

Ombudsman: One third of complaints concern lack of transparency in EU administration

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The European Ombudsman, **P. Nikiforos Diamandouros**, has called on the EU administration to become more transparent and citizen-friendly. In 2009, more than one third of complaints that led to inquiries (36%) concerned alleged lack of transparency, including refusal to release documents or information. Other types of alleged maladministration concerned late payments for EU projects, unfairness, abuse of power and discrimination.

At the presentation of his **Annual Report 2009** in Brussels, Mr Diamandouros said: "The Charter of Fundamental Rights of the European Union is now legally binding and contains the citizens' right to good administration and the right of access to documents. I will increase my efforts to ensure that these rights are taken seriously by the EU administration."

In 2009, the Ombudsman received 3,098 complaints from citizens, companies, NGOs and associations (3,406 in 2008). 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 opened 339 inquiries and closed 318 inquiries in 2009. In total, he handled almost 5,000 complaints and information requests.

Mr Diamandouros explained: "The number of inadmissible complaints has decreased compared to 2008. This is mainly due to the interactive guide on our website which helps people find the right address first time around. We also opened 14% more inquiries in 2009 than 2008, which demonstrates that more people are turning to us for the right reasons. I will continue to seek to raise awareness about the Ombudsman's work among those who might have a problem with the EU administration."

Most of the inquiries opened in 2009 concerned the European Commission (56%), followed by the European Parliament, the European Personnel Selection Office, the Council and the Court of Justice of the EU. The Ombudsman was pleased that in more than half of the cases (56%), the institution concerned accepted a friendly solution or settled the matter. The number of cases in which critical remarks were made went down from 44 in 2008 to 35 in 2009.

Germany produced the greatest number of complaints (413), followed by Spain (389), Poland (235) and France (235). But relative to the size of their population, most complaints came from Luxembourg, Malta, Cyprus and Belgium.



The Ombudsman's *Overview 2009* 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> [Link]

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

Selection of cases 2009

Complaint by Intel alleging procedural errors in anti-trust case

The Ombudsman criticised the Commission for failing to make a proper note of a meeting with computer manufacturer Dell during an antitrust investigation of the chip producer Intel. This followed a complaint from Intel arguing that the meeting directly concerned the subject-matter of the investigation. The Ombudsman stated that he hoped his decision would help the Commission to improve its administrative procedures by ensuring that its future anti-trust investigations are fully documented.

<http://www.ombudsman.europa.eu/press/release.faces/en/4403/html.bookmark> [Link]

Friendly solution in VIP tickets case

The Ombudsman helped settle a dispute between the Commission and the NGO *Friends of the Earth Europe* concerning two high ranking Commission officials who accepted VIP tickets for the Rugby World Cup from a sportswear supplier. According to the NGO, this could have resulted in a conflict of interest. The Commission agreed with the Ombudsman's proposal to acknowledge that it would have been better not to allow its officials to accept the tickets.

<http://www.ombudsman.europa.eu/press/release.faces/en/4362/html.bookmark> [Link]

OLAF accepts proposal to release documents

The Ombudsman helped settle a dispute about access to documents between the European Anti-Fraud Office (OLAF) and two Belgian companies. On the basis of a request made by OLAF in 2002, the Belgian customs authorities investigated whether the two companies had used false Spanish certificates to import bananas from Latin America at a preferential tariff. The investigation is still ongoing. The companies asked for access to relevant documents held by



OLAF. Initially, OLAF refused to release most of the documents but finally accepted the Ombudsman's friendly solution proposal to release them.

<http://www.ombudsman.europa.eu/press/release.faces/en/4589/html.bookmark> [Link]

Complaint about high-speed train through Barcelona

The European Investment Bank (EIB) agreed to improve the way it documents reviews of environmental impact assessments, after the Ombudsman found shortcomings in its procedure. This followed a complaint from a Spanish citizen about the negative environmental impact of a planned high-speed railway through Barcelona. In the complainant's view, the EIB's agreement to co-finance this segment of the project was wrong because the environmental impact had not been properly assessed.

<http://www.ombudsman.europa.eu/press/release.faces/en/4063/html.bookmark> [Link]

Unfair exclusion from EUR 4 million tender

The Ombudsman criticised the Commission for unfairly excluding an Italian company from a EUR 4 million tender. This followed a complaint from the company which led a consortium that bid for an EU project concerning the harmonisation of energy policies between the EU and Russia. The Commission recalculated the consortium's bid without consulting the complainant. As a result of its recalculation, it wrongly concluded that the bid exceeded the maximum allowable budget of EUR 4 million by EUR 21. On this basis, it excluded the bid from the tender. According to the Ombudsman, this constituted an instance of maladministration.

<http://www.ombudsman.europa.eu/press/release.faces/en/4098/html.bookmark> [Link]