

Ombudsman annual report 2008

2009/2088(INI) - 12/11/2009 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution on the annual report on the European Ombudsman's activities in 2008. It Approves the annual report for the year 2008 presented by the European Ombudsman and its new layout. Parliament considers that the Ombudsman has continued to exercise his powers in an active and balanced 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 make use of their rights in relation to those institutions and bodies. It calls on the Ombudsman to pursue his efforts in raising awareness of his work and to promote his activities effectively and transparently. Parliament welcomes the revision of the Ombudsman's Statute, in particular the Ombudsman's strengthened powers of investigation which will help to ensure that citizens can have full confidence in his ability to conduct a thorough investigation of their complaints without restrictions.

Parliament also considers that the figure in respect of inadmissible complaints remains unsatisfactory although understandable, and recommends that a continued information campaign be conducted amongst European citizens designed to raise their awareness of the functions and competence of the members of the European Network of Ombudsmen.

Members go on to call for the following:

- for all EU 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;
- for the term "maladministration" should continue to be broadly interpreted so as to include not only infringements of legal rules or general principles of European administrative law but also instances where an institution fails to act consistently and in good faith, or to take into account the legitimate expectations of citizens, including when an institution has itself undertaken to respect certain norms and standards without being obliged to do so by the Treaties or secondary legislation;
- for a common website of the European institutions be put in place to help citizens and refer them directly to the institution competent to handle their complaint, thereby reducing the number of inadmissible complaints filed with the European Ombudsman;
- for all EU institutions and bodies to adopt a common approach with regard to the Code of Good Administrative Behaviour. Members note that the Code of Good Administrative Behaviour proposed by the Ombudsman, as approved by Parliament on 6 September 2001, serves as a guide and resource for the staff of all Community institutions and bodies and has been regularly updated and published on the Ombudsman's website.

Parliament asks the Ombudsman:

- to continue to place great emphasis on events involving information for citizens and, hence, potential complainants, since it is clear that the demarcation of responsibilities between the European, national and regional levels is still too confusing and hard to grasp for many citizens and businesses;
- to commit himself to forwarding directly, after obtaining the consent of the complainant concerned, each complaint that falls within the competence of a national or regional ombudsman.

With regard to the **Commission**, Parliament calls on the Ombudsman to maintain a watching brief and ensure that the Commission makes 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. The Ombudsmen is requested to continue to liaise with the Committee on Petitions in this connection.

Lastly, Parliament reiterates its view that, if an institution refuses to follow a recommendation contained in a special report by the Ombudsman despite Parliament having 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 invites the committee responsible for the Rules of Procedure to propose appropriate provisions, to be introduced into the Rules, for the initiation of such an action.