

Presentation of the European Ombudsman's Annual Report for the year 2008 to the Committee on Petitions of the European Parliament

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Introductory Remarks

President, Honourable Members, I wish to thank you for this opportunity to address you on the subject of my Annual Report for the year 2008.

This Report is the first which I have the honour of presenting to this Committee since the European elections.

I know that some of you are new to the Committee and may not be familiar with the role of the European Ombudsman. You may also have questions about the relationship between the Ombudsman and Parliament, and more specifically, between the Ombudsman and this Committee.

I often say that the Ombudsman has a "privileged relationship" with Parliament. The European Parliament elects the Ombudsman and he reports to it, most notably via the presentation of the Annual Report and also via special reports.

This Committee is responsible for Parliament's relations with the Ombudsman and prepares a report and Resolution on my Annual Report. Since I began work as European Ombudsman on 1 April 2003, I have enjoyed an excellent working relationship with this Committee. You have offered me valuable support and advice, whilst fully respecting the duty of the Ombudsman to be impartial and independent in his work.

The Ombudsman and the Committee on Petitions

The Committee on Petitions and the Ombudsman both work to ensure that citizens and residents of the Union can enjoy their rights to the full.

Naturally, we do so in different ways. My mandate is more limited than yours because I can only deal with complaints against the EU institutions and bodies, whilst you can also look into what



the Member States are doing. Furthermore, you are part of a sovereign political body and can deal with petitions that request changes in the law, or new laws. In contrast, my role in dealing with complaints is to help uncover maladministration and put it right.

Unlawful behaviour, when it falls within my mandate, is always a form of maladministration. However, it is not enough for the EU institutions and bodies merely to follow the law. They must also show that they are service-minded; for example, by acting fairly, reasonably and courteously. Indeed, the creation of a culture of service to citizens is at the heart of the principle of good administration.

My privileged relationship with Parliament, and with this Committee, is key to ensuring results for citizens. Unlike court rulings, my decisions are not legally binding. I use the power of persuasion to convince the EU institutions and bodies to follow my recommendations. Where they refuse to do so, it is of fundamental importance that I can turn to the European Parliament to seek its support.

For instance, when an institution does not comply with my recommendations in cases which raise fundamental questions of principle, I can issue a special report to Parliament.

Let me give you an example from 2008. The refusal of the European Commission to change its stance in an age discrimination case led me to submit to Parliament the only special report I issued last year.

I was gratified that this Committee dealt with the special report expeditiously, and that Mr Martinez's Report, adopted unopposed by Plenary in May of this year, reflected entirely the concerns I had raised.

Complaints dealt with in 2008

Let me turn now to the Annual Report 2008. I submitted the Report to the President of the European Parliament on 21 April 2009. It is available in all the 23 official EU languages and was distributed to all Members of Parliament in July. Copies are available here this evening.

As explained in the opening pages of the Report, we have made strenuous efforts to improve its user-friendliness so that you can easily obtain a clear and comprehensive account of the Ombudsman's work in 2008.

Also, a new six-page *Overview 2008* has been produced. This new publication records the most important results obtained for complainants and highlights the main policy issues dealt with over the past year.

The Ombudsman closed a record number of inquiries in 2008 - 355 - with most taking less than a year.



I am happy to say that, once again in 2008, the EU institutions and bodies have shown that, for the most part, they are keen to resolve issues that the Ombudsman brings to their attention. The increased settlement of cases and friendly solutions with the institutions is a source of great encouragement for me.

Eight cases closed in 2008 exemplify best practice with respect to the manner in which institutions responded to issues raised by the Ombudsman. They therefore warrant inclusion among the star cases highlighted in the Annual Report 2008, in order to serve as a model of good administrative behaviour for all EU institutions and bodies.

Helping citizens find a remedy

The Ombudsman registered a total of 3 406 complaints during the year in question. This represents a 6% increase compared to 2007.

In almost 80% of cases registered, we were able to help the complainant by opening an inquiry into the case, transferring it to a competent body, or giving advice on where to turn. Often, the advice is to contact a member of the European Network of Ombudsmen. The Network, which includes this Committee, consists of roughly 90 offices in 31 countries.

One of the purposes of the Network is to facilitate the rapid transfer of complaints to the competent ombudsman or similar body. In 2008, for example, 191 complainants were either advised to contact this Committee, or their complaints were transferred to the Committee to be dealt with as petitions.

Of course, it is much better if complainants can identify the most appropriate avenue of redress the first time around. This helps avoid the frustration involved for citizens who are told that the body they have turned to is not able to help them. It also means that complaints are resolved more promptly and effectively, thus ensuring that citizens can fully enjoy their rights under EU law.

A very important initiative in this area came to fruition in January of this year. My office launched an entirely new website, which includes an interactive guide in all 23 EU languages to help citizens address directly the body best equipped to deal with their complaint. This may be my own services, the Committee on Petitions, the services of national or regional ombudsmen in the Member States, or the cross border online network SOLVIT. Since the guide was launched on 5 January, it has provided advice to over 20 000 users.

Lack of transparency

In 2008, by far the most common allegation I examined was lack of transparency in the EU administration. This allegation arose in 36% of all inquiries and included refusal of information or documents.



It is with a certain degree of concern that I have noted the high number of complaints alleging lack of transparency. After all, an accountable and transparent EU administration is key to building citizens' trust in the EU.

Of particular importance regarding transparency in 2008 was the Commission's proposal to reform the EU's Regulation on public access to documents. For those of you who have not had the opportunity to follow this debate, I recall that the Commission has proposed changes to the current Regulation, some of which would be very beneficial. However, some of the other proposed changes would result in citizens having access to fewer, not more, documents.

I voiced my concerns over these aspects of the proposal and encouraged Parliament to use its role as co-legislator on this issue to ensure the best result for citizens.

In March 2009, Parliament adopted the Cashman Report which took on board many of my concerns and called on the Commission to modify its proposals. I welcomed the Report and hope that the Commission will revise its proposals in order to give the widest possible access to EU documents to citizens and other stakeholders. If the Lisbon Treaty enters into force, that could provide a good opportunity for the Commission to submit a new proposal that would be consistent with the Treaty's promise of greater transparency and a greater role for citizens and national parliaments in EU affairs.

Conclusion

One final important development in 2008 concerned the revision of the Ombudsman's Statute. The support of this Committee, and of the Parliament more generally, was crucial in securing the necessary changes. These changes strengthen the Ombudsman's powers of investigation, thereby ensuring that citizens can have full confidence in the Ombudsman's ability to conduct a thorough investigation of their complaints without restrictions.

Let me conclude by recalling that the Ombudsman's main task is to promote good administration in the European institutions. Maximizing transparency and accountability as well as helping to create a culture of service to citizens are key factors in the fulfilment of this task.

President, with your and your Committee's support and guidance, I am confident that our two institutions, the Ombudsman and the Committee on Petitions will continue to work closely in the pursuit of our shared goal of helping citizens and residents to enjoy their rights fully in a transparent and democratic European Union .

As always, I remain at your disposal for any information you might need and look forward to answering your questions.

Thank you for your attention.