

## **Speech by the European Ombudsman, Jacob Söderman to the European Convention, 8 November 2002**

Mr President

I would like to join those who have congratulated you for presenting a preliminary draft constitutional treaty. This initiative makes possible a more useful debate on the important matters before the Convention.

The preliminary draft rightly includes an article on citizenship. Citizenship of the Union was established by the Maastricht Treaty in 1993. Among the new rights was a new remedy: the right to complain to an Ombudsman in cases of maladministration in the activities of the Community institutions and bodies.

The idea was to promote a more open, accountable and service-minded administration and thus enhance the relations between the European administration and the citizens.

The institution of the ombudsman was invented in Europe. It is one of the great constitutional successes of our time and has found its way to all continents and more than 100 countries, under various names such as Parliamentary Commissioner for Administration in the UK, Médiateur de la République in France, Defensor del Pueblo in Spain, Parlamentets ombudsmand in Denmark and Commissioner for Civil Rights Protection in Poland. There is an ombudsman office in most Member States of the Union and in all 10 States that are expected to join the Union in 2004.

During the last seven years, I have dealt with more than 10.000 complaints from citizens on a large number of topics. I am happy to underline that the European Commission and the other institutions and bodies have co-operated well, helping us achieve good results for many complainants, such as access to a document, settlement of a contractual dispute, an answer to a letter, the possibility to participate in a tender procedure or the abolition of discrimination.

The work has also included more general steps forward, including rules on access to documents, a Code of good administrative behaviour and putting the Charter of Fundamental Rights into practice, including its right to good administration.

We have also set up a network with the ombudsmen and petitions committees in the Member and Candidate States, in order to promote a well-functioning

non-judicial remedy for citizens who are confronted by problems in the application of Community law.

Mr President

The idea of a first preliminary draft is to focus and stimulate debate and to allow oversights and errors to be corrected. Therefore I would like to propose that the next draft should include a provision clearly referring to this well-functioning citizen's right, the right to complain to the Ombudsman. This would accord with most of the national constitutions of the States represented here today.

Thank you for your attention.

**Annexe: possible wording to include in the proposed Article 5 of the Constitutional Treaty:**

An Ombudsman shall be appointed by the European Parliament. Every citizen of the Union has the right to refer to the Ombudsman cases of maladministration 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.