

Meeting with the Heads of EU Agencies - Introductory remarks by the European Ombudsman, Emily O'Reilly

Speech - **City** Brussels - **Country** Belgium - **Date** 13/02/2014

Meeting with the Heads of EU Agencies Thursday, 13 February 2014, 15.15-15.45 Crowne Plaza Le Palace, 3 Ginestre Street, "Clarity & vision" 8th floor. Introductory remarks by the European Ombudsman, Emily O'Reilly

Citizenship in crisis

Good afternoon and thank you for making time in your programme today for an exchange of views with the European Ombudsman.

I am going to explain how I see my role as Ombudsman and how I believe that role relates to the EU agencies. I also look forward to hearing your views. In particular, I hope to learn what more the Ombudsman can do to help you put the citizens of Europe at the heart of your work.

When I gave the oath of office at the Court of Justice on 30 September last year, I said that my ambition is to help the EU institutions to live up to their own best selves. In order to make that possible, I want to bring the Ombudsman's office itself to the next level in terms of impact, visibility and relevance.

Relevance, that is, for the citizens of Europe.

European citizenship is in crisis for several reasons. The aspect of the crisis that is most germane to our discussion here today is that many citizens see the EU institutions, including the agencies, as remote and alien. Citizens do not have a sense that the institutions, including the agencies, are public bodies that work on their behalf and are accountable to them.

Some of you work in areas that are relevant to the everyday concerns of citizens, such as the safety of the food we eat, of the medicines we take and of the aircraft in which we fly. Others work in fields that are of immediate concern only to specialised audiences. There are, however, three things that all citizens are entitled to expect from all EU agencies.

The Ombudsman's public service principles



First, citizens are entitled to expect that the staff of the agencies will observe the ethical standards of the EU civil service.

I am sure that you are all aware of the European Ombudsman's five public service principles, but I'll summarise them briefly.

The first principle is **commitment to the EU and its citizens**. The main idea is that civil servants should be conscious that the EU's institutions exist in order to serve the interests of the EU and of its citizens. They should be mindful of their position of public trust and set a good example to others.

The second principle is **integrity**. Civil servants should not place themselves under any obligation that might influence them in the performance of their functions and they should avoid conflicts of interest and the appearance of such conflicts.

The third principle is **objectivity**. Civil servants should be impartial, open-minded, guided by evidence, and willing to hear different viewpoints. They should be ready to acknowledge and correct mistakes.

Fourth, is the principle of **respect for others**. Civil servants should act respectfully to each other and to citizens and express themselves clearly, using plain language.

The fifth and final public service principle is **transparency**. Civil servants should be willing to explain their activities and to give reasons for their actions. They should keep proper records and welcome public scrutiny of their conduct.

Good governance

The public service principles are a guide to individual ethical behaviour.

The second thing that citizens are entitled to expect of EU agencies is good governance.

I know that establishing the governance arrangements is largely out of your hands. You have to work within a framework created by others. I also know that governance is one of the matters addressed in the Commission's roadmap on the follow-up to the Common Approach on agencies.

As Ombudsman, my concern with good governance begins with how the arrangements described on paper work in practice. For example, in establishing consultative or advisory groups, how do you actually choose the people who are supposed to represent particular interests? How do you identify and deal with conflicts of interest and other ethical issues? What really happens when someone blows the whistle?



Let me make a brief digression here to explain a more general point about the Ombudsman's work. All public bodies, including the one that I lead, are under pressure to put in place "policies" on all kinds of things. But a policy is just a piece of paper. If it is to be more than just a wish list, or a statement of good intentions -- that is to say, if it is to have impact -- it must be implemented. And to find out whether and how it is being implemented requires more than just reading the policy or, indeed, formal governance arrangements.

At the end of last year, I sent all of you a copy of *Putting It Right*. This report examines the follow-up that institutions (including agencies) have given to the results of the Ombudsman's inquiries. In the next edition, I intend to focus more on what institutions have actually done to implement the promises they made in response to my remarks, recommendations and proposals.

Something that concerns me greatly, based on my experience so far, is a tendency amongst some EU institutions to refuse to provide redress to complainants unless there is a legal obligation to do so. This, I think, reflects an over-reliance on the law and a weak understanding of the requirements of good administration and, indeed, of justice. While the EU and its institutions are grounded in law, there are also fundamental values and principles at stake. These values and principles, which include fairness and justice, complement the law. I am glad that, so far, I have not encountered any cases where an agency has refused redress on the grounds there is no legal obligation to do so.

End of digression.

Two key political rights

I come now to the third and final element in my brief list of things that all European citizens are entitled to expect from all the EU agencies. That is, that the agencies will play their part in making a reality of two political rights which are essential to citizenship: the **right to know** and the **right to participate**.

For any of you who are lawyers, I should explain that "right to know" and "right to participate" are umbrella terms that bring together different elements of law and good administration in a way that helps citizens to understand a key political dimension of European citizenship.

The right to know includes:

- the right to ask questions and receive answers; and
- the right to receive information in a language you understand.

These two elements derive from the fundamental right to good administration set out in the Charter of Fundamental Rights.

The two remaining elements are:

- the right to request public access to documents, which is also a Charter right, and



- the right to be proactively informed. This is the counterpart of duties on the institutions to publish documents (such as reports, budgets, accounts and impact assessments) and to provide public registers of documents.

Establishing a public register of documents presents challenges. I know this well, because my own Office has been working on such a register for quite some time. The good news is that it is nearly ready for public launch. Last week, we invited *Transparency International* to test it for us. Their reaction was positive and we will take on board their helpful suggestions before the public launch. We are ready to make our experience in establishing a register available to you, if you would find that helpful.

I hope you will recognise that all four elements of the right to know apply in full measure to the agencies.

The second political right of European citizens is the **right to participate**. Not all aspects of this right directly concern the agencies, but two of them do:

- the right to be consulted and to respond to consultations; and
- the right to contribute in a language you can use easily.

Let me give you a practical example of what the right to know and the right to participate might mean to a European citizen *vis-à-vis* the agencies. Suppose someone reads that the European Medicines Agency has approved a particular drug she is taking. She is interested in knowing about the EMA and how it works. She does a Google search and easily finds its website. Unfortunately, she doesn't read English very well and EMA's website is in English only. So instead of finding out about what the EU is doing for her health, and perhaps following up by contacting the agency, she thinks, "well these eurocrats clearly don't care about my views".

This point was raised with EMA in 2010, in one of the very first visits made by the Ombudsman to an EU agency.

I am sure you are all aware of the Ombudsman's programme of visits to agencies. So far, I have carried out only one visit myself -- to the Institute for Gender Equality. Those of you who have received a visit will, I am sure, recognise that the matters raised during the visit relate closely to the subjects I have outlined today. During the course of 2014, my office will be evaluating the results of the programme of visits. I would very much welcome your input with a view to increasing the impact, visibility and relevance of the visits. In particular, I would welcome your ideas as to how to ensure better implementation in the follow-up phase.

Before concluding I would like not only to thank you again for inviting me to be here today, but also to congratulate you on the choice of venue. To hold a meeting in the "*Clarity & Vision*" suite suggests exactly the right aspirations for an EU event.

Thank you for your attention. I look forward to your questions and comments.