

Ombudsman criticises Commission for language discrimination in EU project

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The European Ombudsman, **P. Nikiforos Diamandouros**, has criticised the European Commission for its refusal to accept applications for an external assistance project for torture victims in any of the official EU languages. This follows a complaint from a German NGO, that the Commission's call for proposals was restricted to English, French or Spanish.

The Commission refused to accept a recommendation from the Ombudsman in which he urged it to accept any EU language in the applications for this programme. According to the Commission, the use of all EU languages was not practical in the field of external assistance. Mr Diamandouros commented: "The Commission's arguments are not convincing. NGOs have a right to use any of the EU languages when sending documents to the EU institutions. The Commission's refusal to comply with this legal obligation constitutes maladministration."

German NGO contests language restrictions in call for tender

In 2004, the Commission published a call for proposals for a rehabilitation project for torture victims, which formed part of the programme entitled "European Initiative for Democracy and Human Rights". Applications were to be submitted in English, French or Spanish. A German association, offering psychological treatment and social support to refugees and their families, who are victims of torture, wanted to apply. It asked the Commission to accept the relevant documents in German, as translation would be very costly and time-consuming. The Commission insisted, however, on a translation of the documents.

The NGO turned to the Ombudsman alleging discrimination because of the language restrictions. It stressed that the Commission had a legal obligation to accept the use of any of the official EU languages in applications submitted in response to its calls for proposals.

In its opinion, the Commission stated that for projects with third countries, the use of all EU languages was not feasible, because of the costs and the time constraints involved. According to the Commission, a pragmatic approach with a restricted use of languages had therefore been chosen.

The Ombudsman pointed out that the Commission has a legal obligation to accept documents in any of the official EU languages. He could not see why this case should constitute an



exception. The Ombudsman therefore sent a recommendation to the Commission asking it to avoid this kind of discrimination in the future.

The Commission refused to accept the recommendation, reiterating its argument that working in all EU languages would not be feasible in the field of external assistance. It also raised the problem of possible discrimination against third country languages, such as Thai, Swahili or Arabic.

The Ombudsman remained unconvinced. He agreed that cost considerations are important; they could not suffice, however, to entitle the Commission to disregard its legal obligation to accept all official languages. According to the Ombudsman, this legal obligation could only be changed by the EU legislator. He concluded that the Commission's insistence that English, French or Spanish be used for project applications constituted an instance of maladministration. However, as the Commission's view and practice on this question seems to have evolved, the Ombudsman refrained from submitting a special report to the European Parliament.

To read the full decision, please go to:

<http://www.ombudsman.europa.eu/decision/en/050259.htm> [Link]

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