

## **Committee on Petitions, public hearing - The European Ombudsman's perspective: experiences and expectations regarding the Commission's response to citizens' concerns**

Speech - City Brussels - Country Belgium - Date 26/05/2021

The sharing of experiences, best practices, and reflections is a fundamental part of Ombudsman philosophy and I am happy to be able to exchange views with you today.

As you can read in our just published Annual Report for 2020, my team handled around 2150 complaints last year from which we opened 370 inquiries. 210 of those inquiries concerned the European Commission. The complaints I receive express concrete concerns from members of the public in Europe, as well as businesses and civil society organisations.

As you know, the European Ombudsman deals only with the administration of the EU institutions. My mandate does not extend to the actions of national administrations and my interaction with the Commission very rarely touches upon such matters.

Our work with the Commission falls loosely into three categories, reminders, de-bureaucratisation, and encouragements.

In relation to reminders, I mean the fact that the Commission leadership needs at times to be reminded of the good administrative standards and guidelines it has set for itself and of the ever-increasing expectations from the public of high standards of performance, integrity, and delivery.

A recent example is the strategic inquiry, which I opened last week, on the Commission's management of the "revolving doors" problem, whereby Commission staff members move into the private sector.

My team will be inspecting 100 files from across numerous DGs as part of this inquiry. The intention is to be able to support the Commission's ethical commitment by identifying areas of improvement in the management of this issue.

In a previous inquiry, I reminded the Commission that it could take a more robust approach as provided for under the existing Staff Regulations.



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A complex administration, such as the Commission, can become overly bureaucratic, constantly looking down at rules rather than up at the citizen and their very human concerns.

Citizen's questions and concerns are answered, often in good faith, but with statements and explanations that have undergone so many stages of political framing and legal dissection, and often translation, that the message has essentially been lost. I realise, that this can also arise when the Commission is asked to reply to MEPs and, specifically, to the Committee on Petitions.

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From time to time mistakes are made and the Commission benefits from external oversight and from our strong encouragement to do better next time. Our role is always to seek out solutions and not to point the finger to no good effect.

We do this whenever we make recommendations in an inquiry. For example, I recently issued a recommendation in relation to concerns about transparency and the risk of conflicts of interests with the members of a high-level expert group on the EU Capital Markets Union.

In this case, the Commission applied general measures to mitigate risks of conflict of interest, instead of following the rules it had set for itself. The case is ongoing and I hope to receive a positive reply from the Commission within the next weeks.

Genuine good cooperation is the expected norm between the EU institutions, and even the occasional 'tug of war' between them can be viewed as a sign of a healthy democratic system where positions are outlined and freely and openly debated.

You, the elected Members of the European Parliament hold the executive arm of the EU administration politically accountable. The Court holds it legally accountable. My business, as the Ombudsman, is to hold the Commission to account on its respect of the fundamental right to good administration, the right of access to EU documents, the right to participate in the democratic life of the Union and the broader principles of good administration.

One example of such administrative behaviour, and a good example for good cooperation between institutions, is my Office's 'Fast-Track' procedure for access to documents complaints. These complaints stem from the public's right to access documents held by the EU institutions, as defined under Regulation 1049/2001.

I have consistently held the view that 'access delayed is access denied', and the 'Fast-Track' procedure aims to ensure that both my Office and the Commission process access to documents requests as fast as possible. We have cut red tape on both ends, and my inquiries now produce quicker assessments. It is a win-win procedure.



Of course, while it speeds up the process, it does not necessarily increase the chances of the documents being disclosed. In many cases, the complainants simply get told 'No' earlier than they might have done, in cases where the Commission refuses a recommendation for access.

I would very much welcome an opportunity to discuss with you in this committee what the Commission can do better on transparency, and how Regulation 1049/2001 on public access to EU documents could be revised. This is such an important issue for European citizens.

The Commission and my Office have worked well together to enhance secure and reliable methods for sharing documents electronically, something which was obviously very useful during this pandemic period.

In general, EU institutions continue to use multiple documents management systems, which is not practical or efficient in my view. However, the smartest IT tool cannot replace the problem-solving capacity of a face-to-face meeting or a phone call between colleagues.

I have always encouraged this more direct and informal approach as it's not only faster but also a great way of sharing perspectives and quickly getting to the root of a problem. Short-term secondments, such as those we have already carried out between my Office and the Committee on Petitions secretariat, could also be a good idea for deeper co-operation with the Commission.

Traditionally, the EU has had difficulty in the establishing a relationship between its institutions and ordinary members of the public.

We need to find new ways for getting the public genuinely engaged in the EU, and perhaps the Conference on the Future of Europe might produce some fresh thinking on this. But, people are not fools and can sense when the engagement is cosmetic rather than genuine, when an institution is practising what I might call '*citizen-washing*', pretending to reach out or doing so in a half-hearted way, rather than seeking deep democratic engagement.

Any healthy relationship, whether large or small, is built on honesty, and trust. Here, the Commission carries great responsibility, but it is not alone. As your committee has repeatedly stated and the study presented today also reiterates: It is necessary to ensure that citizens are well informed about the levels at which decisions are taken. This can help to prevent the '**blame Brussels**' phenomenon, by which ministers or governments seek to blame some notional EU 'in Brussels' for decisions they themselves took in in the Council.

My genuine hope is that the Conference on the Future of Europe will narrow the gap between institutional Europe and the Europe of citizens, and be a genuinely transformative initiative, and that it will not end up as a brief footnote in a history book.

In this regard, I am also following closely the developments on this committee's own report, spearheaded by Ms Vedrenne, on engaging with citizens. As the directly elected representatives of the citizens of the EU, the European Parliament has an unrivalled democratic



legitimacy within the EU institutions and perhaps the enhancement of that democratic legitimacy is something that Conference will also explore.

Every European has the right to good administration. This includes the right to responsive EU institutions. We need a Union that takes people's concerns seriously, that addresses concerns with genuine proposals, and that is honest enough to admit, when necessary, that sometimes it does not have the power to help.

What we do not need is a Union that considers engagement as a box ticking exercise. Political systems can be puzzling even for insiders and the European Union is one of the most intricate puzzles ever. We cannot expect that every European knows where the Commission's powers start and where they end, and it is therefore vital that the Commission takes that imaginative leap out of the bubble and tries to genuinely empathise and communicate effectively with the people who reach out with their concerns.