

Austrian Ombudsman and Austrian Court of Audit Symposium on "Good Public Administration and Benefits for Citizens The Role of Parliamentary Control Bodies" - Good Governance in the European Union

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Good morning ladies and gentlemen. I am delighted to be here today to talk to you about good governance in the EU and I would like to thank my great colleagues, the Austrian Ombudsman Board, and the Court of Audit for their kind invitation.

Your topic is not just well chosen but it's also timely. I say that because if we understand good governance to include a citizen focused administration, the upholding of the rule of law, being accountable, responsive and transparent, then I think we can agree that in certain parts of the world much of this is increasingly being put under strain and none of us can escape the consequences.

The current US administration, but notably the President himself, is challenging certain norms and values that many of us believed could never credibly be challenged in this early part of the 21 st century whether they concern the environment and climate change, equality and human rights, conflicts of interests as between the public and private sector, ethics in general, and, at a global level, many international agreements and institutions are now being placed under severe scrutiny by the US administration.

Closer to home, we have the current stand off between the EU and governments in Hungary and Poland with the EU particularly concerned at the erosion of judicial independence and increasing hostility to civil society groups. The spread of populism, the growth of a type nationalism aimed at exclusion, and the widespread and sinister manipulation of new media, leave many citizens unclear as to who or what to believe and who is actually acting in their interest.

But the EU is pushing back. Article 7 - which is the legal response to breaches of this nature - was triggered for the first time by the European Commission late last year against Poland. And, in another first, the European Parliament earlier this month called on the European Council to initiate the Article 7 procedure against Hungary following a plenary debate in which Hungarian President Victor Orban himself pushed back defiantly against his critics. And, just yesterday, the



European Commission called on the European Court of Justice to stop Poland reforming a law on judicial retirement age which, the Commission claims, would undermine the independence of the courts.

And, in this battle for the hearts and minds of citizens, we also see attempts by populist ideologues both American and European to join forces further to increase the pressure on liberal democracies and the values they attempt to uphold.

As Ombudsmen we can never ignore our political hinterland. But while we all operate in a political environment, our independence is our greatest strength and the greatest gift we can give to the citizen.

Well-functioning, independent, Ombudsman and Audit institutions, are markers of a well-functioning democracy and a test of democracy itself. When our work is of high quality, is accepted, and used further to improve the system, we know that democratic norms including the rule of law are safe. If our work is ignored, or we ourselves begin to feel fearful under a changing political dynamic, that not just ourselves but the citizens themselves are under threat.

Politicians are subject to many pressures and at times yield to a populist impulse. As Ombudsmen, as auditors, we support our democracies by not bending or changing but by doing simply what we are supposed to do, nothing more and nothing less.

As National Ombudsman for Ireland, the processes I used were very similar to those I now use as EU Ombudsman, but working at EU level does bring its own particular challenges.

The biggest of those is managing the distance between what EU institutions do and how these actions are seen by the general public across Europe. Culture, messaging, domestic politics, wider context, societal changes - all play a role. As a national Ombudsman, very little had to be explained about what the administration was doing as – especially in a small country – most people feel a personal connection with it, are familiar with both local and national politicians, and can in general quickly connect with the administration to have their voices heard.

But in the EU, that intimacy disappears. Consider this quote from a recent Politico newspaper article by a journalist cycling from southern France to Northern Spain wanting to find out people's views on Europe and next year's EU elections.

"Few were interested in talking about the European election next May, or the European institutions more generally. Most were not even aware of the upcoming vote, much less the European Parliament's growing role within the EU legislature. The response from one young man from Clermont-Ferrand was quite typical: He voted in the last European election and will vote again in the next, he said, but he also admitted doesn't really understand the purpose of doing so."

So, what do people who are not part of the "Brussels bubble" see when they look at the European Union?



Do they see something they can relate to? Something they can influence? Something they understand? Do they feel affection, indifference, or perhaps even hostility? Asking these questions helps us figure out what we mean by good governance at the EU level, and, more importantly, what people understand by the term.

Most people simply want a good home, a decent income, good social protection, and a good future for their children. The EU tends to be relevant only when it is seen as improving or undermining any of that.

This was obvious during the Brexit referendum where a caricature of the EU as cold and unaccountable was contrasted with the nation state as the deliverer of all good things to the people. There was little awareness – as in most member states – of the respective competences of the Union and the individual state – where blame or praise should be given, and in what areas. It is only now that people are beginning to comprehend the complexity of the matter and perhaps far too late.

So my office must take this layer of unfamiliarity into account and encourage the EU administration to see its duty to be the reference point for good governance, ethics, transparency and openness in order to deal with this problem of distance. Because poor behaviour is not just magnified but also used by those hostile to the EU to damage it.

So let's look at how the EU level compares to other international standards.

The EU has a lobbyist register - unusual among Member States with the exception of some, including Austria - it has rules governing the so-called 'revolving doors' challenge; it has a code of conduct for its commissioners; all of its main institutions have a whistleblowing policy and the Commission publishes details of the meetings its senior officials have with lobbyists.

It has overhauled its trade policy to include transparency as one of its central pillars and it has a law governing the public right of access to EU documents. The EU also conducts public consultations on most of its major legislative proposals. The EU budget is also nearly fully transparent, which is not always the case at national level and all of this is positive.

The EU institutions are also generally favourable to my suggestions in these areas. The Commissioner's code of conduct is now stronger; ethics rules governing Commissioners' special advisers have been tightened and details about the Commission expert groups - which advise Commission policy makers - are now being proactively published.

Institutions are largely responsive on more 'tangible' issues too. For example a recent complaint by an Austrian trainee about the fact that EU foreign delegations do not pay their trainees led to a review of the policy and now trainees do receive payment for their work.

Most of my work concerns individual complaints - ranging from problems with contracts and public tenders, to difficulties in getting access to information or alleged breaches of the Charter



of Fundamental Rights. While each positive change is a building bloc in good governance, I see my recent inquiry into making EU law-making more transparent as a particularly important one.

Using my powers of own-initiative I am seeking to make it easier for ordinary citizens to follow draft EU laws and most importantly to know how their own governments shaped them in Brussels. At the moment, the Commission proposes a law but then the public loses sight of the draft law once it goes to Council, when Member States are represented. There it is amended in various committees before eventually emerging as a political agreement, months or even years later.

I have asked the European Parliament to support my inquiry, which it looks like they will, and they are due to vote before the end of the year. If the EU has a crisis of citizen participation, then allowing citizens to follow laws so they can potentially influence them is an obvious part of the remedy.

But it's challenging work, as transparency is only one part of how issues are dealt with or perceived. New media technologies allow for vast amounts of transparency but they have also created a Tower of Babel that makes it very difficult to get coherent messages or even facts through the noise and confusion.

In his book *Breaking News*, Alan Rusbridger, the former editor of the UK Guardian newspaper, writes:

"In the new horizontal world people are no longer so dependent on the "wisdom" of a few authority figures. The reach and speech of public connectedness is unbeatable by any media organisation on earth. Journalists, business and politicians are left looking out of touch and flat-footed."

One could add public administration to this list but even despite the noise, they could still do a lot more to build public trust and above not do anything to undermine the good work that they do for citizens every single day particularly as the publicity reach of poor decisions, in our digital age, is instantaneous and global.

For this reason, every good policy or inquiry outcome I outlined above, can be significantly undermined by institutions appearing to put the concerns of the administration, or individuals within it, above those of citizens.

Simply put, in these times of crisis the EU administration cannot afford mistakes that reflect on its integrity. In these times of crisis, good governance in the EU institutions has become an existential matter extending far beyond the dry rules and protocols of an administration. Events such as Brexit as well as the increasing unpredictability of the US have given the EU a sharp contour that it previously lacked but with this increased visibility and sense of relevance comes huge responsibility, not just for the EU but for the world.

Despite the challenges, the enormous political strains that are coming upon it, good leaders,



good people in every constituent part of that Union must continue to uphold its founding values, must not compromise those standards for the sake of short term expediency or appeasement.

And we as Ombudsman and we as auditors have a high responsibility in supporting those people in that leadership, enabling them to do the right thing when other elements are pushing the opposite.

We show this responsibility in our own offices, big or small, simply by doing what we are suppose to do, through independent, high quality work that enables the administration to improve its services to the people. People, partly as result of the drama of Brexit and other high profile crises, may now have a better idea of what the EU stands for and polls indeed show that support for it has gone up in many Member States, but complacency should be avoided.

Much is at in next year's European Parliament elections. Low turnout and populism remains risks. Between now and next May, people need to be convinced that it is worth voting in those elections. EU institutions have their role to play continued improvement in their governance and to be the best that public administrations can be: citizen friendly, accountable, efficient, and transparent, showing good example at a time when doing the opposite is in danger of becoming normal.

Thank you.