

Consultation on European Ombudsman Implementing Provisions

2022/0903(NLE) - 26/01/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Constitutional Affairs adopted a report by Paulo RANGEL (EPP, PT) on the draft implementing provisions for the Statute of the European Ombudsman.

As a reminder, Article 18 of Regulation (EU, Euratom) 2021/1163 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, stipulates that the Ombudsman shall adopt the implementing provisions for this Regulation, after consultation of the European Parliament, the Council and the European Commission. This Article also stipulates that those implementing rules shall, as a minimum, include provisions on (a) procedural rights of the complainant and the Union institution, body, office or agency concerned; (b) receipt, processing and closure of complaints; (c) own-initiative inquiries; and (d) follow-up inquiries.

The implementing provisions currently in force date back to 2016 and are based on the previous Statute of the European Ombudsman. Those provisions were adopted by the European Ombudsman alone, without consultation of the three institutions.

The draft implementing provisions submitted to the three institutions are based on the implementing provisions currently in force, with some modifications to adapt them to the provisions of the new Statute.

This report includes amendments to better align a number of provisions to the provisions of the Statute as well as ensuring transparency.

Treatment of complaints

Members proposed deleting the provision stating that the Ombudsman shall treat a petition falling within the Ombudsman's duties, which is transferred by the European Parliament with the consent of the petitioner, as a complaint.

It is proposed to add some references to ensure transparency. The report states that the Ombudsman:

- may take steps to ensure that a complaint is dealt with as a matter of priority, taking into account the strategic work topics defined by the Ombudsman in the annual report or the particular nature of a complaint, including in areas such as whistleblowing and harassment;
- deals with abusive communications and complaints that amount to an abuse of process in accordance with guidelines adopted for that purpose. Those guidelines shall be published on the website of the Ombudsman.

Own-initiative inquiries and follow-up inquiries

The report states that the Ombudsman may also contact the institutions in writing, in order to raise awareness, share observations or gather information on administrative practices. Within the limits of the Ombudsman's duties, the Ombudsman may decide to conduct own-initiative inquiries also following such contacts with the institutions.

Protection of complainants

In cases where the Ombudsman is asked to verify whether the measures adopted by the competent authority of the Union institution, body, office or agency concerned ensure the protection of alleged victims of harassment and restore a healthy and safe working environment, respecting the dignity of the persons concerned while an administrative inquiry is ongoing, the Ombudsman may consult external experts in the field for their assistance in the verification and for possible recommendations.