Thank you, Julie.

Fellow ombudsmen, distinguished guests, ladies and gentlemen!

It gives me great pleasure to be with you today at this, my first Ombudsman Association meeting since I swapped Dublin for Strasbourg and Ireland for Europe. It’s lovely to be with both old and new colleagues and hopefully without the need for an interpreter.

The game of musical chairs that brought me to Strasbourg in October continued in December, when Peter took over from me as Ombudsman of Ireland after several very successful years as Public Services Ombudsman for Wales. And Peter has also joined me on the European stage as the new President of the European chapter of the IOI. I know that he will bring his customary energy and engaged focus also to that role.

We meet together at what is a crucial time for this association as it plans its future direction with many changes potentially on the landscape for Ombudsmen and notably those in the public sector. But as has frequently been observed in this forum, the Ombudsman landscape is constantly shifting and this association has always played a critical role in helping all of us to find our bearings.

It is also a critical time for the European Union, with the European Parliament elections taking place next week. For the first time, the choice that citizens make at the ballot box will have a direct impact on who will be chosen to lead the European Commission for the next five years. How that will pan out in practice when the time comes for the divvy up of the big jobs in a few months isn’t clear but the attempt at least to have some sort of citizen say in the choice of Commission President is a welcome one. The crisis of EU legitimacy is real and palpable throughout many member states and not just that have borne the brunt of the economic meltdown.

Many of you will have followed the two televised debates between Nick Clegg and Nigel Farage earlier in the spring. Some may even have followed the televised debates between the candidates for the post of Commission President, including the socialist Martin Schulz
and the conservative Jean-Claude Juncker, the two men who represent, respectively, the broad centre left and the broad centre right of the European Parliament.

Regardless of your political persuasion, and irrespective of your level of support for the European project, the one point on which I'm sure we can all agree is that Europe, perhaps as usual, is at a crossroads, and nowhere is that more clearly felt than here in the United Kingdom, where the country's very future within the European Union is a subject of daily discussion. September's independence referendum in Scotland also feeds into that conversation with many people pondering the implications of a Yes result not just for Britain but also for other parts of the European Union.

But today I would like to focus on the role of the European Ombudsman within the institutional landscape of the EU institutions, and on the cooperation established between ombudsman institutions throughout Europe through the European Network of Ombudsmen, which my office coordinates.

The European Ombudsman will shortly be celebrating its 20th birthday. Created by the 1993 Maastricht Treaty to help bridge the famous so called democratic deficit and to bring Europe and its citizens closer, the office opened its doors in September 1995.

The role of the Ombudsman is to investigate complaints and conduct inquiries regarding maladministration in the EU institutions, bodies, offices, and agencies. While there are dozens of these, in practice much of our work is directed towards the biggest beast in the jungle, the European Commission.

The Ombudsman's mandate is limited to the EU level. This ensures that there is no overlap between the work of the European Ombudsman and that of the national and regional ombudsmen throughout the EU. It also means that collaboration between my office on the one hand, and the national and regional ombudsmen on the other is vital, given that many of the complaints received by my office concern maladministration at the national or regional level.

Every year, my office receives around 2000 complaints and opens an average of 500 inquiries based on complaints received or on its own-initiative.

This may not sound like a very large number, compared to the numbers received by Julie, Lewis, or Peter. The reason though is very simple as the total size of the EU administration is smaller than that of Manchester City Council and unlike a national, regional, or local administration, the EU doesn't run schools, hospitals, or prisons. It doesn't build houses or motorways, and it doesn't maintain a standing army.

Given the EU's limited fields of activity, the size of my office is far smaller than you might expect for an office to which over 500 million citizens are entitled to complain. I have a total staff of less than 70, dealing with complaints in 24 languages. The main office is in Strasbourg with a second office in Brussels.
Over the years, lack of transparency by the EU institutions has consistently been the most common subject of complaint. The transparency or FOI regime in the institutions, in my view, is far less progressive than that which pertains in Britain or Ireland and unlike the UK, Scottish and Irish Information Commissioners, who can make binding decisions on the release of records, I have the recommendatory powers of the Ombudsman and therefore cannot.

But we have had some notable successes nonetheless. In recent years the Ombudsman handled several complaints concerning the refusal of the European Medicines Agency in London to grant public access to clinical trials data, in other words the confidential results that may show the adverse side effects of medications.

In one case, the complainant was refused access to information concerning the anti-acne drug Roaccutane, whose adverse side-effects are reported to include an increased risk of severe depression and suicide. Indeed some of you may have read a Sunday Times magazine article on this controversial drug just last month.

Following our intervention, the Medicines Agency agreed to make all such data proactively available to the public and moved radically to transform its transparency policy. At this point, two large US pharmaceutical companies took EMA to court in relation to two specific drugs and while one company recently withdrew its action, following further redactions by EMA, I am currently looking at those redactions to make sure that they were appropriate.

This case, initiated by my predecessor, to me demonstrated the raising of the EU Ombudsman's game. Like any institution, it took time to gain a sizeable foothold on the consciousness of the administration and to make sure that its voice was heard and responded to particularly in matters as vital to the public interest as the medicines case. My work over the last seven months has been to build on that and to shape the office in a much more strategic fashion, to harness our limited resources to isolate and focus on other areas either of significant public interest or which concern a high governance principle. I recently appointed a co ordinator for own initiative enquiries and have just begun to roll out a series of major investigations into systemic issues. The first, launched last week, will look at the composition of the expert groups that advise the Commission to see if they are as balanced and as independent as they should be.

Many complaints also concern the failure by the European Commission to ensure that EU law is respected by the Member States. What the member states themselves do is none of my business, what is my business is how the Commission deals with alleged infringements by the member states.

One such complaint concerned the tax advantages granted by the Spanish government to four Spanish football clubs, including Barcelona and Real Madrid. The complainant contacted the European Commission arguing that the rules drawn up by the Spanish government put the four clubs at a considerable advantage compared not only to other clubs in Spain, but also to other top-flight clubs throughout Europe.
The sums involved allegedly amounted to billions of Euros. For four years, the European Commission dragged its heels but following a public intervention by me last December, pointing out the potential conflict of interest in relation to the Spanish Competition Commissioner whose job it was to investigate his country's actions, the Commission agreed to act and immediately opened an inquiry.

The publicity created by this case was significant and led to a big increase in the visibility of the European Ombudsman as I found myself doing interviews with sports media right around the world and desperately trying to sort out my Reals from my Barcas. Even my teenage son noticed what his mother was doing for once and I received a rather cross text from Daniel enquiring as to whether I was trying to destroy Spanish football. In fact, if I recall, his text read “Oh for God's sake Mum, what are you at?”

The increased visibility was rather startlingly demonstrated when we received a complaint from Diego Maradona earlier this year. Unfortunately, his complaint was completely outside my mandate as it concerned the Italian authorities. But to be noticed by the hand of God does show how far we've come in raising the profile of the institution!

A third category of complaints concerns ethical issues and this is where one interesting part of the mandate comes into play as a lot of the complaints in this area come from Brussels based NGOs such as Corporate Europe Observatory or Alter EU who specialise in unearthing corruption inside the institutions. They can complain because under the statute, a complainant does not have to be personally affected by an alleged act of maladministration before they can do so. In addition, the scrutiny that domestic institutions receive by domestic media, is much more diffuse in the case of the EU institutions and it is frequently the NGOs, rather than the press, who monitor them.

The European Ombudsman has received several complaints concerning revolving-doors issues, in which high-level EU officials take up lucrative employment in the private sector, or in which industry insiders get recruited to high-level posts in the EU institutions. The potential for the inappropriate trading of inside information is obvious.

Shortly after I took office in October of last year, I received a dossier concerning the head of the European Commission's ad hoc ethics committee, the committee that advises the Commission on conflict of interest issues arising from the private work of former EU Commissioners.

The complainant alleged that there was a potential conflict of interest, as the head, who was the former Director of the Commission's Legal Service, was now a member of a large Brussels based law firm representing several high-profile private sector clients. Although the Commission initially refused to accept that there was any conflict of interest, the committee head resigned from his role on the ethics committee following our intervention. This was another important case coming at a time when public trust in the EU institutions is at an all-time low and when the institutions therefore need to be seen to be squeaky clean. I am also now concluding the final stages of a large scale investigation into how the Commission handles revolving doors cases concerning its own officials.
The final category of complaints concerns contractual issues faced by companies and organisations working with the EU institutions. Every year, my office receives complaints concerning late payment by the European Commission and other institutions. Other cases concern non-payment arising from contractual disputes. Thanks to my office's intervention, disputes have been settled, bills have been paid, and compensation has been agreed.

A great many complaints of course received by my office do not fall within my mandate, most often because they concern alleged maladministration by national and regional administrations rather than by the EU institutions.

Many of these complaints do concern breaches of EU law, but at the national or regional level. These complaints are for the relevant national or regional ombudsman to deal with and not for the European Ombudsman. If a national administration has transcribed EU law into its own legal system, then it is for the national ombudsman to deal with complaints that arise.

It is for this reason that the European Ombudsman created the European Network of Ombudsmen back in 1996. The purpose of the Network is to increase knowledge of EU law amongst parliamentary ombudsmen and their staff throughout Europe, and to share-best practice on case-handling.

The Network today consists of almost 100 ombudsman offices at the national, regional, and European levels in the EU Member States, the candidate countries for EU membership, and the other European Economic Area countries.

Several tools are made available to the Network's members to support them in their work.

As well as an Extranet and daily news service, a regular newsletter is also published to help share EU law information and best practice.

Regular seminars are held bringing together national ombudsmen (the last such seminar was held in Dublin in September 2013), regional ombudsmen (the next regional seminar will be held in Cardiff this June), and liaison officers from each national ombudsman's office (the most recent liaison seminar was held in Strasbourg last month).

An important service that the Network provides to its members is the possibility of submitting queries regarding EU law to the European Ombudsman. Over the years, we have received dozens of queries from Network members and resolved the issues raised, where necessary with the assistance of the European Commission when the queries concerned issues of a more technical or specialist nature. Thanks to the legal expertise of the European Ombudsman's investigators, more often than not we are able to reply to the query directly and very rapidly.

Last month's Liaison Seminar brought together ombudsman staff members from over 30 countries, including almost every EU Member State.
Most of the discussions during the seminar focused on how to develop the services the Network provides to its members as it approaches the third decade of its existence.

One key priority identified by participants was to further increase knowledge of developments in EU law and policy amongst Network members. There was a general consensus that the Network should inform its members in greater detail of upcoming EU legislation that could have an impact on their work, as well as of relevant judgments from the European Court of Justice.

Another important issue discussed was the need to increase cooperation and coordination between the many ombudsman associations and networks that exist throughout Europe.

Several liaison officers present explained that their institution is a member of five or more such organisations, including the International Ombudsman Institute (IOI), the European Ombudsman Institute (EOI), the Council of Europe’s focal points network, Equinet, the Association of Mediterranean Ombudsmen (AOM), the Association of Ombudsmen and Mediators of the Francophonie (AOMF), the Ombudsman Association (UK and Ireland), the Iberoamerican Federation of Ombudsman (FIO), and the Nordic Ombudsman Association.

The participants proposed that cooperation between these networks and associations be increased in order to share ideas and best practice. They considered that coordination should be improved with regard to the dates during which conferences, seminars, and other events are held, and concerning the themes of the various events organised, with the aim of avoiding clashes of dates or overlapping of discussion themes.

I think this idea is a good one and Peter and I have already agreed to discuss how the Network and IOI Europe can work together to provide what is a very overlapping membership with the best of the unique services that both have to offer. I hope that the Ombudsman Association will also assist in making sure that useful synergies can be developed between all of us. I would hate to have a repetition of what happened some years ago when I was forced to attend an event in Cancun in Mexico and missed out on one in Manchester!

I’d like to mention also that Peter and I also both attended last week the first European seminar of the Open Government Partnership. This is a global initiative whereby Governments commit in effect to bringing their citizens much closer to the heart of decision making through greater transparency, open data projects, improved governance and action against corruption among other initiatives. I made the point that that agenda goes to the heart of the work of the public sector Ombudsman – and indeed private sector Ombudsmen - and that it was vital that Ombudsmen play a significant role in its development. It’s something that does seem to be gathering a head of steam and worth taking a look at in your respective jurisdictions. It is something that as European Ombudsman, I will be pushing and hoping to develop with the EU institutions and particularly with the European Commission and I’m sure Peter will also be developing it in the context of his IOI work.
But to conclude, I just want to say a few personal words. I never got the chance to say goodbye to BIOA last year after my election but I want to take the opportunity here today to say how one of the best parts of my time as Irish Ombudsman and Information Commissioner was my membership of this association. I will go forward showing my age by continuing to call it BIOA, and that is what I called it during my election campaign as I used it as a benchmark for all that is best in an Ombudsman network.

But more than the practical help that BIOA gave to me and to my colleagues in Ireland, it gave me a network of great friends that I cherished. In the early days it was Ann Abraham, Alice Brown, the one and only Tom Frawley, Gerry White, Tony Redmond, Peter, Mike Biles, Anne Seex, Mario Hook and the two successive Josephs from Malta, the grouping later joined by Julie Mellor, Jane Martin and Jim Martin. We had great fun together and when the chips were down, or heading that way, for one of us, when things weren't going well back at base, the support that we got each from the other was magnificent. I will long cherish the sight of Tom at the back of a conference bus loudly welcoming cringing European Ombudsmen on board in the manner of Terry Wogan introducing the Eurovision. I will never forget Alice's great exhortation to the Scottish Public Administration, Live it, don't Laminate it, and if I have quoted it once, I have quoted it a hundred times, Ann Abraham's declaration to a parliamentary committee, that unless an Ombudsman is off his or her trolley, their recommendations should be accepted.

So belatedly thank you all, and thank you also to the wonderful Ian for his excellent, committed work through the years and for his unfailing kindness and good humour.

Thank you very much for your attention!