



Procedure file

Basic information		
INI - Own-initiative procedure	2007/2131(INI)	Procedure completed
Report on the Ombudsman's annual report for 2006		
Subject 1.20.04 European Ombudsman		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Petitions	ALDE SBARBATI Luciana	02/05/2007
European Commission	Commission DG	Commissioner	
	Secretariat-General	WALLSTRÖM Margot	

Key events			
21/06/2007	Committee referral announced in Parliament		
17/07/2007	Vote in committee		Summary
27/07/2007	Committee report tabled for plenary	A6-0301/2007	
25/10/2007	Results of vote in Parliament		
25/10/2007	Debate in Parliament		
25/10/2007	Decision by Parliament	T6-0487/2007	Summary
25/10/2007	End of procedure in Parliament		

Technical information	
Procedure reference	2007/2131(INI)
Procedure type	INI - Own-initiative procedure
Legal basis	Rules of Procedure EP 232-p1-a2
Stage reached in procedure	Procedure completed
Committee dossier	PETI/6/50337

Documentation gateway					
Amendments tabled in committee		PE392.056	09/07/2007	EP	

Committee report tabled for plenary, single reading		A6-0301/2007	27/07/2007	EP	
Text adopted by Parliament, single reading		T6-0487/2007	25/10/2007	EP	Summary
Commission response to text adopted in plenary		SP(2007)6028	21/11/2007	EC	

Report on the Ombudsman's annual report for 2006

The Committee on Petitions adopted the own-initiative report of Ms Luciana SBARBATI (ADLE, IT) on the annual report on the European Ombudsman's activities in 2006.

In welcoming the annual report, the Committee considers that the Ombudsman has continued to exercise his powers in a balanced and energetic way both with regard to examining and handling complaints, and conducting and concluding enquiries, and with regard to maintaining constructive relations with the European Union's institutions and bodies and encouraging citizens to avail themselves of their rights in relation to those institutions and bodies.

Among the recommendations, the report adopted in committee:

- calls for all European institutions and bodies to be given the necessary budgetary and human resources to ensure that citizens receive prompt and substantive responses to their enquiries, complaints and petitions;
- encourages the Ombudsman to continue to promote a genuine culture of service as an integral component of good administrative practice in order to ensure openness and dialogue with members of the public using their services, recognising and apologising for mistakes and seeking satisfactory solutions for complainants;
- urges the Ombudsman to submit to Parliament any requests he deems appropriate to improve the exchange of information between their respective departments and strengthen cooperation with particular reference to communications, information technology and translation;
- urges all the institutions to cooperate constructively with the Ombudsman at all stages of the procedure, to abide by friendly solutions, to follow up his critical remarks and to apply his draft recommendations;
- encourages the Ombudsman to draw up a list every year of best administrative practices and a list of practices which are not consonant with his decisions, and to present a study of the outcome of his critical comments;
- urges all those who are the subject of critical remarks to respect and take account of those remarks in their future actions;
- urges all Community institutions and bodies, and the Member States' permanent representations, to cooperate in the interests of transparency and compliance with the rules of good administration;
- calls on the European Personnel Selection Office to ensure it complies effectively and fully with the rules and established practice as regards the openness and transparency of competition procedures, particularly with regard to candidates' access to information relating to them about the marking of papers, to put an end to linguistic discrimination and to refrain from evading its own responsibilities by reference to decisions made by selection boards.

The report takes the view that the term 'maladministration by the Community' should be broadly interpreted so as to include not only unlawful administrative acts or infringements of binding legal rules or principles, but also, for example, cases where the administrative authorities have been slothful, negligent or lacking in transparency or have infringed other principles of good administration.

The Commission is invited to make proper use of its discretionary powers to initiate infringement proceedings under Article 226 of the EC Treaty (opening of infringement proceedings) or to propose penalties under Article 228 of the EC Treaty (measures to ensure compliance with judgments), while taking scrupulous care to avoid delays or unjustifiable failure to take prompt action, which are incompatible with the Commission's powers to oversee the application of Community law. Lastly, Members consider that, if an institution refuses to follow a recommendation in a special report by the Ombudsman even though Parliament has approved that recommendation, Parliament could legitimately use its powers to bring an action before the Court of Justice in respect of the act or omission which was the subject of the Ombudsman's recommendation.

The Committee on Petitions confirms its opinion that the Statute of the Ombudsman should be amended with regard to access to documents and the hearing of witnesses, endorsing the principle that the changes subsequently requested will serve to clarify the Ombudsman's powers in view of the increasing demands placed upon him in the exercise of his office. It also encourages mutual consultation between the Ombudsman and the Committee on Petitions, in connection with the European Network of Ombudsmen, to resolve issues which have already been dealt with as the subject of petitions.

Report on the Ombudsman's annual report for 2006

The European Parliament adopted a resolution based on the own-initiative report drafted by Luciana SBARBATI (ADLE, IT) on the annual report on the European Ombudsman's activities in 2006. It pointed out that in 26% of the cases examined, the Ombudsman's enquiries revealed no maladministration. 2006 saw a significant decline in the number of cases of maladministration in which an amicable settlement was reached, accompanied by an equally striking rise in the number of enquiries closed with a critical remark, and a lower rate of acceptance of the Ombudsman's draft recommendations by the institutions.

Parliament approved the annual report for 2006 submitted by the European Ombudsman, stating that it considered that the Ombudsman had continued to exercise his powers in a balanced and energetic way both with regard to examining and handling complaints, and conducting and

concluding enquiries, and with regard to maintaining constructive relations with the EU's institutions and bodies and encouraging citizens to avail themselves of their rights. Members encouraged the European Ombudsman to pursue his efforts so that, in the eyes of citizens, he represented the custodian of sound administration in the Community institutions.

They agreed that the term 'maladministration in the activities of the Community institutions or bodies' should be broadly interpreted so as to include not only unlawful administrative acts or infringements of binding legal rules or principles but also, for example, cases where the administrative authorities had been slothful, negligent or lacking in transparency or had infringed other principles of good administration.

Parliament made the following principal points :

- it encouraged the Ombudsman to continue to promote a genuine culture of service in order to ensure that the EU's public administration was geared towards dialogue with members of the public using their services, recognising and apologising for mistakes and seeking satisfactory solutions for complainants;

- it was not enough that some of the other institutions and Community bodies, primarily the Commission and the Council, had adopted separate codes of good administrative conduct. The 'European Code of Good Administrative Behaviour' proposed by the European Ombudsman, and approved by the European Parliament on 6 September 2001, covered the staff of all Community institutions and, unlike the other codes, has been regularly updated on the Ombudsman's website. No other code with more limited application might replace, or derogate from, the 'European' code of conduct;

- all institutions should cooperate constructively with the Ombudsman, and abide by amicable settlements, follow up his critical remarks and apply his draft recommendations;

- all those who were the subject of critical remarks should respect those remarks in their future actions ;

- all Community institutions were reminded of their obligations under Regulation (EC) No 1049/2001 regarding public access to documents, which must be effectively applied. They were urged, along with Member States' permanent representations, to cooperate in the interests of compliance with the rules of good administration embodied in the report, without shifting their responsibilities to powerful central bodies such as the Presidency of the Council or the Board of Governors of the European Schools, over which it would be difficult for the Ombudsman to exert control ;

- the European Personnel Selection Office was asked to refrain from evading its own responsibilities by reference to decisions made by selection boards;

Parliament considered that, if an institution refused to follow a recommendation in a special report by the Ombudsman even though Parliament had approved that recommendation, Parliament could legitimately use its powers to bring an action before the Court of Justice in respect of the act or omission which was the subject of the Ombudsman's recommendation.

It called on the Commission to make proper use of its discretionary powers to initiate infringement proceedings under Article 226 of the EC Treaty or to propose penalties under Article 228 of the EC Treaty, while taking scrupulous care to avoid delays or unjustifiable failure to take prompt action, which were incompatible with the Commission's powers to oversee the application of Community law.

It went on to invite the Ombudsman to consider concluding a Memorandum of Understanding with the EIB on the modalities of cooperation between the institutions as regards the exercise of the Ombudsman's powers to investigate complaints concerning instances of maladministration in the activities of the EIB.

Lastly, Parliament welcomed the increasing participation of the media in publicising the work of the Ombudsman and applauded the communications strategy adopted by the which, by helping to establish a variety of forms of dialogue aimed at bringing citizens closer to EU institutions and bodies, should, in the longer term, lead to greater awareness of citizens' rights and Community competences, as well as a greater understanding of the European Ombudsman's sphere of competence.