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Ombudsman: 30% of Commission's follow-up replies to criticism unsatisfactory

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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**, received a positive reply from the EU institutions in 78% of cases where he issued critical remarks and made suggestions for improvement in 2010. He remained concerned, however, about the high number of unsatisfactory follow-up replies (10 out of 33) which the European Commission provided in response to his critical remarks. In total, he issued 38 critical remarks to the EU institutions, including the Commission, the European Parliament, and other EU agencies and bodies. On the other hand, the Ombudsman also identified seven "star cases" in which the follow-up to his remarks was exemplary. These are among the results of a new study on the follow-up given by the EU administration to the Ombudsman's critical and further remarks for the year 2010.

In 2010, the Ombudsman's critical and further remarks concerned matters such as unjustified refusal to give access to documents, problems with tender procedures, and infringement of the right to be heard. A further remark differs from a critical remark in that it is not based on a finding of maladministration. In 2010, the Ombudsman issued a total of 21 further remarks (20 of which led to positive replies). Both types of remark aim to help the EU administration to improve its services.

Constructive responses to cases concerning calls for tenders

In his previous follow-up report, the Ombudsman had criticised the institutions' defensive approach when it came to cases concerning calls for tenders regarding EU programmes and projects. This year's report, on the other hand, contains highly constructive responses to such cases.

One of the "star cases" concerned a complaint from a Belgian company, which lost a Commission tender in the field of European aid for Bulgaria and Romania. Following a critical remark, the Commission reconsidered its initial position and implemented the Ombudsman's proposal to launch a new tender procedure.

In his study, the Ombudsman also stressed that he would monitor the way the Commission deals with sub-contractors to ensure that their fundamental right to good administration is respected.

Commission's failure to give access to documents on car emissions

One of the unsatisfactory replies concerned the Commission's refusal to give full access to briefings prepared for a Commissioner in the framework of a proposal to reduce CO2 emissions from passenger cars. Another involved the European Parliament's failure to follow-up constructively in a case concerning the double dependent child allowance for an official's severely disabled child.

The full follow-up report is available at:
<http://www.ombudsman.europa.eu/en/cases/followups.faces>