Basic information

1997/2023(COS) COS - Procedure on a strategy paper (historic)	Procedure completed
European Ombudsman. Annual report 1996 **Subject** 1.20.04 European Ombudsman	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	PETI Petitions	PAPAKYRIAZIS Nikolaos (PSE)	26/02/1997
Council of the European Union			

Key events

Date	Event	Reference	Summary
06/02/1997	Non-legislative basic document published	N4-0293/1997	Summary
17/06/1997	Vote in committee		Summary
17/06/1997	Committee report tabled for plenary	A4-0211/1997	
25/06/1997	Committee referral announced in Parliament		
14/07/1997	Debate in Parliament		Summary
15/07/1997	End of procedure in Parliament		
22/09/1997	Final act published in Official Journal		

Technical information

Procedure reference	1997/2023(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 148
Stage reached in procedure	Procedure completed
Committee dossier	PETI/4/08637

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A4-0211/1997 OJ C 222 21.07.1997, p. 0003	17/06/1997	
Text adopted by Parliament, single reading		T4-0369/1997 OJ C 286 22.09.1997, p. 0023-0041	15/07/1997	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
MED	Non-legislative basic document	N4-0293/1997	06/02/1997	Summary

European Ombudsman. Annual report 1996

1997/2023(COS) - 15/07/1997 - Text adopted by Parliament, single reading

In adopting the report by Mr Nikolaos PAPAKYRIAZIS (PSE, G), the European Parliament expressed the view that it was necessary to have a clear definition of the term 'maladministration', since it is the task of the European Ombudsman to examine complaints concerning maladministration in the activities of the Community Institutions or bodies (with the exception of the Court of Justice and the Court of First Instance acting in their judicial role). Parliament particularly drew attention to the fact that around 65% of the complaints received by the Ombudsman fell outside his mandate. It therefore said that the public information strategy should be intensified and extended (e.g. through the "Citizens First Initiative") so that citizens: - had a clear idea of the functioning and powers of the Community institutions, - were aware of their right to petition the Ombudsman and/or the European Parliament, depending on the case and the type of complaint, - were more precisely informed as to the respective competences of these two institutions. Parliament also took the view that mutual exchanges of information between the Ombudsman and the Institutions of the Union were called for. The Ombudsman should give the Institutions a general account of the complaints he received so that they could help him in his monitoring capacity. The Community institutions and bodies should supply full and accurate information to the Ombudsman concerning their administration. Parliament called for complaints to be forwarded rapidly to the competent body, and dealt with and replied to with the same despatch. Parliament believed that, to this end, existing electronic data-processing systems should be extended or coordinated, and that consideration should be given to the extent to which computerized data could be made available on the Intranet and/or Internet to the Institutions and the citizens of the European Union

European Ombudsman. Annual report 1996

1997/2023(COS) - 06/02/1997 - Non-legislative basic document

OBJECTIVE: to present the report by the European ombudsman for 1996. CONTENT: this report covers the ombudsman's first report on activities during a full calendar year (1996), whereas the previous report only covered the last quarter of the year (the ombudsman only took up office on 27 Sept 1995). In his report, the ombudsman carefully records the number of complaints received and their outcome. The report states that, of all the complaints received and examined in 1996, 598 (i.e. approximately 65%) went beyond his mandate and 250 met the criteria of admissibility, including 207 which warranted investigation. In the second part of this report, the ombudsman describes the inquiries carried out and the decisions taken on 32 cases of maladministration and 3 own-initiative inquiries. Finally, the last part of the report describes the ombudsman's contacts with the European Parliament, the European Commission and national ombudsmen and his public information activities. The ombudsman stresses in this respect that his work is carried out publicly and with the greatest transparency. In addition, if the ombudsman considers that a complaint is inadmissible from his point of view, he takes care to advise complainants to contact other agencies or take recourse outside the Community. In 1996 such advice was given in 243 cases (complaints outside the ombudsman's mandate), most of which related to Community legislation. In 42 cases (out of 243), complainants were invited to petition the European Parliament, while 5 other complaints were passed directly to the Committee on Petitions of the European Parliament (with the complainant's consent) to be treated as petitions, in accordance with the agreement between the ombudsman and the European Parliament on the mutual transfer of complaints or petitions for which one of the two bodies is clearly competent. In 43 cases, complainants were advised to contact the European Commission. As far as grounds for inquiry are concerned, the ombudsman points out that he himself may decide to conduct an inquiry in what he considers is a case of maladministration. He has the widest powers and does not need to be supplied with proof in order to examine if a matter is indeed a case of maladministration. He decides on the basis of his inquiry whether to reject or accept the case on the basis of the comments which the Community institution in question is invited to submit. The report illustrates that the ombudsman takes a realistic approach to the concept of maladministration on the basis of the case law of the Court of Justice and the Court of First Instance and national traditions. The ombudsman checks that the information received is correct, that citizens have been clearly informed in advance of their contractual relations with the Community institutions, that decisions are properly reasoned, that responses to requests for information are not sent out late (or not at all) and that procedures are impartial and transparent. He also checks that the powers of all the Community institutions, especially the European Commission are being duly and correctly exercised. The ombudsman notes that an increasing number of complaints concern delayed responses to proceedings instituted by European citizens with the Community institutions. At the same time, the ombudsman stresses his good relations with the European Parliament, which is authorized to inspect the ombudsman's annual reports and special reports on maladministration and to make appropriate

comments. In practice, he may refer to the European Parliament if the assistance which he requests from Community institutions during inquiries into maladministration is unsatisfactory and he does not obtain all the information needed. He points out in this respect the positive attitude taken to his action by the Community institutions and agencies to which he referred and notes that, in 12 cases, he requested and obtained a friendly solution, to the satisfaction of the complainant. Finally, the ombudsman conducted a number of inquiries on his own initiative. This type of inquiry may prove useful because citizens may not be fully aware of their rights vis-à-vis Community institutions and they may therefore be opened in the absence of any complaint. However, the ombudsman emphasizes that it is preferable to open an own-initiative inquiry where there is a sufficient number of complaints about a specific body or a specific form of administrative activity. In his report, the ombudsman notes that he was led to conduct own- initiative inquiries by the large number of complaints (83) concerning the Commission's failure to perform its duty as "guardian of the Treaties" vis-à-vis the Member States and complaints on the grounds of transparency (30 complaints). The ombudsman has called in this respect for greater openness and transparency on the part of the Commission and, along the same lines, has launched several initiatives to promote better access for citizens to the documents of the Community institutions in accordance with Declaration 17 of the final act of the Treaty on European Union. In conclusion, the office of the European Union ombudsman is an innovative office in relation to the operation, terms of reference and possibilities of national ombudsmen. The constructive way in which the Community institutions have welcomed the ombudsman augurs well for the Union's desire for openness and democracy and observance of the respective jurisdiction of each Community body and institution.