

Speech by the European Ombudsman, Mr Jacob Söderman to the European Parliament on his Annual Report for 2001, Strasbourg, 26 September 2002

Speech

Mr President, distinguished Members of the European Parliament!

On the first of September 1995, the European Ombudsman's office started work. From then until the 15th September 2002, the office has received 10.535 complaints, of which 10.437 have been examined. About 30% were within the mandate of the European Ombudsman.

We have carried out 1.385 full inquiries, of which 19 were own initiative inquiries. 1.149 of these cases involved the Commission; 137 cases involved the European Parliament's administration, 53 concerned the Council and 12 concerned the European Investment Bank.

Looking at the results, 345 cases were settled by the institution concerned, after the Ombudsman informed it of the complaint.

In 206 cases a critical remark was made. In 48 cases, the inquiry resulted in a draft recommendation or proposal for a friendly solution, most of which achieved a success for the complainant.

In six cases a special report was made to the European Parliament. In four of these cases Parliament has upheld the Ombudsman's recommendations and the other two cases are still pending.

In 659 cases, a thorough inquiry resulted in the Ombudsman finding that there was no maladministration in the activities of the institution.

When cases are outside the mandate, we always try to advise the complainant of another body that could deal with the matter. We advised the complainant to go to a national or regional ombudsman, or petition a national or regional parliament in 2.293 cases, to petition the European Parliament in 884 cases and to address the European Commission in 913 cases.

Critical voices

Over the years, critical voices have been raised saying that the European Ombudsman is not sufficiently known and that the results for citizens are inadequate because the institutions neither cooperate, nor respect their obligation to good administration.



Some critical voices have also suggested that the mandate is too narrow and that the European Ombudsman should deal with complaints concerning Community law wherever it is applied in the Union, or even be a Peoples' Tribune, always ready to condemn injustice wherever it occurs.

The citizens' knowledge of the Ombudsman

In fact, the European Ombudsman is certainly one of the best-known Ombudsman institutions in the world. Our information campaign is in 12 languages and addresses 350 million citizens and residents of the 15 Member States. We have visited every Member State, issued press releases, published and distributed informative brochures and given many lectures and seminars to publicise the work.

One of the most effective ways of communicating with such a vast audience is via the Internet. Around 2.500 websites contain an active link to the European Ombudsman's site and nearly 42% of complaints are now submitted electronically, many of them using the on-line complaint form.

The steady increase in the number of complaints is the best proof that the Ombudsman is better and better known. Almost 200 new complaints arrive each month, a near 300% increase compared to the first full year of operation, 1996.

Results for citizens

The results of the Ombudsman's work for the European citizens are also impressive. As well as obtaining redress in individual cases, we have achieved major improvements in the general functioning of the institutions. Three of these achievements call for special mention.

First, we persuaded the institutions and bodies, including the European Central Bank and Europol, to adopt rules on public access to their documents. These rules remain in force, as a valuable addition to the Regulation on public access to documents of the European Parliament, Council and Commission.

Second, an own-initiative inquiry led 17 institutions and bodies to adopt codes of good administration, based on a draft suggested by the Ombudsman. Following a special report, the European Parliament last year adopted a revised version of the Ombudsman's draft as the European Code of Good Administrative Behaviour. We have distributed this improved version of the Code widely in the institutions and to the European citizens, whose right to good administration the Code embodies. As instructed by the European Parliament, we apply the Code in deciding whether or not there is maladministration.

The third achievement concerns the Charter of Fundamental Rights of the European Union, proclaimed in Nice in December 2000. The Ombudsman first proposed the idea that the Charter should include the right to good administration. This was taken up by the Convention and included as Article 41 of the Charter.

The Ombudsman has also promoted the full and correct application of the Charter. The Union institutions solemnly proclaimed the Charter to the citizens as containing their fundamental



rights. The Ombudsman therefore regards failure to respect those rights in the institutions' own activities as maladministration.

Furthermore, the Ombudsman's proposals to the Convention on the future of Europe include the idea that the Charter should be legally binding wherever Community law is being applied.

Cooperation from the institutions and bodies

Contrary to what the critical voices say, the institutions and bodies deserve credit for their mainly co-operative attitude to the Ombudsman. They have usually responded properly, fully and promptly to the Ombudsman's inquiries and have been willing to accept the Ombudsman's friendly solutions and draft recommendations.

Problems have arisen in only a small number of cases. In one case concerning access to information, the Commission rejected the Ombudsman's draft recommendation and has failed to act on a resolution of the European Parliament supporting the Ombudsman. I regret that this case seems to be part of a more general trend towards the misuse of data protection rules to halt or reverse the commitment to openness.

Most of the institutions and bodies have also adopted a code of good administrative behaviour. I cannot understand why the European Parliament's resolution of 6 September 2001, calling for a European administrative law has not been followed up.

To me, a uniform set of rules applying to all the institutions and bodies could only enhance the Union's relations with its citizens.

I also regret that the Staff Regulations maintain the outdated requirement of prior approval of publications by civil servants. The few officials who want to publish unfair and inaccurate criticisms are unlikely to comply with this rule. The system is more likely to deter some of the great majority who would write in an accurate and positive way.

The mandate of the Ombudsman

I acknowledge that the European Ombudsman's mandate is limited. I have consistently maintained the view that a network of ombudsmen and petitions committees is needed to supervise the application of Community law by the Member States. We have developed such a network, to share information, give advice and ensure that complaints go to the most competent body.

Further development of the network could help the Commission, as Guardian of the Treaty, to focus its resources on the most important issues of principle. I am open to further discussion to establish a system in which many complaints about infringements could be dealt with effectively by ombudsmen and petitions committees in the Member States.

The citizens can never fully believe in the European Union unless Community law is respected at all levels of the Union.

Mr President!



In the future, Community law in the Member States could include the Charter of Fundamental Rights. The network of ombudsmen and petitions committees in the Member States could also play an essential role in supervising the correct application of the Charter.

The European Ombudsman would be ready to accept responsibility for referring fundamental rights cases to the Court of Justice, if no solution could be found in a normal ombudsman investigation.

I do hope that the European Parliament's representatives in the Convention on the Future of Europe will support these proposals concerning the network of ombudsmen and petitions committees and the mandate of the European Ombudsman.

Finally, I would like to express my thanks to all the institutions and bodies which have co-operated effectively with the Ombudsman, to the benefit of European citizens.

I would also like to thank the European Parliament and its Committee on Petitions for their good advice and support. Special thanks are due to the chairman of the Committee on Petitions, Mr GEMELLI and the rapporteur dealing with the Ombudsman's Annual Report this year, Mr WYN. I welcome their proposals for closer cooperation between the Ombudsman and the Committee on Petitions, which I hope will lead to a concrete outcome to the benefit of European citizens.

Thank you for your attention.