

Statute of the European Ombudsman

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The Committee on Constitutional Affairs adopted the own-initiative report by Anneli **JÄÄTTEENMÄKI** (ALDE, FI) approving a proposal for a Decision of the European Parliament amending Decision 94/262 /ECSC, EC, Euratom on the regulations and general conditions governing the performance of the Ombudsman's duties. The Ombudsman, Diamandouros, requested the statutory amendments in a letter sent in July 2006 to the President of the European Parliament, Hans-Gert Pöttering.

MEPs believe that it is desirable to adapt the Statute of the Ombudsman in order to eliminate any possible uncertainty concerning the capacity of the Ombudsman to conduct thorough and impartial enquiries in alleged cases of maladministration. Consequently, they propose the following statutory amendments:

Access to classified documents: the parliamentary committee approved an amendment to a provision obliging all Community institutions and bodies to supply the Ombudsman with any information he has requested of them. This amendment removes the current discretion, which allows information not to be disclosed on duly substantiated grounds of secrecy, which, according to MEPs, could hinder the trust of citizens in the capacity of the Ombudsman to conduct thorough enquiries.

Access to information or classified documents, particularly to sensitive documents in the sense of Regulation (EC) No 1049/2001, will be granted provided the Ombudsman rigorously respects rules, equivalent to those in force in the institution or body in question.

The institutions communicating such information or classified documents shall inform the Ombudsman of this classification. The Ombudsman may adopt, with the institutions, practical means of access to classified information and to other information covered by the duty of professional secrecy.

The report also emphasises that the Ombudsman and his personnel will be required not to divulge any sensitive information or documents relating to the scope of the Community legislation on the protection of personal data.

Testimonials of officials: MEPs removed a provision according to which Community officials had to testify "in accordance with instructions from their administrations". In fact, the parliamentary committee considered that this wording might be interpreted by public opinion as meaning that officials are not always required to tell the truth. The approved text stipulates that officials and other representatives of Community institutions and bodies must testify upon request of the Ombudsman; they continue to be bound by the relevant rules of the Staff Regulations, notably their duty of professional secrecy.

MEPs also adopted an amendment, which seeks to allow the Ombudsman to also cooperate with other national or international institutions for the promotion and protection of fundamental rights.