

European Ombudsman criticises Commission for refusing to reimburse costs to Dutch institute

Press release no. 29/2004 - 12/11/2004

The European Ombudsman, **P. Nikiforos Diamandouros**, has criticised the European Commission for refusing to reimburse costs for secretarial services provided by a Dutch institute. According to the Ombudsman, this decision was unfair. The Commission had failed to inform the complainant within a reasonable time-limit and in an adequate and unambiguous way of its decision not to conclude a contract for these services. The Commission's argument concerning the complainant's presumed knowledge of its normal procedures was neither legal nor convincing, he said. The costs claimed by the Institute totalled over 170.000 EUR.

The case

The Institute was one of the Forums in the European Network of Urban Forums for Sustainable Development, a programme managed by the Commission. Although it had been given oral assurances by the Commission that the costs it was incurring in providing the secretarial services of the Network would be reimbursed, the Commission finally rejected its claim. The Institute turned to the Ombudsman, underlining that it had written several times to the Commission requesting it to conclude a formal contract for the secretarial assistance it was providing.

The Commission argued that it always settles contractual matters in writing. It also indicated that the complainant had been informed orally that its proposal could not be taken into account. While it regretted the absence of a written reply to the complainant's letters, it said that the complainant's knowledge of the Commission's normal procedures could not have allowed it to believe that the Commission had entered into commitments.

The Ombudsman concluded that the Commission's rejection of the claim for reimbursement seemed unfair and was based on unclear information. Although the Commission had indicated that it always settles contractual matters in writing, it failed to provide a written reply to the complainant's letters of 4 July and 7 October 1997. The Ombudsman called on the Commission to reconsider its position, with a view to reaching a friendly solution, adding that this could involve a reasonable offer that might be less than the amount claimed.

As the Commission refused to reimburse the institute, the Ombudsman closed the case with a critical remark. His decision can be found on his website at the following address:

<http://www.ombudsman.europa.eu/decision/en/021986.htm> [Link]



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