

Report on the Ombudsman's annual report for 2006

2007/2131(INI) - 17/07/2007

The Committee on Petitions adopted the own-initiative report of Ms Luciana **SBARBATI** (ADLE, IT) on the annual report on the European Ombudsman's activities in 2006.

In welcoming the annual report, the Committee considers that the Ombudsman has continued to exercise his powers in a balanced and energetic way both with regard to examining and handling complaints, and conducting and concluding enquiries, and with regard to maintaining constructive relations with the European Union's institutions and bodies and encouraging citizens to avail themselves of their rights in relation to those institutions and bodies.

Among the recommendations, the report adopted in committee:

- calls for all European institutions and bodies to be given the necessary budgetary and human resources to ensure that citizens receive prompt and substantive responses to their enquiries, complaints and petitions;
- encourages the Ombudsman to continue to promote a genuine culture of service as an integral component of good administrative practice in order to ensure openness and dialogue with members of the public using their services, recognising and apologising for mistakes and seeking satisfactory solutions for complainants;
- urges the Ombudsman to submit to Parliament any requests he deems appropriate to improve the exchange of information between their respective departments and strengthen cooperation with particular reference to communications, information technology and translation;
- urges all the institutions to cooperate constructively with the Ombudsman at all stages of the procedure, to abide by friendly solutions, to follow up his critical remarks and to apply his draft recommendations;
- encourages the Ombudsman to draw up a list every year of best administrative practices and a list of practices which are not consonant with his decisions, and to present a study of the outcome of his critical comments;
- urges all those who are the subject of critical remarks to respect and take account of those remarks in their future actions;
- urges all Community institutions and bodies, and the Member States' permanent representations, to cooperate in the interests of transparency and compliance with the rules of good administration;
- calls on the European Personnel Selection Office to ensure it complies effectively and fully with the rules and established practice as regards the openness and transparency of competition procedures, particularly with regard to candidates' access to information relating to them about the marking of papers, to put an end to linguistic discrimination and to refrain from evading its own responsibilities by reference to decisions made by selection boards.

The report takes the view that the term 'maladministration by the Community' should be broadly interpreted so as to include not only unlawful administrative acts or infringements of binding legal rules or principles, but also, for example, cases where the administrative authorities have been slothful, negligent or lacking in transparency or have infringed other principles of good administration.

The Commission is invited to make proper use of its discretionary powers to initiate infringement proceedings under Article 226 of the EC Treaty (opening of infringement proceedings) or to propose penalties under Article 228 of the EC Treaty (measures to ensure compliance with judgments), while taking scrupulous care to avoid delays or unjustifiable failure to take prompt action, which are incompatible with the Commission's powers to oversee the application of Community law. Lastly, Members consider that, if an institution refuses to follow a recommendation in a special report by the Ombudsman even though Parliament has approved that recommendation, Parliament could legitimately use its powers to bring an action before the Court of Justice in respect of the act or omission which was the subject of the Ombudsman's recommendation.

The Committee on Petitions confirms its opinion that the Statute of the Ombudsman should be amended with regard to access to documents and the hearing of witnesses, endorsing the principle that the changes subsequently requested will serve to clarify the Ombudsman's powers in view of the increasing demands placed upon him in the exercise of his office. It also encourages mutual consultation between the Ombudsman and the Committee on Petitions, in connection with the European Network of Ombudsmen, to resolve issues which have already been dealt with as the subject of petitions.