European Ombudsman. 1999 Annual report

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PURPOSE: presentation of the report of the European Ombudsman (1999). CONTENT: The Ombudsman's Annual Report contains six chapters dealing with the complaints addressed to the Ombudsman, the decisions following enquiries, relations with other European Union institions, relations with the national ombudsmen, and public relations respectively. In 1999, the Ombudsman received 1 577 complaints (as opposed to 1 372 in 1998), opened 206 enquiries (171 in 1998) on possible cases of poor administration and undertook 5 own-initiative enquiries. Of the complaints that gave rise to an enquiry, 27 were filed with a critical remark regarding the institution or the body concerned, and 62 were resolves by the institution in favour of the complainant. One of the complaints that resulted in an amicable solution, and the Ombudsman drew up 10 draft sets of recommendations to remedy cases of poor administration. In 107 cases (96 in 1998), poor administration was not found, but the complainant received detailed explanations on the reasons for the disputed decision. The allegations of poor administration were essentially based on the lack of transparency (66 cases), discrimination (31 cases), procedural deficiencies or the lack of respect for the right to defence (33 cases), the injustice or abuse of power (32 cases), inevitable delays (45 cases) and negligence (29 cases), non-observance by the Commission of its obligations as guardian of the Treaty (9 cases) and error of law. The report notes that, for the most part, the Ombudsman acknowledged receipt of complaints within one week and decided on their admissibility within a one-month period. However, the objective of concluding cases, following enquiry, within a period of one year has still not been achieved. While stressing the beneficial effects of the constructive cooperation between the Ombudsman and the Institutions, the report regrets that certain problems continue to crop up with respect to the European Commission. The main problem relates to the fact that the Commission's services tend to consider that questions relating to the interpretation of Community law by the Commission are only a matter for the Court of Justice, and not for the Ombudsman. The other point of disagreement concerns the right of the Ombudsman to consult documents. The report also regrets the lack of significant progress with respect to transparency in the course of 1999. This issue is important for the Ombudsman, because absence of information or inadequate information remains the main grievance of complainants. Lastly, it is mentioned that the Ombudsman proposed, in July 1999, a code of good administrative conduct in the framework of recommendations addressed to the European Commission, Parliament and Council of Ministers. The adoption of this code, which would satisfy high quality criteria, would signify, in the eyes of Europe's citizens, a modern administration anxious to serve them. The Ombudsman intends to present to the European Parliament a special report on this matter at the beginning of the year 2000.