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Ombudsman criticises Commission's restrictive language policy for public consultations

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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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The European Ombudsman, P. Nikiforos Diamandouros, has criticised the Commission's refusal to publish public consultations in all 23 EU languages. This follows a complaint from a Spanish lawyer about many public consultation documents only being available in English or in a limited number of EU languages, even if they are intended for the general public.

Mr Diamandouros stated: "European citizens cannot exercise their right to participate in the EU's decision-making process effectively if public consultation documents are not available in all official languages. The European Parliament recently adopted a Resolution urging the Commission to review its restrictive language policy to ensure that citizens' rights are respected. I fully share Parliament's position."

Citizens cannot participate effectively in a consultation if they do not understand it

The European Commission regularly carries out public consultations in order to allow citizens, associations, and other stakeholders to participate in the EU's decision-making process. All public consultation documents are listed on its "Your Voice in Europe" webpage.

In October 2010, a Spanish lawyer turned to the Ombudsman, complaining that many public consultations are only published in English, for example, consultations concerning a new partnership to help small and medium-sized enterprises and concerning the freedom of movement of workers. The complainant argued that the Commission's language policy was arbitrary and contrary to the principles of openness, good administration, and non-discrimination.

The Ombudsman shared the complainant's view that European citizens cannot be expected to participate in a consultation which they are unable to understand. According to the Ombudsman, multilingualism is essential for citizens to exercise their right to participate in the democratic life of the EU, which is guaranteed by the Lisbon Treaty. He concluded that the Commission's restrictive language policy constitutes maladministration and called on the institution to publish its public consultation documents in all 23 EU languages or to provide translations upon request.

The Commission refused to accept the Ombudsman's recommendations. It argued that the principle of multilingualism depends on time constraints and available resources. According to the Commission, there is no legal right for citizens to have access to consultation papers in all EU languages.

Because this issue touches upon an important matter of principle concerning the democratic functioning of the EU, which is guaranteed by the Lisbon Treaty, the Ombudsman considered submitting a Special Report to the European Parliament (EP). However, in June 2012, the EP adopted a Resolution urging the Commission to review its restrictive language policy for public consultations. As this Resolution covers the scope of the Ombudsman's recommendations, a Special Report is unnecessary.

The Ombudsman's decision is available at:
<http://www.ombudsman.europa.eu/en/cases/decision.faces/en/12009/html.bookmark>