


Basic information	
2022/0903(NLE) NLE - Non-legislative enactments Decision	Awaiting final decision
Consultation on European Ombudsman Implementing Provisions  <b>Subject</b> 1.20.04 European Ombudsman	

Key players			
European Parliament	<b>Committee responsible</b>	<b>Rapporteur</b>	<b>Appointed</b>
	<span style="border: 1px solid red; padding: 2px;">AFCO</span> Constitutional Affairs	RANGEL Paulo (EPP)	17/10/2022
		Shadow rapporteur BENIFEI Brando (S&D) PAGAZAURTUNDÚA Maite (Renew) FREUND Daniel (Greens /EFA) SCHOLZ Helmut (The Left)	
	<b>Committee for opinion</b>	<b>Rapporteur for opinion</b>	<b>Appointed</b>
	<span style="border: 1px solid red; padding: 2px;">PETI</span> Petitions	The committee decided not to give an opinion.	
Council of the European Union			

Key events			
Date	Event	Reference	Summary
05/07/2022	Legislative proposal published	N9-0065/2022	
20/10/2022	Committee referral announced in Parliament		
25/01/2023	Vote in committee		
26/01/2023	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A9-0010/2023</a>	<a href="#">Summary</a>
15/02/2023	Decision by Parliament	<a href="#">T9-0045/2023</a>	<a href="#">Summary</a>
15/02/2023	Results of vote in Parliament		

Technical information	
Procedure reference	2022/0903(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament
Legislative instrument	Decision
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Awaiting final decision
Committee dossier	AFCO/9/10274

Documentation gateway				
<b>European Parliament</b>				
Document type	Committee	Reference	Date	Summary
Committee draft report		<a href="#">PE737.457</a>	07/11/2022	
Amendments tabled in committee		<a href="#">PE738.607</a>	02/12/2022	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A9-0010/2023</a>	26/01/2023	<a href="#">Summary</a>
Text adopted by Parliament, 1st reading/single reading		<a href="#">T9-0045/2023</a>	15/02/2023	<a href="#">Summary</a>
<b>European Commission</b>				
Document type	Reference	Date	Summary	
For information	<a href="#">C(2022)7583</a>	27/10/2022		
<b>Other institutions and bodies</b>				
Institution/body	Document type	Reference	Date	Summary
MED	Legislative proposal	<a href="#">N9-0065/2022</a>	05/07/2022	

Additional information		
Source	Document	Date
European Commission	<a href="#">EUR-Lex</a>	

## Consultation on European Ombudsman Implementing Provisions

2022/0903(NLE) - 15/02/2023 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 634 votes to 2, with 2 abstentions, a legislative resolution 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 should 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.

Parliament approved the draft implementing provisions subject to amendments to better align a number of provisions with 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.

The Ombudsman should handle complaints in any official and working language of the institutions of the Union. It should communicate with the complainant in the language of the complaint, unless the complainant accepts to receive communications in another official and working language of the Union.

It is proposed to add some references to ensure transparency. The resolution 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** should be published on the website of the Ombudsman.

If the Ombudsman considers that a complaint can be resolved, the Ombudsman should seek a solution with the institution concerned to eliminate the instance of maladministration and thereby resolve the complaint.

Where the Ombudsman finds no maladministration, a solution has been found or no further inquiries are justified, the inquiry should be closed with a decision setting out findings. In the decision closing the inquiry, the Ombudsman may suggest improvements regarding issues identified in the course of the inquiry.

### ***Own-initiative inquiries and follow-up inquiries***

The Ombudsman should conduct own-initiative inquiries for which the Ombudsman finds grounds. The resolution specifies that the Ombudsman may also contact the institutions in writing, in order to raise awareness, share observations or gather information about administrative practices. Within the limits of his duties, the Ombudsman may decide to conduct own-initiative inquiries also following such contacts with the institutions.

The procedures applicable to inquiries opened following a complaint should apply to own-initiative inquiries to the extent that they are relevant to those inquiries.

### ***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.

## **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.