

Report on the Ombudsman's annual report for 2006

2007/2131(INI) - 25/10/2007 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report drafted by Luciana **SBARBATI** (ADLE, IT) on the annual report on the European Ombudsman's activities in 2006. It pointed out that in 26% of the cases examined, the Ombudsman's enquiries revealed no maladministration. 2006 saw a significant decline in the number of cases of maladministration in which an amicable settlement was reached, accompanied by an equally striking rise in the number of enquiries closed with a critical remark, and a lower rate of acceptance of the Ombudsman's draft recommendations by the institutions.

Parliament approved the annual report for 2006 submitted by the European Ombudsman, stating that it considered that the Ombudsman had 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 EU's institutions and bodies and encouraging citizens to avail themselves of their rights. Members encouraged the European Ombudsman to pursue his efforts so that, in the eyes of citizens, he represented the custodian of sound administration in the Community institutions.

They agreed that the term 'maladministration in the activities of the Community institutions or bodies' 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 had been slothful, negligent or lacking in transparency or had infringed other principles of good administration.

Parliament made the following principal points :

- it encouraged the Ombudsman to continue to promote a genuine culture of service in order to ensure that the EU's public administration was geared towards dialogue with members of the public using their services, recognising and apologising for mistakes and seeking satisfactory solutions for complainants;
- it was not enough that some of the other institutions and Community bodies, primarily the Commission and the Council, had adopted separate codes of good administrative conduct. The 'European Code of Good Administrative Behaviour' proposed by the European Ombudsman, and approved by the European Parliament on 6 September 2001, covered the staff of all Community institutions and, unlike the other codes, has been regularly updated on the Ombudsman's website. No other code with more limited application might replace, or derogate from, the 'European' code of conduct;
- all institutions should cooperate constructively with the Ombudsman, and abide by amicable settlements, follow up his critical remarks and apply his draft recommendations;
- all those who were the subject of critical remarks should respect those remarks in their future actions ;
- all Community institutions were reminded of their obligations under Regulation (EC) No 1049/2001 regarding public access to documents, which must be effectively applied. They were urged, along with Member States' permanent representations, to cooperate in the interests of compliance with the rules of good administration embodied in the report, without shifting their responsibilities to powerful central bodies such as the Presidency of the Council or the Board of Governors of the European Schools, over which it would be difficult for the Ombudsman to exert control ;

- the European Personnel Selection Office was asked to refrain from evading its own responsibilities by reference to decisions made by selection boards;

Parliament considered that, if an institution refused to follow a recommendation in a special report by the Ombudsman even though Parliament had 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.

It called on the Commission to make proper use of its discretionary powers to initiate infringement proceedings under Article 226 of the EC Treaty or to propose penalties under Article 228 of the EC Treaty, while taking scrupulous care to avoid delays or unjustifiable failure to take prompt action, which were incompatible with the Commission's powers to oversee the application of Community law.

It went on to invite the Ombudsman to consider concluding a Memorandum of Understanding with the EIB on the modalities of cooperation between the institutions as regards the exercise of the Ombudsman's powers to investigate complaints concerning instances of maladministration in the activities of the EIB.

Lastly, Parliament welcomed the increasing participation of the media in publicising the work of the Ombudsman and applauded the communications strategy adopted by the which, by helping to establish a variety of forms of dialogue aimed at bringing citizens closer to EU institutions and bodies, should, in the longer term, lead to greater awareness of citizens' rights and Community competences, as well as a greater understanding of the European Ombudsman's sphere of competence.