



**P. Nikiforos Diamandouros**  
European Ombudsman

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Strasbourg, **03 -10- 2011**

Complaint 1661/2011/VIK

Dear Mrs Gorey,

On 10 August 2011, you submitted a complaint to the European Ombudsman against the Commission concerning its decision to seek reimbursement from European Schools for mother-tongue classes for students without a language section (SWALS).

I have asked the Commission to submit an opinion on the following allegations and claim.

**Allegations:**

**1.** The complainant alleges that the Commission lacked legal authority to seek reimbursement from European Schools for mother-tongue classes for SWALS.

*Supporting arguments:*

The complainant argues that the Commission's decision to that effect was contrary to the European Schools' system of governance, because the Commission was by-passing the Secretary-General and the Board of Governors of the European Schools.

**2.** Even if the Commission could seek reimbursement from European Schools for mother-tongue classes for SWALS, its decision was: (i) substantively wrong, since it contravenes the decision of the Board of Governors of the European Schools granting discharge for the 2008 budget, and (ii) contrary to the principles of legal certainty and legitimate expectations, as the Commission was in essence imposing budget cuts retroactively.



**Claim:**

The complainant claims that the Commission should make a commitment to respect the decision(s) of the Board of Governors regarding such matters.

In accordance with Articles 2(2) and 3(1) of the Statute of the European Ombudsman, I informed the President of the Commission of your complaint and invited him to submit an opinion on the allegations and claim included in my inquiry by 31 December 2011.

As soon as I receive the Commission's opinion, I will forward it to you with an invitation to make observations. Any observations you wish to make should be submitted to my office within one month of receiving the opinion. Please note that there may be a short delay in forwarding the opinion to you if it needs to be translated into English.

Once my office receives your observations, or the deadline has passed, the Legal Officer responsible for your case, Ms Violetta Dimova (tel: + 33 (0)3 88 17 25 63), will then examine your file. I will inform you if I need to inquire further into your complaint before making a decision on it.

Every effort is made to deal with cases as quickly as possible. I try to reach a preliminary conclusion in an inquiry on a complaint within one year of opening it.

As regards your grievances concerning the Board of Governors of the European Schools, I decided that they are inadmissible, since the Board of Governors is not an EU institution, body, office or agency and does not, therefore, fall within my remit.

Yours sincerely,

P. Nikiforos Diamandouros