

Speech to the European Parliament by the European Ombudsman, Professor P. Nikiforos Diamandouros, on the Annual Report of the European Ombudsman for the year 2003, Strasbourg, 18 November 2004

Speech

Introductory Remarks

President, Honourable Members, thank you for this opportunity to address the Parliament for the first time since the historic Enlargement of the European Union, and to present the European Ombudsman's Annual Report for 2003.

I took up my duties as Ombudsman on 1 April 2003, following the retirement of the first 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 and many achievements on behalf of European citizens, foremost of which is the establishment of the European Ombudsman as an effective, dynamic, and well-respected institution, promoting openness, accountability and good administration.

I would also like to pay tribute to the outgoing Commission for all its constructive work in favour of citizens during its term of office, and to particularly thank Vice-President Loyola De Palacio for her collaboration and support. I look forward to working with Vice-President-designate Margot Wallström, whom I hope to be meeting soon in her new role.

Annual Report for 2003

Honourable Members, the Annual Report for 2003 records the progress made by the institution of the European Ombudsman in handling complaints, promoting good administration and making itself better known to citizens; including, not least, the efforts undertaken to prepare the institution for enlargement, equipping it to reach out to citizens in 25 Member States in the 21 Treaty languages.

In 2003, the total number of complaints received was 2 436, representing a 10% increase compared to the previous year. In almost 70% of cases handled during 2003, help was provided to the complainant by opening an inquiry into the case, transferring it to a competent body, or giving concrete advice on where to turn for a prompt and effective solution.

As I already indicated when appearing before the Committee on Petitions in April this year, the upward trend of complaints is continuing. In the first ten months of 2004, there has been an



unprecedented 54 per cent rise, as compared to the same period last year.

I am confident that this rise in complaints does not reflect worsening administrative behaviour by European institutions, but rather increased citizens' awareness of their rights and about how to exercise those rights.

With the support and encouragement of Members of this House, we have made strenuous efforts in recent years to raise awareness among citizens of their right to complain. I am convinced that these efforts have contributed to the increased use that is being made of our services and was heartened to see that Mr De Rossa's excellent Report acknowledges these endeavours.

Results of inquiries

During 2003, 180 decisions closing cases following inquiries were made. In 47 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 an explanation from the institution or body concerned regarding its actions.

In 28 per cent of cases, the 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 was not possible, the case was closed with a critical remark, or a draft recommendation was made.

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.

If an institution or body fails to co-operate, I can put the matter before this House in a Special Report. I am happy to state that I saw no need to make a Special Report concerning any of the cases closed during 2003.

Own-initiative inquiries

Five new own-initiative investigations 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.

Two own-initiative inquiries were closed with positive results during the year. One of these led the Commission to change its tender procedures, by allowing unsuccessful bidders time to challenge contract award decisions.

Inter-Institutional relations

Little of the success for citizens could have been achieved without the active co-operation of other institutions to answer complaints rapidly, fully and correctly. The 2003 Report contains many examples of the institutions' taking prompt action to settle cases brought to their attention and responding positively to the Ombudsman's proposals and recommendations.

When I address in person members and officials of the EU institutions and bodies, as I did eight times in 2003, I am keen to underline the value of reacting promptly and constructively to complaints. In this way, I would like to think that the Ombudsman can be seen as a valuable



source of information for all institutions that wish to improve the quality of their administration. The ultimate goal for all of us must be to ensure the best possible service to the citizen.

Co-operation with ombudsmen throughout Europe

Ombudsman institutions and similar bodies now exist at the national level throughout the European Union, including in all the new Member States.

The sole exception is Italy.

Co-operation with these institutions, and with their regional equivalents, plays a vital role in improving the service to citizens through the exchange of information and experiences, through transfer of complaints between the European, national, and regional levels, and through the provision of information to citizens about their rights under European law and about how to exercise and defend those rights.

The network of co-operation between the European Ombudsman and national and regional ombudsmen throughout Europe, which comprises some ninety offices in thirty countries, was strengthened and intensified in 2003 with four high-level meetings in Athens, Valencia, Warsaw, and Strasbourg. Such co-operation is reinforced through regular communications initiatives of the European Ombudsman.

Reaching out to citizens

When I took office in April 2003, I committed myself to reaching out to citizens in all Member States to better inform them about the work of the European Ombudsman. I therefore visited many Member States during 2003, and had visited all ten accession countries by 1 May 2004.

Throughout these visits I met with national and regional ombudsmen, high government officials and members of the judiciary, and I presented my work to non-governmental organisations, chambers of commerce, universities, the press and EU representatives.

The regular Eurobarometer surveys suggest that these visits effectively promote awareness of the European Ombudsman, which often increases after a visit has taken place. Hits to the Ombudsman's website tend to confirm this. The sharp rise in the number of complaints - and, indeed, the number of admissible complaints - further bears this out.

These information visits are complementary to the regular press and communications activities of the European Ombudsman, which, during 2003, included over eighty speeches by the Ombudsman and the staff of the institution and a press release on average every nine working days.

Given the increases in workload for the institution in terms of complaints-handling, communications activities and liaison with national and regional ombudsmen in an enlarged Europe, I proposed an increase in resources for the institution in the budget for 2005. I wish to register my gratitude to the Parliament for having responded positively to that call, thereby allowing me to continue to effectively serve the citizens.

Petitions Committee Report

I would like to thank the Members of the Petitions Committee for their support and constructive



proposals, as set out in Mr De Rossa's Report, and to put on record my appreciation of the work and positive contribution of the Petitions Committee in the previous Parliament, and of its then Chairman, Mr Vitaliano Gemelli.

Many of the issues identified in this Report will have to be addressed by the institutions, including, not least, access to documents, the infringement procedure, and the Ombudsman's Statute. But let me react to some that are of direct concern to me as Ombudsman.

Firstly, we should not underestimate the importance of transparency in winning the trust of citizens. As the De Rossa Report rightly points out, there is still room for improvement, as evidenced by the fact that lack or refusal of information still accounts for the greatest proportion of admissible complaints to my Office.

Only last week, in response to a complaint from a Member of this House, I called on the Council to review its refusal to decide to meet publicly whenever it is acting in its legislative capacity. The Constitution for Europe provides for the Council to meet in public when considering and voting on a draft legislative act, but surely citizens should not have to wait until the Constitution enters into force for this basic advance in openness. I firmly believe that deliberating behind closed doors on issues that affect the daily lives of our citizens is something we cannot reasonably defend, especially now that all Member States have solemnly signed the text of the Constitution.

I was delighted to see that the De Rossa Report emphasises the importance of the European Code of Good Administrative Behaviour. This Code elaborates on crucial elements of openness, such as providing reasons for decisions and being service-minded and accessible in relations with the public. I too regret that the Code is not yet fully applied by all the institutions and bodies, but expect the incoming Commission to build upon the commitments of Madame De Palacio and begin work promptly towards a European Administrative Law, as envisaged in the Constitution for Europe.

Secondly, on the Ombudsman's Statute. In order to maintain confidence in the institution, the Ombudsman must be able to investigate the complaints that citizens entrust to him as thoroughly and rigorously as possible. During this legislature, I very much hope to have the opportunity to revisit the issue of the Statute - notably on the questions raised by the Rapporteur of the Ombudsman's access to documents and hearing of witnesses.

Thirdly, on enhanced co-operation with the Petitions Committee. This is something I am eager to develop. In direct response to the suggestion in the De Rossa Report, I see only advantages in the Committee becoming a fully integrated member of the European network of ombudsmen and similar bodies. This network has proved a vital tool in terms of effective complaint-handling and exchange of best practice. We will continue to strengthen the network, with the ultimate aim of ensuring that the rights provided for under EU law become a daily reality for citizens. I would therefore be delighted if the Committee were to become fully engaged in this initiative. With Parliament's agreement, I will see to it that my Office makes the practical arrangements in the very near future to implement this proposal.



Conclusion

Honourable Members, next year the European Ombudsman will be celebrating its first ten years in existence.

It is my sincere belief that the relationships of goodwill, trust and understanding that have been built up over this time provide an excellent basis for further improving the quality of administration to the benefit of citizens. The European Parliament and its Committee on Petitions are vital partners for the European Ombudsman in this regard.

I look forward to an ever stronger collaboration between our institutions in the future and I thank you for your attention.