

Speech by the European Ombudsman, Mr P. Nikiforos Diamandouros, to the Committee on Petitions of the European Parliament, on the occasion of the presentation of his Annual Report for 2003, Brussels, 26 April 2004

Speech

Introduction

I would like to thank you, Mr President and Members of the Committee on Petitions, for this opportunity to present to you my first Annual Report as European Ombudsman.

I took up my duties as European Ombudsman on 1 April 2003, following the retirement of the first European Ombudsman, Mr Jacob Söderman. This Report therefore covers his final 3 months in office, as well as my first 9 months of work.

I would like to pay tribute to Jacob Söderman for his excellent work as the European Union's founding Ombudsman and for leaving me an effective, hard-working and well-functioning office.

It is also the first Annual Report that will be published later this year in all the official languages of the enlarged European Union. An executive summary is already available here today in all 20 languages.

I would like to describe to you briefly the main activities in 2003 and the results achieved, beginning with the work on complaints from citizens.

I shall then report on the objectives that I set out when I first appeared before this Committee as European Ombudsman, ten months ago.

Complaint-handling

The total number of complaints received in 2003 was 2,436; a 10 per cent increase compared to the previous year.

The upward trend of complaints is continuing. In the first quarter of the present year, there has been an unprecedented 64 per cent rise, as compared to the same period last year.

It is clear to me that the rise in complaints does not reflect worsening administrative behaviour by European institutions, but citizens' increasing knowledge about their rights and about how to exercise those rights.



As you know, my office has made intensive efforts in recent years to inform citizens about their right to complain to the European Ombudsman and has spread the word about the positive results that have been achieved.

In 2003, for example, in almost 70 per cent of cases handled, I was able to help the complainant by opening an inquiry into the case, by transferring it to a competent body, or by giving advice on where to turn for a prompt and effective solution to the problem.

Results of inquiries

During 2003, 180 decisions closing cases following inquiries were made.

In 47.3 per cent of cases, the inquiry revealed no maladministration. Such a finding is not always negative for the complainant, who at least has the benefit of a full explanation from the institution or body concerned of its actions.

For example, a complainant who asked the Council for access to documents of the European Convention accepted the Council's explanation that it did not possess the documents. The complainant also found it useful that the Council had clarified its institutional relationship with the Convention. Furthermore, the complaint led to the agendas and minutes of the Convention's Praesidium being published as soon as it had finished its work.

In 28.3 per cent of cases, my inquiry resulted either in the institution concerned settling the case to the full satisfaction of the complainant, or in a friendly solution.

When a friendly solution is not possible, I close the case with a critical remark, or make a draft recommendation.

Twenty critical remarks were made during the year. An interesting example is the case where the European Anti-Fraud Office (OLAF) published a press release containing allegations of bribery that were likely to be understood as directed against a particular journalist. I took the view that OLAF had gone beyond what was proportional to the purpose pursued by its action, since no sufficient factual basis for the allegations was available for public scrutiny.

Nine new draft recommendations were made during 2003, including one that led the Council to come into line with Parliament and the Commission by giving candidates in recruitment competitions access to their own marked examination scripts.

I am happy to state that I saw no need to issue a Special Report concerning any of the cases closed during the year.

Own-initiative inquiries

Five new own-initiatives were launched in 2003, including an inquiry concerning the integration of persons with disabilities, in particular as regards measures to ensure that they are not discriminated against in their relations with the Commission and another into the Commission's activity to promote the good administration of the European Schools.

Two own-initiative inquiries were closed with positive results during the year. One concerned a



Cypriot citizen's application for an open competition, which was initially refused by the European Personnel Selection Office. The second led the Commission to change its tender procedures, by allowing unsuccessful bidders time to challenge contract award decisions.

My priorities as European Ombudsman

I would now like to explain what has been achieved with respect to the objectives that I presented to you soon after taking office.

Enhancing the effectiveness of the Ombudsman's office

The first objective is to maintain and enhance the effectiveness of the office.

Relations with European Public Administration

Positive results for citizens require constructive working relations with the institutions and bodies that are complained against. In 2003, the European institutions continued to demonstrate willingness to resolve the complaints that I brought to their attention, by proposing solutions themselves, or by accepting and implementing my recommendations.

In meetings with Members and officials of the institutions, I have emphasised the dual role of the Ombudsman as both an external mechanism of control and a resource to help improve the quality of administration.

I believe the message is getting through and that the institutions increasingly recognise the value of sustained co-operation with the Ombudsman. I find an increased awareness of the fact that tackling the underlying causes of maladministration produces a double benefit: not only does it help avoid future complaints, but it also enables the institutions to manage themselves more effectively and to achieve better results.

Internal effectiveness

Mindful of the enlargement of the European Union, intensive preparations were made throughout 2003, to build up the structure of the office and enhance its human resources.

These preparations mean that we are ready to begin meeting the challenge, next week, of serving the citizens of 25 Member States in 21 languages. The draft estimates for the 2005 budget request the additional human resources needed to do this on a continuing basis in the framework of the multiannual programming provided by the budgetary authority.

Promoting the rule of law, good administration and respect for human rights

The second objective is promoting the rule of law, good administration and respect for human rights.

In pursuit of this objective, I have employed a dual strategy of *reacting* to the complaints received and working *proactively*, for example by launching inquiries on my own-initiative.

Working proactively means, among other things, using all the instruments at my disposal to empower citizens, so that their rights deriving from the Union become a living reality and the democratic life of the Union is thus strengthened.

My programme of visits to Member States old and new involves public lectures, media interviews and the distribution of information material, to inform citizens of their rights and of how best to use them.



The European Ombudsman also worked proactively to persuade the European Convention to place citizens at the heart of its deliberations. My predecessor Jacob Söderman successfully argued for incorporation of the Charter of Fundamental Rights in the Draft Constitutional Treaty.

Both he and I pressed for explicit recognition in the Constitution of the importance of non-judicial remedies and the close co-operation that exists between the European Ombudsman and ombudsmen in the Member States.

I continue to consider this a high priority and have brought it to the attention of the IGC and of competent national authorities whenever and wherever possible, most recently at the Informal Ministerial Conference on “Communicating Europe” organised by the Irish Presidency earlier this month.

National and regional ombudsmen in the Member States can provide an effective remedy for citizens whose rights are infringed. They have a key role to play in ensuring that Union law is fully respected by public administrations in their respective countries.

Enhancing the quality of information available to the national and regional ombudsmen is vital in enhancing their effectiveness, therefore, in pursuit of that goal, the European Ombudsman promotes close and effective co-operation between ombudsmen in Europe through a Network linking 90 offices in 30 countries.

In 2003, the Network went from strength to strength, through 4 meetings of national and regional ombudsmen (in Athens, Kiel, Valencia, and Warsaw) and a meeting of liaison officers from national offices in the Network (in Strasbourg) and through innovative communications activities. These include an electronic news service and an interactive Internet Summit through which ombudsmen and their staff throughout Europe can discuss issues of common interest, share documents and submit queries to their counterparts.

Reaching out to all the Union's citizens - old and new

The third objective is reach out to all the Union's citizens, old and new.

My view of the importance of this objective is reaffirmed by knowing that it is also one of Parliament's top priorities for the Ombudsman - something that was explicitly pointed out to me when I assumed my duties.

The development of our communications and outreach activities has been perhaps the most visible and dramatic change since I took office.

At the end of May last year, I announced that I would visit all ten accession countries by the date of enlargement and as many of the Member States as possible, in order to inform citizens of their rights, including the right to complain to the European Ombudsman. Six weeks later, I embarked on the first leg of the information tour and by the end of the year had spread the word from Ireland in the West to Estonia in the East and from Finland in the North to Malta in the South visiting 16 countries in total - 11 of the existing and 5 of the new Member States.



On Wednesday, I will begin a visit to Poland that will complete this information tour for the new Member States and, by the end of September, I will have visited all 25 Member States.

Preliminary indications from sources such as Eurobarometer are positive for this information tour. In Estonia, for example, awareness of the European Ombudsman rose by 62 per cent from 21 percentage points to 34 percentage points around the time of my visit there last September. More generally, the European Ombudsman institution is relatively well known in the new Member States.

Given the high expectations of the Union held by the citizens of the accession countries, I anticipate that the substantial increase in complaints, witnessed since the beginning of this year, will continue. What is therefore most important is to ensure that potential complainants receive accurate and useful information. With this in mind, I have sought to intensify my office's efforts to target information to potential users of the Ombudsman's services.

I have worked enthusiastically to reach out to potential complainants in my addresses at seminars, meetings and conferences. Non-governmental organisations, chambers of commerce, law and public administration departments in the academic world and other interest groups have given me the opportunity to present my work and have in turn passed on the information to their members.

I am also happy to report that the Commission agreed to my proposal to provide information systematically to applicants for, and recipients of, certain grants and subsidies about the possibility to complain to the European Ombudsman concerning maladministration.

Because of all these efforts, I believe that citizens and organisations that have a problem with the EU administration are increasingly aware, and seek to make use, of the service the Ombudsman provides and have confidence in his ability to find a solution.

Conclusion

All in all, 2003 has been a year of successful transition for the institution of the European Ombudsman.

At this critical juncture in the development of the Union, the Ombudsman must explore new ways of serving citizens, of informing them about their rights, and of promoting their empowerment, through enhanced respect for the rule of law, systematic combating of maladministration and vigilant defence of human rights.

I look forward to the challenges ahead with energy and enthusiasm, but also with a deep sense of the Ombudsman's moral obligation to serve the citizen and, in so doing, to contribute to enhancing the quality of democracy in the evolving European Union.

As this is my last appearance before the Committee in this parliamentary term, I would like to express my thanks for your support and guidance, which are of critical importance to the success of the European Ombudsman institution.



Finally, it remains for me to thank you for your attention today, and to wish all Members of the Committee well for the future.