

I'm not Santa Claus says European Ombudsman

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The Ombudsman is not Batman, Robin Hood, Zorro, or Asterix, European Ombudsman Jacob Söderman told the Kangaroo Group Conference in Rome, 30 September 1999. Nor is he Santa Claus, even if the current Ombudsman does come from Santa Claus's home country, Finland. The Ombudsman's job is to help citizens who have run into problems with the public administration. He or she should deal with complaints in a consistent and effective manner so as to help citizens secure their rights. Ombudsmen should maintain the independence and professionalism of their office and leave politics to the politicians. The European Ombudsman has also taken initiatives to tackle the causes of maladministration. The most important is the drafting of a Code of good administrative behaviour to promote more openness and a service-minded approach in the Community institutions and bodies. The European Commission must take a standpoint on the Ombudsman's draft code before the end of November this year. "The message of the Code is that the European institutions exist to serve European citizens, not the other way round," said Jacob Söderman. "Citizens should be treated in a correct, courteous and helpful way and the Code spells out what that means in practice" As well as asking for the adoption of a Code of good administrative behaviour, Mr Söderman said his letter to Santa Claus this year will contain three other wishes on behalf of European citizens. First, he hopes that the European Commission will soon publish a draft regulation on public access to documents, as foreseen by the Amsterdam Treaty. The draft should require each institution to have a public register of all documents it holds and include incoming mail. Furthermore, although some documents must be kept confidential, the list of reasons for confidentiality should be precise and short. The second wish is for the European Union to tackle the issue of guaranteeing its respect for human rights. The Santer Commission proposed that the Union should sign the European Convention on Human Rights, but the Court of Justice decided this could not be done without changing the Union Treaties. Mr Söderman gave his support to the idea of drafting a Charter of fundamental rights, but added that this is a complex task. Concrete results are unlikely in the near future. For good reasons, police co-operation in the European Union is intensifying and laws affecting delicate issues of asylum, immigration and the rights of foreigners are increasingly drafted at the Union level. Nowhere, however, can citizens find a clear statement of the human rights standards that the Union should respect. Mr Söderman proposed as a practical and prompt solution that the European Union undertake in a new Treaty provision to respect all the human rights conventions that the majority of the Member states have approved. This would apply the same human rights standards to the European institutions that already apply to national administrations. To most citizens that would seem like an obviously reasonable idea. Mr Söderman said his final wish should be the easiest to grant, but has so far failed to materialise. The Ombudsman would like to see an end to the European



Commission's reluctance to provide, as a matter of routine, all the documents and information needed during the Ombudsman's investigations. The documents are usually only obtained after lengthy argument, during which some influential circles in the Commission appear to regard the European Ombudsman more as a suspected criminal than an institution founded by the Treaty to supervise the European administration. If the new Commission is serious about fighting maladministration, then full co-operation with the Ombudsman is needed. "As time goes by, we learn not to believe in Santa Claus. Let us hope that the same does not become true of the Commission," Mr Söderman concluded. *For further information, please call Mr Ian Harden, Head of Secretariat, tel. + 33 (0)3 88 17 23 84.* Note for editors : The Kangaroo Group was founded in 1979. It has the main objective of eliminating all barriers obstructing the free movement of goods, services and people across the internal frontiers of the European Community. The Group is supported by MEPs from a wide range of political groups and nationalities. The President of the Kangaroo Group is Karl von Wogau MEP.