Ombudsman's main concern remains lack of transparency in EU administration


By far the most common allegation examined by the European Ombudsman, P. Nikiforos Diamandouros, in 2008 was lack of transparency in the EU administration (36% of inquiries). This included the refusal of information or documents. Other types of alleged maladministration concerned late payments for EU projects, unfairness, abuse of power and discrimination.

At the presentation of his Annual Report 2008 in Brussels, Mr Diamandouros said: "An accountable and transparent EU administration is key to building citizens' trust in the EU. I therefore call on the European Commission to amend its proposals to reform the legislation on public access to documents in order to give the widest possible access to citizens and other stakeholders."

In 2008, the Ombudsman received 3,406 complaints from EU citizens, companies, NGOs and associations. In almost 80% of cases, the Ombudsman was able to help the complainant by opening an inquiry into the case, transferring it to a competent body, or giving advice on where to turn. The Ombudsman closed a record number of inquiries in 2008 (355 inquiries). In total, he handled over 7,700 complaints and information requests. After his intervention, the EU administration settled bills, paid interest, released documents, remedied injustices and put an end to discrimination.

The Ombudsman noted an increasing number of complaints from companies, associations, NGOs, regional offices and other organisations in 2008 (26% of inquiries were based on this type of complaints). Mr Diamandouros commented: "I am working hard to reach out to stakeholders who are in contact with the EU administration, for example, in the framework of EU projects. I am happy to see that they increasingly use my services to help solve problems they encounter."

Most of the inquiries in 2008 concerned the European Commission (66%), followed by the European Parliament, the European Personnel Selection Office, the Council and OLAF.

Germany produced the greatest number of complaints (16%), followed by Spain (10%), Poland (8%) and France (7%). But relative to the size of their population, most complaints came from Malta, Luxembourg, Cyprus and Belgium.

The Ombudsman was pleased to note that 36% of all investigations either were settled by the institution complained against or were the result of a friendly solution. In 44 cases, the
Ombudsman issued a critical remark. One special report was sent to the European Parliament concerning age discrimination in the Commission.

The Ombudsman's *Overview 2008* contains summaries of cases, background information and statistics. It is available in all 23 official EU languages at:

http://www.ombudsman.europa.eu/activities/annualreports.faces

The full Annual Report in English is also available at this web address. It will be available in all official EU languages in July.

**Selection of cases 2008**

**Late payment by Commission**

In recent years, the Ombudsman has received more than 30 complaints from companies, associations, NGOs, universities and other organisations involved in EU projects concerning late payment problems with the Commission. The Ombudsman therefore started an investigation into the matter. While welcoming the measures already taken by the Commission to reduce payment delays, he concluded that the Commission still had serious problems paying its bills on time, since delays occurred in more than one out of five cases. To look further into this matter, the Ombudsman launched a follow-up investigation in 2009.


**Age discrimination**

A Belgian freelance interpreter who, for more than 35 years, had been hired by the institutions to provide his services in specific meetings complained to the Ombudsman after he stopped receiving job offers on turning 65. The Ombudsman confirmed that this constituted age discrimination. In response, the European Parliament changed its practice. The Commission, on the other hand, failed to adequately justify why it treated freelance interpreters over 65 differently and refused to change its practice. Since the case raised an important issue of principle, the Ombudsman submitted a special report to Parliament.


**Complaint about high-speed train through Barcelona**

A Spanish citizen lodged a complaint against the European Investment Bank (EIB) about the negative environmental impact of a planned high-speed railway through Barcelona. In his view, the EIB’s agreement to co-finance this segment of the project was wrong because the environmental impact had not been properly assessed. The Ombudsman asked the EIB not
to provide any financial assistance before carrying out and fully documenting an environmental impact assessment.


100 000 EUR for Italian company

An Italian company complained to the Ombudsman about a payment dispute with the Commission concerning an EU project to supply water for displaced persons in Liberia. The Commission admitted errors in its project management and accepted the Ombudsman’s friendly solution proposal. It even granted compensation payments to the complainant. As a result, the Italian company received more than EUR 100 000.


Transparency of MEPs' allowances

A Maltese journalist, whose request for details of certain MEPs' allowances was rejected by the EP on the grounds of data protection, turned to the Ombudsman. After investigating the case, the Ombudsman welcomed the EP’s decision to publish general information on MEPs’ allowances on its website and to acknowledge that the public has the right to know how MEPs spend public money. He regretted, however, that the EP interpreted the law in a way that weakens the principle of transparency and conflicts with a recent judgment of the Court of First Instance relating to this issue.


Language discrimination in EU project

A German NGO wanted to participate in an EU external assistance project for torture victims. It turned to the Ombudsman after the Commission refused to accept applications in any of the official EU languages. The call for proposals was restricted to English, French or Spanish. The Ombudsman criticised the Commission for language discrimination. According to the Ombudsman, NGOs and other associations have a right to use any of the EU languages when sending documents to the EU institutions.