

Decision of the European Ombudsman closing the inquiry into complaint 24/2012/OV against the European Parliament

Decision

Case 24/2012/OV - Opened on 23/01/2012 - Decision on 18/12/2013 - Institution concerned European Parliament (No maladministration found) |

The background to the complaint

1. The present complaint concerns the way the European Parliament dealt with the complainant's request for assistance following a car accident in Parliament's Altiero Spinelli (ASP) underground car parking on 18 October 2011.
2. According to the complainant (who is a contractual agent working for the Parliament), her car was struck by another car in Parliament's underground car park [1] . The driver of the other car left the scene without making an accident report.
3. The complainant phoned Parliament's Legal Service, which asked her to contact the Head of Parliament's Security Unit. The complainant sent him an e-mail with photos of her damaged car.
4. On 19 October 2011, the complainant met the Head of the Parliament's Security Unit. He showed the complainant three photos of cars, whereupon the complainant identified a BMW car as being the car that struck her car. According to the complainant, he told the complainant that he would contact the persons concerned.
5. On 29 October, 7 and 17 November 2011, the complainant wrote e-mails to the Head of the Security Unit asking for follow-up information concerning the investigation. On 11 November 2011, the complainant also had a meeting with the Head of the Security Unit who informed her that no damage to the other car had been found.
6. On 1 December 2011, the complainant again phoned the Head of the Security Unit who informed her that he had taken up the investigation again, but that nothing was found.

The subject matter of the inquiry



7. On 3 January 2012, the complainant complained to the Ombudsman. The Ombudsman asked Parliament to submit an opinion on the following allegation and claim:

Allegation:

Parliament has failed appropriately to assist the complainant in dealing with the consequences of an accident involving her car and another car in Parliament's car park, in particular with regard to completing the accident declaration form for the purposes of the insurance.

Claim:

Parliament should assist the complainant in dealing with the consequences of the accident, in particular with regard to completing the accident declaration form.

8. The Ombudsman also asked Parliament to indicate why no written communication was sent to the complainant with regard to what would appear to be a serious matter.

The inquiry

9. The complaint was forwarded to Parliament for an opinion. Parliament sent its opinion on 16 May 2012. The opinion was then forwarded to the complainant, who sent her observations on 31 May 2012.

The Ombudsman's analysis and conclusions

A. Alleged failure of assistance

Arguments presented to the Ombudsman

10. In its opinion, Parliament stated that, as soon as it was informed about the incident, the Directorate for Security and Risk Assessment ordered an investigation, including a search of possible video images recorded by the video-surveillance system. On the day following the accident (19 October 2011), the complainant was interviewed by a staff member of the Directorate who gathered the relevant information required to conduct an investigation into the matter. Checks were carried out on several vehicles, but no signs of a possible accident could be established. The trawl of the video images did not provide any results and no debris of any vehicle was found on the spot of the accident. Parliament also stated that it thoroughly investigated the accusations made by the complainant against the occupants of the vehicle that



she had identified. However, there was no conclusive evidence of collision damage with the vehicle in question or evidence allowing identification of the other party involved in the accident.

11. Parliament stated that the staff of the Directorate for Security and Risk Assessment met with the complainant on several occasions and kept her informed of the results of the investigation. The staff provided assistance to the complainant throughout the procedure. The complainant however requested that they complete, on behalf of Parliament, the accident declaration form. Parliament's staff could not accede to this request, since it is not a liable party in this matter. The Directorate advised the complainant on several occasions to send the accident declaration form to her insurance company and, assured the complainant that Parliament would reply to any correspondence from the insurance company. Parliament also stated that it had taken note of the Ombudsman's remarks concerning the absence of written communication concerning the investigation. It gave instruction to the Directorate for Security and Risk Assessment to provide this documentation (namely the investigation's conclusions) forthwith. Parliament concluded that, considering that the Directorate had responded to the complainant's solicitations, there had been no maladministration.

12. In her observations, the complainant wondered why checks had been carried out on several vehicles when she had formally recognised a BMW car. The complainant also wondered why the photos on which she had recognised the car did not lead to any result. The complainant further argued that Parliament waited too long and that, therefore, it could not find evidence of a collision. The complainant stated that Parliament's opinion was very vague and did not even mention a date. The complainant also pointed out that Parliament reacted slowly knowing that her contract would expire on 23 June 2012. She argued that Parliament should have made an accident declaration and have reimbursed the damage.

The Ombudsman's assessment

13. The purpose of the Ombudsman's inquiry is to verify if the Parliament provided the complainant with reasonable assistance in clarifying the circumstances in which an accident occurred on its premises but for which the European Parliament services were in no way responsible or involved.

14. The Ombudsman also underlines that the complainant's request for assistance was not a request for assistance under Article 24 of the Staff Regulations, which concerns requests for assistance relating to acts or attacks to which a staff member is subjected by reason of his position or duties.

15. It appears from the Ombudsman's inquiries that Parliament provided the complainant with reasonable assistance.

16. The Ombudsman notes that, as soon as the complainant informed Parliament about the accident, the Directorate for Security and Risk Assessment opened an investigation. This included carrying out a review of video images taken in Parliament's car park. The complainant



also had had several meetings with staff of the Directorate in which she was given an opportunity to explain the facts concerning the accident. She was also given the opportunity to identify the car involved in the accident from the video images provided to her by Parliament. After she identified a car which she declared had struck her car, Parliament traced that car and carried out an examination thereof. That examination revealed that there was no damage to the car identified by the complainant. As such, there was no evidence that the car identified by the complainant was the car that collided with the complainant's car. As such, the Ombudsman concludes, despite the best efforts of Parliament, Parliament could not possibly identify the other party in the collision.

17. In addition, the Ombudsman notes that Parliament agreed to reply to any correspondence the complainant's insurance company would send to it. Parliament thus demonstrated that it was ready to be of further assistance.

18. The Ombudsman strongly commends the Parliament for its efforts to assist the complainant. Its efforts in the present case show that it is both capable and willing to control events that occur on its premises. Parliament was able to provide video images from its premises and was able to trace the car identified by the complainant. No fault can be attributed to Parliament for the fact that the complainant identified a car which could not, upon the inspection of Parliament, be shown to have been involved in the collision.

19. On the basis of the above, the Ombudsman finds that there was no maladministration by Parliament.

20. The Ombudsman notes that Parliament communicated orally with the complainant in the aftermath of the accident. While these efforts were in substance commendable, it would also have been useful if Parliament had also set out in writing the steps it did take to assist the complainant. The Ombudsman notes that, in its opinion, Parliament stated that it had now given instructions to the Directorate for Security and Risk Assessment to communicate in a written form the conclusions of its investigations.

B. Conclusions

On the basis of his inquiry into this complaint, the Ombudsman closes it with the following conclusion:

There has been no maladministration by Parliament.

The complainant and Parliament will be informed of this decision.

Emily O'Reilly



Done in Strasbourg on 18 December 2013

[1] The photos of the damaged car show scratches on the front bumper.