

## Ombudsman criticises Commission for not acting consistently

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The European Ombudsman, **P. Nikiforos Diamandouros**, has criticised the European Commission for not acting consistently in a contract with a national fisheries board. The Commission neglected to examine a final report that substantially modified the draft that it had approved over one year earlier. According to the Ombudsman, the Commission was aware of a number of facts that should have led it to carefully examine the final report.

### **The complaint**

The complaint was lodged by the responsible scientist on the research contract “The Physical Interaction between Grey Seals and Fishing Gear”, signed between the Irish Sea Fisheries Board and the Commission’s Directorate-General Fisheries. He claimed that the Fisheries Board had received instructions from its parent civil service authority to carry out substantial changes to the draft final report, after it had been accepted by the Commission (1). When the final report was published, the main findings of the draft had been either deleted, negated or diluted, he said.

The complainant alleged that the Commission had been negligent in not seeking explanations for the changes and asked the Ombudsman to investigate.

### **The investigation**

The Ombudsman's investigation revealed that the Commission was aware of the fact (a) that the contents of the draft final report were potentially controversial, (b) that the relevant national Ministry wished to exercise editorial control over the final report before it was published, (c) that the final report was handed in more than a year after the Commission had approved the draft final report and (d) that this final report contained substantial changes as compared to the draft final report. In light of these circumstances, one would have expected the Commission to carefully examine the final report. However, there was nothing to indicate that the Commission carried out any such examination.

The Commission said that while it might be argued that it should not have accepted an ill-based and unjustified scientific conclusion, this could not be equated with maladministration. In its view, the terms of the contract had been respected.

The Ombudsman disagreed and found the Commission guilty of maladministration. His decision can be found on:

<http://www.ombudsman.europa.eu/decision/en/030754.htm> [Link]



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(1) Since the complainant was unwilling to do so, he considered that his position had become untenable and resigned from the Board.