

"Raising awareness about the right to complain - the next steps for the European Ombudsman"

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Introductory Remarks by the European Ombudsman, P. Nikiforos Diamandouros, at the Public Workshop to Mark the 10th Anniversary of the European Ombudsman Institution Brussels, 6 December 2005

1 Introduction

Thank you, Mr Cox, for your introduction and for agreeing to moderate this session. I was elected Ombudsman on 15 January 2003. One year earlier - on 15 January 2002 - you were elected President of the European Parliament. Were I not so modest, I would say that Parliament must surely be at its most astute and sound in judgement at the start of the year!

During your time as President, you never failed to offer encouragement, support and assistance to the Ombudsman and we are grateful to you for that.

Many thanks also to the European Journalism Centre for agreeing to co-host this event with the Ombudsman.

And thanks in particular to you - key representatives of Brussels-based non-governmental organisations, interest groups, regional and local offices, the media and the EU institutions themselves. Your participation at our public workshop today is greatly encouraging and I anticipate a lively exchange of views.

2 Purpose of the event

For those of you who were not present at our press seminar earlier this afternoon, the European Ombudsman institution marks its tenth anniversary this year. Since 1995, we have dealt with over 20,000 complaints and opened more than 2,750 inquiries.

Five main topics tend to give rise to inquiries involving the EU administration:

- transparency, especially access to documents and information;
- tenders and contracts (including contracts for grants or subsidies);



- personnel and recruitment matters;
- the Commission's role as "Guardian of the Treaty"; *and*
- classical maladministration (unnecessary delay, procedural errors, failure to reply...)

You can find more details about our work and examples of complaints dealt with in the information material that has been provided to you.

Our press seminar focused on the first half of our equation, namely 10 years, 20,000 complaints - too many?, and more specifically on the need to promote a more open and accountable EU administration.

This session focuses on the question "too few?"

While the number of complaints increases each year - this year we expect to receive around 4,000 complaints - surely we should expect more from a Union of 450 million citizens.

Of course, not many people will ever have reason to complain to the European Ombudsman about maladministration in the EU institutions and bodies.

But as NGOs, interest groups, regional offices and the media based in Brussels, you have regular contact with these institutions and bodies.

While I recognise and salute the great efforts that have been made over the past decade to instil a service culture in the conduct of the EU public administration, I know that problems persist and that there is sometimes cause for complaint. And yet those complaints are not reaching us.

As I mentioned earlier this afternoon, complaints are the lifeblood of an ombudsman. They give us an insight into what is going wrong in the public administration and help us put things right. So using your right to complain is essential to improving the administration.

We can all learn from complaints about how to deliver better services. The final outcome of this process is that all those who may at some stage have contact with the institutions – not just those who complain – benefit from the Ombudsman's work.

As we embark upon our second decade, we felt it would be worthwhile to explore with you a number of themes likely to help us, in the years to come, to improve the conduct of the EU administration for the benefit of all.

3 What are we keen to discuss with you?

So what are we keen to discuss with you?

The European Ombudsman is not sufficiently well known among citizens. And often when



people turn to me, they complain about issues that fall outside my mandate: for example, about national or regional administrations in the Member States. I need to communicate the key point that my mandate is limited to the EU institutions and bodies, while ombudsmen in the Member States can tackle cases of national and regional administrations failing to apply EU law. There is much room for improvement in terms of getting the right information out to the right people....

You are the experts on 'Brussels', relaying information back home to member organisations, regional and local administrations, businesses, interested citizens. I am sure that you have much to teach me in terms of how best to communicate this important message.

Another expert with us here today is Emily O'Reilly, National Ombudsman of Ireland. Emily can share with us her views on how best to communicate our respective roles in terms of dealing with complaints about failure to apply EU law. With her distinguished career as a journalist, I am sure that she will have useful insights into what works and what does not in terms of reaching out to the media with a view to raising awareness.

A second theme that we are keen to discuss with you concerns who complains to the Ombudsman. We receive relatively few complaints from companies and associations (around 5% of total complaints each year compared to 95% from individuals) and, as I mentioned, very few from associations based in Brussels. The fact that a much higher proportion of these complaints gives rise to an inquiry confirms that these organisations often have legitimate cause to complain to the Ombudsman.

So we would like to know "Why so few?" How does your organisation perceive the Ombudsman's services? We strive to provide a genuine alternative to going to court: a service that is, by comparison, fast, flexible and free (something that is surely particularly valuable for small and medium-sized enterprises and NGOs). What more can the Ombudsman do to encourage you to make use of your right to complain?

After all, people do not use their right to complain just because they know about it - they use it because they know that it is worth their while to do so.

I firmly believe that it is. In 2004, in almost 70 per cent of cases handled, the Ombudsman was able to help the complainant by opening an inquiry into the case, by transferring it to a competent body, or by giving advice on where to turn for a prompt and effective solution to the problem.

But more than that! Following our inquiries, the institutions settled bills and paid interest, released documents and provided explanations, remedied injustices and apologised for mistakes, reviewed processes and improved procedures for the benefit of all parties.

I am happy, in this regard, to welcome Claire Damilano from ECAS. The European Citizen Action Service has used the right to complain to the Ombudsman successfully in the past. I very much hope that she will help us explore the question of why organisations in Brussels complain - or do not complain - to the Ombudsman.



I have been told that one of the reasons why people may refrain from using their right to complain is the fear that there will be negative consequences in terms of their relations with the institutions.

This is why I strive to promote the Ombudsman as a resource helping to draw attention to problem areas. My experience is that the EU institutions and bodies are keen to demonstrate their willingness to work with the Ombudsman for the benefit of citizens, by proposing solutions themselves, or by accepting and implementing my recommendations.

But there is still work to be done! As a third point for discussion, we would like to examine how the Ombudsman can build on the achievements of the past decade. These include the incorporation of the right to good administration in the EU Charter of Fundamental Rights, a well-functioning set of rules on access to documents, improvements in the area of late payment, an end to age discrimination in recruitment, the European Code of Good Administrative Behaviour.

Can NGOs, interest groups, regional offices, the media help us better shape the agenda? Are there particular initiatives that could engage those who have hesitated using their right to complain up to now, could attract media attention, could be meaningful for citizens?

Aidan White from the International Federation of Journalists can surely enlighten us in this regard. Journalists use the services of the EU institutions on a daily basis - you are well placed to tell us how the system is working and what needs to be improved. More generally, you know what touches the pulse of citizens, what really grabs their interest and what is truly relevant to them. So we look forward to hearing your views.

We might think, for example, about the possibilities opened up by the EU Charter of Fundamental Rights. I apply the Charter in my daily work. Among the activities that we have carried out on this basis are own-initiative inquiries into age discrimination and the rights of people with disabilities.

This point leads me to the final theme which addresses the Union's 'period of reflection'. Commission Vice-President Margot Wallström, who I am delighted to welcome here today, has spearheaded the Commission's Plan D for Democracy, Dialogue and Debate which aims to tackle questions such as: 'What sort of EU do its citizens want?', 'how can citizens be more involved in setting the EU agenda?', 'how can we improve relations between the EU institutions and citizens?'.

Over the past twelve months, Commission Vice-President Wallström, who is also responsible for relations with the Ombudsman, has been extremely encouraging, truly engaged and full of suggestions about how we can best work together for the benefit of citizens. I very much look forward to hearing her views on how the European Ombudsman can contribute to the ongoing debate.



4 Looking to the future

Ladies and gentlemen.

I would like to end here as we are all keen to get the discussion going on what more the Ombudsman can do for you.

Thank you very much for your attention.