

**European Ombudsman
20th Anniversary Colloquium
Monday, 22 June 2015
Radisson Blu EU Hotel - Brussels
Room Schuman**



European Ombudsman

Programme

**Democracy and
accountability
in the EU:
the role of the
European Ombudsman**

European Ombudsman 20th Anniversary Colloquium

Twenty years ago the first European Ombudsman was elected and began work, following the creation of the office by the Treaty of Maastricht. The passage of time since then allows for reflection on the topic with a certain amount of experience and material for evaluation. The twentieth anniversary represents an opportunity to assess and discuss the position of the Ombudsman in the European political and legal order in the framework of a Colloquium gathering academics and practitioners. The Colloquium is addressed at an interdisciplinary audience interested in the phenomenon of the Ombudsman in the EU and will probably lead to a publication with a special issue of a renowned journal.

The contributions will endeavour to examine critically, from a variety of perspectives and methodologies - historical, administrative, political, legal and comparative - the development of the Ombudsman's role in the landscape of EU institutions, bodies, offices and agencies which are involved in EU law and policy. The discussions will aim at evaluating what has been achieved in reality, by comparison both to the original objectives sought to be realised by its introduction as well as new needs and possibilities that subsequently emerged. Key themes to be addressed will be the effects the introduction of the Ombudsman has had on the EU's system of accountability, as well as the changes and future possibilities and challenges for accountability in the EU due to the existence of the Ombudsman institution.

The Colloquium will be honoured by the presence of the current European Ombudsman, Emily O'Reilly, the first Ombudsman, Jacob Söderman, and his successor, P. Nikiforos Diamandouros.

Monday, 22 June

08.30 – 09.00

Registration and coffee

09.00 – 09.15

Opening address

- [Emily O'Reilly](#) European Ombudsman

09.15 – 09.30

Introduction to the Colloquium

What can the European Ombudsman contribute to democratic accountability of action under EU law?

Speaker

- [Herwig Hofmann](#) University of Luxembourg

This Colloquium takes place after the first two decades of "ombudsreview" in the EU. This occasion provides an opportunity not only to revisit the original intentions of embedding the office of the Ombudsman within the constitutional framework of the Union but also to consider the effect of ombudsreview on administration in the EU and to reflect on different interpretations of the Ombudsman's role - such as ensuring individual rights, monitoring the integrity of institutional practice and the prevention of maladministration. The objective of this Colloquium is to use this understanding as a basis to take an informed look at future perspectives of ombudsreview under conditions of an increased diversity of EU bodies involved in administrative tasks, the reality of highly integrated procedures in which both EU as well as Member State actors contribute to the final outcome of decision-making and ever increasing necessity of accountable and transparent exercise of public powers in Europe.

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09.30 – 10.00

Observations from former European Ombudsmen

Chair

- [Emily O'Reilly](#) European Ombudsman

Speakers

- [Jacob Söderman](#) European Ombudsman 1995-2003
- [P. Nikiforos Diamandouros](#) European Ombudsman 2003-2013

Monday, 22 June

10.00 – 10.45

Session 1

The European Ombudsman: a resilient institution in a turbulent administrative system

Chair

- [Jacques Ziller](#) University of Pavia (Italy)

Speakers

- [Jarle Trondal](#) University of Agder (Norway)
- [Anchrit Wille](#) Leiden University (The Netherlands)

One of the prominent developments in the evolving order of the multi-layered administrative system seems to be the development of the Ombudsman into a core institution of European governance. At the national level, nearly all European Union Member States have introduced an ombudsman. At the supranational level there exists a European Ombudsman (EO) since 1995.

This paper examines the institutional development of the EO over the past two decades as part of a development to a broader administrative system and accountability landscape. The paper describes first the turbulent expansion of the European administrative system – in terms of administrative and accountability institutions.

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We will then explain how organisational turbulence is an important driver for the growth of this system. This internal turbulence to systems may be seen both in the way the system is set up (administrative order) and the way it works (accountability practices). The EO proves to be able to organise and adjust its behaviour successfully to the changing administrative system.

Plenary discussion

10.45 – 11.00
Coffee break

Monday, 22 June

11.00 – 11.45

Session 2

Controlling the institution that appoints you? The relationship between the European Ombudsman and the European Parliament

Chair

- [Gerhard Grill](#) Director, European Ombudsman

Speaker

- [Christine Neuhold](#) Maastricht University (The Netherlands)

The European Ombudsman is appointed by the European Parliament (EP) and has her offices in the premises of the EP. Moreover there are close relations between the Ombudsman and the EP's Committee on Petitions.

On the other hand the European Ombudsman has to investigate "complaints about maladministration" in the institutions and bodies of the EU including the EP. This paper wants to address the question of how that (possible) tension plays out in the practical political process.

Plenary discussion

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11.45 – 12.30

Session 3

The European Ombudsman: political independence and public awareness

Chair

- [Herwig Hofmann](#) University of Luxembourg

Speakers

- [George Tridimas](#) University of Ulster (United Kingdom)
- [Takis Tridimas](#) King's College London (United Kingdom)

The aim of the paper is twofold. We first examine the institutional structures that aim to secure the political independence of the European Ombudsman and compare them with those that support the European Court of Justice. Second, recognising that for the EO to succeed, it is crucial that citizens are well informed about their EU rights and know who to turn to in order to support those rights, we examine empirically what factors may explain the varying national replies to questions about EU rights, EU administration and the functions of the EO reported in a special 2011 Eurobarometer survey.

Plenary discussion

12.30 – 14.00

Lunch break

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14.00 – 14.45

Session 4

Ombudsprudence as a source of law and of good behaviour: the case of transparency and participation

Chair

- **Jacques Ziller** University of Pavia (Italy)

Speakers

- **Dacian Dragos** Babes Bolyai University (Romania)
- **Bogdana Neamtu** Babes Bolyai University (Romania)

The proliferation of new legal institutions and strategies for solving administrative disputes (operating either complementary or as an alternative to the court system) are currently modifying the relationship between law and administration. These new tools are competing with the traditional models of dispute resolution (mainly courts) by employing different methods. One of these developments can be seen in the rise and success of ombudsmanship. The European Ombudsman has developed norms of a non-legal character for the assessment of the conduct of the administration, contributing to the growth of a body of ethical norms applied by public administration – ombudsprudence.

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The European Ombudsman has been from the beginning one of the promoters of good administration in the EU. As part of the institution's endeavours, transparency and participation hold an important place. The paper tries to assess the ombudsprudence of the office in recent years in what regards the principles of good governance relating to transparency and participation. The empirical research is based on an analysis of a sample of the Ombudsman's decisions from 2010 to 2015. It will analyse the cases relating to transparency and participation pursued by the European Ombudsman, the good governance norms developed by the institution in the process thereof, and how this jurisprudence relates to the legal framework of the EU in this field, as well as to the jurisprudence of the CJEU. The ultimate aim of the paper is to determine whether the institution has brought a clear contribution to the development of the transparency principle beyond the existing legal texts.

Plenary discussion

Monday, 22 June

14.45 – 15.30

Session 5

Where courts do not enter: discretion and good administration

Chair

- [Ian Harden](#) Secretary-General, European Ombudsman

Speaker

- [Joana Mendes](#) University of Amsterdam (The Netherlands)

The extent to which the EU Courts review administrative discretion varies quite significantly from area to area. While quite stringent standards of review apply in some areas, in others judicial review is kept to a minimum. At the same time, there are good reasons recommending judicial restraint. The specific role and powers of the EU Ombudsman regarding the exercise of discretion arguably tend to be overlooked when considering the control of discretion via legal means. In those areas where the courts do not enter, how has the Ombudsman relied on principles of good administration to balance and structure the administrative discretion of the EU institutions?

Plenary discussion

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15.30 – 16.15

Session 6

New perspectives for the European Ombudsman opened by the Lisbon Treaty

Chair

- [Herwig Hofmann](#) University of Luxembourg

Speaker

- [Roberto Mastroianni](#) University of Naples (Italy)

The purpose of this paper is to highlight the impact of the Treaty of Lisbon on the European Ombudsman's role, in the light of recent practice. If it is true that the Treaty did not create any new competences, it clearly improved the importance and responsibility of the EO in two different ways. On one side, it broadened its mandate by adding "agencies and offices" in the list of administrations potentially covered by its inquiries, as well as by extending its competence to the former second pillar (Common Foreign and Security Policy). On the other side, it improved the rights of European citizens by recognising legal binding force to the Charter of Fundamental Rights, which expressly includes the right to the European Ombudsman and the right to a good administration as fundamental rights of the Union.

Given this basic framework, the paper will focus on the EO recent inquiry on the functioning and possible revision of the European Citizens' Initiative. On 5 March 2015 the EO concluded its analysis by adopting a decision including a list of suggestions and guidelines for a more citizen-friendly functioning of the ECI.

Plenary discussion

16.15 – 16.45

Coffee break

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16.45 – 17.30

Conclusion

The *Médiateur européen's* actions beyond mediation

Speaker

- **Jacques Ziller** University of Pavia (Italy)

While drawing general conclusions of the papers presented at the Colloquium for the 20th Anniversary and the discussions held on this occasion, I will focus on the broadening of the actions of the European Ombudsman who, far from being simply a Mediator between those who face problems of maladministration in their dealings with EU institutions, is also becoming a protector of citizens, businesses and associations who do not have standing to go to court and benefit from judicial review of EU institutions' administrative action.



European Ombudsman

1 avenue du Président Robert Schuman
CS 30403
F - 67001 Strasbourg Cedex

T. + 33 (0)3 88 17 23 13
F. + 33 (0)3 88 17 90 62
www.ombudsman.europa.eu
eo@ombudsman.europa.eu