"Is the Lisbon Treaty delivering for citizens?" - Presentation by the European Ombudsman, P. Nikiforos Diamandouros

Speech - City Brussels - Country Belgium - Date 18/03/2011

Presentation by the European Ombudsman, P. Nikiforos Diamandouros at seminar organised by the European Ombudsman: "Is the Lisbon Treaty delivering for citizens?"

Introduction
Ladies and Gentlemen! A warm welcome to you all to this seminar entitled "Is the Lisbon Treaty delivering for citizens?"

The Treaty has now been in force for over a year and has already been the subject of numerous heated debates and detailed analyses, both before and since its adoption. Two of its salient features are, first, that it provides for new levels of European co-operation in the fields of foreign affairs, economic governance, energy security, the budget, and immigration, and, second, that it introduces more flexible decision-making procedures.

Efforts to advance the implementation of the Lisbon Treaty have, to be sure, been affected by the economic crisis, which many Member States are still struggling to overcome.

Today, however, I would like to put the European citizens at the centre of our debate, by focusing on a third important aspect of Lisbon: its impact on citizenship and the rights of citizens. The questions which we would like to discuss with you are: Has the Lisbon Treaty delivered on its promises to provide for more citizen participation in the decision-making of the European Union? What concrete improvements has the Treaty brought for citizens? What mistakes have been made and what remains to be done?

To help us in this task, we are delighted to welcome a stellar team of speakers, whose individual and collective presence honours us all.

Let me begin by warmly welcoming our keynote speaker, the President of the European Council, Mr Herman Van Rompuy, whose office was established by the Lisbon Treaty. He took up his new post in January 2010 and has since made a success of this treaty innovation. He has been particularly praised for injecting profound long-term strategic thinking into the European Council. He is also a key player as regards the European Council's efforts to find ways to tackle the ongoing economic difficulties in many EU Member States.

I am especially pleased that the Vice-President of the European Commission, Mrs Viviane Reding, has joined us here today. I note that Mrs Reding holds the key portfolio of Justice,
Fundamental Rights and Citizenship - a new portfolio whose introduction was also a direct consequence of the Lisbon Treaty and of its aim to place citizens at the heart of all EU policies.

I am also delighted to welcome the Vice-President of the European Parliament, Mrs Diana Wallis. Diana, a longstanding supporter and, indeed, promoter of the Ombudsman's work, particularly in the field of transparency, is also an important player in the development of the "European Citizens' Initiative" which we will discuss later.

I am very happy that Hans Martens, the Chief Executive of the European Policy Centre, is sharing the panel with us today. The EPC has done a lot to contribute to the debate and analyses surrounding the Lisbon Treaty and we look forward to hearing Mr Martens' views on this topic.

Last but certainly not least, I would like to welcome Ann Cahill, the longstanding Brussels correspondent of the Irish Examiner and President of the International Press Association. Ms Cahill has kindly agreed to chair the debate.

I would finally like to thank the many participants who, on their registration forms for this seminar, submitted comments and questions related to the subject matter of our conference today. We have circulated all of them to our panelists and I hope we will be able to discuss many of them during our debate.

Before I give the floor to our keynote speaker, President Van Rompuy, allow me briefly to share with you the Ombudsman's perspective on what the Lisbon Treaty has delivered for citizens.

Citizens do not yet know about their rights
Several participants stress in their comments that many citizens are not yet aware of their new rights under the Lisbon Treaty and that they need to be better informed. The same is true of the Charter of Fundamental Rights, which now has the same legal value as the Treaties and which is binding on the Member States when applying EU law.

Earlier this week, I received the first results of a survey concerning citizens' rights which was commissioned by the European Ombudsman and the European Parliament. More than 70% of the 27 000 respondents did not feel informed about the Charter, and 13% had never even heard of it.

This lack of knowledge is disconcerting, especially given that the Charter is the key instrument developed by the Union to protect and promote citizens' rights. The Ombudsman's office, together with the other EU institutions and the European Network of Ombudsmen, obviously still has a lot more to do in order to inform citizens better and to help them make use of their rights.

The Lisbon Treaty and the Charter of Fundamental Rights
So what exactly are the citizens' rights provided for by the Treaty of Lisbon and the Charter?

To be sure, the section of the Charter entitled 'Citizens' Rights' contains the right to complain
to the European Ombudsman. Every year, the Ombudsman receives around 3000 complaints from citizens, businesses, NGOs, and associations, and opens hundreds of inquiries into alleged maladministration in the EU administration.

The Charter also contains the right to good administration, a right which lies at the heart of what the European Ombudsman does. Elements of the now legally binding right to good administration include the right to have one's affairs handled impartially, fairly, and within a reasonable time by the EU administration.

One third of the 27 000 citizens who responded to the survey stated that the right to good administration is the most important citizens' right for them, with only the right to move and reside freely in the EU scoring more highly.

The Lisbon Treaty also strengthens the right of citizens and associations to participate in the democratic life of the Union. It requires that the Union institutions maintain an open, transparent, and regular dialogue with representative organisations and civil society. I know from comments and questions already submitted that this is particularly important for many of you here today.

It is equally important to highlight that holding a "regular dialogue" implies engaging in a genuine debate on policy with representative organisations and civil society, which, in addition to potentially supporting the institutions' initiatives, may well criticise or even oppose them. I look forward to hearing your views on the shape and direction this dialogue has taken during the past year.

Quite naturally, the "European Citizens' Initiative" constitutes yet another important Treaty innovation. Thanks to this initiative, one million citizens from at least seven Member States will have the possibility to call on the Commission to bring forward new legislative proposals. It should make a vital contribution to the empowerment of European citizens.

The Ombudsman participated in the public consultation concerning this initiative, with a view to making sure that it will function in the most transparent way possible and with a minimum of bureaucracy. I note that this view was shared by many of you in your contributions.

**Openness and transparency**

Several participants in today's event have commented on the lack of transparency in the EU administration, especially as regards the legislative process. Our survey shows that 42% of the persons questioned are not satisfied with the level of transparency in the EU administration.

I can only add that, year after year, by far the most common allegation examined by the Ombudsman is lack of transparency in the EU administration. This allegation forms the basis for more than one third of all inquiries and includes refusal of information or access to documents. I remain very concerned about this high number, since an accountable and transparent EU administration is key to building citizens' trust in the EU.

A range of articles in the Lisbon Treaty now provides for greater transparency in the activities
of EU institutions. To give but one example, the Treaty includes a provision for the Council to meet in public when it deliberates and decides on draft legislation - something I have repeatedly called for. But the Treaty also requires other Union institutions and bodies to conduct their work as openly as possible, in order to promote good governance and ensure the participation of civil society.

Article 42 of the Charter of Fundamental Rights is especially important in this context. It provides that citizens shall have a right of access to the documents of the Union institutions. This constitutes a significant improvement with respect to past practice, since it extends the right of access not only to documents held by the European Parliament, Council, and Commission, but also to those in the possession of all other EU institutions, bodies, offices, and agencies, including, for the first time, the European Council. In my view, it would be a good idea to make this clear in the Regulation on access to documents as soon as possible.

Conclusion
To conclude: Many of the new provisions in the Lisbon Treaty and the Charter of Fundamental Rights are clearly geared towards making the EU institutions and bodies more open, accountable, and citizen-friendly. They allow citizens to monitor more effectively the work of the EU institutions, but also of the governments they have elected at the national level. However, our survey results clearly show that much remains to be done before the Union and its citizens can reap the full benefit of many of these provisions, particularly those concerning increased transparency and a stronger involvement of civil society.

To judge by the survey responses, the biggest problem remains the fact that most European citizens are still not aware of their rights. In addition, they do not know where to turn if they encounter problems either with the application of EU law in general or in the exercise of their rights, whether at the regional, the national, or the European levels.

These findings clearly highlight a challenge that we must all address together. I hope today's discussion will contribute towards that goal.
- I very much look forward to hearing from today's keynote speaker, Mr Van Rompuy. Mr President, I know that prior obligations make it necessary for you to leave immediately after your presentation, so without further ado, I now give you the floor.