

## Speech to the European Economic and Social Committee's Plenary Session

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Good afternoon and thank you President Jahier for the invitation to your plenary session today.

When I was elected by the European Parliament as European Ombudsman five years ago, I had a very straightforward ambition, and that was to make the office more useful and more effective. I told the Parliament that I would do that by making it more visible to European citizens, its work more relevant and therefore increase our impact on the EU administration.

The work that you do and that my office does collectively supports and amplifies the voice of the European citizen. You are the bridge between the civil society groups that you represent on the ground all over Europe and the political level of the EU here in Brussels. The European Ombudsman is a bridge between the citizens and the EU administration .

The challenge for my office is to make that bridge meaningful despite the fact that relatively few citizens have a direct contact with the EU administration and therefore do not need to turn to the European Ombudsman for assistance with a problem. Those that do may be experiencing a problem with a contract, research application or tender with the European Commission, or have a procedural problem with EU state aid decisions or how the Commission handles an infringement case. Others may be seeking access to EU documents but of course, the vast majority of citizens' day-to-day problems are dealt with at national or regional level.

So, the challenge for the office is to achieve results that benefit all citizens, even if they do not complain directly to us.

Individual complaints represent the vast majority of inquiries - as high as 98 percent - but in order to provide the most effective service possible for citizens I do at times use my powers of own initiative to look into broader issues where I suspect maladministration or where I could help an EU institution or agency to solve a particular administrative problem.

Transparency represents one of these areas. The EU institutions already have high standards of transparency, often higher than national or regional administrations, but sometimes they don't always appreciate how difficult it can be for citizens to understand how they work, how decisions are made and how citizens can get involved in influencing that decision making.



Euroscepticism is boosted when people do not know how decisions are made, why they are made and who made them. Real debate about the EU can take place only when people have facts and insight. Otherwise we are left with unchallenged caricatures that feed certain populist narratives - as we have seen in the Brexit debate over the last three years.

The pro-active investigation that most reflected these concerns looked into legislative transparency in the Council.

In 2016 I started to look into whether it is possible for the public to easily follow the way in which a draft EU law is shaped by national governments in other words by their own Ministers when they meet in Brussels.

The inquiry was prompted by the fact that a draft law, once proposed by the Commission, effectively disappears from public view when it goes to the Council. National government representatives working at the technical level in various committees and at Ambassador level in COREPER, amend and revise the law until it is approved at the political level.

This process reflects the longstanding 'diplomacy' style of Council negotiations. This has of course served the EU well for many years but it needs further to reflect people's fundamental right to take part in the democratic life of the EU - something they can do only if they have access to the appropriate legislative information.

Following our inquiry, which included an inspection of Council legislative documents, a public consultation and formal questions put to the Council, I recommended to the Council to end its practice of automatically marking documents as not for the public view - or *Limité* - and to start systemically recording the positions of national governments on legislation, so that citizens right to know these positions is made real .

If this were done, if citizens knew the positions their own governments were taking on legislation that affects them, it would make it more difficult for some national Ministers to blame 'Brussels' for laws that they have in fact agreed to, or take credit for popular EU laws they might even have voted against.

Let me be clear, I did not recommend the web streaming of Council technical or Ambassador meetings, and of course it is in the public interest to have a space to negotiate in confidence.

But time moves on, and in a digital age where expectations of access to information are at an all time high, the current 'black box' stance of the Council cannot continue.

I am pleased to say that a dedicated group of Member States sees the benefits of more transparency and is pushing for a cultural change in the Council. The Netherlands has been a strong champion in this area as has Finland, which, while holding the Council presidency, has made a number of proposals for proactive transparency that are in line with my suggestions.

They are joined by Ireland, Sweden, Denmark, Belgium, Estonia, Slovenia and Luxembourg.



However, some larger Member States are still hesitant. Just last week, I met with the Dutch Foreign Minister to discuss the issue, and I am hopeful that it will stay on the agenda of the Council.

Responsibility for EU decisions is also behind other areas of my work

We have for example asked Eurogroup President Centeno whether steps can be taken to improve the transparency of the Euro Working Group. This body prepares the work of the Eurogroup, one of the most powerful EU bodies - even though it is not a formal EU institution as such - and whose discussions can have significant consequences for citizens, as we saw in recent years.

With the worst of the financial crisis behind us, it is a good time to reflect on how we can boost transparency and accountability in this area. I was happy to see that our ideas were discussed at the recent Eurogroup Ministerial meeting in Helsinki and some positive steps, including the decision to set up an online register of documents, were taken.

The intense interest in the portfolio assignment for the incoming European Commissioners reminds us again of the reach of the EU's soft power or the so-called "Brussels effect", where decisions, laws and agreed norms have an effect not only within, but far beyond, the EU's border.

As we know, this kind of power attracts those who want to shape the decisions to their own benefit, a legitimate part of democracy but my office seeks to make sure that lobbyists - while having an important role in informing policy-makers - do not exert undue influence and that what they do is transparent.

We have therefore scrutinised how the Commission and other EU institutions manage these difficult issues. We have also published a dos and don'ts guide for EU officials on how to interact with lobbyists; and have succeeded in getting the rules on Commissioners special advisers tightened and in helping the Commission make their hundreds of expert groups more transparent, as their role in the EU legislative process can be a vital one.

Given the volume of transparency related complaints we receive, I decided to introduce a Fast-Track procedure for access to documents complaints where we aim to conclude an inquiry with 40 days. This has been successful with access to documents inquiries being processed three times faster than previously, giving complainants an assessment of their request, while the information is still relevant.

Sometimes it is not always appropriate to open a formal inquiry. For these situations, I try to work constructively with the EU institutions, offering advice and helping where possible. This allows me to show that the Ombudsman is keeping an eye on important issues - which is a healthy signal to send to the public as well as a way for institutions to explain their actions in a neutral framework.



These information-seeking initiatives, for example, helped prompt the European Central Bank to reform its internal transparency policy, encouraged the EU to pursue a proactive document-publication policy during the Brexit withdrawal negotiations, and saw several of the office's suggestions for improving the running and responsiveness of the European Citizen's initiative taken on board.

These changes have been significant but so too have been the results brought about by individual complaints. These have seen the timely release of documents to journalists, misunderstandings over how EU funds are spent cleared up; led to a new policy to pay trainees working in the EU's foreign delegations, and prompted internal culture changes in many EU institutions and agencies toward even better administrative standards. Many small civil society groups have also been helped in their dealings with institutions, when at times EU administrative complexity can lead to difficulties.

But our work also enables us to see the very best of the EU administration, the wonderful, yet often unseen work of thousands of civil servants on behalf of all of us. To recognise this I started the Ombudsman Award for Good Administration in 2017. This not only recognises great work - this year for example the overall prize went to the European Commission for its work to reduce the plastics pollution - but it also encourages institutions to learn from one another.

I would also like to highlight the great work at regional and national level by Ombudsmen across Europe. As European Ombudsman, I coordinate the European Network of Ombudsmen, and we work hard to strengthen the links between the EU and the countries and regions of Europe. Our annual conferences in Brussels always make for stimulating debate as the Ombudsmen share their experience on the ground with EU politicians and officials.

To conclude, sometimes, as Ombudsman, I can solve a problem with a simple phone call or email. Sometimes it takes longer as we wait for a culture to shift. This year however, I notice another significant stepping stone on the road to culture change and that is the designation of a Commission Vice President as the Commissioner for Transparency. This elevation of transparency will prove to be I hope a sign of significant progress in the area of good administration generally within the EU. Thank you for your time.