

Procedure file

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

Key players			
European Parliament	Committee responsible  Constitutional Affairs	Rapporteur  RANGEL Paulo	Appointed 17/10/2022
		Shadow rapporteur  BENIFEI Brando	
		 PAGAZAURTUNDÚA Maite	
		 FREUND Daniel	
		 SCHOLZ Helmut	
	Committee for opinion  Petitions	Rapporteur for opinion The committee decided not to give an opinion.	Appointed The committee decided not to give an opinion.
Council of the European Union			

Key events			
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	A9-0010/2023	Summary
15/02/2023	Results of vote in Parliament		
15/02/2023	Decision by Parliament	T9-0045/2023	Summary

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 159
Stage reached in procedure	Awaiting final decision
Committee dossier	AFCO/9/10274

Documentation gateway

Legislative proposal	N9-0065/2022	05/07/2022	MED	
For information	C(2022)7583	27/10/2022	EC	
Committee draft report	PE737.457	07/11/2022	EP	
Amendments tabled in committee	PE738.607	02/12/2022	EP	
Committee report tabled for plenary, 1st reading/single reading	A9-0010/2023	26/01/2023	EP	Summary
Text adopted by Parliament, 1st reading/single reading	T9-0045/2023	15/02/2023	EP	Summary

Consultation on European Ombudsman Implementing Provisions

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.

Consultation on European Ombudsman Implementing Provisions

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.