

AMENDMENT FORM

Suggestion for amendment of Article : 35

Suggestion for Part III

**By Ms / Mr : G.M. de Vries
 T.J.A.M. de Bruijn**

Status : Members Alternate

An Ombudsman shall be appointed to independently receive, investigate and report on complaints concerning instances of maladministration ~~within the Union institutions.~~ in the activities of the Union institutions or bodies, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role.

Explanation (if any) : It should be made clear that the Ombudsman works independently. Furthermore, it seems logical that the Court of Justice and the Court of First Instance acting in their judicial role are excluded.

Furthermore, the Dutch Government would like to point out that this article and others (see below) are a repetition of what is already laid down in the Charter of Fundamental Rights. If the Charter would become an integral part of the Constitution, such a repetition is obviously undesirable. Therefore, if the Charter would become an integral part of the Constitution this article and the articles 33, 35a, 36(3), 36a(1), 37 will have to be deleted and/or adjusted. See

for further background information the relevant declaration of the Dutch Permanent Representative (CONV 659/03).