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Ombudsman receives greatest number of complaints about EU administration from Germany and Spain

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The European Ombudsman investigates complaints about maladministration in the EU institutions and bodies. Any EU citizen, resident, or an enterprise or association in a Member State, can lodge a complaint with the Ombudsman. The Ombudsman offers a fast, flexible and free means of solving problems with the EU administration.

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In 2010, the European Ombudsman, P. Nikiforos Diamandouros, received the greatest number of complaints about the EU administration from German (375) and Spanish (349) citizens, companies, NGOs, and associations. Relative to the population, however, the greatest proportion of complaints came from Luxembourg, Cyprus, and Belgium.

In total, the Ombudsman received 2 667 complaints in 2010, compared to 3 098 in 2009. The number of complaints received, which lay outside his mandate, decreased by more than 400. This reduction was achieved thanks to the Interactive Guide on the Ombudsman's website, which advises users of where to turn to seek redress, be it at the European, national, or regional level.

In over 70% of all cases, the Ombudsman was able to help the complainants by opening an inquiry, transferring a case to the competent body, or giving advice on where to turn. The number of opened inquiries (335) and closed inquiries (326) remained stable in 2010 as compared to the previous year.

The most common subject matter of inquiries closed by the Ombudsman in 2010 was lack of transparency in the EU administration (33%), including refusal to release documents or information. Other cases concerned problems with the execution of EU contracts or calls for tender, unfairness, abuse of power, or discrimination.

At the presentation of his **Annual Report 2010** in Brussels, Mr Diamandouros said: "The Ombudsman's main priority is to help the EU administration to become more open, proactive, accountable, and citizen-friendly, in order to increase citizens' trust in the European public

service. Quite a lot remains to be done in this respect. I am, however, delighted that in more than half of the cases I closed in 2010, the institution concerned accepted a friendly solution proposal or settled the matter."

In 2010, the Ombudsman issued 33 critical remarks (35 in 2009) and sent one Special Report to the European Parliament concerning the failure of the Commission to cooperate sincerely and in good faith with him in an access to documents case (see case examples).

Most of the inquiries opened in 2010 concerned the European Commission (65%), followed by the European Personnel Selection Office (10%), the European Parliament (7%), and the Council (2%). Taken together, the EU Agencies accounted for 10% of all inquiries opened in 2010.

The Ombudsman's *Overview 2010* (in the 23 official EU languages) and the full *Annual Report 2010* (in English) are available at:
<http://www.ombudsman.europa.eu/activities/annualreports.faces>

The *Annual Report 2010* will be published in all official EU languages in July.

Selection of cases 2010

Special Report on "Porsche letters"

The Ombudsman submitted a Special Report to the European Parliament concerning the Commission's refusal to disclose letters from the German car manufacturer Porsche about CO₂ emissions from cars. The Report concerned the failure of the Commission to cooperate with the Ombudsman sincerely and in good faith. The NGO *Friends of the Earth Europe* had asked for access to the letters in 2007 and received their



full content only in April 2011.

<http://www.ombudsman.europa.eu/en/press/release.faces/en/4642/html.bookmark>

More transparency in European Medicines Agency (EMA)

The EMA in London accepted two recommendations by the Ombudsman to release adverse reaction reports on an anti-acne medicine, as well as clinical study reports and trial protocols for anti-obesity medicines. Following these cases, EMA adopted new rules for much broader public access to its documents. One of the complainants was an Irish citizen whose son had committed suicide after taking the anti-acne medicine.

<http://www.ombudsman.europa.eu/en/press/release.faces/en/5498/html.bookmark>

Ombudsman solves dispute between Commission and German association

The Ombudsman helped the Commission to settle a payment dispute with a German cultural association. The Commission initially refused to pay the outstanding sum of EUR 6 000 for an exhibition on 28 European regions, arguing that it had not been duly notified about reallocations in the budget. It eventually accepted the Ombudsman's proposal for a friendly solution and agreed to pay the association the outstanding sum of EUR 6 000, as well as more than EUR 1 500 in interest.

<http://www.ombudsman.europa.eu/en/press/release.faces/en/5490/html.bookmark>

Commission admits error concerning cod fishing quota

After the Ombudsman's investigation of a complaint by a Scottish fishermen's association, the Commission acknowledged an administrative error concerning fishing quotas in the West of Scotland. This mistake had led to a 10% reduction in fishing days allocated for a specific group of vessels in the West of Scotland. The Ombudsman commended the Commission for acknowledging its mistake.

<http://www.ombudsman.europa.eu/en/press/release.faces/en/4874/html.bookmark>

Member States have no veto over release of Commission documents

In a case concerning documents relating to the construction of an industrial port in Tenerife, Spain, the Ombudsman pointed out that, if the Spanish authorities request the Commission not to release documents it receives from them, they

must give convincing arguments based on EU transparency rules. The Ombudsman commended the Commission's decision in this case to release its own internal documents to the complainant — the *European Environmental Bureau*.

<http://www.ombudsman.europa.eu/en/press/release.faces/en/5535/html.bookmark>