



The European Parliament and the establishment of a European Ombudsman

Twenty years of debate,
1974-1995



STUDY

European Parliament History Series

EPRS | European Parliamentary Research Service

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Historical Archives Unit
August 2015 – PE 538.885

Historical Archives of the European Parliament

European Parliament History Studies

August 2015

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Author: Jean-Pierre Jarry

(The author wishes to thank Mr Graham Chambers for the information he has provided concerning the development of the Ombudsman concept.)

EUROPEAN PARLIAMENT

DIRECTORATE-GENERAL FOR PARLIAMENTARY RESEARCH SERVICES

HISTORICAL ARCHIVES UNIT

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Cover: © MichaelJayBerlin.

Luxembourg: Publications Office of the European Union.

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PE 538.885

ISBN : 978-92-823-7334-7

DOI : 10.2861/323724

CAT : QA-04-15-418-EN-N

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Printed in Luxembourg

Summary

The institution of the Ombudsman was first created in Sweden, after which it was adopted outside the Nordic countries in the 1960s and 1970s. Between December 1974 and January 1977, several Members of the European Parliament (Lord O'Hagan, Willy Dondelinger, Winifred Ewing) proposed that the European Community should appoint an Ombudsman, but without success. The European Conservative Group expressed itself in favour of this project, and managed to secure its referral to the Legal Affairs Committee in the spring of 1978. Sir Derek Walker-Smith, who was a member of both that group and that committee, was appointed rapporteur and advocated a pragmatic solution: the creation of a post of Parliamentary Commissioner instituted unilaterally by the Parliament. His motion for a resolution was adopted in plenary on 11 May 1979.

However, for two parliamentary terms after the June 1979 European elections, Parliament delayed the creation of the post of Community Ombudsman. The work of Johan van Minnen, of the Committee on the Rules of Procedure and Petitions, demonstrated that his committee was opposed to the establishment of a mechanism which was regarded as a possible competitor to the petitions system which had been in operation since 1953. When consulted in 1983-1984, few political groups expressed themselves in favour of such an Ombudsman – the idea for which was revived without success in connection with a Citizens' Europe (Adonnino Committee). The Committee on the Rules of Procedure and Petitions, which had become the Committee on Petitions in January 1987, met national Ombudsmen on various occasions without taking practical action further to the resolution of 11 May 1979. Paradoxically, since March 1987 that same committee had had the benefit of including among its members a specialised Ombudsman (Marie-Claude Vayssade). During these two parliamentary terms, certain Members (Winifred Ewing, Thomas J. Maher, and Barbara Castle) from time to time again raised the question of a Community Ombudsman.

The intergovernmental conferences of 1990-1991 and the preparation of the future Treaty on European Union (Maastricht) revived the project, and overcame the doubts of the European Parliament: the EP saw the right of petition confirmed and was also assigned a vital role in the appointment of the Ombudsman and in defining the new institution's role. Thus encouraged, Parliament instructed its Committee on Institutional Affairs to draw up the regulations and conditions governing the performance of the European Ombudsman's duties (report by Rosy Bindi), a document which was finally adopted on 9 March 1994. The appointment procedure, which was preceded by two calls for candidates and two cycles of hearings, concluded with the election of Jacob Söderman on 12 July 1995.

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LIST OF ABBREVIATIONS AND ACRONYMS¹

ARC	Rainbow Group in the European Parliament
C	European Conservative Group
CD	Christian-Democratic Group (Group of the European People's Party)
COM	Communist and Allies Group
DEP	Group of European Progressive Democrats
ED	European Democratic Group
EEC	European Economic Community
EPHA	European Parliament's Historical Archives
EUI	European University Institute
L	Liberal and Democratic Group
LDR	Liberal and Democratic Reformist Group
MEP	Member of the European Parliament
NI	Non-attached
OJ	<i>Official Journal of the European Communities</i>
OPOCE	Office for Official Publications of the European Communities
PPE	Group of the European People's Party (Christian-Democratic Group)
PSE	Group of the Party of European Socialists
S	Socialist Group
V	Green Group in the European Parliament
WEU	Western European Union

¹ The abbreviations used for political groups are those which occur in the documentation of the European Parliament's Historical Archives. These abbreviations are indicative of the changes in the names of the groups over the years.

INTRODUCTION

The institution of the Ombudsman – a person who acts as an advocate on behalf of other people – first appeared in Sweden in the 19th century, after the *coup d'état* of 1809, his original role being to contain and restrain royal power. After maturing over a long period, the institution became established as 'a semi-autonomous body for administrative oversight'² which was available as a more rapid and less formal alternative to court action. The model was exported beyond the Nordic region from the 1960s and 1970s onwards – until the European Parliament began to contemplate it as a new mechanism for protecting citizens, which could supplement the right of petition.

The aim of this analysis is to present chronologically the positions adopted by committees, political groups and certain MEPs with regard to the institution of a Community Ombudsman. It may be noted that Parliament was initially favourable to this innovation (1974-1979), but then delayed its adoption (1979-1990). Enshrined in the Treaty on European Union, the concept of a European Ombudsman, linked to the principle of European citizenship, was finally accepted at Parliament (1990-1995). It is these changes of course, and the arguments underlying them, that will be studied and placed in context.

This analysis is based on documents nearly all of which are derived from the European Parliament's Historical Archives and which cover a period from the mid-1970s, when the first parliamentary questions concerning the possible institution of an Ombudsman were tabled, until the appointment of Jacob Söderman as the first European Ombudsman in 1995. These documents consist of questions for written and oral answer; working documents, minutes of meetings, reports and opinions of parliamentary committees; motions for resolutions, amendments and final resolutions; summary records of hearings and plenary debates; correspondence with the President of the European Parliament, etc. – the aim was to make clear the diversity of sources available to the Parliament's Historical Archives.³

² Marc Verdussen, 'Le Médiateur parlementaire : données comparatives', in *Le Médiateur*, Centre d'études constitutionnelles et administratives, No 10, Brussels, Bruylant, 1995, pp. 12-14.

³ Cf. the site: <http://www.europarl.europa.eu/historicalarchives/fr/home/home.html>. On that site, readers will also find some of the documents which were used to draw up this survey.

CHAPTER I. FIRST INITIATIVES (1974-1979)

In the mid-1970s, three Member States (out of nine) had a national Ombudsman: Denmark first appointed one in April 1955; the United Kingdom passed the *Parliamentary Commissioner Act* in 1967⁴ ; and France appointed Antoine Pinay, a former Minister for Foreign Affairs and former MEP, *Médiateur de la République* in January 1973.⁵ Similar posts also exist at local level, such as the 'Parliamentary Commissioner' for Northern Ireland (established in 1969), the *difensori civici* of Liguria and Tuscany (instituted in 1971),^{6,7} or the *Bürgerbeauftragte* of Rhineland-Palatinate (appointed in May 1974).⁸

From the end of 1974, three MEPs (NI and S) raised the issue of the creation of a Community Ombudsman, without securing any practical action from the Commission and the Council. In parallel, in the spring of 1978 the European Conservative Group secured a referral to the Legal Affairs Committee, whose work concluded with the adoption of a resolution proposing the institution of a European Ombudsman.

I – First parliamentary questions (December 1974 – January 1977)

In December 1974, Lord O'Hagan (NI) tabled a question to the Commission concerning the means available to a member of the public to ensure that a complaint about the activities of the EEC would be thoroughly looked into.⁹ In its reply, the Commission enumerated the bodies to which members of the public could turn: the Commission itself (either directly or *via* one of its

⁴ European Parliament, Committee on Legal Affairs, working document on an Ombudsman for the European Community. Rapporteur: Sir Derek Walker-Smith, 12/02/1979, PE 57.206, doc. EPHA (ref. PE0 AP RP/JURI.1961 A0-0029/79 0023), p. 5.

⁵ Georges Pompidou, décret portant nomination du Médiateur, *Journal officiel de la République française*, 01/02/1973, p. 1243.

⁶ Legge № 341, 22/05/1971, approvazione [...] dello statuto della Regione Liguria, art.14, *Supplemento ordinario alla 'Gazzetta Ufficiale'*, 14/06/1971, No 148, p. 32. Legge № 343, 22/05/1971, approvazione [...] dello statuto della Regione Toscana, art. 61, *Supplemento ordinario alla 'Gazzetta Ufficiale'*, 14/06/1971, No 148, p. 56.

⁷ European Parliament, Committee on Legal Affairs, working document on an Ombudsman for the European Community. Rapporteur: Sir Derek Walker-Smith, op. cit., p. 5.

⁸ European Parliament, Committee on the Rules of Procedure and Petitions, working document on the possible appointment of a parliamentary Ombudsman. Rapporteur: J. van Minnen, 03/06/1982, PE 78.116, doc. EPHA (ref. PE1 AP RP/REGL.1979 A1-X060/83 0020), p. 5.

⁹ Lord O'Hagan, written question No 562/74, 'Accessibility of Commission', 14/12/1974, doc. EPHA (ref. PE0 AP QP/QE E-0562/74 0010).

information offices) or MEPs.¹⁰ In January 1975, Lord O'Hagan, in a written question¹¹ referring to the British and Danish Ombudsmen, asked:

'In view of the need to bridge the gap between the citizens of the Member States and the structure of the EEC, will the Commission now consider making proposals to set up a Community Ombudsman?'

Taking the view that the routes indicated in its previous reply were sufficient, the Commission felt 'that there [was] no need to appoint a Community Ombudsman'.¹²

In January 1977, Willy Dondelinger (S) reverted to the question tabled by Lord O'Hagan – which he linked to the debate on fundamental citizens' rights. Indeed the Commission published a report on the subject in February 1976¹³, and a joint declaration was issued by the three main Community institutions in April 1977. Willy Dondelinger addressed not only the European Commission but also the Council :

'Does the Council not feel that the practical measures which the Community might take within the context of the fundamental rights which it intends to bestow on its nationals should include the creation of a European 'Ombudsman' with, *mutatis mutandis*, powers, similar to those of Scandinavian Ombudsmen?'¹⁴

In its reply, the Council said that it respected fundamental rights and that it therefore did not consider it necessary to appoint an Ombudsman.¹⁵

In December 1976, Winifred Ewing (NI) asked the Commission about the appointment of an Ombudsman – which she linked to studies by the Commission concerning the impact of information technology on individual rights. The issue was considered at Question Time on 12 January 1977: after first expressing the view that 'the way in which [complaints] have been dealt with in the past has, I believe, been generally satisfactory', Roy Jenkins,

¹⁰ Commission of the European Communities, reply to written question No 562/74 by Lord O'Hagan, 06/02/1975, doc. EPHA (ref. PE0 AP QP/QE E-0562/74 0040).

¹¹ Lord O'Hagan, written question No 663/74, 'Community Ombudsman', 21/01/1975, doc. EPHA (ref. PE0 AP QP/QE E-0663/74 0010).

¹² Commission of the European Communities, reply to written question No 663/74 by Lord O'Hagan, 24/02/1975, doc. EPHA (ref. PE0 AP QP/QE E-0663/74 0040).

¹³ Commission of the European Communities, report on the protection of fundamental rights in the European Community, COM (76) 37 final, 04/02/1976.

¹⁴ Willy Dondelinger, written question No 751/76, 'European Ombudsman', 05/01/1977, and reply, 15/02/1977, OJ C 70, 21/03/1977, p. 14. Cf. file 'Written question No 751/76 to the Council of the European Communities: European Ombudsman', doc. EPHA (ref. PE0 AP QP/QE E-0751/76).

¹⁵ Ibid.

President of the Commission, said that the Commission 'retain[ed] an open mind about possible measures in the future'.¹⁶

II – Initiatives of the European Conservative Group (September 1974 – March 1978)

In September 1974, the European Conservative Group – comprising exclusively MEPs from the UK and Denmark – committed itself in a general policy statement to submit a proposal concerning 'the desirability of appointing a Community Ombudsman [...] to complement the work of national Ombudsmen and thus defend citizens' rights'.¹⁷

A year later, on 24 September 1975, at the Club du Kirchberg (Luxembourg), Sir Derek Walker-Smith (C) gave a speech on the subject of 'A code of rights for the EEC and a Community Ombudsman?' Sir Derek Walker-Smith linked the protection of citizens' rights (or 'human rights, natural rights or fundamental rights') to the institution of a Community Ombudsman. The text of his speech was communicated to the members of the Legal Affairs Committee.¹⁸

In December 1977, at a meeting in Copenhagen, the European Conservative Group considered the appointment of a Community Ombudsman by the European Parliament. Its Chair, Geoffrey Rippon, in a letter to Emilio Colombo, President of Parliament, stated the conclusions reached by his group: (1) the Community, perceived as a bureaucratic organisation, needed the creation of an Ombudsman who would constitute a service for dealing directly with complaints, without any unnecessary formalities, and (2) this Ombudsman should be elected by Parliament, along Scandinavian lines – as the Commission did not possess the requisite powers, democratic underpinnings or prestige. Geoffrey Rippon suggested that the Enlarged Bureau should set up an *ad hoc working party*.¹⁹

After its meetings of 15 February 1978²⁰ and 16 March 1978²¹, the Enlarged Bureau decided to refer the matter to the Legal Affairs Committee (as the

¹⁶ *Debates of the European Parliament*, sitting of 12/01/1977, pp. 78-79.

¹⁷ European Conservative Group, *La Communauté européenne : notre cause commune*, September 1974, pp. 39-40, § 119, doc. EUI (ref. ME/DOC, document No 107).

¹⁸ European Parliament, Committee on Legal Affairs, notice to members, 'A code of rights for the EEC and a Community Ombudsman?', 24/09/1975, doc. PE 41.916/Ann, doc. EPHA (ref. PE0 AP RP/JURI.1961 A0-0390/75 0051), p. 1.

¹⁹ Geoffrey Rippon, letter to Emilio Colombo, Luxembourg, 20/01/1978, doc. PE 52 301/BUR, doc. EPHA (ref. PE0 OD PV/BURE BUBE-19780215 0060).

²⁰ European Parliament, Enlarged Bureau, minutes of the meeting of 15/02/1978, Strasbourg, doc. PE

committee responsible), the Political Affairs Committee and the Committee on the Rules of Procedure and Petitions (for opinions).

III – Proceedings of the Legal Affairs Committee (April 1978 – May 1979)

1. Report by Sir Derek Walker-Smith (April 1978 – March 1979)

On 17 April 1978, Sir Derek Walker-Smith was appointed rapporteur for the Legal Affairs Committee.²² The committee consulted the Danish Ombudsman, the French *Médiateur de la République*, and the Parliamentary Commissioners for the United Kingdom and Northern Ireland – who expressed cautious interest in the possible appointment of a Community Ombudsman.²³ The Political Affairs Committee delivered a highly favourable opinion:

'In fact, apart from the practical value of his work, the Ombudsman personifies the state and thus gives it a more human look in the eyes of its citizens; furthermore, in view of his privileged relationship with Parliament, his role is indisputably a democratic one. [...] the appointment of an Ombudsman seems a particularly appropriate way of contributing to the success of [elections to the European Parliament by direct universal suffrage] by giving each citizen the chance to establish personal contact with the Parliament that he has helped to elect.'²⁴

Hector Rivierez (DEP), in his draft opinion for the Committee on the Rules of Procedure and Petitions, adopted a rather different position: he questioned the desirability of instituting an Ombudsman. Citizens had several remedies at their disposal – the national courts, the Court of Justice, and also the right of petition:

'[...] before seriously considering instituting an Ombudsman, it would be preferable to enhance the right of petition [...] it would be appropriate – particularly once Parliament was elected by universal suffrage – to publicise more widely the right to petition Parliament which was vested in citizens of the Community. This would simultaneously lend Parliament greater weight and prestige.'²⁵

52.882 (BUR), doc. EPHA (ref. PE0 OD PV/BURE BUBE-19780215 0010), p. 7.

²¹ European Parliament, Enlarged Bureau, minutes of the meeting of 16/03/1978, Strasbourg, doc. PE 53.393 (BUR), doc. EPHA (ref. PE0 OD PV/BURE BUBE-19780316 0010), p. 7.

²² European Parliament, Legal Affairs Committee, minutes of the meeting of 17/04/1978-18/04/1978, Rome, 31/05/1978, doc. PE 53.780, doc. EPHA (ref. PE0 AP PV/JURI.1961 JURI-19780417 0010), p. 3.

²³ European Parliament, *Working Documents, 1979-1980*, report on behalf of the Legal Affairs Committee on the appointment by the European Parliament of an Ombudsman for the European Community. Rapporteur: Sir Derek Walker-Smith, 06/04/1979, doc. 29/79, doc. PE 57.508/fin., doc. EPHA (ref. PE0 AP RP/JURI.1961 A0-0029/79 0010), p. 8.

²⁴ *Ibid.*, p. 9.

²⁵ European Parliament, Committee on the Rules of Procedure and Petitions, draft opinion for the Committee on Legal Affairs on the proposal to appoint an Ombudsman for the Community. Rapporteur: Hector Rivierez, 09/06/1978, doc. PE 54.056, doc. EPHA (ref. PE0 AP RP/JURI.1961 A0-0029/79 0027), pp. 5-

Sir Derek Walker-Smith rejected the conclusions of Hector Rivierez – particularly the suggestion that the existence of other remedies might render superfluous the proposal to appoint an Ombudsman for the EEC.²⁶

In his explanatory statement, Sir Derek Walker-Smith adopted a pragmatic approach. He rejected the idea that the Ombudsman should enjoy wide investigative powers, which would have been the 'ideal solution' but which would entail the creation of a new Community institution and therefore a protracted procedure to amend the Treaties. He preferred the appointment of a Parliamentary Commissioner whose powers would be delegated to him by the European Parliament, as this approach would enable the assembly to institute this new Commissioner unilaterally and therefore quickly.²⁷

At its meeting of 22 March 1979, the Legal Affairs Committee adopted the motion for a resolution and its explanatory statement (by 11 votes in favour, with one abstention): it too expressed a preference for the appointment of a Parliamentary Commissioner. As the 'ideal solution' had been rejected, Sir Derek Walker-Smith had the following paragraph deleted from the motion for a resolution:

'— hoping that it will be possible in the future to create a Community Ombudsman with wide powers of investigation into Community administration by both Community and national authorities.'²⁸

In its final version, the motion for a resolution instructed the Committee on the Rules of Procedure and Petitions to draft a report setting out the procedure for appointing the Commissioner and determining his powers. It called on the President of the European Parliament to take the necessary measures to make the appointment as soon as possible.²⁹

6.

²⁶ European Parliament, Committee on the Rules of Procedure and Petitions, comments by Sir Derek Walker-Smith on behalf of the European Conservative Group on the draft opinion (PE 54.056) by Mr Rivierez on the proposal to appoint an Ombudsman for the Community, 15/11/1978, PE 56.100, doc. AHPE (ref. PE0 AP RP/JURI.1961 A0-0029/79 0030), p. 3

²⁷ European Parliament, *Session Documents, 1979-1980*, op. cit., pp. 11-12.

²⁸ European Parliament, Committee on Legal Affairs, minutes of the meeting of 21-22/03/1979, Brussels, 23/03/1979, doc. PE 57.499, doc. EPHA (ref. PE0 AP PV/JURI.1961 JURI-19790321 0010), p. 6.

²⁹ European Parliament, *Session Documents, 1979-1980*, op. cit., p. 5.

2. Consideration in plenary (May 1979)

The report was considered in plenary on 11 May 1979.³⁰ During the debate, Jan Broeksz (S) said that members of his political group were divided; he also observed that the prior agreement of the Council and Commission was a *sine qua non*. Wilhelm de Gaay Fortman (CD) similarly called on Parliament to secure the practical cooperation of the two other Community institutions, while stressing that his group hoped that the new Parliamentary Commissioner would soon be appointed.

Hector Rivierez was concerned that the powers of this Commissioner might encroach upon the prerogatives of the Committee on the Rules of Procedure and Petitions:

'[...] but now this committee is to be duplicated by a Parliamentary Commissioner!'³¹

Kai Nyborg (DEP) – who did not regard the Danish Ombudsman as an indisputable success – wondered whether Sir Derek Walker-Smith ought not to withdraw his proposal and await an opinion from the Committee on the Rules of Procedure and Petitions.

In his reply, Sir Derek Walker-Smith pointed out the coexistence in the British legislative system of a petitions procedure and a Parliamentary Commissioner. He counted on the 'sympathetic cooperation of the Commission' – which was immediately confirmed by Antonio Giolitti, European Commissioner for Regional Policy, who was present in the Chamber – and hoped that the Council would respond positively to the pressure and intentions of the future Parliament elected by universal suffrage. The resolution was adopted.

³⁰ *Debates of the European Parliament*, sitting of 11/05/1979, pp. 254-259.

³¹ *Ibid.*, p. 257

CHAPTER II. INTERNAL DEADLOCK (1979-1990)

For two parliamentary terms, Parliament – 'anxious not to lessen the impact of the petitions system it had itself set up'³² – postponed and then abandoned the idea of establishing a Community Ombudsman. At the time, the latter appeared to be a superfluous institution that could potentially compete with the Committee on the Rules of Procedure and Petitions. Its fears were not unfounded, since Denmark went so far as to propose, in a *non-paper* of November 1990, that this committee be replaced by an Ombudsman.³³

Historically, the processing of petitions, provided for as early as the first Rules of Procedure of the ECSC (1953, Rule 39),³⁴ was one of the activities through which Parliament endeavoured to overcome its initial 'weak competences' and to assert its importance. In so doing, Parliament efficiently met a recognised need (57 petitions for the 1979-1980 session as opposed to 279 for the 1986-1987 session)³⁵, whilst benefiting from this special contact with citizens:³⁶

'First, Parliament is able to read some of the public's concerns. Then, to fulfil its role of political scrutiny, it is able to find, in these countless specific cases, tangible material that is more convincing than any general criticism would be. Lastly, it draws a great deal of inspiration from them so that it can put forward proposals in connection with its still modest role in instigating legislation.'

We can thus see why, for two parliamentary terms, the Committee on the Rules of Procedure and Petitions, appointed in order to draw up a report defining, in particular, the powers of the Community Ombudsman, put up 'the greatest resistance': according to certain authors, the committee behaved like a 'rival' and delayed the institution of a Community Ombudsman by a number of

³² Andrea Pierucci [official of the secretariat of the Committee on Institutional Affairs], summary of his statement at the public hearing of 8-9 July 1992, doc. EPHA (Ref. PE3 AP RP/INST.1989 A3-0298/92 0190), p. 2.

³³ Jim Cloos, Gaston Reinesch, Daniel Vignes and Joseph Weyland, *Le traité de Maastricht : genèse, analyse, commentaires*, Brussels, Bruylant, 1995, p. 401 (Organisation internationale et relations internationales, No 28).

³⁴ Saverio Baviera, 'Essai de division des compétences entre le médiateur européen et la commission des pétitions du Parlement européen', in Epaminondas A. Marias (ed.), *The European Ombudsman*, Maastricht, European Institute of Public Administration, 1994, p. 108.

³⁵ European Parliament, Committee on Petitions, report on the committee's deliberations on petitions (first six months of 1987). Rapporteur: Mr Chanterie, *Session Documents 1987-1988*, 29/09/1987, doc. A2-152/87, doc. PE 115.022/fin., doc. EPHA (ref. PE2 AP RP/PETI.1987 A2-0152/87 0010), p. 9.

³⁶ Didier de Nagant de Deuxchaines, 'Un médiateur pour l'Union européenne', in *Le Médiateur*, op. cit., pp. 49-51.

years.³⁷ And yet, paradoxically, that same committee was already benefiting from the assistance of an Ombudsman...

I – Work of the Committee on the Rules of Procedure and Petitions (1979-1984)

1. Working documents of Johan van Minnen (April 1981 – June 1983)

After the European elections of June 1979, the Committee on the Rules of Procedure and Petitions focused mainly on revising Parliament's internal Rules of Procedure.³⁸ In this regard, the new rules, adopted on 26 March 1981³⁹, provided for a right of petition for all citizens of the Community. Parliament, elected by direct universal suffrage, thus affirmed its 'solemn undertaking to process the petitions received and to act upon them'.⁴⁰

It was not, therefore, until April 1981 that the committee, on a proposal by the political groups, instructed Johan van Minnen (S) to draw up the report provided for in the resolution of 11 May 1979.⁴¹

An initial exchange of views, at the meeting of 16 March 1982, revealed that most committee members had reservations: a Community Ombudsman would be 'premature' (Olaf Schwencke, S) and unnecessary, 'given the differences in practices and traditions amongst the Member States' (Hellmut Sieglerschmidt, S), or because it would be advisable to avoid 'the proliferation committees and bodies' (Eric Forth, DEP, and Robert Chambeiron, COM). Pino Romualdi (NI), meanwhile, took the view that 'Parliament should not be bound by a resolution adopted before the direct elections'.⁴²

In the light of these reservations, Johan van Minnen noted in an initial working document:

³⁷ Hans Gammeltoft-Hansen, 'Trends Leading to the Establishment of a European Ombudsman', in *The European Ombudsman: Origins, Establishment, Evolution*, Luxembourg, OPOCE, 2005, pp. 25-26.

³⁸ European Parliament, Committee on the Rules of Procedure and Petitions, working document on the possible appointment of a parliamentary Ombudsman. Rapporteur: J. van Minnen, 03/06/1982, PE 78.116, doc. EPHA (ref. PE1 AP RP/REGL.1979 A1-X060/83 0020), p. 2.

³⁹ European Parliament, minutes of the sitting of 26/03/1981, OJ C 90 of 21/04/1981, Rules of Procedure of the European Parliament, Chapter XIV, 'Petitions', Rules 108-110, pp. 79-80.

⁴⁰ Didier de Nagant de Deuxchâines, 'Un médiateur pour l'Union européenne', op. cit., pp. 49-50.

⁴¹ European Parliament, Committee on the Rules of Procedure and Petitions, minutes of the meeting of 23/04/1981-24/04/1982, Brussels, 29/04/1981, doc. 72.942, doc. EPHA (ref. PE1 AP PV/REGL.1979 REGL-19810423 0010), p. 4.

⁴² European Parliament, Committee on the Rules of Procedure and Petitions, minutes of the meeting of 16/03/1982-17/03/1982, Brussels, 25/03/1982, doc. PE 78.048, doc. EPHA (ref. PE1 AP PV/REGL.1979 REGL-19820316 0010), pp. 2-3.

'This scepticism causes the rapporteur to question the value of drawing up a report that advocates the introduction of a parliamentary Ombudsman.'⁴³

In this same working document the rapporteur expanded upon the principle of associating a 'politically independent' Ombudsman with a Committee on Petitions which 'represents a broad spectrum of political views' – the latter controlling the former. He justified the primacy of the Committee on Petitions, in particular, on the grounds that citizens would be more inclined to send a complaint to one of their compatriots on that committee rather than to an Ombudsman of a different culture and language. At the end of his document, Johan van Minnen contrasted the *Bürgerbeauftragte* of Rhineland-Palatinate – which cooperates closely with the Petitions Committee of that *Land* – with the Netherlands Ombudsman, who performs his or her duties independently of the Petitions Committees of the two chambers of the States General.

The draft text by Johan van Minnen, moreover, involved the division of the Committee on the Rules of Procedure and Petitions into two separate committees: a Committee on Petitions and a Committee on the Rules of Procedure.⁴⁴

Consideration of this initial working document, at the meeting of 24 June 1982, resulted, once again, in expressions of mistrust on the part of committee members: Eric Forth (DEP) and Anthony Simpson (ED) objected to the institution of an Ombudsman, Sieglerschmidt (S) welcomed the splitting of the committee and Rudolf Wedekind (PPE) argued that 'the members of the Committee on the Rules of Procedure and Petitions should be considered as Ombudsmen'. Peter Price (ED), meanwhile, approved the appointment of an Ombudsman and rejected the principle of splitting the committee.⁴⁵

In June 1983 Johan van Minnen drafted a second working document, in which he defined the responsibilities of the Community Ombudsman:

'It should be his duty to ensure the administrative correctness of 'Community' decisions but without criticizing policy choices. The European Ombudsman must be given a

⁴³ European Parliament, Committee on the Rules of Procedure and Petitions, working document on the possible appointment of a parliamentary Ombudsman. Rapporteur: J. van Minnen, 03/06/1982, PE 78.116, doc. EPHA (ref. PE1 AP RP/REGL.1979 A1-X060/83 0020), p. 3.

⁴⁴ *Ibid.*, pp. 3-7.

⁴⁵ European Parliament, Committee on the Rules of Procedure and Petitions, minutes of the meeting of 24/06/1982-25/06/1982, 06/07/1982, doc. PE 79.720, doc. EPHA (ref. PE1 AP PV/REGL.1979 REGL-19820624 0010), pp. 4-5.

recognized place within the Community's legal system on the basis of an 'interinstitutional agreement'.⁴⁶

2. Positions of the political groups (July 1983-May 1984)

In July 1983 the Committee on the Rules of Procedure and Petitions decided to consult the political groups.⁴⁷ Kai Nyborg (DEP) forwarded, for an opinion, Johan van Minnen's second working document to the group chairs. Only two of them replied:

- Christian de la Malène, Chair of the Group of European Progressive Democrats (DEP), acknowledged that the plan merited 'careful consideration', though it was not an initiative that was really expected.
- Martin Bangemann, Chair of the Liberal and Democratic Group (L), pointed out that his group 'has decided that it opposes the introduction of an Ombudsman'.⁴⁸

At the meeting of 1 February 1984, Kai Nyborg asked committee members to set out the position of their respective groups⁴⁹ – pointing out that his group, the Group of European Progressive Democrats was against the institution of a Community Ombudsman. Johan van Minnen, though personally in favour of the idea, noted the opposition of the Socialist Group. According to Rudolf Wedekind, even though the Group of the European People's Party (Christian Democrats) had not determined its final position, it took the view that an Ombudsman was 'neither realistic nor desirable'. Francescopaolo D'Angelosante said that the Communist Group considered such an Ombudsman to be 'superfluous'. Peter Beazley pointed out that, on the contrary, the Group of European Progressive Democrats had already expressed its approval of the principle of a Community Ombudsman.

Following this exchange of views, Hans R. Nord (L) noted that most members were in favour of a committee that acted as a 'collective watchdog', thus endorsing the opinion of Richard J. Cottrell (ED), according to whom 'members

⁴⁶ European Parliament, Committee on the Rules of Procedure and Petitions, second working document on the possible appointment of a parliamentary Ombudsman. Rapporteur: J. van Minnen, 13/06/1983, PE 80.068, doc. EPHA (ref. PE1 AP RP/REGL.1979 A1-X060/83 0010), p. 5.

⁴⁷ European Parliament, Committee on the Rules of Procedure and Petitions, minutes of the meeting of 12-13/07/1983, 20/07/1983, doc. PE 85.926, doc. EPHA (ref. PE1 AP PV/REGL.1979 REGL-19830712 0010), p. 9.

⁴⁸ European Parliament, Committee on the Rules of Procedure and Petitions, notice to members, 'Ombudsman', 11/01/1984, doc. PE 88.551, doc. EPHA (ref. PE1 AP RP/REGL.1979 A1-X060/83 0030).

⁴⁹ European Parliament, Committee on the Rules of Procedure and Petitions, minutes of the meeting of 31/01/1984-01/02/1984, doc. PE 89.077, doc. EPHA (ref. PE1 AP PV/REGL.1979 REGL-19840131 0010), pp. 9-10.

of the Committee on the Rules of Procedure and Petitions were all, in a sense, Ombudsmen^{1.50}

Since the parliamentary term was about to come to an end, further work on the matter was postponed until after the European elections of June 1984.

II – Work of the Committee on the Rules of Procedure and Petitions (1984-1989)

1. Resumption of work – A Citizens' Europe (July 1984 – June 1985)

The new Committee on the Rules of Procedure and Petitions held its constituent meeting on 27 July 1984⁵¹, but did not address the issue of the Community Ombudsman until autumn. The committee members took the same line as their predecessors. They wondered, in particular, whether, rather than appoint an Ombudsman, it would not be better for the committee to try to improve its working methods with regard to petitions.⁵²

Informed of the intention of the *ad hoc* Committee for a People's Europe (known as the Adonnino Committee) to submit a proposal concerning the institution of an Ombudsman,⁵³ the committee received T. Mailand Christensen, Danish representative at the Adonnino Committee, at its meeting of 20 March 1985. The latter raised the issue of a possible European Ombudsman, saying that the institution would be subordinate to the Committee on the Rules of Procedure and Petitions. However, the committee once again rejected this eventuality:

'The main points to emerge from the discussion were that the committee felt it would be neither useful or necessary to create an Ombudsman, as this would increase Community bureaucracy and, although the office would complement the Committee on the Rules of Procedure and Petitions, it could in some cases duplicate the latter's functions. The committee felt that it would be much more useful to strengthen the powers of the existing committee.'⁵⁴

⁵⁰ European Parliament, Committee on the Rules of Procedure and Petitions, summary of the considerations concerning the appointment of an Ombudsman, 08/05/1984, doc. PE 89.363/final, doc. EPHA (ref. PE2 AP RP/REGL.1984 A2-0041/85 0020), pp. 7-9.

⁵¹ European Parliament, Committee on the Rules of Procedure and Petitions, minutes of the constituent meeting of 27/07/1984, doc. PE 91.054, doc. EPHA (ref. PE2 AP PV/REGL.1984 REGL-19840727 0010).

⁵² European Parliament, Committee on the Rules of Procedure and Petitions, minutes of the meeting of 25-26/09/1984, 11/10/1984, doc. PE 92.702, doc. EPHA (ref. PE2 AP PV/REGL.1984 REGL-19840925 0010), pp. 4-5.

⁵³ *Debates of the European Parliament*, No 2-327, sitting of 12/06/1985, p. 127.

⁵⁴ European Parliament, Committee on the Rules of Procedure and Petitions, minutes of the meeting of 19-20/03/1985, 29/03/1985, doc. PE 96.975, doc. EPHA (ref. PE2 AP PV/REGL.1984 REGL-19850319 0010), p. 8.

On that occasion the committee decided to submit an interim report – rapporteur: Raphaël Chanterie (PPE) — at the June part-session, during a debate on a Citizens' Europe. The committee thus wanted Parliament to determine its position before the heads of state and government, who were due to meet at the next European Council meeting in Milan, on 28-29 June 1985.⁵⁵ It also decided to invite the Ombudsmen and parliamentary committees responsible for petitions in the Member States.^{56,57}

The title and subject of the interim report was 'Strengthening the citizen's rights to petition the European Parliament', thus showing a degree of bias. In the report, Raphaël Chanterie stated that the Committee on Petitions enabled all Member States to be represented and enabled citizens to benefit from the experience gained by the European Parliament in dealing with petitions in previous years. In its opinion, the Committee on Legal Affairs and Citizens' Rights also opposed the institution of an Ombudsman and called for a Committee on Petitions with increased powers:

'the Ombudsman would be bound by the framework of treaties, and his effectiveness would thereby be substantially reduced by comparison with the national Ombudsmen. At the same time the Ombudsman would be effective only in relation to the Community administration, which in most cases cannot itself directly remedy wrongs, even if it was responsible for the situations in which injustices occurred.'⁵⁸

On 14 June 1985 the motion for a resolution included in the interim report was adopted in plenary sitting, as part of the debate on the Citizens' Europe. Its preamble appeared to postpone indefinitely the establishment of a Community Ombudsman:

'[...] whereas the existing differences between national legal systems and the Community legal system make it impossible purely and simply to transpose the institution of the Ombudsman into the Community system,

⁵⁵ *Debates of the European Parliament*, No 2-327, sitting of 12/06/1985, p. 127.

⁵⁶ Giuseppe Amadei, Chair of the Committee on the Rules of Procedure and Petitions, in a letter to Pierre Pflimlin, 'Request for authorization to invite the Ombudsmen and/or the committees on petitions from the Member States [...]', [s.d.], doc. PE 97.338/BUR, doc. EPHA (ref. PE2 OD PV/BURE BURE-19850424 0135).

⁵⁷ European Parliament, Bureau, minutes of the meeting of 24/04/1985, doc. PE 97.858/BUR, doc. EPHA (ref. PE2 OD PV/BURE BURE-19850424 0010), p. 8.

⁵⁸ European Parliament, Committee on the Rules of Procedure and Petitions, interim report on 'Strengthening the citizen's right to petition the European Parliament'. Rapporteur: Mr Chanterie, *Working Documents*, 1985-1986, 28/05/1985, doc. A2-41/85, doc. PE 97.237/fin., doc. EPHA (ref. PE2 AP RP/REGL.1984 A2-0041/85 0010), pp.12-13.

[...] whereas it is preferable therefore to set up a parliamentary committee to consider petitions from the public in collaboration with the Commission and the Member States;⁵⁹

In parallel, the Adonnino Committee continued to draft its final report, submitted at the European Council meeting in Milan. The report expanded upon the committee's idea of a Community Ombudsman:

'it would be for the European Parliament, as a complement to its current efforts, to investigate whether there would be a role for an Ombudsman attached to and nominated by it. Such a system could cover the administration and implementation of Community law. If the European Parliament were to follow this path, the Committee's feeling would be that an Ombudsman's task could be to investigate complaints, advise citizens on the procedure for complaints and issue regular reports to the European Parliament on his investigations, conclusions and recommendations.⁶⁰

These few lines, in the conditional, allowing MEPs full discretion, substantiate the thoughts of Carlo Ripa di Meana, European Commissioner for Institutional Reforms, who said that 'the idea of a Community Ombudsman had received only a lukewarm welcome from the Adonnino Committee'⁶¹. The same Commissioner, moreover, ensured that the final report stated that Parliament had already adopted its position with regard to the issue of the Ombudsman.⁶²

2. Meetings with the Ombudsmen and Petitions Committees of the Member States (September 1985 – January 1987)

The Committee on the Rules of Procedure and Petitions did, however, schedule a meeting with the Ombudsmen of the Member States for 24 September 1985 – the topics for discussion, proposed by Giuseppe Amadei (S), were adopted at the meeting of 16 July 1985.⁶³

By 1985, five Member States already had an Ombudsman: in addition to the Ombudsmen already mentioned, there was now an Irish Ombudsman (who

⁵⁹ European Parliament, resolution on strengthening the citizen's right to petition the European Parliament, OJ C 175 of 15/07/1985, p. 274.

⁶⁰ *Bulletin of the European Communities*, supplement 7/85, 'A People's Europe: reports from the *ad hoc* Committee', Luxembourg, OPOCE, 1985, pp. 19-20.

⁶¹ European Parliament, Committee on the Rules of Procedure and Petitions, minutes of the meeting of 23-24/04/1985, 28/05/1985, doc. PE 98.113, doc. EPHA (ref. PE2 AP PV/REGL.1984 REGL-19850423 0010), p. 5.

⁶² *Bulletin of the European Communities*, supplement 7/85, 'A People's Europe: reports from the *ad hoc* committee', op. cit., p. 20, note 1.

⁶³ European Parliament, Committee on the Rules of Procedure and Petitions, minutes of the meeting of 15-16/07/1985, 31/07/1985, doc. PE 99.808, doc. EPHA (ref. PE2 AP PV/REGL.1984 REGL-19850715 0010), p. 6.

took up his post in January 1984) and a Netherlands Ombudsman (1981). The national Ombudsman system was about to become a majority system within the Community, since Portugal and Spain, two future Member States which were 'reconnecting with liberal democracy'⁶⁴, respectively had a *Provedor de justiça* (1975) and a *Defensor del pueblo* (December 1982)⁶⁵ – conceived as brand new institutions and thus free of any unpleasant links with the Franco regime and the *Estado novo*.⁶⁶ These seven national Ombudsmen attended the meeting of 24 September 1985.

On that occasion, two of them – Jacob F. Rang (Netherlands) and Michael Mills (Ireland) – stressed the political nature of parliamentary committees; the Irish Ombudsman, meanwhile, wondered 'how to prevent petitions from being declared inadmissible in response to the views of short-term political majorities'.⁶⁷ This vital difference between politicised parliamentary committees and a neutral Ombudsman did not appear to have been picked up by committee members.

On 26 November, at a meeting in Madrid, the Committee on the Rules of Procedure and Petitions met Álvaro Gil-Robles, brother of the future President of the European Parliament and deputy *Defensor del pueblo* – the role of which he specified as follows: defending individuals and investigating the public authorities.⁶⁸

In the following months, the committee focused on considering petitions and concluding an interinstitutional agreement.⁶⁹ In January 1987, due to the large influx of petitions, the committee was split – as proposed in 1982 by Johan van Minnen – into a Committee on the Rules of Procedure, the Verification of Credentials and Immunities and a Committee on Petitions.

⁶⁴ Paul Magnette, 'Entre contrôle parlementaire et État de droit : le rôle politique du médiateur dans l'Union européenne', *Revue française de science politique*, 51st year, No 6, 2001, p. 934.

⁶⁵ European Parliament, Committee on the Rules of Procedure and Petitions, notice to members, 'Ombudsmen – comparative survey', 29/07/1985, doc. PE 99.966, doc. EPHA (ref. PE2 AP PV/REGL.1984 REGL-19850923 0030), annex.

⁶⁶ Syméon Karagiannis, 'Médiateur et droits fondamentaux', in Syméon Karagiannis and Yves Petit (éd.), *Le Médiateur européen: bilan et perspectives*, Brussels, Bruylant, 2007 (coll. Rencontres européennes).

⁶⁷ European Parliament, Committee on the Rules of Procedure and Petitions, summary record of the meeting of 24/09/1985 with the Ombudsmen and/or representatives of the national parliaments, Brussels, 02/10/1985, doc. PE 100.887, doc. EPHA (ref. PE2 AP PV/REGL.1984 REGL-19850923 0020), pp. 3-4.

⁶⁸ European Parliament, Committee on the Rules of Procedure and Petitions, minutes of the meeting of 25-27 November 1985, Madrid, doc. PE 102.702, doc. EPHA (ref. PE2 AP PV/REGL.1984 REGL-19851125-PM 0010), pp. 5-6.

⁶⁹ File 'Measures to strengthen interinstitutional cooperation as regards the consideration of petitions submitted to the European Parliament', doc. EPHA (ref. PE2 AP RP/REGL.1984 A2-0074/86).

The latter subsequently held a public meeting with the Ombudsmen and Petitions Committees of the Member States on 17-18 April 1989, the main conclusion of which was the need to cooperate more.⁷⁰

III – Another Ombudsman (March 1987 – spring 1995)

And yet there was already an Ombudsman at the European Parliament: in March 1987, Marie-Claude Vayssade (PSE), a member of the Committee on Petitions, was appointed 'Ombudsman on abduction of children by bi-national marriages' by Lord Henry Plumb, President of the European Parliament.⁷¹ Raphaël Chanterie thus managed to secure the appointment to this new post of one of the members of the committee he chaired:

'May I further respectfully submit that the appointment of a mediator from any committee other than the Committee on Petitions would create a precedent on the basis of which other committees might thereafter seek to appoint their own mediator for specific subject areas.'⁷²

Enrique Barón Crespo, President of the European Parliament (July 1989 – January 1992) confirmed Marie-Claude Vayssade in her post, which she appeared to continue during the term of office of Egon Klepsch (January 1992 – July 1994), albeit without having been officially reappointed.⁷³

Marie-Claude Vayssade considered the admissible cases sent to her by the Committee on Petitions, in addition to, and especially, the 'numerous other cases submitted to her directly in her capacity as mediator, which [were] not formally registered as petitions.'⁷⁴ This was a sort of paradox as far as the Committee on Petitions was concerned – it rejected the institution of a European Ombudsman whilst benefiting from the assistance of a specialist mediator.

⁷⁰ European Parliament, Committee on Petitions, minutes of the public meeting of 17-18/04/1989, Brussels, 05/06/1989, doc. PE 132.257, doc. EPHA (ref. PE2 AP PV/PETI.1987 PETI-19890417 0010), p. 3.

⁷¹ Hedy d'Ancona, Chair of the Committee on Women's Rights, letter to Henry Plumb, Brussels, 24/03/1987, doc. EPHA (ref. PE2 P2 272/COMP FEMM.1984-020 0080).

⁷² Raphaël Chanterie, letter to Henry Plumb, Strasbourg, 12/03/1987, doc. EPHA (ref. PE2 P2 272/COMP PETI.1987-020 0100).

⁷³ Edward Newman, Chair of the Committee on Petitions, letter to Klaus Hänsch, Luxembourg, 10/03/1995, doc. EPHA (ref. PE4 P1 B30/COMP PETI.1994-050 0170).

⁷⁴ Viviane Reding, Chair of the Committee on Petitions, letter to Enrique Barón Crespo, Luxembourg, 16/10/1990, doc. EPHA (ref. PE3 P1 272/COMP PETI.1989-040 0020).

IV – Three parliamentary questions (December 1979, October 1986, and September 1987)

Occasionally, one or two MEPs would try, on an individual basis, to revive the idea of a Community Ombudsman. Thus it was that, in December 1979, in an oral question, Winifred Ewing (DEP) once again raised the issue of the appointment of a European Ombudsman, in order to provide 'a practical machinery to investigate genuine cases of injustice' and to give each citizen 'the psychological reassurance [...] regarding his rights in the face of the apparatus of the Community's bureaucracy'. Roy Jenkins, President of the Commission, said that his institution would welcome such an appointment – which was now a matter for the European Parliament.⁷⁵

In October 1986, in a parliamentary question, Thomas J. Maher (LDR) once again questioned the Commission, asking it if it was considering establishing a European Ombudsman. Peter Sutherland, European Commissioner for Competition, pointed out that European citizens could already submit complaints to the Commission and petitions to the European Parliament Committee on Petitions. He welcomed a statement by Florus Wijsenbeek (LDR), according to whom a committee which 'genuinely represents all Community nations and political colours and shades [...] is better than just another administration with one person of one nationality'.⁷⁶

In September 1987, Barbara Castle (S) questioned the Commission on the possible establishment of the post of Ombudsman, a person who would be responsible for assisting citizens from Member States living in other EC Member States.⁷⁷ In his reply, Jacques Delors, President of the Commission, briefly reiterated the arguments put forward a few months earlier by Commissioner Sutherland.⁷⁸

⁷⁵ *Debates of the European Parliament*, No 249, sitting of 10/12/1979, p. 23.

⁷⁶ *Debates of the European Parliament*, No 2-353, sitting of 16/06/1987, pp. 91-92.

⁷⁷ Barbara Castle, motion for a resolution on a European Ombudsman, 12/08/1987, doc. PE 116.628, doc. EPHA (ref. PE2 AP PR B2-0804/87 0010).

⁷⁸ Barbara Castle, written question No 1235/87, 'A European Ombudsman', 21/09/1987, and reply from Jacques Delors, 28/01/1988, OJ C 123, 10/05/1988, p. 8.

CHAPTER III.

THE MAASTRICHT DYNAMIC (1990-1995)

At the 1990 and 1991 intergovernmental conferences leading up to the future Treaty on European Union (Maastricht) the Danish and Spanish governments revived the idea of a Community Ombudsman⁷⁹, and the provisions of the new Treaty served to dispel the Members' misgivings.

The final version of the text conferred a key role on Parliament where the newly established Ombudsman was concerned, allowing Parliament to appoint the Ombudsman or, if it so chose, call for his or her dismissal and to lay down his or her Statute⁸⁰. Furthermore, the Treaty on European Union established the right of petition, which up to that point had been provided for only in Parliament's Rules of Procedure.⁸¹ Having been strengthened in this way, Parliament, or more precisely its Committee on Institutional Affairs, set about the task of drawing up the Statute of the future European Ombudsman.

I – Work of the Committee on Institutional Affairs (1992)

1. Provisions of the Treaty on European Union

On 30 January 1992⁸² the Committee on Institutional Affairs requested authorisation to submit a report on the regulations and general conditions governing the performance of the European Ombudsman's duties⁸³.

The future Treaty on European Union – signed a week later in Maastricht – stipulated (Article 8d) that:

'Every citizen of the Union shall have the right to petition the European Parliament [...]
Every citizen of the Union may apply to the Ombudsman [...]'.⁸⁴

The signatories of the Treaty thus provided citizens with 'a more comprehensive system of protection of their rights outside the courts',

⁷⁹ Paul Magnette, 'Entre contrôle parlementaire et État de droit : le rôle politique du médiateur dans l'Union européenne', op. cit., p. 936.

⁸⁰ Jim Cloos, Gaston Reinesch, Daniel Vignes, and Joseph Weyland, op. cit., p. 403.

⁸¹ Didier de Nagant de Deuxchaines, 'Un médiateur pour l'Union européenne', op. cit., p. 52.

⁸² Marcelino Oreja Aguirre, Chair of the Committee on Institutional Affairs, letter to Egon Klepsch, Brussels, 30/01/1992, EPHA document (ref. PE3 AP PV/INST.1989 INST-19920129 0025).

⁸³ European Parliament, Committee on Institutional Affairs, Report on the regulations and conditions governing the performance of the European Ombudsman's duties. Report: Rosy Bindi, doc. PE 200.788/fin., EPHA document (ref. PE3 AP RP/INST.1989 A3-0298/92 0010), p. 3.

⁸⁴ Treaty on European Union, Luxembourg, OPOCE, 1992, version signed on 07/02/1992 in Maastricht, p. 16.

consisting of a right of petition to protect their political interests and an Ombudsman to help them defend themselves against abuses of power and maladministration.⁸⁵

The Treaty also called for the Ombudsman to conduct inquiries either on his or her own initiative or on the basis of complaints submitted directly or through a MEP (Art. 138e). Though independent, the Ombudsman was intended to be a new agent of parliamentary scrutiny – and that was why the provisions concerning the Ombudsman were included in the chapter of the Treaty devoted to Parliament.^{86,87} Appointed after every election (and, moreover, eligible for reappointment) to serve for a term corresponding to the life of a Parliament, the Ombudsman was to submit an annual report to Parliament.⁸⁸ The signatories of the Treaty thus cemented Parliament's role of safeguarding people's rights, a role that it was already performing through the work of its Committee on Petitions: Parliament accordingly became 'the focus for the non-jurisdictional safeguarding of [citizens'] rights, including individual rights, *vis-à-vis* the Community institutions'.⁸⁹

Parliament's task was to lay down the Statute of the Ombudsman, that is to say, the regulations and conditions governing the performance of the Ombudsman's duties. And time was pressing, for every citizen would, *de facto*, acquire the right to appeal to the Ombudsman once the Treaty had entered into force (as it was due to do on 1 January 1993)⁹⁰. Parliament therefore had to act quickly, as the Statute needed to be dealt with in a Commission opinion and approved by the Council acting by a qualified majority.⁹¹

At Parliament's sitting of 9 March 1992 the Committee on Institutional Affairs was authorised to draw up its report.⁹²

⁸⁵ European Parliament, Committee on Institutional Affairs, report on the regulations and conditions governing the performance of the European Ombudsman's duties. Report: Rosy Bindi, op. cit., p. 12.

⁸⁶ *Ibid.* p. 12.

⁸⁷ European Parliament, Committee on Institutional Affairs, record of the hearing on the regulations and conditions governing the performance of the European Ombudsman's duties, Strasbourg, 08-09/07/1992, 16/09/1992, PE 202.000, EPHA document (ref. PE3 AP RP/INST.1989 A3-0298/92 0160), address by Professor Antonio Tizzano, pp. 2-3.

⁸⁸ Treaty on European Union, op. cit., pp. 63-64.

⁸⁹ European Parliament, Committee on Institutional Affairs, report on the regulations and conditions governing the performance of the European Ombudsman's duties. Report: Rosy Bindi, op. cit., p. 12.

⁹⁰ *Ibid.*, p. 13.

⁹¹ *Ibid.*, p. 4.

⁹² European Parliament, minutes of the sitting of 09/03/1992, PE 160.501, EPHA document (ref. PE3 AP PV/SEANCE SEAN-19920309 0010), p. 5.

2. Drafting of the Bindi report

On 12 May 1992 the Committee on Institutional Affairs asked Jorge Campinos, Parliament's Jurisconsult, to draw up preliminary draft regulations on the Ombudsman's Statute. This preliminary draft was submitted on 10 June 1992. Among the provisions ultimately ruled out was the intervention of the Commission (replaced by Parliament in the final draft decision) when Member States 'fail' to assist the Ombudsman.⁹³

On 15 June the Committee on Institutional Affairs held a meeting with José Menéres Pimentel, the Portuguese *Provedor de justiça*.⁹⁴ In July it held a public hearing attended by five national Ombudsmen, namely: José Menéres Pimentel, Álvaro Gil-Robles, the Spanish *Defensor del pueblo*, Jacques Pelletier, the French *Médiateur*, and Hans Gammeltoft-Hansen and Marten Oosting, Ombudsmen of Denmark and the Netherlands respectively. Also present were the *difensori civici* from the regions of Friuli-Venezia Giulia, Lombardy and Tuscany (Italy), and the Ombudsman of the City of Antwerp (Belgium).^{95,96} All members of the Committee on Petitions were invited to attend.⁹⁷

At this public hearing the Ombudsmen (Álvaro Gil-Robles, Giovanni Mannoni, *difensore civico* for Tuscany, Marten Oosting, and Jacques Pelletier) spoke about the future cooperation between the European Ombudsman and his or her national counterparts: Hans Gammeltoft-Hansen proposed an arrangement whereby national Ombudsmen would be able to seek preliminary rulings from the European Ombudsman, and recommended that the latter should undertake to assist the former.⁹⁸ One discussion topic that did not find its way into the final draft decision was the handling of complaints of 'about military matters', taking into account the role which the Maastricht Treaty had assigned

⁹³ Jorge Campinos, note to Mrs Bindi, 'Draft regulations on the Ombudsman's Statute', Strasbourg, 10/06/1992, EPHA document (ref. PE3 AP RP/INST.1989 A3-0298/92 0083), pp. 4, 6-7.

⁹⁴ European Parliament, Directorate-General for Committees and Delegations, note on certain aspects of the conduct of the Lisbon meeting of the Committee on Institutional Affairs, 15-17/06/1992, 08/06/1992, EPHA document (ref. PE3 AP RP/INST.1989 A3-0298/92 0200).

⁹⁵ European Parliament, Committee on Institutional Affairs, list of Ombudsmen present at the hearing of 08-09/07/1992, 06/07/1992, EPHA document (ref. PE3 AP PV/INST.1989 INST-19920708 0020), pp. 1-2.

⁹⁶ European Parliament, Committee on Institutional Affairs, extraordinary meeting of 08-09/07/1992, public hearing on the European Ombudsman, Strasbourg, 21/09/1992, PE 201.994, EPHA document (ref. PE3 AP RP/INST.1989 A3-0298/92 0140), p. 5.

⁹⁷ European Parliament, Committee on Petitions, notice to members, hearing on the European Ombudsman, 26/06/1984, EPHA document (ref. PE3 AP RP/INST.1989 A3-0298/92 0195).

⁹⁸ European Parliament, Committee on Institutional Affairs, report of the hearing on the regulations and conditions governing the performance of the European Ombudsman's duties, Strasbourg, 08-09/07/1992, 16/09/1992, PE 202.000, EPHA document (ref. PE3 AP RP/INST. 1989 A3-0298/92 0160), pp. 3-6.

to the Western European Union (WEU) in the system of the Union (José Menéres Pimentel); another subject in that category was 'the requirement that the Ombudsman should state reasons for his decisions' (Hans Gammeltoft-Hansen).⁹⁹

The Committee on Civil Liberties and Internal Affairs and the Committee on Petitions were asked for their opinions on the draft report.¹⁰⁰ In October 1992 the Committee on Institutional Affairs considered the 87 amendments tabled by those two committees, of which it rejected 35, including the following:

- reference to the Scandinavian origin of the office of Ombudsman (amendment by Juan de Dios Ramírez Heredia, S),
- the Ombudsman's option of recommending measures to combat discrimination (Juan de Dios Ramírez Heredia),
- holding joint meetings with national Ombudsmen (Juan de Dios Ramírez Heredia),
- confidentiality obligations and responsibility for the officials and other staff working in the Ombudsman's secretariat (Carlos María Bru Purón, S),
- establishing the office of deputy Ombudsman (Alman Metten, S).¹⁰¹

The committee unanimously adopted the amended motion for a resolution.¹⁰² The final report was tabled on 13 October 1992.¹⁰³

In October Parliament withdrew the Bindi report from its agenda at the request of Florus Wijsenbeek, Chair of the Committee on the Rules of Procedure, who objected to the fact that Parliament had to submit the new Statute for the approval of other institutions, a requirement constituting a *de facto* restriction on its regulatory power.¹⁰⁴ The debate on the report was rescheduled for December.

⁹⁹ Ibid., pp. 3 and 7.

¹⁰⁰ European Parliament, Committee on Institutional Affairs, report on the regulations and conditions governing the performance of the European Ombudsman's duties. Report: Rosy Bindi, op. cit., p. 3.

¹⁰¹ European Parliament, Committee on Institutional Affairs, amendments to the draft European Parliament regulation on the regulations and conditions governing the performance of the European Ombudsman's duties (PE 200.788/A). Rapporteur: Rosy Bindi, PE 200.788/A/Am. 1-87, EPHA document (ref. PE3 AP RP/INST.1989 A3-0298/92 0070), amendments Nos 10, 38, 41, 52, and 59, pp. 3, 9-10, 12, 14.

¹⁰² European Parliament, Committee on Institutional Affairs, minutes of the meeting of 08-09/10/1992, Brussels, 29/10/1992, PE 202.484, EPHA document (ref. PE3 AP PV/INST.1989 INST-19921008 0010), p. 3.

¹⁰³ European Parliament, Committee on Institutional Affairs, report on the regulations and conditions governing the performance of the European Ombudsman's duties. Report: Rosy Bindi, op. cit., p. 12.

¹⁰⁴ Florus Wijsenbeek, letter to Egon Klepsch, Brussels, 16/11/1992, EPHA document (ref. PE3 AP PV/INST.1989 A3-0298/92 0200).

3. Consideration in plenary

In her draft decision Rosy Bindi had incorporated 27 new amendments,^{105,106} tabled for the most part by Klaus Hänsch, on behalf of the Socialist Group. The points added included an obligation for officials to testify at the Ombudsman's request (Amendment No 13 to Art. 3(2)) and a power enabling the Ombudsman to make recommendations (Amendment No 15 to Art. 3(7)).¹⁰⁷

In plenary the resolution and the draft decision were adopted virtually unopposed: out of the 91 Members who cast their votes, 88 voted in favour, 1 voted against, and 2 abstained.¹⁰⁸

In the explanations of vote, Birgit Bjørnvig (ARC) took the view that the Ombudsman would have limited access to documents and would therefore be 'a facade with no real substance' whose scope of activity would overlap exactly with that of the Committee on Petitions. Leen van der Waal (NI) likewise expressed his scepticism:

'The appointment of a European Ombudsman neglects the fact that it is the national authorities who implement Community policy, and that our people are citizens of the member States and thus seldom have direct dealings with a Community institution. The European Ombudsman is therefore not the right way of bringing the Community closer to the people; it will probably be little more than just another Community body.'

Juan de Dios Ramírez Heredia (S), by contrast, was far more enthusiastic:

'I should now like to repeat that my vote is a vote in favour of the introduction of a European Ombudsman for the poor, the marginalized and those discriminated against by the power of money, political influence or the dominant majority culture. [...] Let Maastricht be ratified, let the Treaty on European Union come into effect, and let the European Ombudsman have a free rein. Moreover, introducing such an Ombudsman will be the best way of showing that Maastricht represents a victory for the most deprived citizens of the Community.'¹⁰⁹

Following the vote, Catherine Trautmann, Mayor of Strasbourg and an MEP (S), pointed out in a letter to Egon Klepsch, President of Parliament, that her city was intrinsically well qualified to accommodate the Ombudsman and the

¹⁰⁵ European Parliament, minutes of the sitting of 17/12/1992, PE 163.454, pp. 8-9.

¹⁰⁶ *Debates of the European Parliament*, No 3-425, sitting of 17/12/1992, p. 250.

¹⁰⁷ Klaus Hänsch, Amendments Nos 1-26 on behalf of the Socialist Group, 10/12/1992, A3-0298/1-26, PE 162.964/Am. 1-26. Rosy Bindi and Klaus Hänsch, compromise Amendment No 28, on behalf of the PPE Group and the Socialist Group, 10/12/1992, A3-0298/28, PE 162.964, EPHA document (ref. PE 3 AP RP/INST. 1989 A3-0298/92 0030-0050).

¹⁰⁸ European Parliament, minutes of the sitting of 17/12/1992, op. cit., pp. 8-9.

¹⁰⁹ *Debates of the European Parliament*, No 3-425, sitting of 17/12/1992, pp. 302-303.

necessary secretariat.¹¹⁰ Her words were to be heeded: the Ombudsman is now based in Strasbourg.

II – Negotiation of an interinstitutional agreement (October 1993 – March 1994)

At the Intergovernmental Conference of 25 October 1993 (Kirchberg Conference Centre, Luxembourg), the Commission, the Council, and Parliament initialled the agreements concluded in the 21 October trilogue. One of those agreements related to the draft European Parliament decision on the regulations and general conditions governing the performance of the Ombudsman's duties.¹¹¹

At the end of the conference the three institutions adopted an interinstitutional declaration on 'democracy, transparency and subsidiarity', which referred to the draft decision (point 4). The draft decision was to be adopted by the Commission, the Council, and Parliament in accordance with their internal procedures.¹¹² The Commission delivered a favourable opinion immediately, on 25 October, Parliament adopted the draft text on 17 November¹¹³, and the Council approved it on 7 February 1994.¹¹⁴

On 7 March 1994 the Committee on Institutional Affairs, chaired by José María Gil-Robles (PPE), unanimously adopted the draft report finally adopting the decision on the Statute of the Ombudsman.¹¹⁵ The definitive Statute, adopted in plenary on 9 March,¹¹⁶ has established an Ombudsman viewed both as a 'monocratic and personal institution'¹¹⁷ and as 'a channel through which to

¹¹⁰ Catherine Trautmann, letter to Egon Klepsch, Strasbourg, 05/03/1993, PE 164.095/BUR, EPHA document (ref. PE3 OD PV/BURE BUEL-19930401 0100).

¹¹¹ Willy Claes, President of the Council of the European Communities, letter to Egon Klepsch, Brussels, 22/10/1993, EPHA document (ref. PE3 P2 221/RICS RICS-1992-343 0010).

¹¹² *Bulletin des Communautés européennes*, No 10, 1993, Bruxelles, Commission des Communautés européennes, p. 129.

¹¹³ European Parliament, resolution on [...] the regulations and general conditions governing the performance of the Ombudsman's duties, OJ C 329, 06/12/1993, pp. 132-133 and 136-141.

¹¹⁴ European Parliament, Committee on Institutional Affairs, report, draft decision on the regulations and general conditions governing the performance of the Ombudsman's duties, 07/03/1994, PE 208.504/fin., EPHA document (ref. PE3 AP RP/INST. 1989 A3-0133/94 0010), p. 4.

¹¹⁵ *Ibid.*, p. 3.

¹¹⁶ European Parliament, minutes of the sitting of 9 March 1994, PE 180.578, EPHA document (ref. PE3 AP PV/SEANCE SEAN-19940307 0030), pp. 17-18.

¹¹⁷ Andrea Pierucci, 'Le médiateur européen', *Revue du Marché commun et de l'Union européenne*, No 372, November 1993, pp. 818-819.

bring parliamentary scrutiny to bear on executive authorities, in keeping with the long-standing Nordic constitutional tradition'.^{118,119}

III – Appointment of the first European Ombudsman (October 1994 – July 1995)

After the June 1994 European elections the Committee on Petitions was newly constituted. On 28 July it appointed its Chair, Edward Newman (PSE), to be rapporteur on the appointment of the Ombudsman.¹²⁰ The committee arranged to hear the nominees on 5 and 6 October¹²¹, the call for nominations having been published by Parliament on 30 July.¹²²

1. First call for nominations (October – November 1994)

The hearings of 5 and 6 October were held in public, and nominees were each allowed an hour to introduce themselves and answer questions from committee members. Six nominees were heard¹²³: Álvaro Gil-Robles and five serving or former MEPs, namely:

- Siegbert Alber (PPE), supported by his group¹²⁴; his presentation was applauded by several committee members,
- Juan María Bandrés (former V), who had been nominated by the Green Group,¹²⁵
- Henry McCubbin (former PSE),
- William Newton Dunn (former PPE), and
- Marie-Claude Vayssade (former PSE).¹²⁶

¹¹⁸ Paul Magnette, 'Entre contrôle parlementaire et État de droit : le rôle politique du médiateur dans l'Union européenne', *op. cit.*, p. 937.

¹¹⁹ Council, 94/114/ECSC, EC, Euratom: Council Decision of 7 February 1997 approving the Decision of the European Parliament on the regulations and general conditions governing the performance of the Ombudsman's duties, OJ L 54, 25/02/1994, p. 25.

¹²⁰ European Parliament, Committee on Petitions, minutes of the meeting of 27-28/07/1994, Brussels, PE 209.600, EPHA document (ref. PE4 AP PV/PETI.1994 PETI-19940727 0010), p. 7.

¹²¹ European Parliament, Committee on Petitions, minutes of the meeting of 15-16/09/1994, Brussels, 06/12/1994, PE 210.223, EPHA document (ref. PE4 AP PV/PETI.1994 PETI-19940915 0010), p. 9.

¹²² European Parliament, call for nominations for the office of Ombudsman, OJ C 210, 30/07/1994, p. 21.

¹²³ European Parliament, Committee on Petitions, minutes of the meeting of 05-06/10/1994, Brussels, 20/10/1994, PE 210.465, EPHA document (ref. PE4 AP PV/PETI.1994 PETI-19941005 0010), pp. 3-6.

¹²⁴ Wilfried Martens, Chair of the Group of the European People's Party (Christian-Democrats), letter to Klaus Hänsch, Brussels, 21/09/1994, EPHA document (ref. PE4 P1 B50/GRPO GPPE-1994-100 0050).

¹²⁵ Juan Behrend, secretary to the Group of the Greens in the European Parliament, letter to Klaus Hänsch, Brussels, 23/09/1994, EPHA document (ref. PE4 P1 B50/GRPO GRVE-1994-050 0110).

¹²⁶ Cf. 'III – Another Ombudsman (March 1987 – spring 1995)', p. 22.

On 10 October the Committee on Petitions considered the nominations *in camera*. (Commission officials had not been invited to attend the discussions).¹²⁷ In addition, it unanimously adopted a working document setting out the procedure for selecting a single nominee¹²⁸ to be put forward in plenary. As stated in that document, the committee was to put forward a name, in the form of a 'recommendation', following a vote by secret ballot due to take place on 3 November 1994.¹²⁹

However, in the second round of voting, the last two candidates still in contention (Siegbert Alber and Álvaro Gil-Robles), tied with 12 votes each, neither obtaining the requisite majority (13 out of 24 votes cast). The Committee on Petitions suspended the voting and informed the President of Parliament about the stalemate.¹³⁰ A fresh vote, held on 9 November, again failed to produce a clear-cut result.¹³¹ Edward Newman wrote to the President that day to say that he did not wish to continue the voting.¹³²

'I would like to inform you [...] that I did not, as a chairman, have the intention to convene [the committee of petitions] to continue voting in the present circumstances'.

In January 1995, when he was asked by the French *Médiateur* about the course of events in the nomination procedure, Klaus Hänsch, President of Parliament, replied that an unfortunate conjunction of circumstances, aggravated by inappropriate internal provisions, had made it impossible to secure an appointment.¹³³

¹²⁷ European Parliament, Committee on Petitions, minutes of the meeting of 10-11/10/1994, Brussels, 26/10/1994, PE 210.469, EPHA document (ref. PE4 AP PV/PETI.1994 PETI-19941010 0010), p. 4.

¹²⁸ Ben Fayot, Chair of the Committee on the Rules of Procedure, the Verification of Credentials and Immunities, letter to Klaus Hänsch, 13 October 1994, EPHA document (ref. PE4 AP PV/REGL.1994 REGL-19941010 0015).

¹²⁹ European Parliament, Committee on Petitions, working document on the preparation of the vote on the appointment of the European Ombudsman, 12/10/1994, PE 210.225/fin., EPHA document (ref. PE4 AP RP/PETI 1994 A4-0083/94 0030).

¹³⁰ European Parliament, Committee on Petitions, minutes of the meeting of 03-04/11/1994, Brussels, 05/03/1995, PE 210.765, EPHA document (ref. PE4 AP PV/PETI.1994 PETI-19941103 0010), p. 5.

¹³¹ European Parliament, Committee on Petitions, minutes of the meeting of 09/11/1994, Brussels, 16/11/1995, PE 210.771, EPHA document (ref. PE4 AP PV/PETI.1994 PETI-19941109 0010), p. 3.

¹³² Edward Newman, Chair of the Committee on Petitions, letter to Klaus Hänsch, Luxembourg, 09/11/1994, PE 185.447/BUR, EPHA document (ref. PE4 OD PV/CPRG-19941114 0020).

¹³³ Klaus Hänsch, letter to Jacques Pelletier, *Médiateur de la République*, 18/01/1995, EPHA document (ref. PE4 P1 C40/MEMB FRAN-1994-090 0120).

At the same time, he officially informed the candidates that, 'for unforeseen and insurmountable circumstances', the appointment process could not be completed.¹³⁴

To resolve the deadlock, Parliament amended its Rules of Procedure so that the Committee on Petitions was now to submit a list of candidates which would be put to the vote in Plenary.^{135,136}

2. Second call for nominations (May- June 1995)

After hearing the opinion of the Jurisconsult, on 23 May 1995 Parliament issued a second call for nominations¹³⁷, so as not to discriminate against any applicants from Austria, Finland or Sweden, which had just joined the European Union.¹³⁸

The procedure then needed to be carried out with an accelerated timetable, since the plenary vote had been scheduled for 12 July.¹³⁹ Siegbert Alber, Álvaro Gil-Robles, William Newton Dunn and Marie-Claude Vayssade (though she did not ultimately take part in the hearings¹⁴⁰) re-applied for nomination. The following also applied:

- Simone Veil (ex-LDR), former President of the European Parliament, supported by her former Group,¹⁴¹
- and Jacob Söderman, Finnish Ombudsman.¹⁴²

Parliament made the debates public: the hearings were broadcast live *via* the Commission's satellite channel and a Verbatim Report was also published.

¹³⁴ Klaus Hänsch, letters to applicants following the first call for nominations, 26-30/01/1995, EPHA document (ref. PE4 P1 C30/INST MEDI-1994-030 0140).

¹³⁵ Didier de Nagant de Deuxchaines, 'Un médiateur pour l'Union européenne', op. cit., p. 63.

¹³⁶ Cf. for example: European Parliament, third report on amendment of Rule 159 of Parliament's Rules of Procedure concerning appointment of the Ombudsman. Rapporteur: Ben Fayot, 25/04/1995, PE 212.838/fin., EPHA document (ref. PE4 AP RP/REGL.1994 A4-0094/95 0010).

¹³⁷ European Parliament, call for nominations for the office of Ombudsman, OJ C 127, 23/05/1995, p. 4.

¹³⁸ Didier de Nagant de Deuxchaines, 'Un médiateur pour l'Union européenne', op. cit., p. 63.

¹³⁹ Jean-Guy Giraud, Cabinet of the Secretary-General, note to Enrico Vinci, 'Proposed accelerated timetable for the appointment of the European Ombudsman', Strasbourg, 17/05/1995, PE 192.114/BUR, EPHA document (ref. PE4 OD PV/CPRG CPRG-19950518 0035).

¹⁴⁰ European Parliament, Committee on Petitions, minutes of the meeting of 28-29/06/1995, Brussels, PE 214.269, EPHA document (ref. PE4 AP PV/PETI.1994 PETI-19950628 0010), p. 2.

¹⁴¹ Simone Veil, letter to Klaus Hänsch, Paris, 15/06/1995, EPHA document (ref. PE4 P1 C30/INST MEDI-1994-030 0100).

¹⁴² European Parliament, Committee on Petitions, minutes of the meeting of 20-21/06/1995, Brussels, 06/07/1995, PE 213.741, EPHA document (ref. PE4 AP PV/PETI.1994 PETI-19950620 0010), pp. 4-6.

Edward Newman regretted, however, the poor attendance by Members, which tailed off as the hearings progressed.¹⁴³

3. Appointment of Jacob Söderman (July 1995)

The first round of the elections for the Ombudsman took place on 11 July: Siegbert Alber was in first place (with 183 out of 502 votes cast), followed by Jacob Söderman (139), Simone Veil (113), Álvaro Gil-Robles (50) and Marie-Claude Vayssade (17), William Newton Dunn having withdrawn his application.¹⁴⁴ Following this first round, Álvaro Gil-Robles and Marie-Claude Vayssade also withdrew.

In the second round, Jacob Söderman obtained 195 votes, as against 193 for Siegbert Alber and 133 for Simone Veil. Simone Veil was eliminated, as only the two candidates obtaining the largest number of votes qualified for the third round. In the third and final round of voting, Klaus Hänsch announced the election of Jacob Söderman, by 241 votes to 221 for Siegbert Alber,^{145,146} as follows:

'Mr Söderman, you are the first Ombudsman in the history of the European Union. So an exceptional task has been assigned to you, and you bear great responsibility, for you will set the standards for your own work and that of your successors.'

Jacob Söderman took office on 1st September 1995 and was sworn in on 27 September.

¹⁴³ European Parliament, Ombudsman – hearing of candidates, 28-29/06/1995, EPHA document (ref. PE4 AP PV/PETI.1994 PETI-19950628 0020), pp. 5 and 44.

¹⁴⁴ *Debates of the European Parliament*, No 4-466, sitting of 11/07/1995, p. 61.

¹⁴⁵ *Debates of the European Parliament*, No 4-466, sitting of 12/07/1995, pp. 112-113.

¹⁴⁶ European Parliament Decision of 12/07/1995 appointing the Ombudsman of the European Union (95/376/EC, Euratom, ECSC), OJ L 225, 22/05/1995, p. 17.

CONCLUSION

Thus the European Parliament, by appointing the first European Ombudsman, fulfilled the task assigned to it by the Treaty on European Union. The fact that this was laid down as an obligation in the new Treaty - which also enshrined the right to petition Parliament - and that the matter was taken up by the Committee on Institutional Affairs overcame Parliament's doubts and made it possible to strengthen the mechanisms for the protection of individual citizens. Citizens now have the right to complain to the Commission, the right to petition Parliament and the right to bring complaints before the Ombudsman.

Following the appointment of Jacob Söderman, the Committee on Petitions and the Ombudsman rapidly reached a gentlemen's agreement. Under this agreement, which governs the practical arrangements for transferring a case, any complaints to the Ombudsman that call into question decisions of the Committee on Petitions, which are of their nature political, are deemed inadmissible.¹⁴⁷ The secretariats of the two bodies have since been in regular contact.

Over time, the Committee on Petitions and the Ombudsman have demonstrated their complementary nature: the Petitions Committee concentrates on collective petitions, particularly when they are a sounding board or vehicle for a social or societal concern; the Ombudsman, on the other hand, looks at complaints requiring remedies for individual damage which would risk being overlooked or going unresolved as they do not shake the edifice of society to its foundations.¹⁴⁸ In addition to the complementarity of their activities, the Committee on Petitions continues to benefit from the political weight of Parliament, while the Ombudsman is given an area of responsibility distinct from that of Parliament (Lamberts judgment, 2004).¹⁴⁹

¹⁴⁷ European Ombudsman, Annual Report 1995, Strasbourg, p. 15, available on the website of the European Ombudsman: <http://www.Ombudsman.europa.eu/activities/annualreports.faces>.

¹⁴⁸ Claude Blumann, 'Médiateur et citoyenneté européenne', in Syméon Karagiannis and Yves Petit, *Le Médiateur européen : bilan et perspectives*, op. cit., p. 67.

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This is a publication of the Historical Archives Unit.
EPRS | European Parliament Research Service, European Parliament



PE 538.885
ISBN: 978-92-823-7334-7
DOI: 10.2861/323724
CAT: QA-04-15-418-EN-N

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