

## 'Jacob Söderman is sworn in as the new European Union Ombudsman' from the Bulletin d'information et de documentation (1995)

**Caption:** Jacob Söderman was sworn in as European Union Ombudsman on 27 September 1995. In the light of this event, the Luxembourg Government's publication Bulletin d'information et de documentation comments on the origins of the position and the duties involved.

**Source:** Bulletin d'information et de documentation. dir. de publ. Service d'Information et Presse - Ministère d'Etat. 1995, n° 3. Luxembourg. "M. Jacob Söderman, nouveau Médiateur de l'Union Européenne, assermenté", p. 141-142.

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## Mr Jacob Söderman is sworn in as the new European Union Ombudsman

During a formal hearing at the European Court of Justice in Kirchberg on 27 September 1995, and in the presence of numerous guests, including the President of the European Parliament, Klaus Hänsch, the President of the Court, Rodríguez Iglesias, (accompanied by the senior judges who form the Court) swore in the new Ombudsman who will serve the citizens of the European Union. He is Finnish-born Mr Jacob Söderman, a graduate in law from the University of Helsinki.

Article 195 (formerly Article 138e) of the Treaty establishing the European Community defines the nature and the duties of the Ombudsman, in particular ‘The European Parliament shall appoint an Ombudsman empowered to receive complaints from any citizen of the 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.’

According to the words used and the resolve expressed by the European Commission, and more particularly by its President, Mr Jacques Santer, the European Union wishes to be closer to and better serve its citizens, and this real determination was confirmed in the statement by President R. Iglesias, who emphasised that this is one of the most important measures adopted under the Treaty on European Union in an attempt to bring European integration closer to the citizens.

### Background

President Klaus Hänsch, having recalled the difficulties that had had to be overcome in the creation of this important post, in turn emphasised the importance of this achievement, calling it a new step towards the establishment of European citizenship.

The Ombudsman of the European Union must be a citizen of a Member State, be qualified to hold the most senior legal posts in his country of origin, have a certain amount of experience in such posts and provide — both in practical terms and under oath — every desirable guarantee of impartiality. However, the origin of the post of Ombudsman dates back to 1909, when the Ombudsman was institutionalised in Sweden by a decision of and a first vote by the States of the Empire, granting him control of all the executive powers, including the armed forces.

The Federal Republic of Germany followed suit in 1957, creating the post of ‘Ombudsman’, who was essentially responsible for defence issues, while at the level of the various German *Länder*, ‘Bürgerbeauftragte’ (Ombudsmen dedicated to serving the citizens) later became institutionalised.

### Multiple duties

During his term of office, following appointment by the European Parliament, the Ombudsman may not engage in any other occupation of whatever nature. His term of office expires precisely at the time of the next elections to the European Parliament.

The Ombudsman has many duties: they include uncovering instances of malpractice in the activities of bodies and institutions and offering practical recommendations whereby such malpractice may be brought to an end, obligations which do not apply, however, to the Court of Justice or the Court of First Instance, in order to ensure independence under that heading.

As we have seen, the Ombudsman receives complaints from citizens, in accordance with Article 138e; however, complaints may, of course, still be lodged by citizens through Members of the European Parliament.

Complaints are admissible if lodged within two years, provided that the bodies or institutions have been contacted previously. The Ombudsman does not intervene in a case where legal proceedings are under way, nor will he contest any existing judgment or decree, since his role is in no way that of an appeal court.

When contacted by a citizen on a particular matter, the Ombudsman opens an inquiry. All bodies and institutions are required to supply him with the information he requires, if it is available, unless the documents involved are confidential. The supply of documents concerning a Member State presupposes that the relevant Member State will have been informed, and the same procedure and agreement regarding the consultation of confidential documents apply to Member States.

### **The new Ombudsman**

Born in Helsinki on 19 March 1938, Mr Jacob Söderman holds a doctorate in law, was Finnish Justice Minister in 1971, subsequently Social Affairs Minister, and has also held various posts assisting organisations representing local communities.

Social Affairs Minister again in 1982 and Governor of the Province of Uusima from 1982 to 1989, Mr Söderman became Finnish Ombudsman in 1989. The new Ombudsman has, therefore, proven experience in defending the rights of citizens against the public authorities.