

Thursday 6 September 2001

EUROPEAN
OMBUDSMAN'S DRAFTMODIFICATIONS
BY PARLIAMENT

Modification 25

Article 23, paragraph 1

1. Further to requests for access to documents of the Institution, the official shall give access to these documents in accordance with the Decision of the Institution on public access to documents.

1. The official shall deal with requests for access to documents in accordance with the rules adopted by the Institution and in accordance with the general principles and limits laid down in Regulation (EC) No 1049/2001.

Modification 26

Article 25

1. The Institution will take the necessary measures in order to ensure that this Code enjoys the widest possible publicity amongst the citizens. It will in particular ensure the spreading of a leaflet called '...' which will contain a presentation of this Code and which will include its full text in an annex.

1. The Institution shall take effective measures to inform the public of the rights they enjoy under this Code. If possible, it shall make the text available in electronic form on its website.

2. The institution will provide a copy of this Code to any citizen who requests it.

2. The Commission shall, on behalf of all institutions, publish and distribute the Code to citizens in the form of a brochure.

Modification 27

Article 26

Any failure of an official to comply with the principles set out in this Code may be the subject of a complaint to the European Ombudsman in accordance with Article 195 of the Treaty establishing the European Community and the Statute of the European Ombudsman.

Any failure of an **Institution or** official to comply with the principles set out in this Code may be the subject of a complaint to the European Ombudsman in accordance with Article 195 of the Treaty establishing the European Community and the Statute of the European Ombudsman.

Modification 28

Article 27

This Decision shall be reviewed after two years of operation. In 200..., the Secretary-General shall submit a report on the implementation of this Decision in the period ... - ..., in preparation of that review.

Each Institution shall review its implementation of the Code after two years of operation and shall inform the European Ombudsman of the results of its review.

11. Ombudsman: regulations and general conditions

A5-0240/2001

European Parliament resolution amending Article 3 of the regulations and general conditions governing the performance of the Ombudsman's duties (1999/2215(ACI))

The European Parliament,

- having regard to the Treaty establishing the European Community, and in particular Article 195(4) thereof,
- having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 20d(4) thereof,
- having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 107d(4) thereof,

Thursday 6 September 2001

- having regard to its decision of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties⁽¹⁾, as incorporated into Annex X to the Rules of Procedure of Parliament,
 - having regard to the report of the Committee on Constitutional Affairs and the opinion of the Committee on Petitions (A5-0240/2001),
1. Decides to amend as follows Article 3(2) of its decision of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties:
 2. Instructs its President, in pursuance of Article 195(4) of the EC Treaty, to forward this resolution to the Council and Commission.

REGULATIONS
AND GENERAL CONDITIONS

PROPOSED
AMENDMENT

2. The Community institutions and bodies shall be obliged to supply the Ombudsman with any information he *has requested* of them and **give him access to the files concerned. They may refuse only on duly substantiated grounds of secrecy.**

They shall give access to documents originating in a Member State **and classed as secret by law or regulation only where that Member State has given its prior agreement.**

They shall give access to other documents originating in a Member State after having informed the Member State concerned.

In both cases, in accordance with Article 4, the Ombudsman may not divulge the content of such documents.

Officials and other servants of Community institutions and bodies **must** testify at the request of the Ombudsman; **they shall speak on behalf of and in accordance with instructions from their administrations and shall continue to be bound by their duty of professional secrecy.**

⁽¹⁾ OJ L 113, 4.5.1994, p. 15.

2. The Community institutions and bodies shall be obliged to supply the Ombudsman with any information *that he requests* of them and **to allow him to consult and take copies of any document. 'Document' shall mean any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording).**

They shall give **him** access to **all classified** documents originating in a Member State **after having informed the Member State concerned.**

In all cases where documents are classified as 'Secret' (secret) or 'Confidentiel' (confidential), in accordance with Article 4, the Ombudsman may not divulge the content of such documents.

Officials and other servants of Community institutions and bodies **shall** testify at the request of the Ombudsman. **They shall give complete and truthful information.**

12. Deliberations of the Committee on Petitions

A5-0236/2001

European Parliament resolution on the deliberations of the Committee on Petitions during the parliamentary year (2001/2010(INI))

The European Parliament,

- having regard to Rule 163 of its Rules of Procedure,
- having regard to Rule 175(5) of its Rules of Procedure,
- having regard to its previous resolutions on petitions,
- having regard to Articles 21 and 194 of the EC Treaty,