



## **Speech by the European Ombudsman, P. Nikiforos Diamandouros, on the Occasion of the Formal Dinner with the EU Institutions, Bodies and Agencies to Mark the 10th Anniversary of the European Ombudsman Institution**

Historical document - 17/11/2005

Brussels, 17 November 2005

Ladies and Gentlemen!

Thank you Mr President for your insightful remarks and your words of encouragement.

I met with the College of Commissioners on 25 May last and was greatly encouraged by the President's support for the idea of improving co-operation with the European Ombudsman for the benefit of citizens. Since our meeting, the Commission adopted, on 1 November, a Communication, introducing a new internal procedure for responding to the Ombudsman's inquiries. This foresees individual Commissioners taking strong political ownership of each case, while maintaining the valuable role of the Secretariat General. I very much welcome this new procedure which, I understand, aims to enhance the consistency and quality of the Commission's replies, as well as to ensure prompt follow-up of the Ombudsman's recommendations and remarks.

This offers a clear sign of our joint determination to work together in the coming years to ensure that citizens' rights are fully respected throughout the Union. And beyond that. Recent initiatives of the Commission - such as the European Transparency Initiative, the "Better regulation initiative" and, of course, Plan D for Democracy, Dialogue and Debate - surely bring us closer to the goal of a more open and accountable EU administration, and one that has service to citizens as its ultimate destination.

As the institution that gives rise to around 70% of the Ombudsman's inquiries, it is vital that the Commission take a leading role in dealing with maladministration and in promoting a service culture with respect to citizens. But each EU institution, body and agency can also play its part in improving relations with citizens. In my remarks tonight, I would like to outline some of the ways in which I think we can move forward together. But before doing so, let me just briefly speak about the past ten years.

### **The first Ombudsman**



A prior engagement prevents the founding European Ombudsman, Jacob Söderman, from being with us here this evening. That allows me to speak frankly without fear of embarrassing him. Jacob achieved what, at the beginning, seemed "mission impossible". His capacity to lead the institution through its infancy and early years, invested the European Ombudsman with authority, respect and legitimacy. Indeed, it ensured that the institution became, in his own words, a "meaningful and respected actor on the European scene".

To achieve that, however, he had to overcome many obstacles. After his first year in office he wrote: "I sometimes feel that there is a dinosaur in every public body. It lives in the basement and guards the files. These beasts have an aversion to open doors and daylight..." Thankfully, upon leaving office, he could cite, as a major achievement, the degree to which the various administrations were willing to work with him to resolve citizens' complaints. From the abolition of age limits in recruitment to improvements in the area of late payment, and from greater access to documents to growing respect for the EU Charter of Fundamental Rights, the institutions and bodies that you represent had shown themselves keen to banish the dinosaur from their midst and to cooperate with the Ombudsman in improving service to citizens. For these accomplishments, and, indeed, for many others that time does not allow me to enumerate, we, as well as the citizens of the Union, are forever indebted to Jacob Söderman.

This evening offers an appropriate occasion for me to express thanks and appreciation to all those who, over the last decade, provided the Ombudsman with vital support. The institution could not have got off the ground, without the help of the European Parliament's administration. Awareness about the right to complain to the Ombudsman would be much lower, were it not for the advice and assistance of both the Commission and the Parliament's communication services. And the inquiries launched by the Ombudsman would have been much less effective, were it not for the attention and, indeed, importance accorded to them by all the EU institutions, bodies and agencies. It is, in no small part, thanks to the diligence, good will and resourcefulness with which many of you have responded to the Ombudsman that the institution has grown into what my predecessor referred to as, a "meaningful and respected actor on the European scene."

When, in January 2003, I was elected European Ombudsman for the first time, some sceptical members of the press questioned whether it was wise to entrust this precious institution to someone from a Member State whose reputation in the realm of public administration allows, shall we say, room for improvement. As I pondered on how best to address these concerns, I was rescued by my predecessor who referred to me as the most "Nordic Greek" he knew. Whatever he may have meant by that, this designation came in very handy with a number of the Ombudsman's constituencies! It was also especially apposite, since it came from a man whose name means "man of the south" and who often drew particular inspiration from an ombudsman system of the South--that of Spain.

### **Responding to complaints**

Over the past ten years, the European Ombudsman has handled over 20,000 complaints and



helped countless more citizens by answering their requests for information. Even if the citizen does not always know whom to turn to, we always endeavour to deal with their concerns. The development of the European Network of Ombudsmen has helped ensure that no matter which ombudsman citizens turn to at the European, national or regional levels, they can be assured of receiving appropriate help and advice.

Each year the number of complaints increases and you will hardly be surprised to hear me say that I find this reassuring. I firmly believe that more complaints do not reflect worsening performance on the part of the institutions. For me, they rather offer clear proof that citizens feel that it is worth their while exercising their rights. Their voice counts. Their action will help to improve the situation. Surely the time to despair would be if they felt that no one was listening to them and that complaining was futile.

Of course, it is much better if complaints can be resolved at the earliest possible stage, more specifically by the administration implicated in the complaint. Citizens, after all, do not mind who solves their problem. Often they are simply looking for an explanation, a reason, an apology or advice, and you are best situated to provide this. Complainants want to move on. We should also remember that a settlement proposed by YOU is quicker and ultimately more satisfying all round, since it credits you with solving the problem, increases your legitimacy in the eyes of the complainant and ensures a win-win outcome for all concerned. Put otherwise, the way in which we react to complaints is a key measure of how citizen-focused we are.

In saying this, I understand that it is both costly and time-consuming to respond to complaints. Moreover, resolving a complaint might entail a significant gesture - an apology, a payment of compensation, an agreement to re-launch a procedure. As you ponder the pros and the cons of going that extra mile, you may find it useful to recall the wise words of the great English author, Samuel Johnson, that "Nothing will ever be attempted if all possible objections must be first overcome." So, whether it be tackling contractual problems, providing access to documents, or explaining why a candidate has not been selected, there are many ways in which we can show we are listening.

### **The Ombudsman as a resource**

As you know, complaints are often symptoms of more serious, complex or systemic issues or problems. One of the Ombudsman's functions is to identify these and to promote ways of tackling them. As such, the Ombudsman, in addition to serving as an external mechanism of control, also constitutes a valuable resource to managers, a resource capable of helping you to better the performance of your administration by directing attention to areas for improvement.

Let me state unequivocally that we are keen to help you more in this area. Since taking up office in April 2003, I have personally met with senior management and staff of many of the institutions, bodies and agencies to explain the rationale underpinning my decisions and, more generally, my work, to suggest ways of how best to respond to complaints that we bring to your attention and how to improve administrative procedures. During my



predecessor's time but also more recently, a number of institutions, bodies and agencies have been proactive in this regard, requesting meetings with the Ombudsman or with members of my staff. I applaud these initiatives which inscribe themselves in the logic of a policy of systematically reaching out to institutions and of working with them in promoting a culture of service for citizens, to which I intend to assign priority in the years to come. And it is in this spirit that I wish to say: If there are ways in which you think we could do more in this regard, please let us know.

### **The European Code of Good Administrative Behaviour**

An invaluable resource in this context is the European Code of Good Administrative Behaviour. Approved by the European Parliament in 2001, the Code explains to citizens what they have the right to expect from the European administration. It equally serves as a useful guide for civil servants, encouraging the highest standards of administration.

Just this summer, a new edition of the Code was published in 24 languages. Over 100,000 copies have already been distributed throughout Europe and beyond. In response, national administrations and local authorities, schools and universities, training centres and public libraries, along with individual citizens have asked for copies for further distribution. One request came from a tourism outlet in Madeira, Portugal, with the following words:

"It is our experience that many of those who hold important administrative posts routinely ignore citizens' rights. By promoting your handbook, we'd like to make our own small contribution towards improving this situation".

This truly is a European success story. The Code has been adopted and is applied in national, regional and local administrations from Portugal to Italy, from Wallonia to Greece, and from Romania to Croatia. In light of the fact that the European Code has been taken on board by such a range of administrations throughout Europe, I continue to hope that it can be adopted by all EU institutions and bodies, perhaps in the form of an inter-institutional agreement. The contacts I have had in this regard with the Commission President and Vice-Presidents Wallström and Kallas have been very positive and I very much hope that we can make rapid progress in moving this project closer to realisation. In this spirit but also in the spirit of this evening's event, might I suggest that a uniform Code would be a very welcome 11th anniversary gift, not only for the Ombudsman but, above all, for citizens!

### **Moving towards a more open and accountable administration**

Ladies and Gentlemen!

There is no denying that these are testing times for the European Union. Citizens in France and the Netherlands voted not to ratify the Constitution, voter turnout at European elections continues to decline, and the Union is still struggling to address the perception that it is a remote bureaucracy built by a political elite. The most recent Eurobarometer reveals that only 38% of the public feels that "my voice counts in the EU".



The European Ombudsman was established to help bring the Union closer to citizens and to give the EU administration a "human face". The defining feature of the institution is that the Ombudsman is a person, who communicates personally with individual citizens writing to him, reviews their case, and seeks to have their complaint resolved. Each one of these, shall I call them "microcommunications"?, helps to humanise the EU administration and to bring it closer to the citizen.

As one complainant wrote, "For me, this case has finally ended and I hope that a new page can now open as far as my activities are concerned as they are intimately linked to Europe. I would like to thank you for your helpful mediation. Your institution offers a very important recourse enabling citizens to resolve, in a friendly manner, sensitive problems they may face with the European institutions."

These remarks bring out another role which the Ombudsman assumes in his relations with the institutions: that of a facilitator capable of helping you and your institution to explain itself to citizens, to make them feel that their voice does count and that, by complaining, they can help improve existing problems or resolve situations affecting their lives. The ultimate destination that we should aim to reach together is a top-class, citizen-centred EU administration. It is a goal worth pursuing both for the sake of the end-result itself but, perhaps more importantly, because of the enrichment in experiences derived from serving citizens that will be gained while travelling towards that destination.

## **Conclusion**

On this note, let me end with a quote from the classic BBC TV series "Yes Minister", which so successfully parodied, among other things, negative civil service attitudes, including resistance to change and arrogance. In one episode, the Permanent Secretary, Sir Humphrey, upon being accused by the Minister of being more concerned with "means" than "ends" responds: "There are no ends in administration, Minister, except loose ends. Administration is eternal."

For the Ombudsman, complaint dealing involves tying up as many loose ends as possible. But much more than that: ensuring a top-class administration is indeed, to borrow Sir Humphrey's adjective, an "eternal" task and one that we can best tackle together. Delivering on promises, providing proper redress mechanisms, learning from mistakes, working openly and allowing for public scrutiny--these are the all important "means" to building trust among citizens. And in the pursuit of this lofty goal, the Ombudsman is ready and willing to be your ally and partner.

It only remains for me to look forward to a dynamic second decade for the European Ombudsman, to ever closer co-operation between our institutions and to a bright future for European citizens. The fact that tonight I see only human faces, and nothing resembling the "beasts" that my predecessor referred to, greatly encourages me and fills me with hope and anticipation!

It is with this hope and anticipation in mind that I therefore ask you to join me in raising a



toast to commemorate our joint commitment to work concertedly and systematically together in the years to come to ensure enhanced results for citizens and a deepening of the Union's service culture.

Enjoy the rest of your evening and thank you for being here.