

**CONV 438/02**

**CONTRIB 159**

**COVER NOTE**

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from           Secretariat

to             The Convention

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**Subject :**     **Contribution by Lord Tomlinson, member of the Convention:**  
                  **"The European Ombudsman should be included in the draft constitutional**  
                  **Treaty"**

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The Secretary General of the Convention has received the attached contribution from  
Lord Tomlinson, member of the Convention.

**Contribution from Lord TOMLINSON, Member of the Convention,  
to the European Convention**

***“The European Ombudsman should be included in the draft constitutional Treaty”***

The skeleton form of the Draft Constitution published on 28 October 2002 contains no reference to the European Ombudsman. The summary description of Article 5 on citizenship mentions all the rights of citizenship currently contained in the EC Treaty, except the right to complain to the European Ombudsman.

The omission of the Ombudsman, which seems to be unintentional, has already been pointed out from the floor of the Convention by the Swedish deputy prime minister on 28 October 2002 and by other members on 8 November 2002.

The Ombudsman is established by the Treaty, like the Committee of the Regions and the Economic and Social Committee and cannot be regarded as a technical body, since the right to complain to the Ombudsman is part of Union citizenship and a fundamental right under the Charter. The Ombudsman is now a well established part of the democratic life of the Union, having dealt with over 10 000 complaints since beginning work in 1995.

I therefore urge the Praesidium to include the Ombudsman in Draft Constitution’s list of institutions and to mention the right to complain to the Ombudsman in the Article on citizenship.

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