

Decision of the European Ombudsman on complaint 1022/97/XD against the European Commission

Decision

Case 1022/97/xd - Opened on 21/11/1997 - Decision on 02/03/1999

Strasbourg, 2 March 1999 Dear Mr R., On 4 November 1997, you made a complaint to the European Ombudsman, on behalf of the Association "Génération INTERLAND". The complaint concerned the rejection by the European Commission of a request for a subsidy in the framework of the call for proposals 5/97 under the MEDIA II programme. On 21 November 1997, I forwarded the complaint to the President of the European Commission. The Commission sent its opinion on 29 January 1998 and I forwarded it to you with an invitation to make observations, if you so wished. On 20 March 1998, I received your observations on the Commission's opinion. I am writing now to let you know the results of the inquiries that have been made.

THE COMPLAINT

The Association "Generation INTERLAND" (hereafter called "INTERLAND") developed the interlingua system with the purpose of applying modern latin in TV broadcasting. It presented a project to the Commission in the framework of the call for proposals 5/97 under the MEDIA programme. The project consisted in the adaptation of the TV magazine "Mediterraneo" to the interlingua system. The application was rejected by the European Commission. In the past, the system had received financing from the "BABEL funds" (former MEDIA I programme). According to the complainant, the rejection by the Commission does not have any legal basis. He alleges a discrimination vis-à-vis modern latin.

THE INQUIRY

The Commission's opinion In summary, the Commission made the following comments: The MEDIA II programme - Development and distribution - has been set up by decision 95/563/CE (1). It provides financial help: - *"to promote the circulation, in the European Union and outside it, of European television programmes capable of appealing to a European and world audience and to encourage independent European producers and European broadcasters to cooperate in the production of such programmes"*, - *"to actively support linguistic diversity of audiovisual and cinema works."* Calls for proposals are launched on a regular basis by the European Commission. Among the eligibility criteria are the following conditions: - The financial support cannot be granted alone for dubbing/subtitling - The projects need to be new works produced by the tenderer - The recipients of the financial help must be independent production companies. In the case of INTERLAND, the Commission informed the complainant by letter



dated 6 August 1996 that, unlike the MEDIA I programme, dubbing and subtitling were not specifically financed under the MEDIA II programme. Later on, the complainant introduced a project in the framework of the call for proposals 5/97 which was closed on 27 March 1997. The Commission considers that the rejection of the project introduced by INTERLAND was not arbitrary. It was obvious that the project did not fulfil the eligibility criteria: - It only concerned dubbing and subtitling - The work was old (the application mentions 1994 as year of production) and it was very likely that it had already been broadcasted - INTERLAND was not the producer of the Magazine "Mediterraneo" - The work was not made by an independent producer. Furthermore, the file was incomplete. On the one hand, some documents required were missing and on the other hand, the financial plan was presented in a very hasty way. The Commission transmitted to the Ombudsman a summary of the 24 projects which were selected in the framework of the call for proposal 5/97. **The complainant's observations** In summary, the Complainant made the following observations on the Commission's opinion: The Interlingua system developed by INTERLAND fulfils the objectives of the MEDIA II programme recalled by the Commission. INTERLAND is ready to follow the guidelines for a financial support. If this is required by the MEDIA programme, INTERLAND is willing to drop the 1994 broadcast and to adopt a more recent one. The complainant regrets the transformation of the BABEL programme (MEDIA I) into MEDIA II. He also points out that the Commission's task is to help all the cultural identities in a fair way and that it has the duty to support latin identity in someway or another.

THE DECISION

1. The complainant alleges that the rejection by the Commission of a project introduced by INTERLAND in the framework of a call for proposal under the MEDIA II programme was a discriminatory decision towards modern latin. The Commission replied that it did not take the project introduced by INTERLAND into consideration because the eligibility criteria were not fulfilled. 2. The Ombudsman carefully examined the documents transmitted by the Commission and, in particular, the guidelines of the call for proposals 5/97 to which INTERLAND applied. The examination revealed that the project did not fulfil some conditions laid down in the guidelines of the call for proposals. The Ombudsman concludes from it that the Commission decision not to finance the project was grounded. He did not find any discrimination in the actions of the European Commission in this case. **Conclusion** On the basis of the European Ombudsman's inquiries into this complaint, there appears to have been no maladministration by the European Commission. The Ombudsman has therefore decided to close the case. The President of the European Commission will also be informed of this decision. Yours sincerely
Jacob SÖDERMAN

(1) Council Decision of 10 July 1995 on the implementation of a programme encouraging the development and distribution of European audiovisual works (Media II - Development and distribution) (1996-2000), OJ 1995 L 321/25