



## Decision of the European Ombudsman on complaint OI/3/2001/SM against the European Commission

Decision

**Case OI/3/2001/SM - Opened on 25/06/2001 - Decision on 19/11/2001**

Strasbourg, 19 November 2001

Dear Mr President,

On 25 June 2001 I informed you of an own-initiative inquiry into the functioning of the Joint Research Centre's (JRC) Directorate for resources based in Ispra, Italy. On 18 September 2001, the Commission sent me its opinion.

I write now to let you know the results of the own-initiative inquiry regarding the JRC's Directorate for resources.

### THE REASONS FOR THE INQUIRY

According to Article 195 of the Treaty Establishing the European Community, the European Ombudsman may conduct inquiries on his own initiative in relation to possible instances of maladministration in the activities of Community institutions and bodies.

The Joint Research Centre (JRC) is a Directorate General of the Commission. Its stated mission is to provide customer-driven scientific and technical support for the conception, development, implementation and monitoring of EU policies: in brief, to provide scientific support to policy-making.

The scientific activities of the JRC focus on three pillars: (i) food, chemical products and health; (ii) environment and sustainability; (iii) nuclear safety and security. These are supported by three horizontal complementary competences: science and technology foresight; reference materials and measurements; public security and antifraud. The JRC has 2100 staff, of whom 1500 scientists. The scientific work is carried out in seven Institutes, located on five different sites in Europe (1) .

The JRC's Directorate for Resources is based in Ispra, Italy. This Directorate is responsible for ensuring that the Institutes receive the logistical support required to carry out their tasks. The mission of the Directorate is to ensure sound and efficient management of the resources allocated to JRC and coherent and consistent application of the procedures necessary to achieve the objectives of the JRC (2) .

The European Ombudsman has dealt with a number of complaints against the JRC in Ispra and these inquiries led to six critical remarks (3) . The Ombudsman therefore decided to use his power to launch an own-initiative inquiry in order to find out whether there is a more



general problem, and if there is, promote an effective solution.

#### THE INQUIRY

By letter of 25 June 2001, the Ombudsman informed the Commission of the own-initiative inquiry. He asked the Commission to examine whether there is a need for more effective advice and guidance to staff or changes to the administrative framework in order to avoid maladministration in the future.

#### **The Commission's opinion**

In its opinion, the Commission informed the Ombudsman of measures undertaken to improve the management of the JRC's Directorate for Resources in Ispra. According to the opinion, the six closed cases giving rise to critical remarks have been thoroughly examined by the JRC which has undertaken two corrective measures: (i) the clause concerning contractual revision in JRC's standard contract has been amended; and (ii) instructions have been given to avoid abusive delays when responding to candidates' submitted tender applications.

As regards the delays in replying, the JRC has installed an internal computerised system (Adonis) which keeps track of deadlines for replying to correspondence. Staff have moreover received instructions to follow strictly the Code of Good Conduct adopted by the Commission and internal seminars will take place to promote this. The mission of the newly appointed Director General, Mr McSweeney, is to adapt the activities of the JRC to the needs of its users. In this context and in light of Vice President Mr Kinnock's reform, the JRC plans to improve administrative procedures by implementing the Commission's Code of Good Conduct and the "Charte des ordonnateurs et les nouveaux circuits financiers". It introduced in 1998 the quality system "Total Quality Management" (TQM) which has been implemented since. Internal staff seminars take place in order to enhance efficiency of the JRC's activities in practice.

The JRC is moreover in the process of establishing a decentralised complaints procedure, which will be launched in autumn 2001. A compulsory register will be kept; the Director in charge of a particular subject matter will be informed; strict deadlines for replying will be respected; and finally the functioning of the procedure will be regularly reviewed.

#### **Visit to Ispra by staff of the Ombudsman's services**

On 27 September 2001, two members of staff of the Ombudsman's services, Mr Ian HARDEN and Ms Ida PALUMBO visited the site of the JRC at Ispra, Italy, in response to an invitation addressed to the Ombudsman by the Director General of the JRC, Mr Barry McSWEENEY. During the visit they were informed of recent and on-going management changes at the JRC by responsible officials including Mr McSWEENEY; the Deputy Director-General of the JRC, Mr Hugh RICHARDSON; and the Head of Unit for internal audit, Mr F. DEZEURE. They also attended a management meeting during which the introduction of an internal complaints procedure and of the computerised system for managing documents and correspondence (Adonis) were presented to JRC heads of unit.

Since it appeared that the information obtained during the visit could be useful for the own-initiative inquiry, the mission report was added to the file.

Towards the end of the visit, the Ombudsman's services requested, for information, a



number of internal JRC documents, including the Interim Report of the Director General dated 30 June 2001. These documents were subsequently supplied by e-mail. Since it appeared that the documents could be useful for the purposes of the own-initiative inquiry, it was confirmed with the JRC management that they would be added to the file.

According to information supplied by the JRC to the Ombudsman, the JRC's internal audit unit carried out an audit of financial circuits with a view to identifying ways to improve payments management in the JRC. By the end of October 2001, the JRC is to put in place a decentralised financial control system, including a structure of sub-delegations, thereby promoting empowerment of management. Correspondingly, the role of the Resources Directorate in Ispra is being re-focused on support, especially the establishment of clear written procedures and monitoring of their correct implementation. The JRC will carry out an audit of the financial system and its implementation immediately after the date of 1 October 2001. It will moreover review the financial circuits after six month's operation. The JRC will carry out an audit of the financial system and its implementation after six month's operation. The financial procedures as reviewed will be included in the JRC Management Manual (4).

#### **THE DECISION 1 Information about management changes at the JRC**

1.1 Following six cases in which the Ombudsman found maladministration by the Commission's Joint Research Centre (JRC), the Ombudsman launched an own-initiative inquiry in which he requested the Commission to examine whether there is a need for more effective advice and guidance to staff or changes to the administrative framework in order to avoid maladministration in the future.

1.2. In its opinion, the Commission informed the Ombudsman of two corrective actions taken in response to the Ombudsman's critical remarks: (i) a clause concerning contractual revision in the JRC's standard contract has been amended; (ii) instructions have been given to avoid abusive delays when responding to candidates' submitted tender applications.

1.3 Furthermore, according to the Commission's opinion and information supplied to the Ombudsman by the JRC, the JRC has installed an internal computerised system (Adonis) which keeps track of deadlines for replying to correspondence. Staff have also been instructed to follow the Code of Good Conduct adopted by the Commission. The JRC is also in the process of establishing a decentralised complaints procedure, which will be launched in Autumn 2001.

1.4 The Ombudsman notes that the complaints procedure and the Adonis system were presented to JRC heads of unit at a JRC management meeting on 27 September 2001.

1.5 The JRC has also informed the Ombudsman of the work of its internal audit unit and of its intention to put in place a decentralised financial control system, promoting empowerment of management. Correspondingly, the role of the Resources Directorate in Ispra is being re-focused on support, especially the establishment of clear written procedures and monitoring of their correct implementation.

#### **2. The Ombudsman's evaluation of the management changes at the JRC**

2.1 The Ombudsman welcomes the measures taken by the Commission and the JRC management and notes that the JRC's complaints procedure is expected to be operational in



autumn 2001. The Ombudsman also notes that the Adonis system includes records of attribution of correspondence and an automatic system for warning of approaching and exceeded deadlines and takes into account the deadlines established in the Commission's code of good administrative behaviour (5) .

2.2 The Ombudsman also welcomes that fact that JRC management regard the introduction of the complaints procedure and of the Adonis system as key elements for achieving change in the culture of management of the JRC. The Ombudsman also considers that the introduction of a decentralised financial control system, by promoting empowerment of management, could promote and consolidate changes in the culture of management of the JRC which could help prevent maladministration in the future.

2.3 In view of the above, the Ombudsman considers that the Commission and JRC management have made a positive and constructive response to the own-initiative inquiry and that the measures they have taken could help prevent maladministration in the future.

### **3 Conclusion**

The Ombudsman's own-initiative inquiry has revealed no evidence of maladministration by the European Commission in its response to the Ombudsman's own-initiative inquiry into the management of the JRC's Directorate for Resources in Ispra. The Ombudsman therefore closes the case.

Yours sincerely,

Jacob SÖDERMAN

(1) Geel, Belgium (Institute for Reference Materials and Measurements); Ispra, Italy (Institute for the Protection and Security of the Citizen, Institute for Environment and Sustainability and Institute for Health and Consumer Protection); Karlsruhe, Germany (Institute for Transuranium Elements); Petten, the Netherlands (Institute for Energy); and Seville, Spain (Institute for Prospective Technological Studies).

(2) See JCR web site at [europa@cec.eu.int](mailto:europa@cec.eu.int) ( <http://www.jrc.ec.europa.eu/index.asp> ).

(3) Case 1479/99/(OV)MM; case 878/96/TT/it/PD and 905/96/AGS/it/PD (joint inquiry); case 1057/97/PD; case 855/97/PD; case 307/2000/IP; and case 922/2000/IP.

(4) JRC Interim Report of the Director General, 30.6.2001, p. 8.

(5) See OJ L308/32 of 8.12.2000 and [http://www.europa.eu/comm/secretariat\\_general/code/index\\_en.htm](http://www.europa.eu/comm/secretariat_general/code/index_en.htm) .