

Powers and responsibilities of the European Ombudsman

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URL:

http://www.cvce.eu/obj/powers_and_responsibilities_of_the_european_ombudsman-en-795b2fcf-of02-4eb2-b61c-8777b059b0e1.html



Last updated: 09/07/2016

Powers and responsibilities of the European Ombudsman

The Ombudsman helps to identify instances of maladministration in the activities of the Community institutions or bodies, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role, and makes recommendations for redress.

The definition of ‘maladministration’ was given by the Ombudsman in his 1997 Annual Report: ‘Maladministration occurs when a public body fails to act in accordance with a rule or principle which is binding upon it.’

The Ombudsman conducts inquiries, for which he finds grounds, on his own initiative or on the basis of a complaint. He refers the matter to the institution or body concerned. As far as possible, he cooperates with the institution concerned in seeking an amicable agreement likely to eliminate the instance of maladministration and to satisfy the complainant.

If the Ombudsman considers that an amicable agreement is not possible or that the search for an amicable agreement has been unsuccessful, he either closes the case with a reasoned decision, which may include a critical commentary, or draws up a report with draft recommendations.

– He makes a critical commentary if he considers that it is no longer possible for the institution concerned to eliminate the instance of maladministration and if he considers that the instance of maladministration has no general implications.

– He draws up a report including draft recommendations if he considers that it is possible for the institution concerned to eliminate the instance of maladministration or if he considers that the instance of maladministration has general implications.

In the second instance, the Ombudsman sends a copy of his report and draft recommendations to the institution concerned and to the citizen. Within three months, the institution or body concerned forwards a detailed opinion to him. If the Ombudsman does not consider that the detailed opinion is satisfactory, he draws up a report on the instance of maladministration which takes the form of a special report addressed to the European Parliament. The report may contain recommendations. The Ombudsman sends a copy of the report to the institution concerned and to the citizen.

At the end of each annual session, the Ombudsman submits a report to the European Parliament on his activities as a whole, particularly on the outcome of his inquiries. The annual and special reports are published in the Official Journal of the European Union.