Annual report on the European Ombudsman's activities in 2009

2010/2059(INI) - 25/11/2010 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution on the annual report on the European Ombudsman's activities in 2009.

2009 Report in figures: Parliament states that the Ombudsman registered 3098 complaints in 2009 compared to 3406 in 2008, and 727 complaints (23%) compared to 802 in 2008 were found to be within his mandate.

The Parliament underlines that in 2009, the Ombudsman:

- opened 335 inquiries on the basis of complaints and completed and closed 318 inquiries, 311 of which were based on complaints while seven were own-initiative investigations;
- closed 179 cases (56% of the total), the institution concerned accepted a friendly solution or settled the matter, which shows a strong willingness on the part of the institutions and bodies to see complaints to the Ombudsman as an opportunity to remedy mistakes that have occurred and to cooperate with the Ombudsman for the benefit of citizens;
- found maladministration to have been committed in 12% of cases (37 inquiries), giving rise to critical remarks in 35 cases;
- issued 15 draft recommendations.

Parliament stresses that the most common types of alleged maladministration were lack of transparency, including refusal of information (36% of inquiries), injustice or abuse of power (14%), avoidable delays (13%), procedural errors (13%), negligence (6%), failure by the Commission to fulfil its duty to act as the guardian of the Treaties (6%), legal errors (6%) and discrimination (5%).

Parliament points out that the entry into force of the Lisbon Treaty increases the democratic legitimacy of the Ombudsman thanks to his election by Parliament and extends his remit to include the common foreign and security policy and the activities of the European Council

Approval of the 2009 Ombudsman Report: Parliament approves the annual report on the European Ombudsman's activities in 2009 and welcomes that the entry into force of the Lisbon Treaty increases the democratic legitimacy of the Ombudsman thanks to his election by Parliament. It also extends his remit to include the common foreign and security policy and the activities of the European Council. However, it should be noted that the critical remarks and recommendations of the Ombudsman are **not legally binding**.

It congratulates the Ombudsman on the clear and comprehensive presentation of his work. Nonetheless, they suggest that in future reports the summary of activities and thematic analysis should place greater emphasis on structural problems and general trends.

A broad interpretation of the term "maladministration": Parliament considers that transparency, access to information and respect for the right to good administration are vital preconditions for maintaining citizens' confidence in the institutions' ability to assert their rights. In this context, it considers that 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, such as objectivity, proportionality and equality, non-discrimination and respect for human rights and fundamental freedoms, but also instances where an institution fails to act consistently and in **good faith**, or to take into account

the legitimate expectations of citizens. It calls on the Commission to draft a **European administrative law common to all the bodies, institutions and agencies of the Union**.

Efficient Ombudsman: Parliament considers that the Ombudsman has exercised his powers in an active and balanced way during the reporting period, both with regard to examining and handling complaints and conducting and concluding inquiries and with regard to maintaining constructive relations with the European Union's institutions and bodies and encouraging citizens to avail themselves of their rights in relation to those institutions and bodies.

Shortening the average length of inquiries: Parliament welcomes the Ombudsman's endeavours which resulted in his shortening the average length of his inquiries to nine months. It calls for all EU institutions and bodies to be given the necessary budgetary and human resources to ensure that rapid action is taken in response to complaints and petitions. It also notes that more than a third of the inquiries opened by the Ombudsman in 2009 concerned a lack of transparency. It therefore calls for the current revision of Regulation 1049/2001 not to restrict the existing right of access to information and documents but to adopt a **more proactive approach**.

Service culture: Members endorses the Ombudsman's opinion that, in addition to respect for the binding rules which apply to administrators, it is essential to develop a genuine tradition of service to the public in order to ensure good administration. They call on the Ombudsman, therefore, more often to take the initiative to promote such a tradition of service on the part of the European institutions and citizens.

Avoidable delays: Parliament deplores the number of complaints concerning avoidable delays in registering requests, handling cases and taking decisions; proposes that the revision of the Financial Regulation should include provision for financial compensation in the event of manifest and prolonged delays.

Own-initiative inquiry: Parliament states that the Ombudsman has completed an own-initiative inquiry into the rules which the Commission applies to applications by members of the public for access to documents concerning infringement proceedings. It calls on the Commission to adopt a more open and proactive attitude towards information about infringement proceedings.

National ombudsmen: Parliament regrets that complaints about the inadequate application by a Member State of EU law received by national ombudsmen are not recorded by the European Ombudsman. They suggest that the European Ombudsman consider pooling them in order to facilitate better understanding of the problem and call on the Ombudsman to encourage national ombudsmen to hold regular exchanges of views with their national parliaments, modelled on those which have been established between the European Ombudsman and Parliament.

Common intranet portal: Parliament supports the idea of an intranet portal common to all members of the European Network of Ombudsmen in order to disseminate results regularly. It notes that the communication and website development strategy has helped to cut the number of inadmissible complaints.