

Decision of the European Ombudsman concerning requests for review

Document - 01/09/2016

Having regard to

Article 10 of the Decision of the European Ombudsman adopting Implementing Provisions [1] and the right of a complainant to request a review of a decision taken on a complaint

The European Ombudsman has decided as follows:

Article 1

1.1. A complainant can request a review of a decision that a complaint is outside the Ombudsman's mandate or inadmissible, of a decision that there are no grounds to conduct an inquiry, or of a decision closing an inquiry.

1.2. A complainant cannot request a review of a finding of maladministration or any recommendation made following such a finding.

Article 2

2.1. A request for review shall be made within 2 months from the date of the Ombudsman's decision to which the request relates.

2.2. A request for review shall set out detailed arguments as to why the decision is incorrect.

2.3. In the event that a complainant wishes to put forward new facts relating to the alleged maladministration, the complainant shall demonstrate to the Ombudsman that he/she/it was not in a position to raise these in the complaint or during the inquiry.

Article 3

3.1. A decision on a request for review in relation to a decision that a complaint is outside the Ombudsman's mandate shall be taken by the Secretary-General acting on behalf of the Ombudsman.



3.2. A decision on a request for review in relation to a decision on a complaint falling within the Ombudsman's mandate shall be taken by the Ombudsman. A Head of Inquiries Unit other than the Head of Inquiries Unit who originally was responsible for the handling of the complaint shall assist the Ombudsman in dealing with such a request for review.

Article 4

4.1. A decision on a request for review shall be taken within 4 months from the time of its registration. The Ombudsman, or the Secretary-General acting on behalf of the Ombudsman, may extend this time period by another 2 months in duly justified cases.

4.2. The decision on the request for review shall be reasoned and shall set out the action to be taken, if any.

4.3. A decision on a request for review shall be final.

Article 5

This Decision shall enter into force on the date of its adoption.

Strasbourg, on 01/09/2016

Emily O'Reilly

[1] "10.2. The detailed rules on how the Ombudsman deals with requests for review shall be set out in a decision of the Ombudsman."