

**Statement by Mr. P. Nikiforos Diamandouros,
candidate for the post of European Ombudsman**

Committee on Petitions of the European Parliament

Brussels, 29 November 2004

Mr. President! Members of the Committee on Petitions!

I would like to thank you for giving me the opportunity to appear before you and to present you with my vision and aspirations for the coming five years of the European Ombudsman institution.

My curriculum vitae, which I have made available to you in 20 languages, outlines my professional experience as European Ombudsman, as founding National Ombudsman of Greece, as an administrator and as an academic. These qualifications constitute the main assets that I bring to the Office of European Ombudsman.

The results that I have achieved as European Ombudsman over the last twenty months have been a source of great satisfaction to me. I would like to thank the Members of this Committee for their warm support during that time and for the positive tone and constructive suggestions contained in the De Rossa Report, which was overwhelmingly approved by the European Parliament earlier this month. Over the last 20 months, the workload of the European Ombudsman institution has substantially increased. I wish to take this opportunity to register my gratitude to Parliament for having responded positively to my request for an increase in resources for 2005, thereby allowing the Ombudsman to continue to effectively serve the citizens. I would also like to thank the 253 MEPs from 23 Member States who have honoured my candidature for re-election with their endorsement.

Two years ago, I, speaking as a candidate, presented this Committee with my vision for the development of the Ombudsman's office. Today, I would like to inform you of the progress made and to map out my plans for the road ahead.

I have delivered on my priorities

Shortly after taking office in April 2003, I stated that my priorities would be to enhance the effectiveness of the European Ombudsman's Office, to promote the rule of law, good administration and respect for human rights, and to reach out to all the Union's citizens. I also stated that the enlargement of the EU would be a central theme of all three priorities. Since assuming my duties, I have developed and restructured the Office to serve the citizens of 25 Member States in 21 Treaty languages. I have worked closely with the EU institutions and with ombudsmen throughout Europe in improving the quality of public administration. I have also informed citizens of my work by visiting all 25 Member States and making my publications and website available in all Treaty languages. The effectiveness of these initiatives is demonstrated by an unprecedented 54% increase in citizens' turning to the European Ombudsman during 2004, by the 62% increase in the number of inquiries opened, and by the increasing willingness of the EU institutions to work with me in improving the quality of service that they provide to citizens.

Much has been achieved over the last twenty months, but more remains to be done. The priorities that I outlined two years ago will be just as relevant for the coming five years. However, with the benefit of my experience in office, I now have a more complete picture of the principal challenges facing the European Ombudsman institution. Allow me to point out the most important among them:

First, ensuring that citizens' rights deriving from EU law are respected at every level. For this to happen citizens must be aware of their rights, while those active in the public administration at the European, national, regional and local levels must take these rights into account in their everyday work.

Second, making certain that EU institutions and bodies conform to the highest standards of administration in all their activities.

Third, guaranteeing that the institution of the European Ombudsman serves the citizen in the most efficient and effective way possible.

In this presentation, I will elaborate on how I think we can achieve these important objectives.

Citizens should be fully informed of their rights

Complaints are the lifeblood of any ombudsman institution. The better known an ombudsman is, the more likely it is that those citizens with a complaint to make will know to whom they should turn.

On taking office, I was acutely conscious of the need to ensure that all citizens who might have a complaint to make to the European Ombudsman should be aware of how to do so. I therefore set about informing citizens of my work by launching new publications, intensifying direct contact with citizens through speeches and visits and ensuring that the institution was fully able to serve citizens of 25 Member States in all 21 Treaty languages. The 54% increase in citizens turning to the European Ombudsman in 2004 has meant that, so far this year, almost 3500 new complaints have been registered. I am confident that this rise in complaints does not reflect worsening administrative behaviour by European institutions, but rather increased citizens' awareness of their rights and about how to exercise those rights.

Given the high proportion of complaints that fall outside my mandate, I have developed strategies to better target potential complainants and to inform citizens of other means of redress available to them. These include the Committee on Petitions of the European Parliament and the network of national and regional ombudsmen in Europe. As a result, the number of inquiries opened by my office is increasing faster than the overall number of complaints received. This shows that citizens are starting to better understand what I can and cannot do.

Over the next five years, I would like to further improve the quantity and quality of information provided to citizens and to target potential complainants in a better way. I have already increased awareness of the role of the European Ombudsman through distribution of half a million copies of the new "European Ombudsman - At a glance" leaflet and the publication, for the first time, of a user-friendly "Executive Summary" of the European Ombudsman's Annual Report.

My intention now is to find ways to better inform citizens of the various non-judicial means of redress available to them. If re-elected, I will work with the Committee on Petitions, the European Commission's Europe Direct and SOLVIT schemes, and other

similar mechanisms to produce a leaflet informing citizens of all their options at the European level.

One way to do this, is by developing a user-friendly system for advising complainants on where to turn. Such an advice system could be delivered over multiple channels, including the European Ombudsman's website. With the co-operation of the national ombudsmen, I will also explore the feasibility of creating a single telephone number across the Union for citizens wishing to contact the ombudsman network. In this way, citizens will, for the first time, have a single access point available to them. By working in partnership with national and regional ombudsmen on this project, the principle of subsidiarity will be respected and costs will be kept to a minimum.

Co-operation among ombudsmen is the way forward

In the handling of complaints received, co-operation with national and regional ombudsmen and similar bodies is of paramount importance. This is particularly the case given that the implementation of EU law tends to be the responsibility of national administrations. The network of co-operation among the European Ombudsman and national and regional ombudsmen comprises some 90 offices in 30 countries throughout Europe. Since taking office, I have participated in meetings of ombudsmen from Athens to Warsaw and from Kiel to Quebec. All have helped to increase knowledge of EU law amongst Ombudsmen and similar bodies or to share best practice in complaint handling. If re-elected, I will continue to develop my co-operation with ombudsmen and committees on petitions in Europe. Given Parliament's approval of the De Rossa Report, I will take up its suggestion that the Committee on Petitions be fully integrated into the European network of ombudsmen and similar bodies.

One concrete way that I intend to develop co-operation is through joint inquiries with ombudsmen in the Member States. Increasingly, the implementation of EU law and EU-funded programmes involves cooperation among Community institutions and administrations in the Member States. To protect citizens' rights and provide them with effective remedies, co-operation among administrations needs to be matched by cooperation among ombudsmen. Joint inquiries would not involve any change in the mandates either of the European Ombudsman or of the national and regional ombudsmen. The added value of a joint inquiry would come from exercising our different mandates together, on a voluntary basis, so as to get to the root of a complaint, rather than investigating limited aspects in isolation. Naturally, a lot of preparatory work needs to be done to make joint inquiries effective. To set the ball rolling, I will, if re-elected, initiate discussions with my ombudsman colleagues throughout Europe at the very beginning of the next mandate. I believe that the response will be highly positive.

As Europe develops, so clearly will the areas of responsibility of the European Ombudsman. The Constitution, once it is adopted, could bring new areas into the remit of the Ombudsman. Europol has already been the subject of over half a dozen inquiries by the Ombudsman. If the EU creates a common border police, such a new organisation could well be covered by my mandate. The Schengen Information System could also potentially be the subject of an inquiry, perhaps indeed of a joint inquiry in conjunction with one or several national ombudsmen.

I will also work with other ombudsmen and similar bodies in helping potential future EU Member States to improve the quality of their democracies and their respect for citizens' rights. By drawing on my experience as the first National Ombudsman of Greece and as European Ombudsman, I will endeavour to assist countries outside the Union, whether in Eastern or Southeastern Europe, to develop in this regard.

Working in partnership with the EU institutions can improve their service to citizens

Over the last twenty months, I have worked closely with the EU institutions in improving the quality of public administration. Last year, for example, I addressed senior members and high-ranking officials of the EU institutions and bodies on eight occasions and underlined the value of reacting promptly and constructively to complaints. In this way, I would like to think that the Ombudsman can, in addition to his primary function of serving as an independent mechanism of external control of the EU public administration, be also regarded as a valuable source of information for all institutions that wish to improve the quality of their administration. The ultimate goal for all of us must be to ensure the best possible service to the citizen. The increasing willingness of the EU institutions to work with me in improving the quality of service that they provide to citizens shows the effectiveness of such initiatives. If re-elected, I will continue to develop my co-operation with the EU institutions and bodies, to make certain that they adopt a citizen-centred approach in all their activities.

In pursuit of this goal, I propose to work with all EU institutions and bodies to try to obtain friendly solutions to complaints more often. One way that I hope to achieve this is by analysing the friendly solutions achieved since the creation of the European Ombudsman's office, in order to find common characteristics that might help indicate the types of complaints that have the potential of being solved this way. I will, of course, need the co-operation of the institutions in this project, but, by working together, a procedure can be developed that would increase the frequency of this 'win-win' outcome.

Since taking office, I have used in-depth inquiries as a device designed to help the EU institutions and bodies raise the quality of their administration. If re-elected, I would like to increase the number of inquiries of this type, wherever this could be most useful. Such inquiries could potentially be carried out in co-ordination with institutions such as the Court of Auditors, in order to exploit synergies and to avoid duplication. I would be particularly interested in investigating the administration of certain Community-funded programmes, in order to identify problems and to encourage best practice. Such investigations could be carried out at the European level and, with the co-operation of the appropriate ombudsmen, at the national and regional levels through joint investigations.

The legal basis for the Ombudsman's work should be strengthened

I would now like to touch briefly upon an issue raised by this Committee in its deliberations on my Annual Report for 2003 - the need to revise the European Ombudsman's Statute. As you are no doubt aware, the Decision of the European Parliament on the regulations and general conditions governing the performance of the Ombudsman's duties requires approval by both Council and Parliament. Any change to

the Statute will therefore be a matter for delicate negotiation. However, in order to maintain confidence in the institution, the Ombudsman must be able to investigate as thoroughly and as rigorously as possible the complaints that citizens entrust him with. If re-elected, I very much intend to revisit the issue of the Statute - notably on the questions raised in the De Rossa Report, concerning the Ombudsman's access to documents and hearing of witnesses.

In considering revision of the Statute, I hope that Parliament will take into account that the Constitution, once adopted, will make the Charter of Fundamental Rights legally binding and also that the Treaty of Nice already gave Parliament stronger powers to bring cases before the Court of Justice. As Ombudsman, I would be ready to explore with Parliament how to make sure that citizens' complaints about violations of Charter rights can be looked into as rapidly and effectively as possible and eventually brought before the Court of Justice, if an important issue of principle cannot be resolved in any other way.

The Constitution will also provide for European laws to ensure an open, efficient and independent European administration. I am hopeful that, as already signalled by the Commission, an administrative law applying to the Union institutions and bodies in their dealings with citizens and designed to promote good administrative behaviour will be adopted in the coming years. The European Code of Good Administrative Behaviour, drafted by the European Ombudsman and adopted by the European Parliament in 2001, provides a sound basis for such a law. It is my belief that this need not await the adoption of the Constitution. If re-elected, I will continue to urge the Commission to take such an initiative as rapidly as possible.

Conclusion

In conclusion, I would like to summarise my vision for the next five years of the European Ombudsman institution. By 2009, my ambition is for all EU citizens to be aware of their rights and to know how to ensure that their EU rights are fully respected. Such a goal can only be realised through close co-operation. If re-elected, I will work with national and regional ombudsmen, committees on petitions, the European Parliament and other EU institutions and bodies in order to make that ambition a reality.

I will continue to serve citizens of the EU diligently, dynamically, effectively and, most importantly, fairly and impartially. I thank you for having given me the opportunity to address you and am happy to answer any questions that you may have or to provide any further information that you may require.