

AMENDMENT FORM

Suggestion for a new Article 23a

By the European Ombudsman, Mr P. Nikiforos DIAMANDOUROS

Status : - Observer

Add a new Article 23a :

The European Ombudsman

1. The European Parliament shall elect the European Ombudsman to investigate and report on instances of maladministration within the Union institutions, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role.
2. The Ombudsman shall be completely independent in the performance of his duties. In the performance of those duties, he shall neither seek nor take instructions from any body.
3. Rules governing the powers and operations of the Ombudsman are set out in Articles XY of Part II of the Constitution.

Explanation (if any) :

Like the Committee of the Regions and the Economic and Social Committee, the Ombudsman is established by the EC Treaty. The Ombudsman also has the same budgetary and administrative status as the two Committees. The Ombudsman should therefore be included in the institutional title of Part 1 of the Constitution.

The proposed Article fulfils a different function from Article 35 in the title on “The democratic life of the Union”. The latter Article specifically concerns the right of citizens and residents to complain to the Ombudsman.

Paragraphs 1 and 2 of the proposed Article 23a closely follow the wording of Article 195 EC. Paragraph 1 defines the Ombudsman’s functions as regards maladministration by the Union institutions in a way that encompasses inquiries begun on the Ombudsman’s own initiative. The power to begin own-initiative inquiries, which is expressly mentioned in Article 195 EC, could be set out in Part 2 of the Constitution.

Paragraph 3 is based on the draft of Article 23.