European Ombudsman. Annual report 1998

1998/2230(COS) - 31/12/1998 - Non-legislative basic document

PURPOSE : Presentation of the Annual Report of the European Ombudsman - 1998 CONTENT : in 1998, the Ombudsman's office handled a total of 1617 cases. Of these, 1372 were new complaints received in 1998. One own-initiative enquiry was launched during the year, and 185 inquiries were closed with a reasoned decision. In 45% of these cases, either the institution settled the matter, a friendly solution was found, or the case was closed with a critical remark (in 1997 and 1996, the equivalent figures were 40% and 35% respectively). During 1998, in 52% of cases, no mal-administration was found. The main aim during the next year should be that the time taken to deal with a case be shortened during the next year. The target of one month to decide on admissibility and one year to close a case after an inquiry has not yet been fully reached, but should become a reality during the years to come. The high number of complaints which do not fall within the Ombudsman's mandate (70% of the total) demonstrates the fact that European citizens do not understand that the competence of the Ombudsman is limited to the actions of the European institutions. Many of these complaints relate to Community law, and, in particular, the free movement of persons in the Union. In this context, it would be appropriate, in accordance with the subsidiarity principle, to encourage the national ombudsmen and similar institutions to examine complaints concerning Community law. The Ombudsman does not wish, at this stage, to propose any changes to his mandate, such as it is defined in the Treaty. However, he considers that European citizens should be able to find in the Treaty a clear and complete listing of remedies that are open to them under Community law, so that they are correctly informed of their rights in this respect. It is important in addition that the Treaty mentions the right of citizens to refer to the national ombudsmen or to present petitions to parliaments in cases of conflicts with the administration involving Community law. Likewise, the Treaty should specify the right of European citizens to appeal to the Commission in the case of possible breaches by a Member State of Community law. The Report congratulates the European Parliament on its initiative seeking to modify the financial regulation in order to allocate to the Ombudsman an independent budget. He insists that it be explicitly mentioned in the Treaty the right of the Ombudsman to have full access, for the purposes of his enquiries, to the files and documents held by the Community institutions and bodies, and the duty of officials coming before him to testify without concealing or distorting the truth.