severance grant and that the date foreseen for such a payment would be the end of July 2004. The complainant was paid the severance grant on 19 November 2004. The complainant alleged that the European Commission had failed to pay him a severance grant in due time. He claimed that he should be paid interest on account of the delay in the payment of his severance grant by the European Commission.

1.2 The Commission acknowledged that it had not paid the complainant the severance grant in due time and it therefore stated that it was ready to pay interest to the complainant. The Commission stated that it was ready to pay interest for an amount of EUR 192.08 within the shortest possible time.

1.3 On 27 October 2005, the Ombudsman's services contacted the complainant by telephone in order to ascertain whether he was satisfied with the Commission's reply. The complainant informed the Ombudsman that he considered the complaint to have been settled and thanked the Ombudsman for his intervention. The Ombudsman therefore considers that the Commission has taken measures to settle the matter to the complainant's satisfaction.

2 Conclusion

It appears from the Commission's opinion and the complainant's comments of 27 October 2005 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 European Commission will also be informed of this decision.

Yours sincerely,

P. Nikiforos DIAMANDOUROS

(1) Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to general budget of the European Communities (OJ L 357, 31.12.2002, p.1).