

## Critics from European Ombudsman

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**The European Ombudsman Mr Jacob SÖDERMAN** criticises the European Commission for failure to provide him a clear and precise explanation on why it took so long for it to put an end to an infringement by Spanish authorities of the Community directives. The Commission claimed that its attitude had been very active. But the process took seven years. In October 1990, having received several complaints concerning the recognition by Spanish authorities of diplomas in odontology which did not meet the requirements of the Community directives, the Commission sent a formal notice to Spain. In 1996, one of the complainants frustrated of not getting proper information on the development of the Commission's proceedings addressed a complaint to the Ombudsman. In the Ombudsman's inquiries it appeared that the Spanish authorities had automatically recognised degrees in odontology obtained in Latin American countries. This practice was based on bilateral agreements concluded by Spain before its accession to the European Communities. As the Commission's first letter did not lead to any change in this practice, the Commission decided in August 1992 to continue the proceedings and forwarded a reasoned opinion to Spain. Having received a reply from Spain in March 1993, the Commission considered it necessary to ask for additional information. Further requests were made to Spanish authorities in 1993 and in 1994, 1995 and 1996. In December 1996 the Commission adopted a decision to take Spain before the Court of Justice because of the unsatisfactory reply it had given to the Commission's reasoned opinion. In 1998, however, it suspended this decision because it now had positive results in negotiations with Spain. The Spanish authorities had proved their willingness to act in accordance with the provisions of the directives. Also the Spanish Supreme Court finally changed its interpretation of existing national rules in order to conform them with the directives concerned. In his decision the European Ombudsman stressed that as guardian of the Treaty the Commission should actively seek that a Member State puts an end to any infringement of the directives. It also should inform the complainant of its actions. In the present case, although the Commission claimed that its attitude had been very active during the seven years, it failed to provide to the Ombudsman clear, precise and transparent information to demonstrate that it had acted with due diligence throughout the long period of the procedure. Therefore, the Ombudsman considered it necessary to give a critical remark. *For further information, please call Mr José Martínez Aragón, Senior Legal Adviser of the Ombudsman, tel. + 33 (0)3 88 17 24 01*