

Afgørelse i sag 2060/2008/VIK - Údajné nedodržování rovnosti různých abeced v rámci EU

Rozhodnutí

Případ 2060/2008/VIK - Otevřeno dne 25/07/2008 - Rozhodnutí ze dne 11/11/2009

Stěžovatel, bulharský občan, podal petici Petičnímu výboru Evropského parlamentu. Tato petice se týkala internetových stránek EU Bookshop, které provozuje Úřad pro publikace. Stěžovatel kritizoval skutečnost, že registrační formulář on-line, který je k dispozici na internetových stránkách, lze vyplnit pouze za použití písmen latinské abecedy. Požadoval, aby bylo možné použít také znaky azbuky a řecké abecedy.

Vzhledem k tomu, že výše zmíněná petice se týkala domnělého nesprávného úředního postupu, předal předseda Petičního výboru případ veřejnému ochránci práv, který zahájil vyšetřování této záležitosti.

V průběhu vyšetřování uvedl Úřad pro publikace k odůvodnění svého stanoviska dva důvody: (i) nutnost řídit se doporučeními Světové poštovní unie; a (ii) technické důvody. Veřejný ochránce práv měl za to, že tyto důvody jsou nepřesvědčivé a nevztahují se přímo k tomu, jak by měl Úřad pro publikace organizovat on-line registraci svých uživatelů. V souladu s čl. 3 odst. 5 svého statutu tedy předložil Úřadu pro publikace návrh na smírné řešení.

Úřad pro publikace přijal návrh na smírné řešení a zavázal se zajistit, aby do konce prvního čtvrtletí roku 2010 bylo možné používat pro on-line registraci na internetových stránkách EU Bookshop jak azbuku, tak i řecké písmo. Ve svém stanovisku stěžovatel uvedl, že je s výsledkem své stížnosti spokojen. Veřejný ochránce práv tedy případ uzavřel jakožto vyřešený samotnou institucí, které se stížnost týkala.

THE BACKGROUND TO THE COMPLAINT

1. On 5 February 2008, the complainant, a Bulgarian citizen, submitted a petition to the Committee on Petitions of the European Parliament. The petition concerned the EU Bookshop website, which is maintained by the Office for Official Publications of the European Communities ('the Publications Office'). The complainant criticized the fact that the on-line registration form available on the EU Bookshop website could only be filled in if one used Latin alphabet characters.



2. On 22 July 2008, the Chairman of the Committee on Petitions informed the Ombudsman of the Committee's conclusion on the matter. It felt that the petition contained allegations of maladministration and would, therefore, fall within the Ombudsman's mandate. As a result, it decided to transfer the case to him.

THE SUBJECT MATTER OF THE INQUIRY

3. On 25 July 2008, the Ombudsman opened an inquiry into the following allegation and claim:

Allegation :

The equality of the different alphabets has not been duly respected by the Publications Office. In this context, the complainant noted that the creation of a personal profile with the on-line registration form available on the EU Bookshop website is only possible if one uses Latin alphabet characters.

Claim :

It should be made possible for the on-line registration form to be filled also in Cyrillic and Greek characters.

THE INQUIRY

4. The Ombudsman requested the Publications Office to submit an opinion on the above allegation and claim. On 30 October 2008, the Publications Office provided its opinion. The complainant was given an opportunity to submit observations by 31 December 2008. No observations were received from him. However, during a telephone conversation with the Ombudsman's services on 9 July 2009, and in an e-mail sent to the Ombudsman on the same day, the complainant confirmed that he maintained his complaint.

5. On 23 July 2009, and after a careful consideration of the opinion and of the complainant's comments, the Ombudsman submitted to the Publications Office a proposal for a friendly solution, in accordance with Article 3(5) of his Statute.

6. In a letter of 30 September 2009, the Publications Office informed the Ombudsman that it accepted his friendly solution proposal. On the occasion of a telephone conversation with the Ombudsman's services on 7 October 2009, the complainant explained that he was satisfied with the outcome of the inquiry.

THE OMBUDSMAN'S ANALYSIS AND CONCLUSIONS



A. As regards the alleged inequality of the respective alphabets on the EU Bookshop website and the related claim

Arguments presented to the Ombudsman

7. The complainant pointed out that the Cyrillic alphabet had become the third official alphabet (after Latin and Greek) of the EU. Since 1 January 2007, the Cyrillic alphabet has had the same status as the other two alphabets and can, therefore, be used by citizens in their correspondence with Community institutions and bodies. According to the complainant, this fundamental principle was, however, not observed on the EU Bookshop website, run by the Publications Office [1]. The complainant explained that, when ordering publications on-line, citizens had to create a personal profile. This was only possible using Latin alphabet characters. According to him, this was an act of discrimination *vis-à-vis* those European citizens who use the Cyrillic and Greek alphabets, and a breach of the principle of equality of all official languages and scripts of the EU.

8. The complainant remarked in this context that it was also possible to order publications from the website of the Council of the EU, but the relevant form there could be filled in easily, using either Latin, Cyrillic or Greek characters.

9. In its opinion, the Publications Office noted that the EU Bookshop website was currently available in 23 languages, including the complainant's language, Bulgarian. In order to access personalised functions, users need to register on-line. For technical reasons, however, the registration forms can only be completed using standard Latin characters. Special characters and diacritical marks, such as Scandinavian characters, umlauts, or accents, are unavailable. A similar limitation also applied to the ordering form.

10. The Publications Office explained that the limitation was due to the recommendations of the Universal Postal Union, set out in the Letter Post Manual [2], which stipulates that addresses on letters or packages sent by international post should be written in "*Roman letters and Arabic numerals*". For countries using other alphabets, it recommended adding the address in the other alphabet.

11. The institution further pointed out that machines and technology currently used for the EU Bookshop's "*back-office*" were unable to handle double addressing. Therefore, only the addresses in Latin characters were used. Regardless of the language, the system was also unable to recognise accents and special characters of any sort. However, the Publications Office stated that it was seeking a replacement for its EU Bookshop software and would try to ensure that the new software would meet the complainant's concerns. This would, however, depend on the availability of suitable machines and programmes able to cope with both the large volumes of material dispatched by the Publications Office, and double-address handling in multiple languages and alphabets.



12. The Publications Office finally noted that, following the accession of Bulgaria to the EU in 2007, it had quickly ensured that its major public websites display navigation pages in Bulgarian. The institution considered that this showed its continuing commitment to multilingualism, but recognised that more work remained to be done. The Publications Office also apologised to the complainant, if it had given the impression that it was not sensitive to linguistic issues and assured him that multilingualism was at the centre of its daily preoccupations.

13. During a telephone conversation with the Ombudsman's services on 9 July 2009, and in an e-mail sent to the Ombudsman on the same day, the complainant reiterated that the Bulgarian and Greek languages (written using the Cyrillic and Greek alphabets) are official languages of the European Union. Bulgarian and Greek citizens are, therefore, entitled to communicate with the EU institutions in these languages. Such entitlement includes the use of electronic communication. The complainant noted that this should not be prevented due to technical reasons. Current technological software and hardware allow the use of all possible alphabets. He also pointed out that the Universal Postal Union recommends double addressing when the destination country does not use the Latin alphabet. Finally, he noted that his complaint raised a matter of principle, which he hoped the Publications Office would address.

The Ombudsman's preliminary assessment leading to a friendly solution proposal

14. The Ombudsman noted that the Publications Office put forward two reasons to justify its position: (i) the need to follow recommendations of the Universal Postal Union; and (ii) technical reasons.

15. As regards the first of these arguments, the Publications Office referred to the recommendations of the Universal Postal Union, which are set out in the Letter Post Manual. The relevant rule of the Manual concerning addressing reads as follows:

" The addressee's address shall be worded in a precise and complete manner. It shall be written very legibly in Roman letters and Arabic numerals. If other letters and numerals are used in the country of destination, it shall be recommended that the address be given also in these letters and numerals ..." [3]

16. It thus appears that the Universal Postal Union recommends that, when sending mail to countries which do not use the Latin alphabet, the address should also be given in the letters and numerals used in that country. It is clear, therefore, that the Publications Office did not follow the recommendations of the Universal Postal Union. The said recommendations, however, relate only to the way in which items intended for delivery by post are to be addressed. They do not have any direct bearing on how the Publications Office should organise the on-line registration of its users.

17. As regards the second argument, the Publications Office argued that, due to certain software limitations, it could at present only dispatch letters with addresses written in Latin characters. Again, this argument concerned the dispatch of items for delivery by post, and not



the question as to how the on-line registration of users should be organised. However, the Ombudsman presumed that the Publications Office wished to argue that technical reasons also prevented it from allowing the use of Greek or Cyrillic characters for the purpose of on-line registration.

18. The complainant pointed out that other EU institutions, notably the Council of the EU, had already found adequate ways to address this problem, given that the order form for the Council's free publications can be completed using either Latin, Cyrillic or Greek characters. The Ombudsman visited the Council's website in order to verify the complainant's statement. He ascertained that the Council's on-line order form for free publications can indeed be completed using either Latin, Cyrillic or Greek characters. It thus appears that the use of more than one alphabet for on-line registration does not give rise to insurmountable technical problems.

19. The Publications Office pointed out that it was seeking a replacement for its EU Bookshop software and that it would try to ensure that the complainant's concerns would be resolved by the new software. The Ombudsman noted, however, that the Publications Office did not make a firm and concrete commitment in this respect. It is also worthy of note that, whereas the Cyrillic alphabet became relevant for the EU only after the accession of Bulgaria in 2007, the accession of Greece to the EU dates back to 1981.

20. In light of the above, the Ombudsman made a preliminary finding that the Publications Office had failed to make it possible for citizens to use the Greek and Cyrillic alphabets when registering on the EU Bookshop website or to provide convincing reasons why no such possibility could or should be made available. In his preliminary view, this constituted an instance of maladministration.

21. The Ombudsman, therefore, made the following proposal for a friendly solution in accordance with Article 3(5) of the Statute of the European Ombudsman:

The Publications Office could reconsider its position and make it possible to use the Greek and the Cyrillic alphabets when registering for the EU Bookshop website or provide convincing reasons why no such possibility could or should be made available.

The arguments presented to the Ombudsman after his friendly solution proposal

22. In its reply, the Publications Office committed itself to ensuring that, by the end of the first quarter of 2010, it would be possible to use both the Greek and Cyrillic alphabets for on-line registration on the EU Bookshop website.

23. The complainant informed the Ombudsman that he was entirely satisfied with the outcome of the case, and the fact that the Publications Office would take the appropriate steps to satisfy his claim in due course.

B. Conclusions



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

The Ombudsman concludes that a friendly solution has been achieved and that the case has, therefore, been settled by the Publications Office.

In light of the above, the Ombudsman closes the case.

The complainant and the Director-General of the Publications Office will be informed of this decision.

P. Nikiforos DIAMANDOUROS

Done in Strasbourg on 11 November 2009

[1] The address of the website is: <http://bookshop.europa.eu/> [Odkaz]

[2] Adopted in 2005 by the International Bureau of the Universal Postal Union.

[3] Universal Postal Union, Letter Post Manual, Article RL 123 (Conditions of acceptance of items. Make-up. Packing).