


Procedure file

Basic information	
ACI - Interinstitutional agreement procedure	1999/2215(ACI)
Procedure completed	
EP Rules of procedure, annexe X, art. 3 (2): European Ombudsman's duties	
Subject 1.20.04 European Ombudsman	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	AFCO Constitutional Affairs		26/01/2000
		PPE-DE ALMEIDA GARRETT Teresa	
Council of the European Union European Commission	Committee for opinion	Rapporteur for opinion	Appointed
	PETI Petitions		21/06/2000
		ELDR SBARBATI Luciana	
	Commission DG Secretariat-General	Commissioner	

Key events			
18/02/2000	Committee referral announced in Parliament		
21/06/2001	Vote in committee		Summary
21/06/2001	Committee report tabled for plenary	A5-0240/2001	
06/09/2001	Debate in Parliament		
06/09/2001	Decision by Parliament	T5-0455/2001	Summary
06/09/2001	End of procedure in Parliament		
21/03/2002	Final act published in Official Journal		

Technical information	
Procedure reference	1999/2215(ACI)
Procedure type	ACI - Interinstitutional agreement procedure
Procedure subtype	Interinstitutional agreement
Legal basis	Rules of Procedure EP 148

Stage reached in procedure	Procedure completed
Committee dossier	AFCO/5/12399

Documentation gateway					
Committee report tabled for plenary, single reading		A5-0240/2001	21/06/2001	EP	
Text adopted by Parliament, single reading		T5-0455/2001 OJ C 072 21.03.2002, p. 0240-0336 E	06/09/2001	EP	Summary
Document attached to the procedure		COM(2002)0133	06/03/2002	EC	Summary

EP Rules of procedure, annexe X, art. 3 (2): European Ombudsman's duties

The committee adopted the report by Teresa ALMEIDA GARRETT (EPP-ED, P) seeking to make a few changes to the Statute of the European Ombudsman, in response to changes requested by the Ombudsman himself. The aim was to strengthen the Ombudsman's powers regarding access to documents and the right to conduct hearings of officials. The report stressed that the Ombudsman and his staff were bound by a duty of professional secrecy and that a much more transparent approach could therefore be proposed, to enable the Ombudsman to have access to all documents irrespective of their format - whether written, electronic, sound, visual, etc. In the case of a document from a Member State where the state wanted public access to be restricted, the state would have to be informed. In all cases where the documents were classified as secret or confidential (irrespective of their origin), the Ombudsman must not divulge their content. The rapporteur believed that this requirement not to divulge the content of the document was quite sufficient: the documents would be kept confidential or secret without undermining the confidence of citizens in the action being taken by the Ombudsman since they would know that the Ombudsman could obtain access to all the documents relevant to his investigation. As regards hearings of officials of the EU institutions, the current Statute states that staff who are required to testify at the request of the Ombudsman "shall speak on behalf of and in accordance with instructions from their administrations and shall continue to be bound by their duty of professional secrecy". The committee felt that this was giving rise to an unacceptable restriction of the Ombudsman's powers of investigation and therefore proposed that officials be simply required to give "complete and truthful information" to the Ombudsman.?

EP Rules of procedure, annexe X, art. 3 (2): European Ombudsman's duties

The European Parliament adopted the resolution by Mrs Teresa ALMEIDA GARRETT (EPP-ED, P) which amends Article 3 of the regulations and general conditions governing the performance of the Ombudsman's duties. The House proposed changes to the statute governing the the rules affecting the Ombudsman to allow access to confidential documents needed as part of his inquiries on condition that this confidentiality is respected. In addition, the proposed amendment to oblige Commissioners and other members of the institutions to appear before the Ombudsman on request was rejected.?

EP Rules of procedure, annexe X, art. 3 (2): European Ombudsman's duties

The Commission broadly shares the principles adopted by the European Parliament regarding the proposed changes to the Statute of the European Ombudsman, subject to the following points: - On the question of lifting secrecy for access to documents, the Commission feels this should be done so in compliance with requirements concerning the protection of privacy, industrial secrets, classified information and future institutional developments. - The Commission is of the view that certain documents may be transmitted to the Ombudsman on condition that they are not communicated to third parties where they could be detrimental to the smooth functioning of the institutions. - Classified information of the EU transmitted to the Ombudsman should be treated in accordance with equivalent rules in force at the Council and at the Commission. Hence, where documents relate to a judicial or criminal inquiry, staff from the ombudsman office should seek authorisation prior to the release of those documents. - On the question of documents coming from Member States the Commission is of the view that the principle of obtaining prior authorisation should be maintained. Such a stance would be consistent with the 2001 Regulation on public access to documents (1049/2001). - Lastly, concerning the giving of evidence by Commission officials, the Commission accepts the need to remove the obligation of giving evidence under instructions. It would however like to maintain the principle whereby officials do not speak on a personal basis but as officials. It suggest that they should remain bound by the obligations deriving from the Staff Regulations of officials of the European Communities and Article 287 of the EC Treaty.?