

Report: Conference on the Ever-Evolving Role of the European Ombudsman (European University Institute, 2022)

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How has the European Ombudsman (EO) evolved in its role of ensuring an independent, transparent and accountable EU administration? This was the central question of a conference jointly organised by the [European Ombudsman](#) and the [European University Institute's Department of Law](#) and [School of Transnational Governance](#). Participants brought diverse perspectives from academia, civil society, EU administration and the European Ombudsman office.

Throughout the five panels, discussants noted an emerging shift from reactive to proactive transparency. They considered this to be the future of transparency and welcomed institutions' increasing willingness to publish information out of their own initiative. Participants found the EO's strengths in her broad mandate for good governance – beyond questions of legality – and her continuous dialogue with actors from both civil society and EU institutions. They observed the tension between the EO's broad mandate and small office size, commending her impact across multiple fields. They welcomed the [new statute](#) as strengthening the institution. Participants noted how measuring the EO's impact is complicated by the long period of time systemic changes often take. Further recurrent issues were [access to documents](#), [revolving doors](#), the transparency of [trilogue negotiations](#) as well as the balancing of individual complaints and strategic inquiries.

In concluding the event, [European Ombudsman Emily O'Reilly](#) described leading the European Ombudsman as a form of art like directing an orchestra: rather than a single right way to approach issues there is a need to find solutions that work for each case. Doing so with its stretched resources entails decisions such as not intervening in cases before the Court of Justice of the European Union (CJEU) related to EO work. Effort is put towards the increased visibility of the EO findings through enhanced communication, for example with more public events and more display of the important work on individual complaints. Part of her role entails thinking of individuals who are not aware of their rights, for example those stemming from the Aarhus Convention on accessing environmental information. Future work items include further developing the [European Network of Ombudsmen](#), investigating underexamined agencies (e.g., Europol) and emerging ones (e.g., European Board of Digital Services) as well as curtailing the use of data protection as a new and too heavily used shield against transparency.

An evolving force for good administration

Professor [Deirdre Curtin](#) (European University Institute) opened the conference recalling the European Ombudsman's foundation in 1995 upon the vision that openness and public access would bring citizens closer to the EU and foster legitimacy. The EO then construed its role widely to get attention to the need for changes in the public realm. Since its introduction in 2001, it worked with the complaints-focused [EU Public Access Regulation](#) that has remained unchanged despite the shift to a digital age. The EO herself is challenged to keep up with the fundamental transformations of European governance in the last 25 years. While she faces new challenges, many of her goals remain the same in an ongoing battle to achieve definite resolutions. Deirdre Curtin further highlighted the achievements of the investigative turn of the EO and the creation of positive accountability feedback loops with institutions. Own-initiative inquiries can dig deeper into structural or institutional issues and into how institutions function within a broader fabric of accountability. This enables a more visible role of the EO as a 'driver of change'. She illustrated this with the [European Medicines Agency's \(EMA\)](#) gradual response to EO serial investigations by moving from reactive to proactive transparency, accepting the public interest in the disclosure of documents on medicines safety and efficacy. This culminated in a policy of 'radical transparency during the pandemic'.

Professor [Alexander Stubb](#) (School of Transnational Governance, EUI) shared his experience as a young civil servant in the EU and his first encounter with the emerging Office of the EO. He positively noted the evolution of the EO in thirty years and her achievements.

[European Ombudsman Emily O'Reilly](#) underlined the importance of academia for reflecting upon the EO's future. As a neutral actor, the European Ombudsman assists citizens with her expertise and resources to uphold not simply legality but good administration, general EU principles, fairness, transparency and the right to democratic participation. Influenced as every former officeholder by her prior career, she has pushed the EO to embrace its major role laid down in EU law: looking at systemic public concern and doing so with increased impact and visibility. This vision has for example manifested in systemic inquiries into the [transparency of EU trade negotiations](#), the spending of the [Recovery and Resilience Facility](#) and the [revolving doors](#) issue. Despite the small size of her office, the European Ombudsman balances such strategic investigation with her routine role in supporting claimants. It has been further strengthened by the recent revision of its [Statute](#).

The ever-evolving role of the European Ombudsman

From an academic perspective, [Nikos Vogiatzis](#) (University of Essex) underlined that clearly, the work of the office is now even more visible and debated. Transparency and ethical administration are priorities, there is significant investment in strategic inquiries, communication and other proactive initiatives: for example, the [award for good administration](#) and the [EO express](#). The average length of inquiry has been reduced considerably and a certain decrease in complaints that fall outside the EO's mandate can be observed. In this respect, the means of voluntary cooperation within the [Network](#) were noted. Some of the challenges for the EO include fulfilling her broad mandate with limited resources, emphasising (in Annual Reports or otherwise) work that does not necessarily concern high-profile cases and establishing the right approach when the institution concerned expresses doubts

about the EO's competence (inquiries concerning the CJEU's non-judicial activities were mentioned as an example). Lastly, regarding the discussion as to whether an unduly activist approach to the mandate has recently been pursued, the flexibility of the EO's mandate was noted. It was also observed that the key issue is whether a reasonable balance can be achieved between pursuing systemic work and providing redress to individual complainants.

Professor [Anchrit Wille](#) (Leiden University) underscored the EO's role as an agent of change with an increased impact on the broader European accountability environment. She put this in the context of its new statute and the new improvement-oriented, strategic and systemic strategy. The EO sets *de facto* standards for good administration through its active stance, clear language and the promotion of best practices. Rather than on formal powers this is based on the way the officeholder exercises her mandate. It is limited by the small institutional size. The EO's increased visibility to a wider European public is vital and advanced through the diversification of output, strategic communication, recommendations and special reports. For her, the EO's future role is dependent on our analysis of the major contemporary challenges. Viewing them as a *permacrisis* (a continuous crisis) would demand to preserve accountability in swift decision-making processes. A *polycrisis* (multiple crisis), on the other hand, would require monitoring a growing patchwork of institutions.

[Christian Linder](#) (European Commission, Head of Unit 'Ethics, Good Administration & Relations with the European Ombudsman') noted how the Commission is most present in the EO's work due to its size and number of interactions with citizens. He highlighted the good continuous dialogue that is not adequately represented in a public perception dominated by a few high-profile cases. As major steps forward, he presented an agreement on transparency signed by Commission, Council and European Parliament in 2021, the launch of the IT tool [EASE](#) for access to documents and the transparency of decisions on post-mandate activities of former Commissioners. Importance should be given to the EO's impactful role of assisting individuals in overcoming practical challenges with the EU administration, such as filing requests to receive a certificate or payments. Linder warned against overloading the EO with expectations that she cannot feasibly live up to given her mandate and size. He advocated for her role as a politically disinterested party that balances critique to improve EU institutions without raising suspicion towards the entire administrative system. The Commission itself is committed to improving its administration. Acknowledging that Brussels is not Washington in terms of lobbying influences or revolving door issues would be important to avoid a loss of trust in democracies. A future challenge for the EO is to evolve with the changing European administration, including its new agencies and fields.

[Paulo Rangel](#) (Member of European Parliament), in a video address highlighted the EO's importance in a time in which multiple crisis challenge confidence and trust of citizens in administration and government. The revision of its statute in collaboration of a broad spectrum of political parties was crucial to strengthen its capacities, for instance with regards to own-initiative inquiries. He regards Ombudsmen as one of the main tools of modern constitutions to enhance citizens' trust into administration, government and institutions.

[Rosita Hickey](#) (European Ombudsman Office) addressed the EO's dual-role between that of a remedy office (emphasis from the Danish Ombudsman model) and a control office (from the Danish Ombudsman model). With a naturally shifting focus, she seeks to both help individual complainants and ensure that public authorities work properly. Despite its small size, the EO, like the EU administration, deals with a broad range of activities from border management to vaccines. Most

resources go into individual cases that gain less visibility but have achieved important institutional responses (e.g., procedural improvements in the area of infringements). She advocates for the EO to live up to its broad mandate established in the EU treaties: investigate matters of vital importance to citizens and act as a positive force in assisting the EU administration throughout the challenging times ahead. While EO recommendations are not legally binding, institutions should as a general principle follow them to live up to the reasonable expectations of citizens, who have been presented with the EO as a remedy by the institutions.

For a transparent and accountable EU administration

As panel chair, Professor [Päivi Leino-Sandberg](#) (University of Helsinki) brought in the perspective of an academic actively filing access to documents requests to EU institutions and complaints to the EO. She raised the leading question of whether the EO should take an accommodating or tough stance in her recommendations to achieve her goals.

[Natasia Athanasiadou](#) (Maastricht University and Member of Cabinet to Johannes Hahn, European Commissioner for Budget and Administration, speaking in private capacity) views transparency as instrumental to foster trust in EU administration. As its success depends on effective benefits for citizens and their understanding of the decision-making processes, it must go beyond obscure registers. The future lies in proactive transparency at regular intervals and clear timelines for institutions to publish certain documents. A short period of secrecy is to be maintained where necessary, e.g., for negotiation tactics that are secret to other institutions. The Brexit negotiations offer a best practice example: regular press conferences, a timeline for publications after each round of negotiations and a dedicated website. She welcomes the EO's transparency on its own work. The EO's added value lies in its soft power and direct communication that enable it to level the playing field for actors of all sizes. Its cooperation with EU institutions as a forum to create institutional ownership of common standards can advance compliance, and so can public pressure. She encourages the EO to intervene in court cases to explain her findings.

[Anne Friel](#) ([ClientEarth](#)) presented the perspective of an NGO lawyer working to hold public actors to account where the environment is at stake. In her work on access to documents requests and related complaints to the EO, she experienced the institution as highly engaged and impactful. While it is frustrating to keep waiting for EU institutions to implement EO recommendations, she understands that systemic changes take time. While strengthening the EO's dialogue with EU institutions can avoid compliance problems, she favours an uncompromising stance of the EO in her recommendations. Her decisions on access to comitology documents is a good example of this. She sees future potential in strategic investigations of the EO to push forward interpretations of the [EU Public Access Regulation](#) that make it fit for purpose in the modern context. System issues that should be addressed include the widespread failure of the EU institutions to respect the statutory timeframes for answering requests; the content of the duty to provide public access to documents where there is an overriding public interest and the obligation to proactively publish environmental information under Article 4 of the Aarhus Regulation. She encourages a proactive approach by the EO in intervening before the CJEU to take part in the development of case law.

[Roman Schremser](#) (Chief Compliance and Governance Officer of the European Central Bank, [ECB](#)) noted the challenges in applying the [EU Public Access Regulation](#) to the ECB given its unique mandate that required it to establish its [own public access regime](#) including some exceptions that are specific to the Bank. In fact, the Court of Justice of the EU (CJEU) had recognised in several rulings that the ECB enjoys a wide discretion in interpreting certain exceptions when it comes to disclosing documents. Still, the ECB believes that its independence requires accountability, for which openness and transparency are essential. As a modern and learning institution it is open to input from the EO and other actors and to challenge long-held positions also with the aim to enhance proactive transparency. Since its creation the ECB explains publicly and in real-time monetary policy decisions and since some years discloses minutes of monetary policy meetings, aggregated banking supervision data, diaries and declarations of interest of its high-level officials. As a challenge he notes that answering broad access to documents requests is time-consuming and resource intensive. The EO's strengths stem from her mandate beyond strict legality and the non-bindingness of her recommendations. These enable her to provide a well-meaning bridge to institutions where change requires time. He suggests strengthening the EO's informal dialogue on good administration with EU institutions to enhance the recommendations' feasibility and eventually institutional compliance. He would for instance welcome continuing the dialogue after the fact-finding, analogue to internal audit processes, and the release of annual work programmes for the EO to better guide institutions on her priorities going forward.

The EO receives many complaints on access to documents of public importance from journalists, NGOs, civil society and academics, for example on the transparency of the legislative process, the Recovery and Resilience Facility and sanctions on Russia. For [Tanja Ehnert](#) (European Ombudsman) it is important that these actors trust the EO when turning to her. As she cannot issue binding recommendations, their acceptance relies on their convincingness, timeliness and the institution's willingness to comply. This is why a fast-track procedure for access to documents was introduced. While bigger institutions are sometimes reluctant to follow recommendations (e.g., the Commission in the [bee pesticides](#) case), smaller ones (e.g., European Food Safety Authority, European Data Protection Supervisor and European Banking Authority) often appreciate guidance. As the [EU Public Access Regulation](#) presents the EO as an alternative route to court proceedings, institutional non-compliance with its recommendations can create frustration for complainants. At times, compliance requires continued dialogue and small steps of progress over time. This makes measuring the EO impact difficult. One of the EO's strategies includes increasing her visibility and involving the public via consultations (e.g., currently ongoing on EU [environmental decision-making](#)). The future lies in proactive transparency, which the EO strives to achieve.

For an independent EU administration

Professor [Alberto Alemanno](#) (HEC Paris) opened the session by characterising the EO as one of civil society's most useful channels when something goes wrong in EU administration. The standards of ethical conduct for EU institutions are scattered across multiple legal sources, despite their common core and major shared issues such as conflicts of interest and revolving doors. A challenge lies in the integrity fatigue phenomenon, the difficulty to keep a momentum for transparency and accountability beyond quick reactions to scandals. He predicts that the proposal of the President of the European Commission Ursula Von der Leyen to establish a central EU Ethics body for the entire EU administration

would not significantly impact the EO, which would then have to oversee one ethics body instead of several.

Professor [Emilia Korkea-Aho](#) (University of Eastern Finland) highlighted the EO's important work in ensuring the independence and good governance of EU institutions in the areas of lobbying and revolving doors. She raised the question whether this work might carry beyond the EU itself in a potential Brussels effect. Differences in perception on the relevance of the revolving doors issue in EU administration between the public, academia and the EO are a challenge that could be addressed through more communication. She raised three major themes of concern for the EO's future supervision of the independence of the EU administration with regards to lobbying: lobbying by lawyers, lobbying that targets EU agencies and lobbying by non-EU actors. Lobbying knows no borders.

[Olivier Hoedeman](#) (Corporate Europe Observatory) commended his experience with the EO on dozens of complaints that lead to some impactful inquiries and recommendations. He welcomed the current approach of strategic and own-initiative investigations and follow-up investigations that give longer-term attention to relevant issues such as tobacco lobbying and revolving doors. A challenge lies in the Commission's still largely reactive strategy on independence and transparency. In the absence of a proactive approach, the EO would fill a crucial gap. He drew attention to lesser-known forms of hidden lobbying, such as industry lobbying of the Regulatory Scrutiny Board. He advocated for the European Parliament to increase its follow-up on EO recommendations and suggested to test the willingness of prospective Parliamentarians and Commissioners to engage with issues of ethics, transparency and accountability.

[Dirk Detken](#) (Head of Legal, [European Food Safety Authority](#), EFSA) stressed that only an independent administration gives citizens the processes they deserve. This is particularly true for his agency that was mandated to reinject trust into the European food system. EFSA greatly appreciates the EO's contribution and guidance for its policies through complaints, recommendations and the sheer endorsement of [EFSA's approaches](#) of good administration. Having a strong, independent EO is in EFSA's interest. In terms of challenges, external experts are highlighted as an additional group contributing to the EU administration, potentially subject to lobbying as well as revolving doors. Transparency is essential for independence and can demystify and tackle conflicts of interest that are often connected to expertise. EFSA believes the future to be proactive transparency: automatised tools to make meaningful data available but it requires huge investments. An idea for the future is a multi-annual planning between the EO and other institutions for strategic orientations but without taking away from her independence.

[Koen Roovers](#) (European Ombudsman) noted that the contemporary context of various cross-border crises (e.g., financial, environmental, health, war) leads the public to pay more attention to European administration and to expect solutions. Ethical issues such as revolving doors are important because they can reveal shortcomings and reflect badly on the institution the person leaves behind. Trust is painstaking to build yet easy to lose. Complainants show their trust in the EO by approaching her increasingly swiftly. The EO takes inspiration from complaints, expert advice, public consultations and its own, pro-active search for information. Progress was achieved, for example following strategic investigations into revolving doors and outside activities of Commission staff on unpaid leave. In case the Ombudsman identifies a gap in the rules rather than maladministration (for example in case of the Commission's contract with a major investment manager and selection criteria related to [public](#)

[procurement](#)), she can suggest to the Commission and the legislators to consider amending the rules. The Ombudsman phrases decisions carefully, choosing a compromising or principled stance depending on what works best to achieve the desired change. Some of the European Ombudsman's most important features are the power to inspect any document or information in the possession of the EU administration, which is wielded with precision and care, and the fact that nearly all inquiry documents that the Ombudsman produces are made public.

The European Ombudsman as an influencer

Professor [Kalypso Nicolaidis](#) (EUI School of Transnational Governance) opened the discussion raising leading questions on the influence of the EO: How large is her influence and on which factors does this depend? Under which conditions can she maximise it? Where does she find resistance to change?

For Professor [Herwig Hofmann](#) (University of Luxembourg), the EO's shift of focus to strategic and own-initiative investigations enables her to play an agenda-setting role regarding practices and gaps in the law. This entails inquiring structural issues that underlie individual complaints and areas where citizens cannot or do not complain. The number of complaint cases remains stable at over 3000 a year. The EO starts with a legality review but moves beyond to self-established standards of good governance. The latter are more present in own-initiative inquiries than in complaints. He envisions the publication of a set of criteria of maladministration. A challenge lies in the collaboration of various players in EU administration as well as national administrations, making it difficult to identify the responsible – an issue partially addressed by the Network of Ombudsmen. The EO itself sometimes overlaps in competences with the [European Court of Auditors](#), the [CJEU](#), [Board of Appeal](#) and the [SOLVIT](#) network. Its work on transparency is ever more important as the CJEU cites this fundamental right most rarely and the new Data Act and Data Governance Act create an environment of ever-more interconnected information.

Professor [Mariolina Eliantonio](#) (Maastricht University) noted the EO's role as an influencer affecting policy changes in Brussels. As a researcher, she asks how to assess and evaluate the actual impact of the European Ombudsman's use of soft power. Attempts to do so face methodological difficulties in accessing data beyond such from the EO herself. It is difficult to assess cases where the institutions' policy might be influenced by initial stages of a complaint or inquiry, rather than the recommendations itself. This can be overcome by combining a representative case study with interviews of EO officials and staff from investigated institutions. Such an analysis needs to create categories, e.g., on whether the change was genuine or merely formal, whether the change was already on the way, and whether change is obstructed by institutional will or a simple lack of material resources or the sheer complexity of the issue. Such research requires the EO to be transparent as well. Entangling the complexity of her impact is also in the EO's interest.

[Fernando Florindo](#) (General Secretariat of the Council) focused on access to documents and transparency as the most frequent subject of EO's cases concerning the Council. The two recent related cases of Council maladministration concerned issues of timely disclosure. As the documents had in any case already been disclosed by the time of the complaint, it was not possible to implement the recommendations. Even in the absence of implementation, recommendations influence future

institutional decisions. Subsequently, several documents were promptly released within the deadline of the initial application. For the prominent trilogue negotiations case, the EO's view agreeing for the Council's negotiation position to be later released has since become standard practice. The non-bindingness of the EO's recommendations makes her a forward-looking actor of change not bound by judicialized procedures. Her mandate for maladministration even in absence of illegality makes it easier for her to intervene. Own-initiative inquiries can allow for a more constructive dialogue as they can be conducted in the absence of blame and allow for ongoing processes of reflection, even if they do not always have the immediate strength to change institutional practices. The impact of EO recommendations may also depend on the fertility of the ground they fall onto, such as prior institutional awareness of a problem. The future lies in proactive transparency. A challenge lies in CJEU's extensive data protection jurisdiction.

[Harald Schumann](#) (Investigate Europe) provided insights from a journalist's perspective, portraying the EO as an important provider of encouragement of last resort when citizens and journalists face challenges in dealing with EU institutions. In his experience, many requests to EU institutions are not initially answered properly. This is problematic as the democratic legitimacy of EU institutions and thus the European project itself is at stake. As an example, he pointed out the issue of transparency regarding blocking minorities. Since the documents are only released *ex post*, the legislations blocked by lobbyists permanently escape public scrutiny. As a journalist, he values overlapping reports from the EO and other institutions such as the European Court of Auditors to be able to confront perspectives. He suggests for the EO to work with national parliaments as allies on the national level to spread its findings. He also advocates for follow-ups on previous inquiries and recommendations to ensure a continuous improvement process. The EO should also evaluate potential errors in its own choices, such as why it did not push the case for transparency of the negotiations committee for the vaccines deal. European militarisation (peace facilities and defence fund) and the comitology system are promising fields for future EO investigations.

In a video address, [Daniel Freund](#) (Member of European Parliament) noted that transparency can become a nuisance for people who came to power asking for it. European Parliament, citizens and media must fight for the accountability of EU institutions, e.g., regarding the current Commission's promises on establishing an EU Ethics Body and a policy on revolving doors. The EO is a worthy advocate for these concerns. Its current officeholder has made great achievements, e.g., on the SMS messages in the vaccines negotiations and more transparency of the Council. Her recommendations find broad support from the European Parliament and the CJEU. Strengthening European institutions and policies is a joint fight to be won one access to documents request at a time. The revised statute for the EO is an important step forward in strengthening the institution, giving it a stronger role, e.g., in ongoing harassment cases and an earlier possibility to call out procedural mismanagement. The EO is one of the most crucial institutions for transparency. It must be ensured she has the resources needed. He advocates for the EO's recommendations to receive binding power.

[Gundi Gadesmann](#) (European Ombudsman) reiterated the challenge of measuring the EO's impact. She invited academics to contribute, distinguishing between short-term gains and cultural change over time (e.g. Council transparency as work in progress). The EO is often a part of coalitions of change that vary from topic to topic. Academics have an important role to play, too. Civil society has a dual role as both, an agent for change and potential complainants who could be disappointed by EO findings. Journalists increasingly turn to the EO. They initiated most of the recent high-profile cases, which

should not be confused with own-initiative investigations. The EO can be part of a wave of change, but its role is to investigate institutions, not individuals. EU institutions are also EO stakeholders. Like civil society, they require the EO to balance cooperation with independence. The EO should be close but not too close to institutions, raising questions such as how often to hold joint meetings. Another challenge lies in the EO's limited resources and related decisions on how to use them. The EO aims to avoid double-work or overlaps with other EU institutions. However, the EU is unique in that citizens can directly approach it, unlike, for example, the European Court of Auditors. The European Network of Ombudsmen is a very important resource. The central aim is to identify areas of common interest for the EU, national, and regional level. A great example are parallel inquiries into topics, such as the transparency of the EU Resilience and Recovery Funds. The EO aims to foster her agenda-setting potential through networks and events. She also follows up on institutional responses to her work such as through the '[Putting it right](#)' reports.

New Challenges and Opportunities in the Evolving EU Ecosystem

In opening the early-stage researcher panel that outlined four salient current and future challenges for the EO, [Michal Krajewski](#) (European Ombudsman) held that the EO deserves more attention from academia. Due to her transparency, she is a very good source of information both as a channel for access to documents as well as in providing proactive information on her website.

[Silvia Rizzuto Ferruzza](#) (University of Luxembourg) analysed the EO's role in reinforcing the obligations and ensuring the accountability of the European Border and Coastguard Agency ([Frontex](#)). She highlighted how the Agency's mandate has been expended towards full responsibility for border management in cooperation with the Member States and third countries. This has been enshrined in its new regulation that despite improvements still raises concerns of transparency, accountability and access to justice. The EO has played a decisive role in showcasing shortcomings in the Agency's work both regarding fundamental rights violations and maladministration. Its own-initiative inquiry raised important concerns on the functioning of the Frontex complaint mechanisms for fundamental rights protection and the independence of fundamental rights officers. They include how national judgements, Ombudsperson decisions and human rights body opinions are taken into consideration, the independence and funding of fundamental rights officers, the more detailed phrasing of guidelines on how to conduct procedures at the borders and the publication of relevant information on the Frontex website. The EO plays a vital role in ensuring the accountability of Frontex. It should be complemented by other actors such as the CJEU.

[Sarah Tas](#) (European University Institute) investigated the role of the EO as a potential shadow supervisor of Europol. In the five-year period studied, the EO dealt with 15 issues regarding Europol, most of which essentially concerned access to documents. Largely the EO did not find evidence of maladministration, solving issues through cooperation and subsequent reassessment by Europol. The Office contributed to strengthening the transparency of Europol, initiating long-term changes of its public register. Beyond her lack of binding powers, the EO is limited by the still obscure nature of Europol that results in little public attention and a resultingly low number of complaints and inquiries. In [one case](#), a US-EU international agreement prevented the EO from accessing a document. The relevant agreement clause might in itself be investigated as a case of maladministration. If questions of data protection prevail over such of maladministration in cases on Europol's data processing, the

EO suggests complainants to contact the [European Data Protection Supervisor](#) (EDPS) following a [Memorandum of Understanding](#). EDPS decisions on Europol are still subject to her review (indirect supervision). Future investigations should go beyond questions of access to documents, learn from successful investigations of Frontex and enhance the cooperation with the EDPS regarding complex question of the development and use of AI by public authorities.

[Moritz Schramm](#) (Humboldt-University Berlin) explored a potential new role of the EO in the 'administratification' of private governance following the novel Digital Services Act (DSA). He advocates for an adaptive, creative interpretation of the EO's mandate in reaction to this new policy. The DSA imposes public administrative law principles on private platforms in their governance of public discourse, giving them vast discretion. They may need guidance and resources to adjust their culture to these new tasks and procedures. In terms of institutions, the DSA tasks the Commission, new National Digital Services Coordinators and a European Board of Digital Services. The EO could support them and inquire how they conduct their work, for example paying attention to the revolving doors issue in the set-up of these new bodies. This is within the EO's mandate as private platforms are crucial for public governance, which makes it important to establish a proactive guardianship with institutional actors of oversight to prevent maladministration in the establishment of major systems of private governance. Because of her broad mandate, the EO is in a unique position to conduct public interest inquiries that adapt to the vast ongoing shifts of powers.