Regulations and general conditions governing the performance of the Ombudsman’s duties

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The European Parliament adopted by 623 votes to 9, with 61 abstentions, a legislative resolution on the regulation of the European Parliament laying down the regulations and general conditions governing the performance of the Ombudsman’s duties (Statute of the European Ombudsman) and repealing Decision 94 /262/ECSC, EC, Euratom.

The legislative procedure to adopt the Statute of the European ombudsman is of special constitutional and institutional nature. On the one hand, Parliament has an authentic right of legislative initiative, the so-called direct right of initiative. On the other hand, consent of the Council is required and the Commission must give its opinion.

Given the approval of the Council and the European Commission’s favourable opinion, Parliament adopted the regulation laying down the **regulations and general conditions governing the performance of the Ombudsman's duties**.

In concrete terms, the proposed regulation:

- sets out the conditions under which a complaint can be made to the Ombudsman;

- provides for procedures to be followed when the Ombudsman's enquiries reveal maladministration;

- allow the Ombudsman, without prejudice to his or her primary duty, which is to handle complaints, to conduct own-initiative inquiries whenever he or she finds grounds, and in particular in repeated, systemic or particularly serious instances of maladministration;

- provides for the possibility for the Ombudsman to conduct an enquiry to identify maladministration in the context of raising alerts.

The Ombudsman should have access to all elements required for the performance of his or her duties. To that end, the EU institutions, bodies, offices and agencies should provide the Ombudsman with any information that he or she requests for the purposes of an inquiry.

The Ombudsman and his or her staff should be obliged to treat in confidence any information which they have acquired in the course of their duties, without prejudice to the Ombudsman's obligation to inform the authorities of the Member States of facts which might relate to criminal offences and have come to his or her attention in the course of an inquiry.

The Ombudsman should also be able to inform the Union institution, body, office or agency concerned of the facts that call into question the conduct of a member of their staff.

Where necessary for the effective performance of his or her duties, the Ombudsman should be given the possibility to cooperate and exchange information with the authorities of the Member States, in compliance with the applicable national and Union law, and with other Union institutions, bodies, offices or agencies, in particular those responsible for the defence and protection of fundamental rights.

The draft regulation stipulates that the Ombudsman should be appointed by the European Parliament at the beginning of the parliamentary term and for the duration thereof, chosen from among persons who are citizens of the Union and who offer all requisite guarantees of independence and competence. General conditions should also be laid down inter alia concerning the cessation of the Ombudsman's duties, the replacement of the Ombudsman, incompatibilities, the remuneration of the Ombudsman and the privileges and immunities of the Ombudsman.

The seat of the Ombudsman should be that of the European Parliament.