Special report from the European Ombudsman to the European Parliament following the draft recommendation to the Council of the European Union in complaint 1487/2005/GG

2008/2072(INI) - 20/11/2008 - Text adopted by Parliament, single reading

The European Parliament adopted, by 509 votes to 2 with 10 abstentions, a resolution on the Special Report by the European Ombudsman following the draft recommendations to the Council of the European Union in relation to complaint 1487/2005/GG.

The own-initiative report had been tabled for consideration in plenary by Rainer **WIELAND** (EPP-ED, DE) on behalf of the Committee on Petitions.

Background: in 2004, the complainant (an association for the defence of the German language wrote to the Dutch and the Luxembourg governments in order to ask them to offer the internet presentations they were to provide when holding the Presidency not only in English and French, but also in German. The complainant pointed out that more EU citizens had German as their mother-tongue than any other language and that, after the accession of the new Member States, German ranked second if one added together the number of EU citizens speaking a language as their mother-tongue or as a foreign language.

In his investigating of the complaint the Ombudsman pointed out, among other things, that it is essential that documents directed to persons outside the Community institutions should be available in as many languages as possible and that one of the most important means of providing information to the public in modern times is the internet. Given that the Presidency is part of the Council, the same standards should in principle apply to any public websites maintained by the Presidency.

The Ombudsman's conclusion was that the Council's failure to consider the substance of the complainant's request that the websites of the Presidency should also be offered in German, constitutes **maladministration**.

Position of the European Parliament: Parliament gave its full support to the Ombudsman's conclusions which included:

- the Council, like every EU institution, is, in the first instance, itself responsible for the websites of its presidency and the languages used thereon;
- the practices followed in the Council cannot be pursued in a way which is completely isolated from uniform implementation by the institutions and their formations;
- the information on these websites should, ideally, be made available in good time **in all official languages** of the Community;
- if the number of languages is to be limited, the choice of the languages to be used must be based on criteria of objectivity, reasonableness, transparency and manageability;
- the Council's refusal to address the substance of the complainant's request constitutes an instance of maladministration.

MEPs consider, furthermore, that transparency and informing the public are objectives which should be given the highest priority by the EU and its institutions and that access to information for as many citizens as possible is an important prerequisite for, and a basic element of, the general principle of democratic legitimacy.

Parliament notes with regret that the Council, unlike other institutions, such as the Commission and Parliament, which have significantly improved the number of languages available in their communication with citizens, has so far completely avoided addressing in a substantive way the question of the language options of the websites of its presidencies. It therefore invites the Council to conduct a comprehensive review of the question of expanding the language options of the websites of its presidencies, (irrespective of the question of responsibility or authority for these websites), so as to ensure that the entire population of the European Union has easy and direct access to information on its activities. It calls on the Council to inform Parliament of the results of its deliberations.

A change in approach for future presidencies: supporting the Ombudsman's recommendation, Members welcome the fact that the current French Council Presidency publishes its official website in the most widely spoken languages of the European Union (English, German, French, Italian and Spanish). Parliament stresses that any reduction of the language options which may prove necessary must be undertaken on the basis of objective and sufficiently justified criteria. Parliament also calls on all future Council presidencies, in the hope that they will make their websites available in as many languages as possible and, in the event of a restriction on the number of languages, to use the most widely spoken official languages according to an order of priority.

Lastly, Parliament supports the recommendation of the Ombudsman to the Council that it examine the complainant's request that the websites of the Council presidencies be also made available in German.