

ANNEX II:

The Spanish Proposal for a European Ombudsman

SPANISH DELEGATION

Intergovernmental Conference on Political Union

EUROPEAN CITIZENSHIP

(21 February 1991)

The text proposed by the Spanish delegation is based on the note on citizenship it submitted in SN 3940/90 of 24 September 1990, annexed in full hereto.

This proposal envisages a specific framework for the general aspects of European citizenship as one of the three pillars of the future Union and the foundation of its democratic legitimacy. The concept and content of citizenship are conceived of as having an evolving dimension and as being an element which should inform all the policies of the Union.

For these reasons, and bearing in mind the conclusions of the European Council meeting on 14 and 15 December 1990 in Rome, it is suggested that the Treaty include a Title specifically devoted to a general framework for citizenship.

No mention is made, although this is not ruled out, of possible specific treatments of citizenship in individual areas, some of which are already under examination in the Conference, particularly in the chapter on the extension or redefinition of jurisdiction, such as judicial co-operation, public health or the disclosure of information, to mention only a few of the abovementioned initiatives.

PREAMBLE

RESOLVED to lay the foundation for an integrated area serving the citizen, which will be the very source of democratic legitimacy and a fundamental pillar of the Union, through the progressive constitution of a common citizenship, the rights and obligations of which derive from the Union.

[...]

Article 9

In each Member State a Mediator shall be appointed whose task shall be to assist the citizens of the Union in the defence of the rights conferred upon them by this Treaty before the administrative authorities of the Union and its Member States and to invoke such rights before judicial bodies, on his own account or in support of the persons concerned.

The Mediators shall likewise have the task of making available to the citizens of the Union clear and complete information concerning their rights and the means of enforcing them.

The Mediators shall submit an annual report to the European Parliament*.

[...]

II. Content of European citizenship

[...]

(e) Safeguarding of European citizens

It would seem necessary for the development of the concept of European citizenship to be accompanied by provision for mechanisms to facilitate its practical functioning. That would include the need to provide for some form of safeguard at both national and Union level.

The European citizen, who already enjoys the right of petition through the Committee on Petitions of the European Parliament and who also has access to the Court of Justice in certain cases, could receive greater protection of his rights within the framework of the

* Consideration should likewise be given to two other possibilities, namely entrusting the functions referred to in this proposed Article to a European "ombudsman" as an independent organ of the Union or one answerable to the European Parliament, or reinforcing the actions of the national mediators with an ombudsman acting at European level.

Union by submitting petitions or complaints to a *European* “Ombudsman” whose function would be to protect the specific rights of the European citizen and help to safeguard them.

The Ombudsman for European citizens could act through individual “Ombudsmen” or their equivalents in the various Member States.
[...]