

Introduction

The European Union Ombudsman investigates complaints by EU citizens, businesses or associations against the EU institutions and bodies. Its broader role is to improve the **accountability** of the EU institutions and to make them more accessible to EU citizens. The creation of an office of EU Ombudsman was part of efforts to open the EU up to its citizens, and since its establishment it has dealt with a wide variety of cases including sexual discrimination, lack of information and failure to fulfil contract. In many ways, therefore, it is encouraging the EU to lead by example, by promoting good practice from within.

History

The EU Ombudsman was established under article 195 of the Maastricht Treaty (1992) and came into being in 1995. The Ombudsman is appointed by the European Parliament and for the term of the parliament, which can then be renewed. The first Ombudsman was Jacob Söderman from Finland, who served until 2003. He was then replaced by the current Ombudsman, Nikitoros Diamandouros from Greece. In 2000, the right to complain to the Office of the EU Ombudsman was included in the list of citizens' rights in the EU Charter of Fundamental Rights, which was legalised in the Lisbon Treaty (2007). Since then, the Ombudsman has been the principle agency ensuring that the EU institutions implement the Charter in their own operations.

What does the EU Ombudsman do?

The Ombudsman has a range of roles in ensuring good practice by the EU institutions. These include: promoting good administrative behaviour (such as responding punctually to letters); making sure that there is easy access to information about the EU and its work; ensuring that the EU Commission does its job in pursuing member states that fail to implement EU law and ensuring that the rule of law is upheld for everyone; ensuring that the institutions meet their obligations to contractors and pay their bills on time, and challenging out-of-date practices by the EU bodies. It also has an important role in maintaining the rights of EU employees and making sure that applying for a job in the EU is as straightforward as possible.

The favoured method of action by the Ombudsman is to work in co-operation with the institutions in order to reach a friendly solution to a complaint. When this doesn't work, the Ombudsman can take formal action to call upon an institution to change its behaviour or ask the EU Parliament to look into the issue. He reports directly to the EU Parliament and also works with national and regional Ombudsmen to ensure that EU standards are upheld by member states. All EU citizens have open access to the complaints procedure. They can make a complaint in a letter or email in any of the official languages of the EU within two years of full evidence of the problem coming to light.

Facts and figures

- ❖ During 2013, the EU Ombudsman received 2,420 complaints, down from 2,442 in 2012.
- ❖ The Ombudsman gave legal advice to approximately 20,000 people in 2013.
- ❖ Most of the complaints related to breaches of duties relating to requests for information (transparency).
- ❖ In 2013, the vast majority of complaints (65%) were filed against the European Commission.
- ❖ Spain, Germany and Poland were the countries from which the greatest number of complaints came.
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Arguments

For

- ❖ The EU Ombudsman plays a vital role in ensuring that the EU institutions live up to the standards set down in EU law.
- ❖ The Office of the EU Ombudsman sets an example to the institutions through its own good practice.

Against

- ❖ While the Ombudsman is empowered to investigate failures by EU institutions, he has no power to investigate national governments when they fail to administer EU law.
- ❖ The numbers of complaints to the EU ombudsman have risen steadily since the office was first created. This suggests that the message of openness is not having a long-term effect upon the EU institutions

“The rights of citizens and residents of the Union should constitute the very foundation of Europe. Only by ensuring the reality of these rights can individuals be protected from abuses and arbitrariness on the part of European Union institutions, or of national authorities when they are implementing EU law.”

Nikitoros Diamandouros, EU Ombudsman, 2006

Technical Terms

- ❖ **Accountability:** the practice by which people are made to take responsibility for the results of their actions at work.

Links

- ❖ <http://www.ombudsman.europa.eu/home/en/default.htm>
- ❖ <http://www.ombudsman.europa.eu/activities/annualreports.faces>