

## 'The new Ombudsman is here!' from Tribune pour l'Europe (March 1996)

**Caption:** This article explains the role of the European Ombudsman.

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## The new Ombudsman is here!

Since last year, just like the Scandinavian countries, the European Union has had an Ombudsman. How to complain to the European Ombudsman, who is based in the European Parliament's premises in Strasbourg. [...]

### The role of the Ombudsman

[...] In September 1995, Finnish-born Jacob Söderman was appointed by the European Parliament and given the task of investigating complaints addressed to him by European Union citizens or persons residing in one of the 15 Member States. He may also act on his own initiative. Complaints referred to the Ombudsman must relate to instances of maladministration by Community institutions and bodies. To date, complaints have been lodged against the Commission, the European Parliament and the Council of Ministers. The European Ombudsman is not empowered to investigate complaints against decisions taken by local or national authorities, even where the application of Community law is challenged. This applies to a large number of the complaints made to date, the persons lodging the complaints having been advised to address them to local or national Ombudsmen or to the Petitions Committees of the national parliaments. Similarly, the European Ombudsman does not intervene when legal proceedings are under way.

### When and how to lodge a complaint

Any citizen, business or association based in the European Union may lodge a reasoned complaint, using a special form, within a period of two years after having become aware of the facts. The matter must not yet have been before the courts and must relate to an insufficient or erroneous application of the rules. Examples of such matters are administrative irregularities or omissions, negligence, unlawful action, discrimination, unnecessary delay or a lack or refusal of information. Complaints are generally dealt with publicly (although the person lodging the complaint may request that it remain confidential).

Firstly, the Ombudsman investigates whether a complaint is admissible and has sufficient grounds. Statistics suggest that this is rarely the case. Of some 300 complaints received by the end of last year, 80 % were considered not to fall within the competence of the European Ombudsman. However, when a complaint is admissible, the Ombudsman seeks an amicable solution. Where this is not possible, he carries out inquiries that he considers to be justified, asking the European institution or body concerned for all the necessary information. He has the right to submit recommendations proposing a solution to the problem and may even refer the matter for consideration by the European Parliament. The institution concerned has three months in which to reply to the Ombudsman. The person lodging the complaint is kept informed of the progress and of the results of the inquiry.

The role of the European Ombudsman is different from that of the other bodies responsible for scrutinising Community administration. The European Parliament exercises political control over administration, through parliamentary questions, committees of inquiry and petitions which European citizens may submit to it. The Commission is the guardian of Community law, the Court of Justice ensures the correct implementation and interpretation of the law, and the Court of Auditors is responsible for the financial equilibrium of the Union.

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