

ReNEUAL conference - Introductory remarks by the European Ombudsman, Emily O'Reilly

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ReNEUAL conference *Monday, 19 May 2014, European Parliament, room ASP A1G-2*
Introductory remarks by the European Ombudsman, Emily O'Reilly

Good afternoon, everyone!

You are all very welcome at this conference on the draft model rules for EU administrative procedures, which have been prepared by the Research Network on European Union Administrative Law (or to use its handy and inspired acronym, "ReNEUAL").

We meet together at a critical time for the European Union, since the European Parliament elections take place this very week.

I would like to thank the European Parliament for the material support it provided for this conference by making available its premises and above all, for its strong commitment to the improvement of EU administrative procedures, represented both by a legislative proposal I shall mention shortly and by the presence here today of Vice-President Miguel Angel MARTÍNEZ MARTÍNEZ, who will be the next speaker to take the floor.

As everyone here is aware, the constitutional authority of the European Parliament has grown over time. The most visible expression of that authority is Parliament's role as a co-legislator. But Parliament also has a vital role in ensuring that public authorities are subject to adequate scrutiny and accountability when they apply the law by making administrative rules, policies and decisions.

In other words, Parliament not only legislates, but also helps to ensure that the law is properly put into effect. From the standpoint of citizens in general, as well as of individuals, companies and associations who have direct dealings with the EU institutions or the Member State authorities, the practical impact of the law -- "law in action" -- is just as important as the "law in the books".

The Treaties provide for several institutions and processes to scrutinise the application of EU law.



The European Parliament itself (through dealing with petitions) and the Commission (through the infringement procedure) are both involved in supervising the application of EU law by the Member States.

Vis-à-vis the EU institutions, the Treaties provide for scrutiny by the Court of Auditors, the European Data Protection Supervisor and the Ombudsman. I am delighted to welcome, as speakers at the conference, one of my former national colleagues and now a Member of the Court of Auditors, Mr Alex BRENNINKMEIJER, as well as the European Data Protection Supervisor, Mr Peter HUSTINX.

I also take this opportunity to welcome one of my current national colleagues, Professor Irena LIPOWICZ, the Polish Commissioner for Civil Rights Protection.

Of course, the fundamental and paramount role in ensuring the application of EU law falls to the Courts. I am therefore greatly honoured that we have with us Mr Heikki KANNINEN, Vice President of the General Court of the EU, Mr Christiaan (ü) TIMMERMANS, a former Judge of the Court of Justice, who is one of our speakers, as well as several holders of high judicial office in the Member States.

The general principles developed in the case law of the Court of Justice of the European Union provide an important basis for the work of the European Ombudsman. They also constitute an essential element taken into account by the ReNEUAL scholars in drafting the model rules for EU administrative procedures that we shall discuss today and tomorrow.

In its legislative capacity, the European Parliament took inspiration both from the case-law, and from ReNEUAL's work, when it adopted last year a report with recommendations to the Commission on a Law of Administrative Procedure of the European Union. I am grateful to the rapporteur for the Legal Affairs Committee, Mr Luigi BERLINGUER, for agreeing to be with us and to speak at this conference.

Cooperation between the European Ombudsman and ReNEUAL goes back several years. Following a meeting with the ReNEUAL Steering Committee in 2010, the Ombudsman organised a conference in 2012 at which ReNEUAL members explained their idea to draft rules that would make sense both as a legislative proposal and as a persuasive synthesis of principles to be found in the existing law, inspired by the American concept of "restatements" of the law.

In the two years following that conference, the ReNEUAL scholars have been hard at work and have refined, developed and discussed the draft rules in a number of fora, including the European Law Institute, whose President, former MEP Diana WALLIS, I am very pleased to welcome as one of the speakers at this conference.

Earlier this year, I participated in a seminar on EU administrative law, organised by the European Commission, which I understand was intended to contribute to defining the Commission's position in relation to the legislative proposal of the European Parliament for



which Mr BERLINGUER was the rapporteur. One of the topics that arose in discussion, as it did at the 2012 ReNEUAL conference, is whether Article 298 of the Treaty on the Functioning of the Union provides a legal basis for a law on administrative procedures.

To recall briefly, the first paragraph of that Article says that *(i)n carrying out their missions, the institutions, bodies, offices and agencies of the Union shall have the support of an open, efficient and independent European administration*. The second paragraph provides for Regulations made in accordance with the ordinary legislative procedure to establish provisions to that end *in compliance with the Staff Regulations and the Conditions of Employment of other servants*.

The Commission seminar was hosted by Vice President Maroš ŠEFČOVIČ, who was invited to join us here today. For understandable reasons -- he is a candidate in the European Parliament elections -- he is unable to be present, but has sent us a member of his cabinet, who I hope will speak on his behalf.

My recollection is that Mr Šefčovič expressed at the seminar the view that Article 298 of the TFEU is not, as some have argued, limited to internal measures, but also provides a basis for a law that would apply to the relationship between citizens and the EU institutions.

It would be important to know if I heard correctly, since the legislative proposal for which Mr BERLINGUER was responsible remains on the table and is, indeed, intended to be based on Article 298 of the TFEU. I hope that the next Parliament will pursue the proposal, including in the hearings with future members of the Commission.

An administrative law could improve, and make more visible, the framework for ensuring that the institutions carry out their tasks fairly, transparently and effectively, and that they are open to participation by affected interests and by citizens generally. By so doing, it could make a real contribution to convincing citizens that the EU institutions are public bodies that work on their behalf and are accountable to them.

I now give the floor to Vice-President of the European Parliament Miguel Angel MARTÍNEZ MARTÍNEZ, with once again my heartfelt appreciation for the commitment to good administration and to European citizenship which your presence amongst us represents.