

Presentation of the European Ombudsman's Annual Report 2010 by Mr. P. Nikiforos Diamandouros

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Introduction

Ladies and Gentlemen, welcome to the presentation of my Annual Report 2010. I would like to give you the latest facts, case examples, and figures on complaints about the EU administration I handled last year. These came from European citizens, companies, associations, NGOs, regional offices and others.

As you know, I investigate complaints about maladministration in the European institutions, bodies, offices, and agencies, such as the European Commission, the Parliament, and the Council of the EU. Since the Lisbon Treaty entered into force, my mandate also extends to the European Council. Maladministration encompasses all kinds of poor or improper administrative behaviour, from late payment for EU projects to unjustified refusal to give out a document, and from publishing inaccurate information to failure to reply to a letter. I also work proactively to encourage and help the EU institutions to establish and maintain a culture of service to citizens, in which maladministration is less likely to occur.

Key developments in 2010

For me, the year 2010 began with my re-election as European Ombudsman. In the months following my re-election, I developed a new strategy which now forms the basis for my mandate as Ombudsman until 2014.

Key points of this new strategy include: (a) strengthening the ongoing dialogue with complainants, civil society, and other stakeholders, (b) identifying best practices from ombudsman colleagues in the Member States, with whom I cooperate through the European Network of Ombudsmen and (c) enhancing the Ombudsman's role in promoting an administrative culture of service in the EU institutions. Such a culture involves, among other things, taking a proactive approach when interacting with citizens, as well as being ready to do more for citizens than merely to fulfil the institutions' legal obligations.

Let me now give you the key statistics for 2010. I received a total of 2 667 complaints in 2010, compared to 3098 complaints in 2009. I am encouraged by this decrease in complaints, since it represents a decrease in more than 400 complaints which lie outside of my mandate.

I am convinced that the interactive guide on my website, which was introduced in January 2009,



played a major role in bringing about this reduction. The guide aims to direct complainants to the body best placed to help them, be it my own services, the services of national or regional ombudsmen in the Member States, the European Parliament's Committee on Petitions, or cross-border problem-solving mechanisms established by the Commission, such as the Your Europe portal and SOLVIT. In 2010, more than 19 000 persons received advice through the interactive guide, which is available in the 23 official EU languages.

In contrast to the complaints lying outside my mandate, the number of opened inquiries - 335 - and closed inquiries - 326 - remained stable in 2010 as compared to the previous year. This trend confirms that more people are now turning to the European Ombudsman for the right reasons. I attribute this welcome development largely to our enhanced information efforts towards citizens, companies, associations, NGOs, and other potential complainants.

Origin of complaints

Regarding the origin of complaints, I can tell you that Germany and Spain remained the source of the greatest number of complaints, followed by Poland and Belgium. We received 375 complaints from Germany in 2010 and 349 from Spain.

But relative to the size of their population, the greatest proportion of complaints came from smaller Member States, namely, Luxembourg, Cyprus, and again Belgium. I attribute the high number of complaints from Belgium to the fact that many citizens, associations, NGOs, and companies working with the EU are, therefore, based in Belgium and are more likely to make a complaint to the European Ombudsman.

You will find details about the complaints per country in the *Annual Report* and in the map and figures contained in the *Overview*. If you need country specific case examples, which go beyond the ones we offer you in the press release and the *Overview*, please feel free to ask Gundi.

You may also be interested to note that in 2010, the majority of complaints, namely, 78%, were submitted by individual citizens, while 22% came from companies, NGOs, or other organisations and associations. I wish to point out, however, that complaints from the latter category are more often admissible and also lead to investigations more often.

The 2010 cases

In more than 70% of all cases received in 2010, my office was able to help the complainant by opening an inquiry into the case, transferring it to a competent body, or giving advice on where to turn. About half of the complaints which were outside my mandate were transferred to a national or regional ombudsman in the Member States. Many of those complaints concerned national health services, pension systems, or court decisions.

As I already mentioned, we closed 326 cases in 2010. I am pleased to note that in more than half of these cases, namely 55%, the institution concerned accepted a friendly solution or settled the matter. In the other cases, I either did not find an instance of maladministration, or I issued a recommendation that was accepted by the institution, a critical remark, or a special report to Parliament.



The sustained reduction in critical remarks issued by my office is further positive evidence that the EU institutions are taking a more proactive role in resolving complaints and enabling win-win outcomes. This is obviously always preferable for the complainant and the institution concerned. In 2010, we made critical remarks in 33 cases, compared to 35 cases in 2009, and 44 cases in 2008.

In 2010, I sent **one** Special Report to the European Parliament. I note that a Special Report is only issued when a fundamental principle of good administration has been violated. The case concerned the Commission's refusal to disclose letters from the car manufacturer Porsche about CO2 emissions from cars. The Report related to the Commission's failure to cooperate with the Ombudsman sincerely and in good faith. The NGO *Friends of the Earth Europe* had asked for access to the letters in 2007 and received their full content only in April 2011, after I had issued my Special Report.

Most of the inquiries opened in 2010 concerned the European Commission, namely, 65%. This is not surprising, given that the Commission comprises the biggest part of the EU administration and the one with which citizens, businesses, and NGOs have the greatest contact. In second place was the European Personnel Selection Office, followed by the European Parliament, and the Council of the EU. Taken together, the EU Agencies accounted for 10% of all opened inquiries.

I am happy to report that the time taken to complete inquiries fell from an average of 13 months in 2008 to nine months in 2009 and 2010. More than half of the inquiries in 2010 were closed within three months.

Content of complaints

Let me now turn to the content of the complaints. In 2010, by far the most common allegation examined by the Ombudsman was **lack of transparency** in the EU administration. This allegation arose in 33% of all closed inquiries and included refusal of information and of access to documents. I note with concern that the number of transparency cases has remained consistently high over recent years. After all, an accountable and transparent EU administration is key to building citizens' trust in the EU.

Other types of alleged maladministration concerned problems with the execution of EU contracts or calls for tenders, unfairness, abuse of power, and discrimination.

Let me give you an important example of how the Ombudsman was able concretely to help improve transparency in the EU administration: In 2010, the European Medicines Agency (EMA), which is based in London, accepted two Ombudsman recommendations. In one case, it released adverse reaction reports on an anti-acne medicine, which an Irish citizen had asked for. His son had committed suicide after taking this medicine. In the second case, EMA released clinical study reports and trial reports for anti-obesity medicines. This case had been submitted by Danish researchers. At the end of 2010, EMA adopted a new transparency policy, giving the public much broader access to its documents. I publicly applauded this move.

You will find a whole range of other case examples in the press release, the *Overview*, and the



Annual Report itself.

Conclusion

Let me conclude. My main priority remains to help the EU administration to become more open, accountable, and citizen-friendly; in other words, to create a culture of service that includes, as a key distinguishing feature, a *proactive* approach to good administration. Furthermore, I am committed to helping citizens make full use of their rights, as provided for by the Treaty of Lisbon and the Charter of Fundamental Rights, and to inform them about these rights. In pursuit of this goal, I will cooperate closely with the European Parliament and the national and regional ombudsmen in the Member States.

Thank you very much for your attention. I am now happy to answer your questions.