

Decisão no processo 758/2017/MDC relativo à política linguística alegadamente discriminatória da Frontex

Decisão

Caso 758/2017/MDC - Aberto em 04/07/2017 - Recomendação sobre 23/07/2018 - Decisão de 02/04/2019 - Instituições em causa Agência Europeia da Guarda de Fronteiras e Costeira (Recomendação aceite pela instituição) | Agência Europeia da Guarda de Fronteiras e Costeira |

O processo dizia respeito ao pedido de um cidadão italiano de obtenção de uma versão em língua italiana de um documento da Agência Europeia da Guarda de Fronteiras e Costeira (Frontex).

O inquérito da Provedora de Justiça centrou-se na política linguística adotada pela Frontex nas suas comunicações externas. A Provedora de Justiça recomendou que a Frontex disponibilizasse informações gerais sobre a Agência no seu sítio Web em todas as línguas da UE. Recomendou igualmente que a Frontex publicasse a sua política linguística no seu sítio Web em todas as línguas oficiais da UE.

Uma vez que a Frontex aceitou as suas recomendações, a Provedora de Justiça encerrou o inquérito, sugerindo que a Frontex desenvolvesse, o mais rapidamente possível, uma política linguística mais abrangente para as suas comunicações externas.

Background to the complaint

1. The complainant, an Italian citizen, asked the European Border and Coastguard Agency (Frontex) to make available in Italian a document which was published in English on its website.

[1] He also requested that the homepage of Frontex's website and information regarding the Agency's language policy be made available in Italian.

2. Frontex replied that the requested document and the homepage of its website were not available in Italian [2] . Nor was the Executive Director's Decision No 2014/86 on the internal use of languages [3] . The complainant claimed that publishing documents in English only amounted to discrimination.

3. The Ombudsman opened an inquiry noting that the language policy of EU institutions should



be published online in all EU official languages. She also noted that, in the context of a previous inquiry, [4] Frontex had made a commitment to make available on its website in early 2014 general information about its mandate and activities in French, German, Spanish, Italian, Greek, and Polish and to make every effort to make that information available in all the other EU official languages by the end of 2014. The Ombudsman asked FRONTEX (i) to clarify the content of its language policy and the reasons underpinning it; and (ii) to elaborate on why it had not implemented its previous commitments to the Ombudsman.

The Ombudsman's recommendation

4. The Ombudsman received Frontex's reply and the complainant's comments on it. The Ombudsman found that Frontex's failure to uphold the commitments that it had made in 2013 and its failure to make its external language policy publicly available in all the EU official languages amounted to maladministration. She therefore issued the following recommendations:

- **Frontex should publish its external language policy on its website in all the EU official languages, without delay. If such a policy has not already been drawn up, Frontex should draw one up immediately.**
- **Frontex should make general information about the Agency available on its website in all the EU official languages as soon as the revision of the website is concluded and should inform the Ombudsman of the date by which the revision is expected to be completed. [5]**

5. On 26 November 2018, Frontex replied saying that it had taken immediate action to address the Ombudsman's recommendations.

6. Frontex noted that, since the Ombudsman issued her recommendations, it had published its online language policy in 22 official languages and that it intended to publish the remaining two language versions by 30 November 2018. [6] It said that it was working to develop a comprehensive language policy for its external communications, since different requirements apply to specific Frontex activities. It is aiming to strike a fair balance between its duty to respect linguistic diversity and the need for administrative efficiency and the efficient use of resources.

7. Frontex also noted that it had made information about the Agency available online in 22 official languages. It intended to make that information available in all the 24 official languages by 30 November 2018. [7]

8. Frontex further noted that it had added a link on its website to the Code of Good Administrative Behaviour and described some changes to its website that made the work of the Agency more accessible to its users.

9. On 27 December 2018, the complainant expressed his satisfaction with the way Frontex had implemented the Ombudsman's recommendations.



The Ombudsman's assessment after the recommendation

10. The Ombudsman notes that, although Frontex is still working on developing a more comprehensive language policy for its external communications, it has now published its online language policy (and the reasons underpinning it, outlined in footnote 6) in all the official languages of the EU. The Ombudsman welcomes this development as well as the fact that the Agency has published key information about Frontex in all 24 official languages (see footnote 7). She notes that the complainant is satisfied with the measures Frontex has taken.

11. The Ombudsman thus considers that Frontex has accepted her recommendations. She encourages Frontex to follow up on its commitment to develop a more comprehensive language policy for its external communications as soon as possible [8] .

Conclusion

Based on the inquiry, the Ombudsman closes this case with the following conclusion :

Frontex has accepted the Ombudsman's recommendations.

The complainant and FRONTEX will be informed of this decision.

Suggestions for improvement

The Ombudsman suggests that Frontex follow up on its commitment to develop a more comprehensive language policy for its external communications as soon as possible.

Emily O'Reilly

European Ombudsman

Strasbourg, 02/04/2019

[1] *Risk Analysis for 2017*,
<https://frontex.europa.eu/publications/?pq=&year=2017&category=riskanalysis> [Link]

[2] Frontex however stated that it was working on providing general information about Frontex in five official languages of the EU, including Italian.



[3] Decision of the Executive Director No 2014/86 on internal use of languages of 17 December 2014.

[4] Decision of the European Ombudsman closing the own-initiative inquiry OI/13/2012/MHZ (Visit to the

European Agency for the Management of Operational Cooperation at the External Borders of the Member

States of the European Union - Frontex), available at:

<https://www.ombudsman.europa.eu/cases/decision.faces/en/51885/html.bookmark> [Link].

[5] Recommendations of the European Ombudsman in case 785/2017/MDC on Frontex's allegedly discriminatory language policy and the non-availability of an Italian version of two documents, available at <https://www.ombudsman.europa.eu/en/recommendation/en/100113> [Link].

[6] Frontex's online language policy is now available in all 24 official languages. The online language policy provides that key information about Frontex is available in all 24 official languages. Other content of its website, including videos, slideshows and publications have been subtitled and translated " *to meet the needs of a multilingual audience* ". Frontex also publishes some documents, such as the Complaints Mechanism Booklet, in a number of non-EU languages. Frontex's online language policy states that the Agency aims to strike a reasonable balance between respect for speakers of the official languages of the EU and practical considerations. It lists the constraints that limit its efforts to make its work available in as many languages as possible (essentially urgency, the effective use of resources and institutional development).

[7] Frontex also said that by the end of January 2019, it intended to publish multilingual versions of further sections of its website.

The Ombudsman notes that information about Frontex is now available in all 24 official languages. That information includes sections on Frontex's vision, mission and values; its main responsibilities; information about joint operations; law enforcement; the role of Frontex in search and rescue operations; fundamental rights protection; transparency and information, including public access to documents; and documents and publications.

[8] In drawing up this more comprehensive language policy, Frontex may wish to consult the Ombudsman's recent public consultation report on multilingualism in the EU institutions. See: <https://www.ombudsman.europa.eu/en/correspondence/en/110044> [Link]