European Ombudsman

Mr Miguel Carter
DEMOS

miguelcarter.4@gmail.com

Strasbourg, 11/07/2024

Complaint 942/2023/MIK and Case OI/4/2024/MIK

Subject: How the European Commission dealt with the use and publication of a study produced under an EU-funded contract

Dear Mr Carter,

You recently submitted a complaint to my office against the European Commission about how it sought to ensure public access to a study produced under an EU-funded contract by your organisation.

Please note that, according to the Treaty on the Functioning of the European Union[1] and the Statute of the European Ombudsman,[2] legal persons that do not have a registered office in a Member State of the European Union, such as your organisation, are not authorised to lodge a complaint with my office. Therefore, we cannot deal with your complaint as such. However, in such circumstances, we determine whether there are grounds to carry out an inquiry on the European Ombudsman's own initiative. This occurs when her intervention could serve the public interest and ensure good administration.

In your case, we have decided to open an own initiative inquiry and explore the possibility of finding a solution to your problem.

I understand that you are concerned that the Commission, as the copyright-holder of the study your organisation produced, requires that the published study be distributed free of charge. In your view, this requirement makes it in practice impossible to have the study published with a reputable academic publisher and thus have its academic quality publicly recognised. You believe that no academic publisher would agree to publish the study without being able to make any profit on its publication or at least recover the costs of the publication process.

[1] Article 228(1) TFEU.
[2] Article 2(1) of the Statute. See https://www.ombudsman.europa.eu/en/legal-basis/statute/en.

We have now decided that it is necessary to meet with relevant representatives of the Commission to get answers to specific questions (as set out in the Annex to the attached letter to the Commission). We expect the meeting to take place before 31 August 2024.

Once the meeting has taken place, we will send you a copy of meeting report for your information and comments.

If you have any questions, please do not hesitate to contact Mr Michał Krajewski, +32 228 444 64, michal.krajewski@ombudsman.europa.eu, who is in charge of this inquiry.

Yours sincerely,



Rosita Hickey
Director of Inquiries

Enclosed:

- Letter to the Commission.

Transmittal of the inquiry-opening letter

Email from the European Ombudsman to Miguel Carter, 11 July 2024

Euro-Ombudsman <EO@ombudsman.europa.eu> Thu, Jul 11, 2024, 4:25 PM
to me

Dear Mr Carter,

Please find attached the Office's closing decision regarding your complaint.

Best regards,

Secretariat

European Ombudsman
Directorate for Administration

eo@ombudsman.europa.eu
T. +33 3 88 17 23 13
www.ombudsman.europa.eu

