

Statute of the European Ombudsman

2006/2223(INL) - 18/06/2008 - Text adopted by Parliament, single reading

The European Parliament adopted by 576 votes to 8, with 6 abstentions, a resolution on the adoption of a decision of the European Parliament amending its Decision 94/262/ECSC, EC, Euratom of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties.

The own-initiative report had been tabled for consideration in plenary by Anneli **JÄÄTTEENMÄKI** (ADLE, FI) on behalf of the Committee on Constitutional Affairs. The report was debated during the session of 21 April 2008 but the vote had been postponed in order to await informal negotiations with Council.

The Parliament proposes the following statutory amendments:

Access to classified documents: Parliament approved an amendment that removes the current discretion, which allows Community institutions and bodies not to disclose information on duly substantiated grounds of secrecy.

Access to classified information or documents, in particular to sensitive documents within the meaning 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.

In addition, the Ombudsman and his staff will be required not to divulge any classified information or any document falling within the scope of the Community legislation regarding 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". 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.

MEPs 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.