

## **Presentation of the European Ombudsman's Annual Report for 2008 to the Plenary of the European Parliament**

Speech - **City** Brussels - **Country** Belgium - **Date** 12/11/2009

### **Introductory remarks**

Honourable Members, thank you for this opportunity to address Parliament on my Annual Report for 2008.

I wish to thank the Petitions Committee, and especially the Chair, Ms MAZZONI, and the Rapporteur, Ms PALIADELI, for their helpful and constructive Report. I enjoy an excellent working relationship with the Committee. It offers me valuable support and advice, whilst fully respecting my duty as Ombudsman of impartiality and independence.

Parliament and the Ombudsman both work to ensure that citizens and residents of the EU can enjoy their rights to the full.

We do so in different ways. The Ombudsman's mandate is more limited - I can only deal with complaints against EU institutions and bodies, whilst you can also examine what Member States are doing. Furthermore, Parliament is 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 attempt to put it right.

Unlawful behaviour, when it falls within my mandate, is always a form of maladministration. However, it is not enough for EU institutions and bodies merely to follow the law. They must also act consistently and in good faith; they must act in accordance with the rules and principles which they have adopted; and they must demonstrate that they are service-minded; for example, by acting fairly, reasonably and courteously. Indeed, the generation and maintenance of a culture of service to citizens lies at the heart of the principle of good administration.

The Ombudsman's "privileged relationship" with Parliament is key to ensuring results for citizens. Unlike court rulings, an Ombudsman's decisions are not legally binding. I can only use the power of persuasion to convince EU institutions and bodies to follow my recommendations.



Where they refuse to do so, it is of fundamental importance that the Ombudsman can turn to Parliament to seek its support.

For instance, when an institution does not comply with a recommendation in a case which raises fundamental questions of principle, I can issue a special report to Parliament. One example from 2008 was the refusal of the Commission to change its stance in an age discrimination case. I was gratified that Parliament dealt with this report expeditiously, and that Mr MARTINEZ's Report, adopted by Plenary in May 2009 without a single vote against, reflected entirely the concerns I had raised.

## **Annual Report and complaint-handling**

Honourable Members, my Annual Report records the progress made in handling complaints, promoting good administration, and providing information about the Ombudsman's role.

As explained in its opening pages, strenuous efforts have been made to improve its user-friendliness so that readers can easily obtain a clear and comprehensive account of the Ombudsman's work. It has also now proven possible to publish the Report much earlier in the year than before. In addition, a new six-page *Overview* 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 EU institutions and bodies have shown that, in general, they are keen to resolve issues that I bring to their attention. The increased number of friendly solutions and settlement of cases is both positive and praiseworthy.

Eight cases closed in 2008 exemplify best practice among the institutions and bodies in responding to issues I raised. The institutions and bodies concerned are the Commission, the Council, the Court of Justice, EPSO, OLAF and the European Aviation Safety Agency. They are included as star cases in the Report as models of good administrative behaviour for all the institutions and bodies. Let me briefly mention just two of these cases:

The Commission was constructive throughout the procedure concerning a payment dispute. As a result, the company concerned received more than 100000 Euro in outstanding payments.

EPSO agreed to disclose to candidates, at their request, the evaluation criteria used in selection procedures, as well as a breakdown of individual marks.

In 2008, the Ombudsman registered a total of 3406 complaints. This represents a 6% increase compared to 2007.



In almost 80% of cases registered, help was provided to the complainant by opening an inquiry, or transferring it to a competent body, or giving advice. Often, such advice is to contact a member of the European Network of Ombudsmen. The Network now consists of roughly 95 offices in 32 countries and includes the Committee on Petitions.

One of its purposes is to facilitate the rapid transfer of complaints to the competent body. In 2008, for example, 191 complainants were either advised to petition Parliament, or their complaints were directly transferred to the Committee on 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 earlier this year. My office launched an entirely new website, including an interactive guide in all 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 its launch, the guide has provided advice to over 23 000 users.

## **Transparency and access to documents**

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 this high percentage. An accountable and transparent EU administration is, and must remain, key to building citizens' trust in the EU.

Of particular importance regarding transparency in 2008 was the Commission's proposal to reform Regulation 1049/2001 on public access to documents. The Commission has proposed changes to this 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.

The Lisbon Treaty changes the legal and political context of the Regulation by giving citizens more opportunities to participate in the activities of the Union. Its entry into force will provide a good opportunity for the Commission to submit a new proposal that would reflect this new reality and would strengthen the fundamental right of access to the documents of the EU's institutions and bodies.

## **Statute and Concluding Remarks**



The support of Parliament was crucial in securing the revision of the Ombudsman's Statute in 2008. The changes effected 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.

Honourable Members, allow me to conclude by recalling that my task is to promote good administration in EU institutions and bodies. Maximizing transparency and accountability, and promoting and helping entrench a culture of service to citizens, are key factors in the fulfilment of this task.

I am confident that our two institutions will continue to work closely in pursuit of the shared goal of helping citizens and residents to enjoy their rights fully in a transparent and accountable EU.

Thank you for your attention.