

Statute of the European Ombudsman

2006/2223(INL) - 22/04/2008 - Text adopted by Parliament, single reading

The European Parliament adopted by 620 votes to 18, with 18 abstentions, a proposal for a decision of the European Parliament amending its Decision 94/262/ECSC, EC, Euratom on the regulations and general conditions governing the performance of the Ombudsman's duties. The own-initiative report had been tabled for discussion in plenary by Anneli **JÄÄTTEENMÄKI** (ALDE, FI) on behalf of the Committee on Constitutional Affairs. Parliament voted only on the proposal for a decision and adjourned the final vote on the motion for a resolution to a subsequent part-session pending the conclusion of the procedure under Article 195(4) of the EC Treaty (this involves seeking an opinion from the Commission and the approval of the Council acting by a qualified majority).

The Ombudsman, Mr Diamandouros, had requested the statutory amendments in a letter sent in July 2006 to the President of the European Parliament. 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: Parliament 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.

Access to classified information or documents, in particular to sensitive documents within the meaning of Article 9 of Regulation (EC) No 1049/2001, shall be subject to observance by the Ombudsman of rules strictly equivalent to those in force in the institutions or bodies in question.

The institutions communicating such information or classified documents shall inform the Ombudsman of this classification. The Ombudsman may agree with the institutions or bodies the operational conditions for access to classified information and other information covered by the obligation of professional secrecy.

The Ombudsman and his staff will be required not to divulge any classified information or any document supplied to the Ombudsman as sensitive documents within the meaning of Article 9 of Regulation (EC) No 1049/2001, or as documents falling within the scope of the Community legislation regarding the protection of personal data.

Testimonials of officials: Parliament removed a provision according to which Community officials had to testify "in accordance with instructions from their administrations". The text now 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.

The Ombudsman and his staff shall deal with applications from third parties for access to documents obtained by the Ombudsman in the course of inquiries in accordance with the conditions and limits provided for in Regulation (EC) No 1049/2001, in particular Article 4. Lastly, Parliament 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.