

## **Speech by the European Ombudsman, Mr Jacob Söderman, to the European Parliament, on the occasion of the presentation of his Annual Report for 1997**

### Speech

Mr President ! Distinguished Members of the European Parliament ! It has now become an established practice that the European Parliament follows the best traditions in the Member States, by inviting the Ombudsman to present his Annual Report in person. Copies of the Annual Report for 1997 should have been distributed to all Members of the European Parliament. The report is also available on the Ombudsman's Internet Website. The Website was recently re-designed so as to make full use of new technologies for communication with citizens. From the beginning of this month we have begun regular publication on the Website of all decisions following an inquiry. The Website also contains the new standard form for making a complaint. This can be used by the rapidly increasing number of citizens who choose send their complaint by e-mail. Mr President ! The foreword to the 1997 Annual Report already contains a full introduction to the substantive themes of the Report. I will restrict myself here to three questions concerning the future. *The first question is:* what remains to be done before the office of the European Ombudsman is fully operational to deal effectively with citizens' complaints? *The second question is:* what is the best way to promote an improvement in the quality of the European administration from the point of view of European citizens? *The third question is:* what can be done to help the many complainants with grievances about the application of Community law in the Member States? - particularly when they try to exercise their right of freedom of movement, which is one of the rights of European citizenship. *The establishment of the Ombudsman's office* As regards the first question, it is important to recall that 1996 was the first full year of work for the European Ombudsman. Between 1996 and 1997, the number of complaints rose by 40%. In the first half of 1998 there has been a further increase of about 15%. As I have also experienced on the national level, there is a steady rise in the number of admissible complaints, but the increase is even higher among the inadmissible complaints. However, the citizen with a well-founded complaint which is inadmissible, does not usually go away empty-handed. Especially where Community law rights are concerned, the European Ombudsman always tries to advise the complainant of a competent and effective body which could deal with the complaint. We are now able to do this for 70% of the inadmissibles. During 1997, the Ombudsman's office handled a total of 1412 cases. Of these, 1181 were new complaints received in 1997. Four own-initiative inquiries were launched during the year and 101 inquiries were closed with a reasoned decision. In 40% of these cases, either the institution settled the matter, a friendly solution was found, or the case was closed with a critical remark. In 59% of cases no maladministration was found. A finding of no maladministration is not always



negative for the citizen. The process of complaint and inquiry gives the institution the opportunity to explain to the public what it has done and why. In some cases, it even succeeds in convincing the complainant that it has acted properly. Our goal is to decide on the admissibility of a complaint within one month and to close a case in which an inquiry has been launched, within one year. We have largely met the first target : only a few cases are pending for more than one month. As for the second target, we have been successful in steadily increasing the number of cases solved, but there is also a growing backlog of cases. I have applied for the resources necessary to establish the office rather slowly. Setting up an office, selection and training of personal and establishing the right working procedures takes time and I have insisted that dealing with citizens' complaints must have priority. However, it is obvious that we now urgently need more resources, to deal efficiently and properly with the existing complaints and to prepare for the new work which the Amsterdam Treaty will create when it brings the third pillar (which includes Europol) fully into the Ombudsman's mandate. *Raising the quality of administration.* In its observations on the Annual Report for 1996, the Committee on Petitions asked for a more precise definition of the term "maladministration." I undertook this task and included a definition in the Annual Report 1997, which Mr NEWMAN has welcomed in his report. The THORS report on the Ombudsman's own-initiative inquiry into public access to documents also demonstrates the possibilities of fruitful interaction between the work of the Ombudsman and that of the European Parliament, especially the Committee on Petitions, to the benefit of European citizens. In this connection, I wish to underline that the best way to achieve a significant improvement in the quality of the administrative activities of the Community institutions and bodies is to adopt a Code of good administrative behaviour, in the same way as rules on public access to documents have been adopted by the Community institutions and bodies. I have mentioned two important initiatives in this field in my Annual Report. The first is in the PERRY report concerning the activities of the Committee on Petitions in 1996-7. The second is that of the Secretary General of the Commission, Mr Carlo TROJAN, who informed me in October 1997 that work had begun on drafting a Code of good administrative behaviour for the officials of the Commission. For my part, I have welcomed these initiatives warmly and my office has gathered information about similar national codes from the Member States and from National ombudsmen and similar bodies. I really hope that we will have the first code adopted on the Community level this year. The adoption and publication of such a code is an important sign of a commitment to create a more service-minded administrative culture in relation to the citizen. It also means that both civil servants and citizens know what the standards are in this field and what one has the right to expect from the administration.

*Grievances from the national level* The last question I would like to raise here is the continuing high number of complaints from European citizens concerning the application of Community law by public administrations in the Member States. We have transferred or advised a growing number of these complaints to be dealt with either as petitions to the European Parliament, when they include a matter of principle which needs political experience or pressure to be solved, or by the national ombudsmen or similar bodies. The Commission and especially its Euro-Jus legal advisors assisting citizens in the Commission representations in the Member States, also play a role in this field. To my mind, it is important to realize that many of these complaints could be solved easily and promptly on the national level. Our objective is to create an effective network of redress for these grievances, in cooperation with the national ombudsmen and similar bodies (most often petitions committees of national parliaments). In the



Annual Report I have given an account of the activities in this field so far. Mr President ! I would like to use this opportunity to thank all the Community institutions and bodies for another year of constructive cooperation. I would especially like to address the Commission and its responsible Member, Anita GRADIN and thank her for her firm and continuing commitment to an open and accountable administration. I would also like to thank the President of the European Parliament Mr GIL-ROBLES for his supportive and understanding attitude to the work of the Ombudsman. My thanks are due also to the Chairman of the Committee on Petitions, Mr FONTANA, and to all the Members of the Committee for their clearly expressed interest and cooperative attitude in their contacts with the Ombudsman's office. Special thanks go to Mr NEWMAN and Mrs THORS for their comprehensive and detailed reports now before you. Mr President, Members of the European Parliament, thank you for your attention.