




Procedure file

Basic information		
REG - Parliament's Rules of Procedure	1994/2136(REG)	Procedure completed
EP Rules of procedure, rule 159: appointment of the Ombudsman		
Subject 1.20.04 European Ombudsman 8.40.01.08 Business of Parliament, procedure, sittings, rules of procedure		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	REGL Rules of Procedure, Verification of Credentials and Immunities		16/11/1994
		PSE FAYOT Ben	
	Former committee responsible		
	REGL Rules of Procedure, Verification of Credentials and Immunities		16/11/1994
		PSE FAYOT Ben	
	REGL Rules of Procedure, Verification of Credentials and Immunities		16/11/1994
		PSE FAYOT Ben	

Key events			
27/09/1994	Committee referral announced in Parliament		
27/09/1994	Report referred back to committee		
29/11/1994	Vote in committee		Summary
13/12/1994	Debate in Parliament		Summary
14/12/1994	Decision by Parliament	A4-0085/1994	
14/12/1994	Report referred back to committee		
21/02/1995	Vote in committee		Summary
13/03/1995	Debate in Parliament		Summary
14/03/1995	Decision by Parliament	A4-0024/1995	
24/04/1995	Vote in committee		Summary
24/04/1995	Committee report tabled for plenary	A4-0094/1995	
15/05/1995	Debate in Parliament		Summary

			
16/05/1995	Decision by Parliament	T4-0200/1995	Summary
16/05/1995	End of procedure in Parliament		
19/06/1995	Final act published in Official Journal		

Technical information	
Procedure reference	1994/2136(REG)
Procedure type	REG - Parliament's Rules of Procedure
Procedure subtype	Rules
Legal basis	Rules of Procedure EP 237-p1
Stage reached in procedure	Procedure completed
Committee dossier	REGL/4/06290; REGL/4/06458; REGL/4/05981

Documentation gateway					
Committee report tabled for plenary, single reading		A4-0085/1994 OJ C 363 19.12.1994, p. 0003	29/11/1994	EP	
Committee report tabled for plenary, single reading		A4-0024/1995 OJ C 068 20.03.1995, p. 0013	21/02/1995	EP	
Committee report tabled for plenary, single reading		A4-0094/1995 OJ C 151 19.06.1995, p. 0003	24/04/1995	EP	
Text adopted by Parliament, single reading		T4-0200/1995 OJ C 151 19.06.1995, p. 0021-0033	16/05/1995	EP	Summary

EP Rules of procedure, rule 159: appointment of the Ombudsman

The Committee on Rules of Procedure approved four amendments to Rule 159 of the Rules of Procedure on the appointment of the ombudsman by 12 votes in favour, 8 votes against and 1 abstention. These changes to the Rules of Procedure will be put to the vote of plenary in Brussels on 1 December. The amendments propose: 1. giving plenary the right to choose between the nominees approved by the Committee on Petitions. The committee took account, in proposing that the six initial nominees be re-entered on the lists, of the argument put forward on 22 November by Mr Gregorio GARZON CLARIANA, a legal adviser to the European Parliament, concerning the precautions needed in order to forestall litigation and an ousted candidate's taking recourse to the Court of First Instance on the grounds that the rules were changed during the nomination procedure; 2. applying the procedure used to elect the president of the European Parliament, *mutatis mutandis*, to the election of the ombudsman, i.e. a maximum of four ballots and, in the event of a tie, the elder candidate being elected. The amendments concern paragraphs 4, 5, 6 and 8 of Rule 159 of the Rules of Procedure. Paragraphs 4 and 6 and 6a will read as follows: Paragraph 4 (new): The committee responsible will submit its choice of nominees, listed according to the number of votes obtained in committee, to the vote of the European Parliament. Explaining the exact scope of his amendment before it was adopted, Mr Florus WIJSENBEEK (LDR, NI) pointed out that the order recommended was that obtained during the first ballot in the Committee on Petitions. During the first ballot on 4 November, Mr Alvaro GIL-ROBLES Y GIL-DELGADO (E) won 11 votes, Mr Siegbert ALBER (D) won 10 votes, Mr Juan Maria BANDRES-MOLET (E) won 2 votes and Mr Henry McCUBBIN (UK), Mr William F. NEWTON-DUNN (UK) and Mrs Marie-Claude VAYSSADE (F) each won 1 vote. Paragraph 6 (new): The vote shall be held by secret ballot. The European Parliament shall apply the provisions of Rule 14 (1) of the Rules of Procedure, *mutatis mutandis*, to the election of the ombudsman. This amendment was proposed by two Italian members of the Greens, Mrs Maria Adelaide AGLIETTA and Mr Alexander LANGER. The age criterion, in the event of a tied vote, gave rise to a lively debate between those who supported this "criterion of experience" and those who were opposed to using a purely internal criterion to elect the ombudsman, who personified a new institution. The second group, which favoured drawing lots, were beaten by seven votes in favour, ten votes against and three abstentions. Paragraphs 5 and 8 were deleted at the proposal of the rapporteur, Mr Ben FAYOT. Paragraph 5 concerned entering the vote on the agenda for plenary and paragraph 8 concerned a new call for nominations in the event of a negative vote.?

EP Rules of procedure, rule 159: appointment of the Ombudsman

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Adopting the second report by Mr Ben FAYOT by 16 votes in favour and 3 abstentions, the Committee on Rules of Procedure approved the amendments to the provisions of the Rules of Procedure of the European Parliament on the appointment of the ombudsman (Rule 159). The report recommends the following amendments: - a notice calling for nominations to be published in the Official Journal of the EC; - nominations to be supported by at least 29 members and to include all the supporting documents needed to show conclusively that the nominee fulfils the conditions required by the Regulations on the Ombudsman; - the committee responsible to select three to five nominees to be put to the vote in Parliament in alphabetical order; - if no candidate is elected after the first ballot, only the two candidates obtaining the largest number of votes may continue to stand. In the event of a tie after the second ballot, the elder candidate to be elected; - the candidate's solemn undertaking not to engage in any other professional activity required in paragraph 2 to be deleted. Similarly, paragraph 8 of the Rule to be deleted (new call for nominations in the event of a negative vote). Finally, the transitional provisions applicable to the nomination of the first ombudsman have been added in an annex VIII to the Rules of Procedure: valid nominations received following publication of a notice calling for nominations in the Official Journal on 30 July 1994 will be automatically admitted to the selection process, unless the nominee in question expressly renounces his nomination.?

EP Rules of procedure, rule 159: appointment of the Ombudsman

Parliament referred the second report by Mr Ben Fayot back to committee.

EP Rules of procedure, rule 159: appointment of the Ombudsman

The committee adopted the second draft report by President Ben FAYOT amending Rule 159 of the Rules of Procedure of the European Parliament on the appointment of the European Ombudsman by a large majority (EP 211.013 and 212.409). The text adopted gives plenary the right to choose between all admissible nominations listed in alphabetical order. As far as the procedure for selecting candidates is concerned, the text makes provision for: 1) the notice calling for nominations to be published in the Official Journal of the European Communities; 2) nominations to include all the supporting documents needed to show conclusively that the nominee meets the conditions required by the Regulations on the Ombudsman (OJ L 113 of 4 May 1994); 3) the nomination to have the support of a minimum of 29 Members who are nationals of at least two Member States; 4) each Member may only support one nomination; 5) the Committee on Petitions may hear candidates. These hearings will be open to all Members. It will then submit a list of admissible nominations in alphabetical order on which Parliament will vote. As far as the nomination of the ombudsman by plenary is concerned, the text makes provision for: 1) the vote (in three rounds) to be held by secret ballot; the nomination with the most votes wins; 2) in the event of a third round, only the two candidates with the most votes will continue to stand; 3) whenever there is a tie, the older candidate wins. The text adopted contains a temporary provision whereby candidates who have already met the required conditions need not reapply when the new procedure is opened, provided that their nomination complies with the newly approved nomination requirements (cf. points 3 and 4 under the heading "procedure") and they have not expressly withdrawn their nomination. For the record, Mr Siegbert ALBER (D), Mr Juan Maria BANDRES-MOLET (E), Mr Alvaro GIL-ROBLES Y GIL-DELGADO (E), Mr Henry McCUBBIN (UK), Mr William F. NEWTON-DUNN (UK) and Mrs Marie-Claude VAYSSADE (F) submitted their nominations following the first call for nominations in August 1994.?

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Mr FAYOT highlighted the fact that the current Rule 159 was not viable as it was difficult to apply the practices in use in the Member States when the aim was to appoint a person at European level, given that it was easier to agree on a strong personality at national level. ?With this third report, we are adopting a purely elective approach, which gives Parliament full control when choosing the Ombudsman from among the candidates. Monitoring the applications becomes an administrative matter since it is the 29 signatory Members who support the nominations.?

EP Rules of procedure, rule 159: appointment of the Ombudsman

The European Parliament has decided to amend Rule 159 of its rules of procedure on the appointment of the ombudsman. These changes, which apply with immediate effect, concern the selection and nomination procedure for the post of ombudsman: - the notice calling for nominations must be published in the Official Journal of the European Communities; - nominations must include all the supporting documents needed to show that the nominee fulfils the conditions required by the Regulations on the Ombudsman; - nominations must have the support of a minimum of 29 Members and 2 Member States; - each Member may only support one nomination; - the Committee on Petitions will hear candidates and then submit a list of admissible nominations in alphabetical order on which Parliament will vote. Hearings will be open to all Members. As far as the actual appointment of the ombudsman by Parliament in plenary is concerned: - the vote will be held by secret ballot; the nomination with the most votes wins; - if no candidate is elected after the first two ballots, only the two candidates with the most votes will continue to stand; - in the event of a tie, the older candidate wins. The decision contains a temporary provision for the appointment of the first ombudsman whereby candidates who met the required conditions during the first selection process need not reapply when the new procedure for appointing the ombudsman opens.?