

## Time for a new statute for the European Ombudsman

- Updating rules that predate the Treaty of Lisbon
- A broader mandate that includes any instance of maladministration
- Binding rules for the cooperation of member states' authorities

**The draft rules put forward by the Constitutional Affairs Committee will enable the full development of the role of the Ombudsman in the constitutional architecture of the Union.**

On Tuesday, the Constitutional Affairs Committee endorsed the draft report on the Statute of the European Ombudsman with 24 votes for, none against and two abstentions. Once formally adopted, the new statute will update the rules governing the performance of the Ombudsman's duties, which have remained unaltered since before the entry into force of the Treaty of Lisbon.

Under the new rules, the Ombudsman's office will enjoy a broad mandate and powers of initiative: the Ombudsman will be able to conduct own-initiative inquiries whenever he/she finds grounds, in particular in case of repeated, systemic or particularly serious instances of maladministration. These can include, among others, incidents relating to "revolving door" hires, procurement procedures or unclear appointments to public office. The Ombudsman may propose solutions to address issues within his/her remit, but may not question a court's ruling. Special reference is made in the new rules to protecting victims of harassment and whistle-blowers.

The Ombudsman will also have access to all elements required for the performance of his/her duties. A clear set of rules on how to request information, including classified documents, will be binding on EU institutions and the authorities of member states. In promoting good administration and protecting the fundamental rights of Europeans, the Ombudsman will also:

- enjoy enhanced cooperation with stakeholders and competent authorities;
- achieve gender parity within the composition of his/her secretariat; and
- like the other institutions and bodies of the EU, comply with applicable rules on public access to documents.

### Quote

The rapporteur [Paulo Rangel \(EPP, PT\)](#) commented: "We have managed to overcome the interinstitutional deadlock of the past two years. The new statute will deliver to the citizens a stronger, better-equipped and more independent European Ombudsman. I am sure that the Council and the Commission are on the same page as Parliament in this endeavour!"

### Next steps

The [draft report](#) containing Parliament's proposed changes to the statute of the Ombudsman is expected to be tabled at the next plenary session, which will take place on 7-10 June 2021. Following the Council's consent and an opinion by the Commission, the new statute can be formally adopted by Parliament at its subsequent plenary session (23-24 June 2021) and then enter into force.

### Background

The first European Ombudsman took his office in 1995, after the Treaty of Maastricht had set up this body in 1992. [Article 228\(4\) TFEU](#) gives the Parliament the exclusive right of initiative in relation to the rules governing the Ombudsman's office, for which it needs only the consent of the Council and an opinion by the Commission.

Article 41 of the [Charter of Fundamental Rights of the EU](#) recognises the right to good administration as a fundamental right of European citizens. Article 43 recognises the right to refer to the European Ombudsman cases of maladministration in the activities of the institutions, bodies, offices and agencies of the Union.

Parliament adopted a [report](#) in January 2019 aiming to modernise the statute and adapt it conform to the legal framework of the Lisbon treaty. At the time, the Council did not manage to achieve an internal agreement to provide its consent to the text, so the report was classified as [unfinished business](#) at the end of the previous parliamentary term. The dialogue conducted by the rapporteur with the Council and the Commission culminated in an informal agreement on 10 May 2021.

## Further information


[Procedure file \(8th parliamentary term\)](#)  
[EP Research Service - “At A Glance: Election of the European Ombudsman” \(10.12.2019\)](#)  
[EP Factsheets on the European Union - The European Ombudsman](#)  
[European Ombudsman](#)  
[Constitutional Affairs Committee](#)  
[Free photos, video and audio material](#)


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