



P. NIKIFOROS DIAMANDOUROS

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Ombudsman: EU institutions must become more transparent

A record number of inquiries (28%) carried out by the European Ombudsman, **P. Nikiforos Diamandouros**, in 2007 concerned lack of transparency in the EU institutions, including the refusal of information or documents. "Complaints concerning lack of transparency are an opportunity for EU institutions and bodies to demonstrate their willingness to be as open and accountable as possible. I hope that the Commission's proposals for reform of the legislation on public access to documents will contribute to realising this important goal", said the Ombudsman at the presentation of his **Annual Report 2007** in Brussels. Other types of alleged maladministration included late payments for EU projects, unfairness, abuse of power and unsatisfactory procedures.

In 2007, the Ombudsman received 3,211 complaints from EU citizens, companies, NGOs and associations. In almost 70% 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 closed a record number of inquiries in 2007 (348 inquiries), representing a 40% increase compared to 2006 (250 closed inquiries). After his intervention, the EU administration settled bills, paid interest, released documents, remedied injustices and put an end to discrimination.

The Ombudsman noted a decline in inadmissible and a noticeable increase in admissible complaints. Mr Diamandouros commented: "Thanks to our efforts to inform businesses, associations, NGOs, regional authorities and other target groups about our services, we are getting an increasing number of admissible complaints. As a result, 17% more inquiries were opened in comparison to the previous year."

As in previous years, most of the inquiries in 2007 concerned the European Commission (64%), followed by the European Personnel Selection Office, the European Parliament, OLAF and the Council.

Germany produced the greatest number of complaints (16%), followed by Spain (11%), France (8%) and Poland (7%). But relative to the size of their population, most complaints came from Luxembourg, Malta and Cyprus.

The Ombudsman expressed his concern about the growing number of critical remarks (55 in 2007 as opposed to 41 in 2006) he had to make to the EU institutions. On the other hand, 129 cases were settled by the EU administration following a complaint to the Ombudsman, twice the number of cases settled during the previous year.

The Ombudsman's *Executive Summary and Statistics 2007* is available in all 23 official EU languages and contains summaries of cases, background information and statistics. It can be downloaded at:

<http://www.ombudsman.europa.eu/report/en/default.htm>

The full Annual Report in English is also available at this web address. It will be available in all official EU languages later this year.

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. For more information: <http://www.ombudsman.europa.eu>

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FACT SHEET ANNUAL REPORT 2007

How many complaints?

The Ombudsman received **3,211 complaints in 2007** (compared to 3,830 in 2006). He dealt with a **total of 641 inquiries** (compared to 582 in 2006). In 2007, the Ombudsman **closed 348 inquiries**. This represents a **40% increase** compared to 2006 (250 closed inquiries). In total, the Ombudsman handled more than **10,000 complaints and information requests** during the year.

Against whom?

64% of the inquiries dealt with in 2007 concerned the **Commission**, followed by the **European Personnel Selection Office** (14%), the **European Parliament** (9%), the **European Anti-Fraud Office OLAF** (3%) and the **Council** (1%). Given that the Commission is the main Community institution that makes decisions having a direct impact on citizens, it is normal that it should be the principal object of citizens' complaints.

About what?

Lack of transparency (28% of total inquiries), **unfairness or abuse of power** (18%), **unsatisfactory procedures** (13%), **avoidable delay** (9%), **discrimination** (8%), and **negligence** (8%) were the main allegations made. The problems ranged from failure to give access to documents to late payments for EU projects to discrimination against EU staff.

From whom?

Germany produced the greatest number of complaints (16%), followed by **Spain** (11%), **France** (8%) and **Poland** (7%). However, relative to the size of their population most complaints came from **Luxembourg, Malta and Cyprus**.

What results?

A total of 129 cases were **settled by the institutions** following a complaint to the Ombudsman (compared to 64 in 2006). **Five** complaints resulted in **friendly solutions** (three in 2006). In **55 cases** the Ombudsman made a **critical remark** (compared to 41 in 2006). In cases where maladministration is particularly serious and it is still possible to eliminate it, the Ombudsman makes a draft recommendation. In 2007, **eight draft recommendations** were made (13 in 2006). The Ombudsman's final recourse is a special report to the European Parliament. In 2007, **one special report** was made (two in 2006).

What action taken?

The Ombudsman investigates alleged maladministration by EU institutions and bodies. He cannot investigate complaints against national or regional administrations in the Member States, even if these involve Community law.

In almost **70% of cases**, the Ombudsman was able to help the complainant by opening an inquiry, transferring the case to the competent body or giving advice on where else to turn. In 2007, he advised **816 complainants** to turn to a national or regional ombudsman and **transferred 51 complaints** directly to the competent ombudsman.

SELECTION OF CASES 2007

MEPs' allowances

The Ombudsman asked the European Parliament to accept a request for public access to details of the payments received by Members of the European Parliament (MEPs), including general expenditure, travel and subsistence allowances, as well as allowances for the MEPs' assistants. This followed a complaint from a Maltese journalist, whose request for details of certain MEPs' allowances was rejected by the EP. The EP justified its refusal on the grounds of data protection. After consulting the European Data Protection Supervisor (EDPS), the Ombudsman concluded that the public has the right to access information about MEPs' allowances. This inquiry is ongoing. <http://www.ombudsman.europa.eu/release/en/2007-09-27.htm>

EUR 88 000 for French company

The Commission reimbursed an outstanding sum of EUR 88 000 to a French consulting firm, which claimed that the institution had not repaid the entire eligible costs for its participation in an Information Society Technologies programme with China. The Commission argued that the complainant had made a mistake in its cost statements. After the Ombudsman intervened in the case, it agreed to pay the outstanding sum. <http://www.ombudsman.europa.eu/release/en/2007-12-18.htm>

Special report on working time directive

The Ombudsman submitted a special report to the European Parliament, criticising the Commission for not dealing with a complaint concerning the European working time directive. More than six years ago, a German doctor asked the Commission to open proceedings against Germany, alleging that it was infringing the working time directive. Despite pressure from the Ombudsman, the Commission has refrained from taking action on the complaint as such, arguing that its proposals for amending the directive are before the Community legislator. The Ombudsman considers this inaction to be maladministration. <http://www.ombudsman.europa.eu/release/en/2007-09-17.htm>

Blanking out of lobbyists' names

Corporate Europe Observatory, an Amsterdam-based lobbying watchdog, submitted a complaint against the Commission after Directorate-General Trade started blanking out the names of industry lobbyists in documents released under EU access to documents rules. The Ombudsman regarded the complainant's allegation as well-founded but closed the inquiry in light of an ongoing case at the Court of First Instance. The Court of First Instance agreed with the Ombudsman's conclusion on the same legal principle in the *Bavarian Lager v Commission* case. <http://www.ombudsman.europa.eu/decision/en/053269.htm>

Use of languages

The Ombudsman issued two critical remarks against the European Personnel Selection Office (EPSO) in two cases concerning the use of languages of the "new" Member States as opposed to those of the "old" Member States. This followed a complaint from a Polish association concerning recruitment tests. EPSO informed the Ombudsman that the language requirements for competitions had been changed in the meantime. <http://www.ombudsman.europa.eu/release/en/2007-05-23.htm>

Payment dispute with German university

After a German university complained about a payment dispute it was having with the Commission regarding a project under the Erasmus Programme, the Ombudsman contacted the Commission, which settled the case within two weeks. The university's efforts to convince the Commission that a calculation error had occurred had proved unsuccessful. The Commission admitted the mistake and paid back the requested sum of EUR 5 400 plus interest. The Ombudsman commended Directorate-General Education and Culture for the exemplary way in which it had handled this complaint after he brought it to its attention. <http://www.ombudsman.europa.eu/release/en/2007-07-10.htm>