

Decision of the European Ombudsman on complaint 500/2001/IJH against the European Commission

Decision

Case 500/2001/IJH - Opened on 18/04/2001 - Decision on 11/02/2002

Strasbourg, 11 February 2002

Dear Mr P.,

On 27 March 2001, you made a complaint to the European Ombudsman against the European Commission, concerning information which the Commission had supplied to the Ombudsman during his investigation of complaint 1372/98/OV. On 18 April 2001, I forwarded the complaint to the President of the European Commission.

On 8 May 2001, I informed you that the Ombudsman had received a similar complaint from Mr R. (552/2001/IJH) and that the two complaints would be investigated jointly.

Also on 8 May 2001, I forwarded your complaint 500/2001/IJH to the President of the European Commission. By letter dated 3 May 2001, received on 10 May 2001, Mr R. sent further information to the Ombudsman concerning complaint 552/2001/IJH. The further information included an additional allegation against the Commission. On 23 May 2001, the Commission sent its opinion on complaint 500/2001/IJH. On 6 June 2001, I wrote to the Commission to request that its opinion on complaint 552/2001/IJH should also comment on the additional allegation made by Mr R. in his letter dated 3 May 2001. On 13 May 2001, I wrote to inform you of the action I had taken and enclosed a copy of the Commission's opinion on complaint 500/2001/IJH.

On 31 July 2001, the Commission sent its opinion on complaint 552/2001/IJH. On 4 September 2001, I forwarded the Commission's opinion on complaint 552/2001/IJH to you and invited you submit observations on that opinion and on the Commission's opinion on your complaint 500/2001/IJH. No observations appear to have been received from you.

I am writing now to let you know the results of the inquiries that have been made.

Please note that the present decision deals only with the allegation made in your complaint 500/2001/IJH. Please also find enclosed, for your information, a copy of the Ombudsman's decision on complaint 552/2001/IJH, which also deals with the additional allegations made by Mr R..



THE COMPLAINT

The previous complaint 1372/98/OV

In December 1998, complaint 1372/98/OV was submitted to the European Ombudsman on behalf of the Isle of Wight Council, concerning the decision of Eurostat not to classify the Isle of Wight as a separate Level 2 area in the NUTS system of statistical classification (1). This is of concern to the complainant because only areas identified at the NUTS 2 level can be eligible for Objective 1 funding from the EU Structural Funds.

On 13 March 2000, the Ombudsman made a draft recommendation to the Commission in case 1372/98/OV that it should reconsider the matter of the NUTS classification of the Isle of Wight. On 22 March 2001, the Ombudsman closed case 1372/98/OV on the basis that the Commission had duly executed the draft recommendation, even though the Commission had confirmed its decision to classify the Isle of Wight only at NUTS level 3, not at level 2.

The allegation in complaint 500/2001/IJH

The complainant alleged that, in dealing with the previous complaint (1372/98/OV) concerning the NUTS level classification of the Isle of Wight, the Commission supplied incorrect information to the Ombudsman. According to the complainant, the Commission informed the Ombudsman that all the islands classified at NUTS level 2 have a higher population density than the Isle of Wight, with the exception of the Åland islands. The complainant stated that, according to his information, the Isle of Wight has a population density of 329 people per square kilometre and that this density is higher than that of four other islands, in addition to the Åland islands, which are classified at NUTS level 2.

THE INQUIRY

The Commission's opinion

In its opinion, the Commission stated that the relevant part of the Commission's opinion to the Ombudsman in case 1372/98/OV was in French (2). The correct translation of the relevant part of the Commission's opinion is as follows:

"Classifying the Isle of Wight at NUTS level II would put this region at the same level as Crete, Corsica, Guadeloupe, Martinique, Réunion, Sicily, Sardinia and Åland, the only islands in this class in their own right, all of which have a much larger population (with the exception of Åland) and much larger area"

In accordance with normal procedure, the Commission later sent a translation into the language of the complaint, English. Unfortunately, the above sentence was inaccurately translated, with the French expression "beaucoup plus peuplées" being rendered as "far denser population" rather than the correct "much larger population".

The complainant's observations

The complainant in case 500/2001/IJH did not make any observations on the Commission's opinion.



The complainant in case 552/2001/IJH did not make any observations relevant to the allegation that the Commission supplied wrong information concerning density of population.

THE DECISION

1 The allegation that the Commission supplied wrong information concerning density of population.

1.1 The complainant alleged that, in dealing with a previous complaint concerning the NUTS level classification of the Isle of Wight, the Commission supplied incorrect information to the Ombudsman. According to the complainant, the Commission informed the Ombudsman that all the islands classified at NUTS level 2 have a higher population density than the Isle of Wight, with the exception of the Åland islands. The complainant stated that, according to his information, the Isle of Wight has a population density of 329 people per square kilometre and that this density is higher than that of four other islands, in addition to the Åland islands, which are classified at NUTS level 2.

1.2 The Commission explained that its opinion to the Ombudsman in the previous complaint was in French and that the translation into English which it later sent to the Ombudsman contained an error, in that the French expression "beaucoup plus peuplées" was rendered as "far denser population" rather than the correct "much larger population".

1.3 The Ombudsman considers that the Commission is responsible for the translations which it supplies to the Ombudsman and notes that the language of this complaint is English. The complainant was therefore correct to point out the error in the information supplied in English by the Commission. However, the evidence available to the Ombudsman is that the Commission formulated its reply to the Ombudsman on the basis of the correct information and that it intended to communicate the correct information to the complainant. In these circumstances, the Ombudsman finds no maladministration.

2 Conclusion

On the basis of the Ombudsman's inquiries into this complaint, there appears to have been no maladministration by the Commission. The Ombudsman therefore closes the case.

The President of the Commission will also be informed of this decision.

Yours sincerely,

Jacob SÖDERMAN

(1) This system divides each Member State into a number of NUTS 1 regions, each of which is subdivided into NUTS 2 regions and so on. NUTS is the acronym of Nomenclature des Unités Territoriales Statistiques.

(2) "Or classer l'Ile de Wight au niveau II de la NUTS mettrait cette région au même niveau que



la Crète, la Corse, la Guadeloupe, La Martinique, la Réunion, la Sicile, la Sardaigne et Åland, seules îles individuellement dans ce cas, et qui sont toutes beaucoup plus peuplées (à l'exception d'Åland) et beaucoup plus grandes".