

'Citizens, the Ombudsman and petitions' from Tribune pour l'Europe (July-August 1998)

Caption: The citizens of the European Union are more aware of, and are making increased use of, their right to petition the European Parliament and to submit complaints to the Ombudsman.

Source: Tribune pour l'Europe. Informations du Parlement européen. Juillet-Août 1998, n° 7-8. [s.l.]. ISSN 0255-8815. "Les citoyens, le Médiateur et les pétitions", p. 2.

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Citizens, the Ombudsman and petitions

The right to address petitions to the European Parliament and the opportunity offered to all citizens of the European Union to address complaints to the Ombudsman are increasingly familiar to and used by nationals of the Member States. Between March 1997 and March 1998, the European Parliament received 1 312 petitions, mostly complaining about obstacles to the recognition of qualifications or to freedom of movement. An example of such a case is that of a European citizen who had worked in Germany, France and Belgium and who had applied for a retirement pension in all three countries. His Belgian pension was granted in full, while his application in Germany is pending before the Social Insurance Court in Munich. The French pension fund granted the application but halved the payments as the sum could not be paid in full without attestations from the other two pension funds. Following intervention by the Commission, the French body reviewed the pension payable to the person concerned. This example illustrates the importance of the right of petition enshrined in the Treaties and its role in European integration. It allows the European Parliament to note citizens' expectations and complaints in relation to European directives and to suggest possible changes thereto. In several instances, the Council has had to amend certain directives which, rather than encouraging European integration, impeded it.

Of the 1 412 cases referred to the Ombudsman during 1997, only 368 (26 %) fell within his terms of reference, and 230 were deemed admissible. The small percentage of complaints that fall within the Ombudsman's powers and responsibilities shows the importance of informing citizens clearly and fully of the opportunity they have to complain.

The example of the Moroccan citizen who wrote to the Ombudsman from Morocco to complain of having been deported from France clearly illustrates the lack of public knowledge concerning the real powers of the Ombudsman. This complaint was lodged by a person who was not a citizen of the European Union and did not reside in a Member State. Furthermore, even if the complainant had still been in France, the Ombudsman would not have been able to investigate the complaint fully, as it was lodged not against a European Union institution or body but against the French authorities. Under the Treaty, the Ombudsman is 'empowered to receive complaints from any citizen of the European Union or any natural or legal person residing or having its registered office in a Member State concerning instances of maladministration in the activities of the Community institutions or bodies, with the exception of the Court of Justice or the Court of First Instance acting in their judicial role.'

The complaint lodged by a Dutch national relating to the non-recognition in Belgium of a Dutch nursing diploma therefore fell within the powers and responsibilities of the Ombudsman who, having noted that the complainant had not been informed of the action taken by the Commission for at least one year, considered that this 'delay' contravened the principle of good administration.

On the other hand, following a complaint from a French national with a French doctorate in linguistics which the Portuguese authorities refused to recognise, the Ombudsman concluded that, since 6 May 1994, the date on which the complaint was registered, the Commission had continued to correspond with the Member States concerned and that it had kept the complainant informed of the progress of the case. Accordingly, there was no evidence of maladministration in this instance. It should be noted that, with regard to 58 % of the reasoned inquiries completed during 1997, the Ombudsman did not uncover any instance of maladministration. Parliament is calling for the adoption of a code of good administrative practice which will, as far as possible, be identical for all Community institutions and bodies. Parliament wants cooperation between the European Ombudsman and the Committee on Petitions to be strengthened, but that presupposes the allocation of sufficient resources.

It is seeking increased awareness among European citizens regarding their right to submit a petition to the European Parliament and the opportunity to refer complaints to the European Ombudsman. Finally, it considers that there is an urgent need for the Committee on Petitions and the Ombudsman to share a computerised database accessible to European Union citizens via the Internet.