

# **EUROPEAN PARLIAMENT**

**DIRECTORATE-GENERAL FOR RESEARCH**

**WORKING PAPER**

**EUROPEAN OMBUDSMAN AND NATIONAL OMBUDSMEN  
OR SIMILAR BODIES**

**- COMPARATIVE TABLES -**

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# **E U R O P E A N P A R L I A M E N T**

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**03-2001**



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\* A detailed study specifically covering the right to address petitions to the parliaments of the European Union is being prepared.



## I. INTRODUCTION

The aim of this publication is to present, in the form of simple, summary tables, an overview of the main institutional and functional characteristics of the *national Ombudsmen* (or similar bodies) in the Member States of the European Union, as well as of the *European Ombudsman*. It was prepared at the request of the Chairman of the Committee on Petitions of the European Parliament and is the first update of a previous study conducted by the Directorate-General for Research in 1994<sup>1</sup> (a detailed study specifically dealing with the right to address petitions to the parliaments of the European Union is being prepared).

The institution of the European Ombudsman was established by the Treaty on European Union signed in Maastricht on 7 February 1992 and provisions on it are now in Articles 21 and 195 of the EC Treaty<sup>2</sup>.

These provisions aim to enable all citizens of the European Union and any natural or legal person residing or having his registered office in a Member State to address an Ombudsman appointed by the European Parliament and empowered to receive complaints on cases of maladministration in the activities of the Community institutions or bodies. The European Parliament also establishes the regulations and general conditions governing the performance of the Ombudsman's duties.

The full texts of Articles 21 and 195 of the Treaty establishing the European Community, together with the text of the Decision governing the performance of Ombudsman duties, the Decision of the European Ombudsman adopting implementing provisions and the chapter of the European Parliament Rules of Procedure concerning the Ombudsman are set out in annexes to this study<sup>3</sup>.

This study would not have been possible without the active and invaluable support of the bodies concerned, to which we extend our deepest gratitude<sup>4</sup>. A list of the addresses of these bodies is also given in an annex<sup>5</sup>.

As far as possible, this publication reflects the situation existing as of July 2000. Information on some countries was provided at the end of the year 2000.

The situation in the Member States is presented following the order in which they are listed in the Community Treaties<sup>6</sup>.

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<sup>1</sup> Working Document "European Ombudsman/National Ombudsmen or similar bodies - Comparative Tables", *People's Europe Series*, W-6, 1995.

<sup>2</sup> As well as in the corresponding articles of the ECSC Treaty (Art. 20 D) and the Euratom Treaty (Art. 107 D).

<sup>3</sup> Annexes 1, 2, 3 and 4.

<sup>4</sup> Wherever practical, the tables reproduce verbatim the official texts and data forwarded by these bodies.

<sup>5</sup> Annex 5.

<sup>6</sup> Alphabetical order, taking into account the name of each state in its own language. In the item "budget" the conversion into euros of the national currencies of Member States which do not participate in the euro was made on the basis of the reference rate on 1 September 2000 (O.J. C252, of 02.09.2000, p.1).



## II. GENERAL REMARKS

Twelve Member States of the Union have national Ombudsmen (Belgium, Denmark, Greece, Spain, France, Ireland, the Netherlands, Austria, Portugal, Finland<sup>7</sup>, Sweden and the United Kingdom).

In one Member State of the Union (Italy), there is no national Ombudsman, but there are *regional Ombudsmen*.

In a further two Member States (Germany and Luxembourg), there is no federal or national Ombudsman, but a similar function is carried out by the *parliamentary committees on petitions* (a detailed study specifically concerned with the right to address petitions to the parliaments of the European Union is being prepared).

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On the basis of the information summarised in the enclosed tables, the main characteristics common to the national or European Ombudsmen can be outlined thus:

- the office of Ombudsman generally dates back to the *1970s and 1980s*, except in the case of the Nordic countries (Sweden: 1809, Finland: 1919, Denmark: 1953); national Ombudsmen were established more recently in Belgium (1995) and Greece (1997); the European Ombudsman was established in 1992;
- for the most part, their functions are based on the *Constitution*, except in Belgium, France, Greece and Ireland;
- they are appointed by the national *parliaments* - or on the basis of a proposal from the parliaments (Ireland and the United Kingdom) - with the exception of the French Ombudsman and the Greek Ombudsman, who are designated by the national Council of Ministers.
- in most countries, the Ombudsman requires no particular *qualifications* - apart from legal training (Denmark, Finland and Sweden), the possession of a university degree or equivalent (Belgium and Greece) or either a legal background or experience as an Ombudsman (European Ombudsman);
- the Ombudsmen are generally elected for a period of *four to six years*, which is renewable in all countries (except in France and Greece), or are appointed to serve until they reach a particular age (65 in the United Kingdom);

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<sup>7</sup> In Finland, for historical reasons, ombudsman functions are shared, at national level, between a “Chancellor of Justice” appointed by the President of the Republic and a parliamentary Ombudsman. These general remarks are concerned with the latter; however, given the importance of his functions, a specific table giving the main characteristics of the Finnish “Chancellor of Justice” has been inserted into this publication (see pages 38 and 41-43).

- in all cases, the function of Ombudsman is performed by *one person*, except in Austria and Sweden, where there are colleges with three and four members respectively, and in Belgium, where two federal Ombudsmen are appointed (one French-speaking, the other Dutch-speaking).
- in general, the activities of *local and national governments* and public institutions fall within the Ombudsmen's field of competence (except, for instance, in the United Kingdom, where there is a separate Ombudsman for local government and in Belgium, where federal Ombudsmen only act with regard to the federal administrative authorities); the activities of judicial bodies are not within their field of competence (except in Finland and Sweden);
- in the performance of their duties, the Ombudsmen in all countries are completely *independent* of the political authorities and enjoy *immunity*;
- *citizens of the Union can submit complaints directly* to the Ombudsmen (except in France and Britain, where only Members of Parliament can submit complaints) and they themselves can, in general, also conduct inquiries on their own initiative;
- the Ombudsmen have considerable powers of investigation (documents and evidence) but do not have any direct means of *action*: however, the Swedish and Finnish Ombudsmen, for example, can institute legal proceedings against officials, and the Spanish, Portuguese and Austrian Ombudsmen can refer matters to the Constitutional Court;
- most Ombudsmen can propose to parliament (or to the government, in the case of France) that it repeal, reform or adopt *legislative texts*;
- all the Ombudsmen can submit particular problems to the national parliaments and they also submit an *annual report* on their activities.

### **III. COMPARATIVE TABLES**



## **E u r o p e a n   O m b u d s m a n**



**EUROPEAN UNION (Ombudsman)**

<b>Constitutive act</b>	<b>Current legal basis</b>	<b>Appointment</b>	<b>Qualifications required</b>	<b>Incompatibilities</b>	<b>Length of mandate</b>	<b>Dismissal</b>
Treaty on European Union of 7/2/1992	Decision of the European Parliament of 9/3/1994 on the regulations and general conditions governing the performance of the Ombudsman's duties (OJ No. L 113 of 4/5/1994)	The Ombudsman shall be appointed by the European Parliament after each election.	The Ombudsman shall be chosen from among persons who are Union citizens and meet all the conditions required for the exercise of the highest judicial office or have the acknowledged competence and experience to undertake the duties of Ombudsman.	During his term of office, the Ombudsman may not engage in any other political or administrative duties or any other occupation, whether gainful or not.	The Ombudsman shall be appointed for the duration of the European Parliament's term of office; he shall be eligible for reappointment.	An Ombudsman who no longer fulfils the conditions required for the performance of his duties or is guilty of serious misconduct may be dismissed by the Court of Justice at the request of the European Parliament.
<b>Summary of functions</b>	<b>Position with respect to political authorities</b>	<b>Methods of referral</b>	<b>Investigation procedures</b>		<b>Powers of investigation</b>	
The Ombudsman shall help to uncover maladministration in the activities of the Community institutions and bodies, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role, and make recommendations with a view to putting an end to it.	The Ombudsman shall perform his duties with complete independence, in the general interest of the Communities and of the citizens of the Union; he shall neither seek nor accept instructions from any government or other body.	<p>Any citizen of the Union or any natural or legal person residing or having its registered office in a Member State of the Union may, directly or through a Member of the European Parliament, refer a complaint to the Ombudsman.</p> <p>A complaint shall be made within two years of the facts on which it is based and must be preceded by the appropriate administrative approaches to the institutions and bodies concerned.</p> <p>A complaint may be made to the Ombudsman concerning work relationships between the Community institutions and their officials and other servants.</p> <p>Moreover, the Ombudsman shall, on his own initiative, conduct all the inquiries which he considers justified to clarify any suspected maladministration.</p>	<p>The Ombudsman shall conduct an inquiry and shall inform the institution concerned of such action, which may submit any useful comment to him.</p> <p>As far as possible, the Ombudsman shall seek a solution with the institution or body concerned to eliminate the instance of maladministration and satisfy the complaint.</p> <p>If he finds that there has been maladministration, he shall inform the institution concerned and make draft recommendations. The institution so informed shall reply to the Ombudsman within three months.</p> <p>The Ombudsman shall then send a report to the European Parliament with his recommendations.</p>		<p>The Community institutions shall be obliged to supply the Ombudsman with any information he has requested of them and give him access to the files concerned, except on duly substantial grounds of secrecy.</p> <p>Officials of the institutions must testify at the request of the Ombudsman.</p> <p>The Member States' authorities shall be obliged to provide the Ombudsman with any information that may help to clarify instances of maladministration, unless such information is covered by laws on secrecy.</p>	
<b>Powers of sanction</b>		<b>General reports to the political authority</b>	<b>Administrative position of the secretariat</b>		<b>Staff (estimate)</b>	<b>Budget (estimate)</b>
<p>The Ombudsman may refer cases of maladministration to the European Parliament and make recommendations.</p> <p>He may also inform the European Parliament of cases in which the assistance which he requests is not forthcoming; the European Parliament shall then make appropriate representations.</p>		At the end of each annual session, the Ombudsman shall submit to the European Parliament a report on the results of his inquiries.	<p>The Ombudsman shall be assisted by a secretariat, the principal officer of which he shall appoint.</p> <p>The officials and servants of the Ombudsman's secretariat shall be subject to the rules and regulations applicable to officials and other servants of the European Communities.</p> <p>Their number shall be adopted each year as part of the budgetary procedure.</p>		24 members of staff at the seat (Strasbourg and the Brussels office).	2000: EUR 3,900,000 The budget of the Ombudsman is a specific section within the EU general budget.



**The National Ombudsmen  
in twelve Member States of the Union**



**BELGIUM** (*Médiateur fédéral; Federal Ombudsman*)

Constitutive Act	Appointment	Qualifications required	Incompatibilities	Length of mandate	Dismissal
<p>Law of 22 March 1995 establishing federal ombudsmen (M.B., 7 April).</p>	<p>The two Ombudsmen (one French-speaking, the other Dutch-speaking) are appointed by the Chamber of Representatives.</p>	<p>The Ombudsmen must be Belgian, be beyond reproach and enjoy civil and political rights, and be in possession of a diploma allowing access to level 1 posts in the State Administration. They must be able to prove that they have an adequate knowledge of the other national languages in accordance with the procedures laid down by the Chamber of Representatives.</p>	<p>During their term of office the Ombudsmen may not hold any of the following offices or exercise any of the following mandates: the office of judge, notary or bailiff; the profession of lawyer; the office of minister of a recognised religion; a public elected office; a remunerated post in the federal civil service. They may not hold a public or other office that could jeopardise the dignity or the exercise of their duties.</p>	<p>Six years, renewable.</p>	<p>The Chamber of Representatives may dismiss the Ombudsmen on serious grounds.</p>
Summary of functions		Position with respect to political authorities	Methods of referral	Procedures of investigation	
<p>The Ombudsmen's tasks are: to investigate complaints relating to the way in which the federal administrative authorities function, at the request of the Chamber of Representatives to conduct inquiries into the functioning of any federal administrative departments that it names, to make recommendations and draw up reports on the functioning of the administrative authorities.</p> <p>The Ombudsmen carry out their duties vis à vis the federal administrative authorities listed in Article 14 of the co-ordinated laws on the Council of State, with the exclusion of administrative authorities, which have their own ombudsmen under a separate law.<sup>1</sup></p>		<p>Within the limits of their powers, the Ombudsmen do not receive instructions from any authority.</p> <p>They may not be relieved of their duties, searched, arrested, detained or tried in connection with the opinions that they express or action that they take in the performance of their duties.</p> <p>They have the same status as councillors at the Court of Auditors.</p>	<p>Any persons concerned may lodge a complaint in writing or orally with the Ombudsmen in respect of action by or the functioning of the administrative authorities.</p> <p>The person concerned must first contact the authorities to obtain satisfaction.</p> <p>Complaints must not in principle relate to facts that occur more than one year before the complaint is lodged.</p>	<p>The Ombudsman refuses to consider a complaint when: it is manifestly without grounds, or the complainant has manifestly not approached the administrative authority to obtain satisfaction. When a complaint concerns an administrative authority that has its own Ombudsman, the Ombudsman must forward it without delay to him. The Ombudsman must immediately inform the complainant whether he has decided to consider the complaint or not. The reasons for refusing to consider a complaint must be given.</p> <p>The Ombudsman must inform the administrative authority of complaints he intends to investigate. Consideration of a complaint is suspended when judicial remedy has been sought or when it is the subject of an administrative appeal. The administrative authority must inform the Ombudsman of any action brought. In this case the Ombudsman must inform the complainant thereof immediately. The complainant is kept regularly informed of the action being taken on his complaint.</p> <p>The Ombudsman endeavours to reconcile the points of view of the complainant and the departments concerned.</p> <p>The Ombudsmen must adopt internal rules for the consideration of complaints. Those rules must be approved by the Chamber of Representatives and published in the <i>Moniteur belge</i>.</p>	

<sup>1</sup> Authorities that are part of other administrative levels - the communities, regions, provinces and communes - are, however, excluded. The organic law does not apply to the services of the communities, regions or community commissions or institutions created by them, to private individuals performing a public duty on behalf of the communities or regions, to communal and provincial bodies, etc. The law does, however, apply to staff who come under the federal authority, such as provincial governors and district commissioners.

**BELGIUM** (*Médiateur fédéral; Federal Ombudsmen (continued)*)

<b>Powers of investigation</b>	<b>Powers of sanction</b>	<b>General reports to political authorities</b>	<b>Staff</b>	<b>Budget</b>
<p>The Ombudsman may set deadlines by which the administrative authorities to which he puts questions in the exercise of his duties must reply.</p> <p>He may also make any on-the-spot inquiries, obtain all documents and information he deems necessary and hear all the people concerned.</p> <p>Persons who, because of their situation or profession, have been entrusted with confidential information may be freed from their secrecy obligation as part of the inquiry conducted by the Ombudsman.</p> <p>The Ombudsman may have experts to assist him.</p>	<p>The Ombudsmen have no power to take binding decisions. They may make any recommendation that they consider useful to the administrative authority. In this case they must inform the Minister responsible thereof.</p> <p>If, in the exercise of their duties, the Ombudsmen establish a fact that might deserve a criminal penalty, they must inform the public prosecutor. If, in the exercise of their duties, they establish a fact that may deserve disciplinary measures, they must inform the administrative authority responsible.</p> <p>They may, if they consider it to be appropriate, draw up quarterly reports on specific problems. Such reports are addressed to the Chamber of Representatives and are published.</p>	<p>The Ombudsmen report annually to the Chamber of Representatives on their activities. They may also draw up quarterly reports if they consider it appropriate.</p> <p>Such reports contain recommendations regarding measures that they consider could be usefully taken and details of any difficulties they encounter in the exercise of their duties.</p> <p>The identity of complainants and members of the staff of the administrative authorities may not be revealed in such reports.</p> <p>The reports are published by the Chamber of Representatives.</p>	<p>Level A: 23 (university level staff, 1 administrator, 1 director, 21 attachés or auditors)                      Level B: 10 (administrative assistants)                      Level C: 2 (administrative staff)                      Level D: 2 (maintenance staff)</p> <p>Without prejudice to any powers they may delegate to themselves by collegiate decision, the Ombudsmen appoint, dismiss and are in charge of the staff assisting them in the exercise of their duties.</p> <p>The staff regulations and structures are decided on by the Chamber of Representatives on a proposal from the Ombudsmen.</p>	<p>Budget 2000:                      approximately BEF 118,000,000 (EUR.2,925,144)</p> <p>The appropriations required for the Ombudsmen's department are entered in the budget.</p>

**DENMARK** (*Folketingets Ombudsman*)

Constitutive Act	Current legal basis	Appointment	Qualifications required	Incompatibilities	Length of mandate	Dismissal
The Constitution of June 5, 1953, provided, in section 55, for the appointment by the Parliament of one or two persons to supervise civil and military administration. The Ombudsman Act (Act No. 203 of June 11, 1954) vested the powers in one person.	The Ombudsman Act (Act No. 473 of 12 June 1996).	The Ombudsman is appointed by the Parliament ( <i>Folketing</i> ) following a proposal from the Legal Affairs Committee. He is elected after each parliamentary general election.	The Ombudsman must have a law education.	He shall not be a member of Parliament or a local council, and he shall not hold any other position in public service, private enterprise, business or institution without the consent of the Legal Affairs Committee.	4 years.  The Ombudsman may be re-elected.	The Parliament may at any time dismiss the Ombudsman, should he cease to enjoy its confidence.

Summary of functions	Position with respect to political authorities	Methods of referral	Procedures of investigation	Powers of investigation	Powers of sanction	General reports to political authorities
The Ombudsman supervises, on the Parliaments behalf, civil and military central government administration, local government administration and other public administrative institutions. The Ombudsman's jurisdiction does not extend to the work of Parliament and its committees, the courts, tribunals that make decisions in disputes between citizens through a reassuring process, other court-like tribunals and the National Church in matters directly or indirectly relating to doctrine or gospel.	In exercising his duties, the Ombudsman is independent of the Parliament which may neither forbid nor order him to handle any matter within his jurisdiction.	<p>Complaints originate from the citizens concerning decisions made by the administration or concerning the exercise of practical administration.</p> <p>A complaint must be lodged within a year of the action complained about, unless it has been referred to a higher administrative authority, in which case the time limit is reckoned from the date of that authority's decision.</p> <p>The Ombudsman is also empowered to initiate investigation on his own initiative.</p>	<p>An investigation starts on the basis of a complaint or on the Ombudsman's own initiative.</p> <p>The Ombudsman asks the authority involved to comment on the complaint. The authority then sends files and their comments to the Ombudsman.</p> <p>The Ombudsman sends the authority's comments to the complainant asking for his comments. Finally the Ombudsman and his staff deal with the case.</p> <p>Complaints of decisions which may be referred to a higher administrative authority cannot be submitted to the Ombudsman, until a decision has been made by that authority. In these cases the Ombudsman refer the complainant to the right authority.</p>	<p>Under the Ombudsman Act, the administration is obliged to submit the required information and to submit any document and record which the Ombudsman may require in performing his duties. No practical problems have arisen in this connection.</p> <p>Within certain limitations the Ombudsman has the right to inspect any government or local government institution.</p> <p>He may subpoena persons to appear and give evidence before a law court about matters which have bearings upon his investigations.</p>	<p>The Ombudsman may express criticism, make recommendations and otherwise state his views of a case.</p> <p>The Ombudsman is not able to make binding decisions. However his recommendations are practically always acted upon.</p> <p>If an investigation reveals that the administration must be presumed to have committed errors or derelictions of major importance, the Ombudsman shall report the matter to The Legal Affairs Committee of the Parliament and to the responsible minister or local authority concerned.</p>	Annual report to Parliament.

**DENMARK** (*Folketingets Ombudsman*) (continued)

<b>Administrative position of the secretariat</b>	<b>Staff</b>	<b>Budget</b>
The Ombudsman engages and dismisses his own staff. In exercising their duties, the Ombudsman and his staff are independent of the Parliament.	55 employees (11 senior administrators, 17 investigation officers, 26 administrative staff members and 11 law students).	Budget 2000: DKK 29,182,000 (EUR 3,912,898)

GREECE (*Sinigoros tou Politi*)

Constitutive act	Current legal basis	Appointment	Qualifications required	Incompatibilities	Length of mandate	Dismissal
<p>The Greek Ombudsman was constituted under ACT 2477/97 on “The Ombudsman and the Public Administration Investigators – Inspectors Authority” passed by the Greek Parliament on 18 April 1997.</p>	<ul style="list-style-type: none"> <li>- Act 2477/97 (Constitutive Act)</li> <li>- Presidential Decree 273/3.11.99 (Regulations of the Authority)</li> <li>- Act 2623/98 article 8</li> <li>- Act 2738/99 article 21</li> </ul>	<p>The Ombudsman is nominated by the Council of Ministers, following a prior opinion of the Parliamentary Standing Committee on Institutions and Transparency, in line with the provisions of the Rules of Procedure of Parliament, and is appointed by Presidential Decree.</p> <p>The four Deputy Ombudsmen are appointed by decision of the Minister of the Interior, Public Administration and Decentralisation, upon recommendation of the Ombudsman.</p>	<p>The Ombudsman and Deputy Ombudsmen are persons of acknowledged prestige, have superior educational qualifications and enjoy broad social acceptance.</p>	<p>During the term of office of the Ombudsman and the Deputy Ombudsmen, the exercise of any other public function is suspended. The Ombudsman and the Deputy Ombudsmen are not permitted to assume any other duties, either paid or unpaid, in the public or private sectors.</p> <p>If the person appointed as Ombudsman is a Member of Parliament, he/she must resign his/her seat prior to assuming his/her duties.</p> <p>Substitution of the Ombudsman may take place when, for whatever reason, the Ombudsman is unable to exercise his duties.</p>	<p>The term of office of the Ombudsman and the Deputy Ombudsmen is five years. Re-appointment of the same individual as Ombudsman is not permitted. The premature termination of the Ombudsman’s term in office, for any reason, entails <i>ipso jure</i> the termination of the office of the Deputy Ombudsmen.</p>	<p>The Ombudsman may be relieved of his duties by Presidential Decree, issued on the recommendation of the Council of Ministers following a prior opinion of the Standing Parliamentary Committee on Institutions and Transparency, for reasons of incapacity to exercise his duties due to illness or disability, either physical or mental.</p> <p>The Deputy Ombudsmen may be relieved of their duties by decision of the Minister of Interior, Public Administration and Decentralisation, upon the recommendation of the Ombudsman, for reasons of incapacity to exercise their duties, due to illness or disability, physical or mental, or for reasons of inadequacy in exercising their duties.</p>

GREECE (*Sinigoros tou Politi*) (continued)

Summary of functions	Position with respect to political authorities	Methods of referral	Procedures of investigation	Powers of investigation	Powers of sanction
<p>The mission of the Ombudsman is to mediate between citizens and public sector services, local government authorities, public corporate agencies and public utility companies, as defined in article 3 par. 1 of Act 2477/97, with the aim of protecting the rights of citizens, combating maladministration, and ensuring observance of the laws</p> <p>The Ombudsman has no jurisdiction over government ministers and deputy ministers for acts pertaining to their political function, religious public corporate agencies, judicial authorities, military services with regard to issues of national defence and security, the National Intelligence Service, services of the Ministry of Foreign Affairs for matters related to the conduct of the Country's foreign policy or international relations, the Legal Council of the State and independent administrative authorities with regard to their main function.</p> <p>The Ombudsman investigates individual administrative acts or omissions or material actions of public sector bodies which violate rights or infringe upon the legal interests of persons or legal entities. In particular, the Ombudsman investigates cases in which an organ of the public sector, whether individual or collective:</p>	<p>The Ombudsman is not subject to supervision by any government body or administrative authority.</p>	<p>The Ombudsman undertakes the investigation of any issue in his jurisdiction, following a signed complaint lodged by any directly concerned person or legal entity or union of persons.</p> <p>He may also proceed <i>ex officio (self referral)</i> to the investigation of cases which have aroused particular public interest.</p>	<p>Complaints received by the Ombudsman are entered in the electronic protocol. This allows the progress of each case to be followed easily and also ensures the essential control and transparency in the operation of the institution.</p> <p>Once the complaint has been registered in the electronic protocol, it is given a preliminary examination and assigned to the relevant department. A letter is then sent to the complainant, informing him or her of the name and telephone number of the Investigator who has taken up the case.</p> <p>The case-handler then ascertains if there are any reasons for which the complaint falls outside the Ombudsman's jurisdiction, as defined in the law establishing the Ombudsman. If this is the case, a letter is sent to the complainant referring him or her, whenever possible, to the relevant service or suggesting how the problems submitted to the Ombudsman may be addressed. If the case does fall within the Ombudsman's jurisdiction, the case-handler proceeds with a thorough investigation.</p>	<p>A thorough investigation includes:</p> <ul style="list-style-type: none"> <li>-collecting the pertinent legislation, possibly in collaboration with the responsible public service or agency;</li> <li>-possibly requesting additional information from the complainant;</li> <li>-requesting information, documents, or other material relevant to the case from the public service concerned.</li> </ul> <p>Other possibilities are :</p> <ul style="list-style-type: none"> <li>-interviewing individuals;</li> <li>-conducting on-the-spot-investigations;</li> <li>-establishing a commission of experts.</li> </ul> <p>The Public Administration Investigators-Inspectors Authority may also be asked to assist in the investigation.</p> <p>The refusal of a public functionary or civil servant or member of the administration to cooperate with the Ombudsman during an investigation constitutes a disciplinary offence of breach of duty, and for members of the administration, a reason for their replacement.</p>	<p>If the response from the service concerned is not satisfactory, the Ombudsman draws up a report, which is submitted to the service and to the responsible minister, so that s/he can take action if s/he so chooses. At the same time, the complainants are kept informed. The Ombudsman may set deadlines by which the administration should adopt his recommendations.</p> <p>The Ombudsman may make public the refusal of a service to accept his recommendations, if he considers that this is not sufficiently justified.</p> <p>If, during the course of the investigation, it is proven that there has been unlawful behaviour on the part of a public functionary, civil servant or member of an administration, the Ombudsman submits the report to the competent body and may call for disciplinary action against the person responsible or recommend the adoption of other measures, if the person responsible is not subject to disciplinary control.</p> <p>The Ombudsman may also, in serious cases, call, by means of a document addressed to the competent body, for disciplinary action against the responsible public functionary or civil servant for the above omission in exercising the indicated control.</p>

GREECE (*Sinigoros tou Politi*) (continued)

Summary of functions (continued)	Position with respect to political authorities	Methods of referral	Procedures of investigation (continued)	Powers of investigation (continued)	Powers of sanction (continued)
<p>- by an act or omission, infringes upon a right or interest protected by the Constitution and legislation;</p> <p>- refuses to fulfil a specific obligation imposed by a court decision against which there is no right of appeal;</p> <p>- refuses to fulfil a specific obligation imposed by a legal provision or by an individual administrative act;</p> <p>- commits or omits to commit a due legal act, in violation of the principles of good administration and transparency or in abuse of power.</p>			<p>If, after studying the assembled documentation, the case-handler does not find evidence of any illegality or maladministration, the complainant is informed and the case file is deposited in the archives. If, however, this is not the case, proposals and recommendations are made to the service concerned. Subsequent steps in the handling of the case depend on how these recommendations are (or are not) adopted.</p>	<p>If it emerges from the reports of the Ombudsman that a public functionary or civil servant, for the second time within a three-year period, has obstructed the work of an investigation or refuses without serious reason to cooperate in the solution of the problem, the penalty of definitive dismissal may be imposed.</p>	<p>If there is sufficient evidence that a public functionary, civil servant, or member of an administration has committed a criminal act, the Ombudsman refers the case to the competent Public Prosecutor.</p>

General reports to political authorities	Administrative Position of the secretariat	Staff	Budget
<p>The annual report is submitted in March of each year to the Prime Minister and the President of Parliament and it is communicated to the Minister of the Interior, Public Administration and Decentralisation. The annual report is debated in a special plenary session of Parliament.</p> <p>The Ombudsman may also, during the course of the year, submit reports on special cases to the Prime Minister, the President of Parliament and the competent Minister.</p>	<p>The position of the Secretariat is autonomous.</p> <p>The Director of the Secretariat is nominated by the Ombudsman and is a permanent civil servant, seconded to the Ombudsman by decision of the Minister of the Interior, Public Administration and Decentralisation, without the opinion of the service committee, as an exception to the provisions in force.</p> <p>The other members of the staff of the Secretariat are employees seconded from civil service departments by joint decision of the Minister of Interior, Public Administration and Decentralisation and the competent Minister in each case, as an exception to the general and special provisions in force. The secondment may be revoked at any time, and in any case the resulting vacancy may be filled.</p>	<p>Apart from the Ombudsman, the four (4) Deputy Ombudsmen and the Director of the Secretariat, <i>the law provides for :</i></p> <ol style="list-style-type: none"> <li>forty (40) positions of senior investigators to be filled by civil servants, university graduates with at least eight years in service, seconded by joint decision of the Minister of Interior, Public Administration and Decentralisation and the competent Minister in each case, for a term of three years which may be renewed once.</li> <li>thirty (30) positions of senior investigators to be filled by persons from the private sector with postgraduate studies, with a labour contract under private law for a term of five (5) years, which may be renewed.</li> <li>thirty (30) positions of junior investigators to be filled by university graduates from the private sector with a labour contract under private law for a term of five (5) years, which may be renewed.</li> <li>thirty (30) positions of permanent administrative support staff, to be filled by civil servants, seconded by joint decision of the Minister of Interior, Public Administration and Decentralisation and the competent Minister in each case, for an indefinite period of time.</li> <li>seven (7) positions for the secretarial support of the Ombudsman and the Deputy Ombudsmen.</li> </ol> <p><i>Present situation (31.03.2000)</i></p> <p>Apart from the Ombudsman, the four (4) Deputy Ombudsmen and the Director of the Secretariat,</p> <ol style="list-style-type: none"> <li>18 senior investigators seconded from the public sector</li> <li>28 senior investigators under private law labour contract</li> <li>29 junior investigators under private law labour contract</li> <li>8 members of the Secretariat seconded from the public sector</li> </ol> <p>secretarial staff members of the Ombudsman and the 4 Deputy Ombudsmen</p>	<p>Budget 2000: GRD 903,000,000 (EUR 2,650,037)</p> <p>The funds required for the operation of the Authority are entered in a special account, and incorporated in the annual budget of the Ministry of the Interior, Public Administration and Decentralisation. The Ombudsman or his Alternate is legally responsible for the expenditure.</p>

**SPAIN** (*Defensor del Pueblo*)

<b>Constitutive act</b>	<b>Current legal basis</b>	<b>Appointment</b>	<b>Qualifications required</b>	<b>Incompatibilities</b>	<b>Length of mandate</b>	<b>Dismissal</b>
Article 54 of the Spanish Constitution of 6 December 1978. Organic Law No. 3/1981 of 6 April on the <i>Defensor del Pueblo</i> .	- Organic Law No. 3/1981 of 6 April on the <i>Defensor del Pueblo</i>  - Rules governing the organization and operation of the office of the <i>Defensor del Pueblo</i> , adopted by the Bureaux of the Congress and the Senate on a proposal from the <i>Defensor del Pueblo</i> at the joint meeting of 6 April 1983	The <i>Defensor del Pueblo</i> is elected by the <i>Cortes</i> , by a 3/5 majority of each of the Chambers (Congress and Senate) and thus becomes the High Commissioner for Human Rights. Candidates are proposed by a joint Congress-Senate Committee.	Any Spanish citizen of age enjoying civil and political rights may be elected <i>Defensor del Pueblo</i> .	The office of <i>Defensor del Pueblo</i> is incompatible with any political office, whether elective or appointive. It is also incompatible with service in an administration. The <i>Defensor del Pueblo</i> may not be a member of a political party or hold a position of leadership in trade unions, associations or foundations. He may not be a judge or a member of a government department and may not exercise any other professional activity.	5 years.  The <i>Defensor del Pueblo</i> may be re-elected.	In the event of negligence or conviction for a criminal act, the <i>Defensor del Pueblo</i> may be dismissed by decision of a 3/5 majority of each of the Chambers.

<b>Summary of functions</b>	<b>Position with respect to political authorities</b>	<b>Methods of referral</b>	<b>Procedures of investigation</b>	<b>Powers of investigation</b>
Under Article 54 of the Constitution, the <i>Defensor del Pueblo</i> is responsible for defending the fundamental rights and freedoms recognized in Title I of the Spanish Constitution and for monitoring the actions of the civil service (central and peripheral authorities, including military authorities, autonomous authorities, local authorities and public undertakings and services). He must not get involved in cases pending before a court, cases already tried, or cases affecting the national defence command.	The <i>Defensor del Pueblo</i> has no mandatory instructions to follow. He does not receive instructions from any authority. He carries out his duties independently and in accordance with his own dictates.  He may not be detained, prosecuted or tried for the opinions he expresses or the action he takes in the exercise of his duties. He enjoys immunity. He may not be detained during his mandate except in the event of flagrante delicto. He is tried by the Supreme Court.	Any natural or legal person, even a foreigner, with a legitimate interest in his request may appeal to the <i>Defensor del Pueblo</i> . All that is required is a signed written statement setting out the request and indicating the first name, surname and address of the applicant.  Complaints concerning specific facts must be lodged within one year of their coming to the knowledge of the person concerned.  The <i>Defensor del Pueblo</i> may also intervene on his own initiative.	When the <i>Defensor del Pueblo</i> receives a request or becomes aware in any other way of an administrative irregularity, he opens an ad hoc inquiry, which takes the form of a short, unofficial investigation. He asks the department concerned in writing for information on the case and for the relevant documentation. He carries out checks in person or instructs one of his delegates to do so. Where it transpires that the request is probably the result of corrupt practice, arbitrariness, discrimination, error, negligence or omission on the part of an official, the <i>Defensor del Pueblo</i> forwards his opinion on the case to the person concerned. On the same day he forwards a copy of that document to the immediate superior along with the proposals he deems appropriate.  Inquiries made by the <i>Defensor del Pueblo</i> and his staff and procedures followed are entirely confidential as regards both individuals and public bodies, without prejudice to any comments the <i>Defensor del Pueblo</i> considers it appropriate to include in his reports to the <i>Cortes</i> . Special measures of protection are used for documents classified secret.	The <i>Defensor del Pueblo</i> has free access to all administrative documents which no authority may deny him. He can ask to see all documents, even those classified secret by law. Any decision not to hand over classified documents must be taken by the Council of Ministers, who will issue a document recording their decision.  If any body, official, director or person working for the public service is persistently hostile to or obstructs the <i>Defensor del Pueblo</i> in his inquiries, this may be made the subject of a special report and may also be mentioned in the relevant section of the <i>Defensor del Pueblo's</i> annual report.  An official, whatever his rank, who obstructs an inquiry through absence or negligence when forwarding the reports requested or who does not facilitate access to the files or administrative documentation needed for the inquiry is considered to have committed an act of disobedience and, in this event, the <i>Defensor del Pueblo</i> informs the public prosecutor who may institute proceedings.

SPAIN (*Defensor del Pueblo*) (continued)

Powers of sanction	General reports to political authorities	Administrative position of the secretariat	Staff	Budget
<p>The <i>Defensor del Pueblo</i> has the right to make proposals to the administration concerned for changing the criteria used for determining administrative action.</p> <p>He may issue warnings and remind the administrative authorities of their legal obligations.</p> <p>He may bring a liability action against officials.</p> <p>He may initiate Habeas Corpus proceedings.</p> <p>When he considers that a legal or regulatory measure could be unjust to citizens, he may recommend that Parliament or the government amend or repeal it.</p> <p>He may refer matters to the constitutional court if laws are unconstitutional (action of unconstitutionality) or if fundamental rights are violated (application for protection).</p>	<p>Annual report submitted to the <i>Cortes</i>.</p> <p>When circumstances so require, either because of the gravity of the facts or the urgent need to make them known, he may also submit special reports.</p> <p>The reports are debated by the joint Congress-Senate committee and at plenary sittings of the two Chambers.</p>	<p>The <i>Defensor del Pueblo</i> has two assistants, whom he himself appoints after approval of the nomination by the Chambers. Their status is similar to that of the <i>Defensor del Pueblo</i> in terms of prerogatives and incompatibilities.</p> <p>Staff working for the <i>Defensor del Pueblo</i> are regarded as staff working for the <i>Cortes</i> without prejudice to the organizational and operational status of the <i>Defensor del Pueblo</i>.</p> <p>The <i>Defensor del Pueblo</i> is free to appoint his staff in accordance with the principles of merit and competence. When appointing his staff, he gives priority to civil servants.</p> <p>Staff who do not fulfil the conditions applicable to career officials in public administrations are regarded as temporary officials in the service of the <i>Defensor del Pueblo</i>.</p>	<p>190 staff.</p>	<p>Budget 2000: ESP, 1,254,827,000 (EUR 7,541,662)</p> <p>The budget of the <i>Defensor del Pueblo's</i> office is included in the general budget of the <i>Cortes</i>.</p>

**FRANCE** (*Médiateur de la République*)

Constitutive act	Current legal basis	Appointment	Qualifications required	Incompatibilities	Length of mandate	Dismissal
Law No. 73-6 of 3 January 1973	Law No. 73-6 of 3 January 1973 creating the office of Ombudsman, as supplemented by Law No. 76/1211 of 24 December 1976 and Law No. 89/18 of 13 January 1989 and as amended by Law No. 92-125 of 6 February 1992 and by Law No. 2000-321 of 12 April 2000.	The Ombudsman is appointed by decree by the Council of Ministers	No special qualifications required	The Ombudsman may not be elected to the National Assembly or the Senate and may not stand for election as a local or regional councillor unless he occupied such a post before his appointment.	Six years.  His term is not renewable.	His mandate may not be terminated before the end of the six-year period except in the event of impediment established by a College duly appointed by the President of the Republic. The College consists of the Vice-President of the Council of State who chairs it, the first President of the Court of Appeal and the first President of the Court of Auditors. The decision establishing impediment must be taken unanimously.

Summary of functions	Position with respect to political authorities	Methods of referral	Procedures of investigation	Powers of investigation
<p>In accordance with the provisions of the law, the Ombudsman receives complaints from citizens about the functioning of government departments, local authorities, public institutions and any other body that fulfils a public service function.</p> <p>His role is to defend the citizen against maladministration and any injustice in the application of laws and regulations.</p> <p>He may also propose reforms to legislation or regulations.</p> <p>He may not intervene in cases before the Courts or question a judicial decision. He has no jurisdiction in disputes between the administration and its staff.</p>	<p>The Ombudsman is independent and, within the limits of his powers, receives no instructions from any other authority.</p> <p>He may not be prosecuted, searched, arrested, detained or tried because of the opinions he expresses or action he takes in the performance of his duties.</p>	<p>The Ombudsman may only be assigned a task by a Member of Parliament, who 'filters' requests submitted by citizens, including foreigners.</p> <p>Complainants - natural or legal persons - instruct a Member of Parliament or a Senator to submit their request, which must relate to the poor functioning of public authorities. Members of Parliament may also, acting on their own initiative, refer a matter to the Ombudsman that falls within his remit and seems to them to merit his attention, or refer the complaint to a delegate who will pass it on to the Ombudsman. At the request of one of the six standing committees of the Senate or the National Assembly the President of either assembly may also forward to the Ombudsman any petition received by the National Assembly or the Senate.</p> <p>Complaints must be preceded by the necessary steps vis-à-vis the administrations concerned.</p> <p>The Ombudsman may act on his own initiative with regard to proposals aimed at solving poor functioning in bodies that fulfil a public service function. The Ombudsman may also, of his own accord, propose reforms to the provisions of legislation or regulations if their application results in unjust situations. Citizens may refer directly to departmental delegates.</p> <p>If the European Ombudsman or a foreign counterpart of the <i>Médiateur de la République</i> is dealing with a complaint that he feels falls under the competence of and merits the intervention of the <i>Médiateur de la République</i>, he may pass that complaint on to him.</p>	<p>Where the Ombudsman is convinced of the validity of a complaint, there is an exchange of correspondence with the public service concerned which may lead to a decision being revised or confirmed, but also sometimes to a thorough inquiry.</p> <p>The procedure is fairly informal.</p>	<p>The Ombudsman has access to all documents, including confidential ones, except those relating to national defence, state security and foreign policy.</p> <p>Ministers and all public authorities must facilitate the Ombudsman's task. They are required to authorize their staff to answer questions and attend any meetings called by the Ombudsman, and the supervisory bodies must respond or defer to such requests. They must ensure that such orders are acted on.</p> <p>The Vice-President of the Council of State and the first President of the Court of Auditors carry out all investigations requested by the Ombudsman</p>

**FRANCE** (*Médiateur de la République*) (continued)

<b>Powers of sanction</b>	<b>General reports to political authorities</b>	<b>Administrative position of the secretariat</b>	<b>Staff</b>	<b>Budget</b>
<p>He may make recommendations to the different administrations and threaten to publish the recommendations if no action is taken on them.</p> <p>If no action is taken on a court decision that has become res judicata, he may require the body concerned to comply with it within a specific time limit. If this order is not complied with, a special report is drawn up on the failure to apply the court decision, submitted to the President of the Republic and Parliament and published in the Official Journal.</p> <p>He may initiate disciplinary procedures before a criminal court against a civil servant. He may also propose reforms if he considers that certain provisions of laws or regulations are the source of injustice.</p>	<p>Annual report to the President of the Republic and Parliament.</p> <p>This report is the subject of a communication from the <i>Médiateur de la République</i> before each of the two assemblies.</p>	<p>Autonomous. The Ombudsman appoints all his staff and has total freedom over the organization of his departments.</p>	<p>90 staff in Paris (mainly officials made available by their administrations of origin).</p> <p>123 departmental delegates throughout the territory.</p> <p>There are plans to nominate 300 new 'local' delegates, at a rate of 100 per year, from 2000.</p>	<p>Budget 2000: FRF 29,020,000 (EUR 4,424,070).</p> <p>The appropriations needed for the Ombudsman's office are voted on by Parliament and entered in the Prime Minister's budget.</p> <p>The Ombudsman submits his accounts to the Court of Auditors.</p>

**IRELAND (Ombudsman)**

Constitutive Act	Current legal basis	Appointment	Qualifications required	Incompatibilities	Length of mandate	Dismissal
The Ombudsman Act, 1980 (The Office commenced operations on 1st January 1984).	- The Ombudsman Act, 1980 (as amended).	Appointment by President upon resolution of the Houses of the <i>Oireachtas</i> (Parliament).	Not stated.	The Ombudsman cannot be a member of the Houses of the <i>Oireachtas</i> (Parliament), European Assembly, a Local Authority or the Reserve Defence Forces.	The Ombudsman shall hold office for a term of six years and may be re-appointed for a second or subsequent term but must vacate the office on attaining the age of 67 years.	The Ombudsman may be removed from Office by the President for stated misbehaviour, incapacity or bankruptcy upon resolution of the Houses of the <i>Oireachtas</i> (Parliament).

Summary of functions	Position with respect to political authorities	Methods of referral	Procedures of investigation	Powers of investigation	Powers of sanction	General reports to political authorities
<p>To examine/ investigate allegations of maladministration<sup>1</sup> by specified public bodies (Government Departments and Offices, Local Authorities, Health Boards, <i>Telecom Eireann, An Post</i>).</p> <p>In addition to dealing with individual complaints, the Ombudsman can also raise general issues in regard to anomalies in the operation of the public service system.</p> <p>He can draw attention to anomalies in particular pieces of legislation and suggest that amendments might be made.</p>	The Ombudsman is completely independent in the performance of his functions.	<p>Any individual, company, organization or association can make a complaint, in person or by a third party on behalf of the complainant. Complaints can be made by letter, telephone or by calling at the Office.</p> <p>Complaints must generally be made before the expiration of 12 months from the time of the action or the time the person making the complaint became aware of the action, whichever is the later. The Ombudsman can accept late complaints in special circumstances.</p> <p>The Ombudsman can also act on his own initiative.</p>	<p>The Ombudsman will first carry out a preliminary examination of the complaint to see if it is justified. In the majority of cases complaints are resolved satisfactorily in an informal way.</p> <p>In more complex cases a detailed investigation may be required. Investigations are always conducted in private but it is a matter for the Ombudsman to decide what procedures are appropriate in the conduct of an investigation. If the Ombudsman finds that the complaint is justified, he will report to the public body concerned and may recommend that it review its action or change its decision or take steps to remedy, mitigate or alter the adverse effect of its action.</p>	<p>For the purpose of a preliminary examination or investigation, the Ombudsman may require any person who is in possession of information or documents relevant to the examination or investigation to furnish that information or document to him. The Ombudsman may also require the person to attend before him.</p> <p>He cannot investigate matters relating to personnel, recruitment, contracts for services, court decisions, national security or the defence forces, the <i>garda siochanna</i>, the prisons and actions taken solely in the exercise of clinical judgement by doctors.</p>	<p>The Ombudsman has no power to force a body to accept or act upon his recommendation.</p> <p>However, if the public body does not accept the Ombudsman's recommendation he may make a report to the Houses of the <i>Oireachtas</i> (Parliament).</p> <p>No body has yet refused to accept a formal recommendation of the Ombudsman following an investigation and he has never had to make a special report to the <i>Oireachtas</i>.</p>	The Ombudsman is required to present an Annual Report to the Houses of the <i>Oireachtas</i> (Parliament) each year.

<sup>1</sup> The area of maladministration defined in the Ombudsman Act is that an action was or may have been taken: without proper authority; on irrelevant grounds; as result of negligence or carelessness; based on erroneous or incomplete information; improperly discriminatory; based on an undesirable administrative practice; otherwise contrary to fair or sound administration.

**IRELAND** *(Ombudsman) (continued)*

<b>Administrative position of the secretariat</b>	<b>Staff</b>	<b>Budget</b>
Independent.	41 staff.	Budget 2000: IEP 1,564,000 (EUR 1,985,870)

NETHERLANDS (*Nationale Ombudsman*)

Constitutive Act	Current legal basis	Appointment	Qualifications required	Incompatibilities	Length of mandate	Dismissal	Summary of functions
National Ombudsman Act ( <i>Wet Nationale Ombudsman</i> ) (Act of 4 February 1981; Bulletin of Acts, Orders and Decrees 1981, 35, came into force on 1 January 1982, most recently amended by the Act of 12 May 1999, Bulletin of Acts, Orders and Decrees 214).	<p>- Article 78a of the Constitution (inserted by the Act of 25 February 1999, Bulletin of Acts, Orders and Decrees 133, came into force on 25 March 1999)</p> <p>- National Ombudsman Act (Act of 4 February 1981, Bulletin of Acts, Orders and Decrees 1981, 35, most recently amended by the Act of 12 May 1999, Bulletin of Acts, Orders and Decrees 214)</p>	<p>The Lower House of Parliament (<i>Tweede Kamer der Staten Generaal</i>) appoints the National Ombudsman.</p> <p>For that the vice-president of the Council State, the president of the Supreme Court and the president of the General Chamber of Audit jointly draw up a recommendation containing the names of at least three persons<sup>1</sup>.</p>	The Acts lays down no formal qualification for the post.	<p>The National Ombudsman may not be a member of a public body for which elections are prescribed by law; hold public office for which he receives a fixed salary or remuneration; be a member of a permanent government advisory body; act as an advocate, solicitor, or notary.</p> <p>The National Ombudsman shall not hold any position which is incompatible with the correct performance of his official duties or with his impartiality and independence or with public confidence therein.</p>	<p>6 years.</p> <p>He can be re-appointed, until the age-limit of sixty-five.</p>	<p>The National Ombudsman can only be dismissed on the grounds laid down in the Act, which are similar to those applying to members of the judiciary.</p> <p>One of the grounds for dismissal is further that the National Ombudsman 'in the opinion of the Lower House of Parliament, as result of his acts or omissions, seriously undermines the confidence placed in him'.</p>	<p>To investigate and to issue judgments on the acts of administrative bodies. Administrative bodies within the competence of the National Ombudsman are: Ministers, administrative bodies which have been assigned duties in respect of the police by or pursuant to a statutory regulation, and independent agencies. Furthermore, administrative bodies of provinces, municipalities, water control authorities and joint schemes which, at their request, have been designated by the Minister of the Interior and Kingdom Relations as administrative bodies which fall within the competence of the National Ombudsman. Thus, as of 1 January 2000 the administrative bodies of the provinces, the water control authorities and of 62 municipalities fall within the competence of the National Ombudsman.</p> <p>The judiciary lies outside the competence of the National Ombudsman.</p>

<sup>1</sup> The National Ombudsman Act provides for the possible appointment of one or more Deputy Ombudsmen. The appointment of a Deputy Ombudsman is also made by the Lower House following a recommendation of at least three persons by the National Ombudsman, and is for the duration of the latter's term of office.

NETHERLANDS (*Nationale Ombudsman*) (continued)

Position with respect to political authorities	Methods of referral	Procedures of investigation	Powers of investigation
<p>Independent.</p> <p>The National Ombudsman is one of the High Councils of State (<i>Hoge Colleges van Staat</i>), as are both Houses of Parliament, the Council of State (<i>Raad van State</i>), and the General Chamber of Audit (<i>Algemene Rekenkamer</i>).</p> <p>The High Councils of State – like the judiciary - are characterised by formal independence from the government.</p>	<p>Any person has the right to petition the National Ombudsman in writing to investigate the way in which an administrative body has acted towards a natural person or legal entity in a particular matter, unless more than a year has elapsed since the conduct in question.</p> <p>Before submitting the petition, the petitioner must inform the appropriate administrative body or the civil servant about his complaint regarding the way in which that body or public servant has acted. The administrative body or civil servant is hereby given the opportunity to give an explanation and/or a rectification.</p> <p>The National Ombudsman has also the power 'to institute an investigation on his own initiative into the way in which an administrative body has acted in a particular matter'.</p>	<p>Investigation of a complaint by the National Ombudsman can take place by means of two methods: by means of an intervention or by means of an investigation leading to a report. The aim of the intervention method is to reach a solution to the problem that gave rise to the complaint. The administrative body is informed by the National Ombudsman about the complaint, and given the opportunity to resolve the problem. The investigator of the National Ombudsman who deals with the matter phones the contact person of the administrative body concerned, and presents the complaint. Informal consultations will take place, in which the investigator contributes to a possible solution. Where possible, documents from the complaints file will be sent by fax. The petitioner will be informed by telephone or in writing that an inquiry has been instituted. The contact person is given the opportunity of finding a solution within the organisation itself. If such a solution is reached, the National Ombudsman will discontinue the investigation. In conclusion, the petitioner and the administrative body will receive a letter describing the complaint, the procedure followed and the solution reached.</p> <p>If the intervention is not successful, if it is immediately clear that a complaint cannot be settled by resolving a problem, or if a complicated complaint is involved which requires extensive research to establish the facts, an investigation will be started which leads to a report. The complaint will be summarised and submitted in writing to the administrative body, with the request to comment. At the same time, the petitioner receives notification that an investigation has been launched. The National Ombudsman will send the response of the administrative body to the petitioner, who may comment on it. This is the base on which further investigation will take place, as required. It is often the case that the investigator dealing with the matter hears the parties (by telephone or in person), or asks further questions in writing. It may also be necessary to inspect the situation on the spot. The principle of hearing both sides of the argument is consistently applied, so that the petitioner and the administrative body are always given the opportunity to respond to the information submitted. The investigation of the facts concludes with a report of findings, drawn up under the responsibility of the Deputy Ombudsman. The petitioner and the administrative body can comment on this report. The report which will subsequently be issued contains, in addition to the report of findings, a judgment on the act investigated and the conclusion of the National Ombudsman on the merits of the complaint. The report is sent to the petitioner and the administrative body. A version of the report, not revealing the identity of individuals, is made public. It can be inspected on the web site of the National Ombudsman and, as the occasion arises, will be distributed to the media.</p>	<p>The National Ombudsman has the power of site inspection, and the power to summon the administrative body, the petitioner, witnesses and experts. Summonses can, if necessary, be enforced by the forces of law and order. Witnesses may be heard under oath.</p> <p>The administrative body has a duty to supply all information requested and to allow the National Ombudsman access to all places where it carries out its duties.</p> <p>The duty to supply information extends to papers and information classified as confidential, as in the cases of the intelligence and security services, and some judicial and fiscal data.</p>

**NETHERLANDS** (*Nationale Ombudsman*) (continued)

<b>Powers of sanction</b>	<b>General reports to political authorities</b>	<b>Administrative position of the secretariat</b>	<b>Staff</b>	<b>Budget</b>
<p>On the basis of the report of findings, the National Ombudsman formulates his judgement. He shall determine whether or not the administrative body concerned has acted properly in the matter under investigation<sup>2</sup>. The judgement may be accompanied by a recommendation. Neither the judgement nor the recommendation is legally enforceable. In practice, recommendations are almost always followed; frequently, administrative bodies take measures in advance of the report, to satisfy the complainant.</p>	<p>Annual report, submitted to both Houses of Parliament and to the Ministers.</p>	<p>Autonomous. The personnel of the Office of the National Ombudsman is appointed and dismissed by the National Ombudsman.</p>	<p>Approx.: 95</p>	<p>2000 : NLG 14,700,000 (EUR 6,670,569)</p>

<sup>2</sup> The standard of proper conduct has been elaborated in practice into a system of criteria for the assessment of government actions. The criteria for assessment used by the National Ombudsman fall into two groups. The first group embodies the notion of the rule of law. This covers the requirement that government acts in conformity both with the regulations of written statutes, which express the will of Parliament and with unwritten legal principles. The second group of criteria for assessment can be summed up in the idea of a duty of care, which manifests itself in certain accepted standards for the administrative process and the conduct of civil servants in relation to the citizen. These include the requirement to act without undue delay, to supply the individual with relevant information and listen to his point of view, the requirements to treat people fairly, to respect human dignity, and to be unbiased and helpful. Finally it sets standards for the government organisation - standards of coordination, monitoring of progress, protection of the individual's privacy, accessibility of the authorities and adequate accommodation (e.g. in police cells).

**AUSTRIA** (*Volksanwaltschaft*)

Constitutive Act	Current legal basis	Appointment	Qualifications required	Incompatibilities	Length of mandate	Dismissal
<p>In 1977 the Austrian Parliament adopted the Federal Law concerning the functions and organisation of the <i>Volksanwaltschaft</i><sup>1</sup> for a limited period (from 1977 to 1983). In 1981 these regulations were incorporated in the Federal Constitution.</p>	<ul style="list-style-type: none"> <li>- Federal Constitution (<i>Bundesverfassungsgesetz</i>), articles 148a to 148j</li> <li>- Federal law on the <i>Volksanwaltschaft</i></li> <li>- Federal law on the <i>Nationalrat</i> Standing Orders</li> <li>- Standing Orders and Allocation of business adopted by the <i>Volksanwaltschaft</i></li> </ul>	<p>The <i>Volksanwaltschaft</i> is a collegial body made up of three members, who are elected by the <i>Nationalrat</i> (the Lower House of Parliament) on the basis of a joint recommendation drawn up by the Main Committee in the presence of at least half its members. Each of the three parties with the largest number of votes in the <i>Nationalrat</i> is entitled to nominate one member for this recommendation. The <i>Nationalrat</i> then elects the three members of the <i>Volksanwaltschaft</i> on the basis of this list of nominees. A member is elected by simple majority vote<sup>1</sup>.</p>	<p>No special qualifications required.</p> <p>To be eligible for selection as a member of the <i>Volksanwaltschaft</i>, a person must be eligible to serve in the <i>Nationalrat</i>.</p>	<p>While in office, the <i>Volksanwaltschaft</i> members may neither belong to the Federal Government nor to a Land Government nor to any general representative body and they may not practise any other profession.</p>	<p>The members of the <i>Volksanwaltschaft</i> are elected for a period of six years.</p> <p>They can only be reelected once.</p>	<p>No special rules provided by law. No provisions have been made for the removal from office of Ombudsmen. On the basis of this irremovability, they have the strongest position of any constitutional organ.</p> <p>PP 27 and 74 of the Penal Code provide for the dismissal of any public official, including the Ombudsman, convicted of a crime, if the sentence is more than one year's imprisonment.</p>

<sup>1</sup> The allocation of duties and/or the rules of procedure establish which matters the *Volksanwaltschaft* decides on collectively and which ones are ruled on by individual members of the body. These two norms, in turn, can only be established and changed on the basis of a unanimous resolution of the entire body. Otherwise all that is required is a simple majority vote e.g. for the annual report to Parliament, for the appeal to the Constitutional Court, for recommendations (resolutions). The members can represent each other but may not abstain from voting if they are present. Each Ombudsman is entitled to entrust a legally well-versed staff member with conducting the Ombudsman's sphere of business. All three Ombudsmen decide as a body on the assignment of a given staff member of the Office to a given sphere of business; a unanimous vote is required. The chairmanship of the *Volksanwaltschaft* rotates each year, changing in order of the relative strength (number of parliamentary seats) of the three major parties, each of whom names one of the members. The chairperson must call a meeting of the body at least twelve times a year. The members, too, are entitled to request that meetings be convened.

AUSTRIA (*Volksanwaltschaft*) (continued)

Summary of functions	Position with respect to political authorities	Methods of referral	Procedures of investigation	Powers of investigation	Powers of sanction
<p>The <i>Volksanwaltschaft</i> supervises the federal administration (the <i>Bund</i>), including its activity as a holder of private rights. The <i>Lander</i> can by <i>Land</i> constitutional law declare the <i>Volksanwaltschaft</i> competent also in the sphere of the particular Land's administration<sup>2</sup>. The <i>Volksanwaltschaft</i> investigates complaints or examines grievances ex-officio and assists in the handling of petitions and civic initiatives presented to the <i>Nationalrat</i><sup>3</sup> and to the <i>Bundesrat</i>..</p>	<p>The <i>Volksanwaltschaft</i> is one of the agencies of Parliament which supervises the Government administration. It is independent in the exercise of its authority. Ombudsmen cannot be given instructions or mandates in performing their duties or office</p>	<p>Anyone can lodge a complaint with the <i>Volksanwaltschaft</i> against alleged maladministration by the <i>Bund</i>, provided that they are affected by such maladministration and in so far as they do not or no longer have recourse to legal remedy. There are no formal rules of procedure for dealings with Ombudsmen (it may be done orally, in writing, by telegraph, by telefax, by telex, in person, or through an agent).</p> <p>The <i>Volksanwaltschaft</i> is also ex officio entitled to investigate suspected maladministration by the <i>Bund</i> including its activity as a holder of private rights.</p>	<p>The member of the <i>Volksanwaltschaft</i> who is, according to the Allocation of business, competent for the case makes a proposal to solve the problem. In very important cases a collegial recommendation is adopted. The complainant is informed of the investigation's outcome and what action, if necessary, has been taken.</p>	<p>All <i>Bund</i>, <i>Lander</i> and <i>Gemeinde</i> (Commune) authorities must support the <i>Volksanwaltschaft</i> in the performance of its tasks, allow it to inspect records and, upon request, furnish the information required. Official secrecy is inoperative in the case of the <i>Volksanwaltschaft</i>. The Ombudsmen themselves are bound by official secrecy. They are not granted a right to summon witnesses.</p>	<p>The <i>Volksanwaltschaft</i> submits recommendations to the federal authorities on measures to be taken in or by reason of a particular case. In matters of autonomous administration by agents not subject to directives the <i>Volksanwaltschaft</i> issues the recommendation to the autonomous administrative authority or agency; these recommendations shall likewise be brought to the attention of the highest federal administrative authority. The authority concerned must within 8 weeks either conform to the recommendation and inform the <i>Volksanwaltschaft</i> accordingly or state in writing why the recommendations have not been complied with. On application by the <i>Volksanwaltschaft</i>, the Constitutional Court pronounces on the illegality or otherwise of ordinances (<i>Verordnung</i>) by a Federal authority<sup>4</sup> or a <i>Land</i> authority<sup>2</sup>.</p>

<sup>2</sup> The *Lander* can also create agencies in the sphere of *Land* administration with tasks similar to the *Volksanwaltschaft*. The Federal States (Bundesländer) Burgenland, Carinthia, Lower Austria, Upper Austria, Salzburg, Styria, and Vienna have all availed themselves of the option to declare the Office of the Ombudsman in Vienna as competent for the provincial administrative authorities of the respective provinces. Vorarlberg and the Tyrol, by contrast, have opted to create their own ombudsmen to oversee their provincial administration.

<sup>3</sup> In this regard, s. 100b para 2 of the Federal Law governing the Rules or Procedure of the *Nationalrat* stipulates that the Committee on Petitions and Civic Initiatives may in the course of its preliminary deliberations also decide to procure comments from the Austrian *Volksanwaltschaft* or to invite members or duly informed representatives of the Austrian *Volksanwaltschaft* to their hearings. If complaints or ex-officio investigation proceedings are brought before the Ombudsman in connection with a petition or civic initiative, these proceedings or the results thereof are published by the Austrian *Volksanwaltschaft*. If necessary, interim reports on results achieved so far or on any further steps still to be taken may also be published.

<sup>4</sup> If differences of opinion arise between the *Volksanwaltschaft* and the Federal Government or a Federal Minister on the interpretation of legal provisions regarding the functions of the *Volksanwaltschaft*, the Constitutional Court on application by the Federal government or the *Volksanwaltschaft* decides the matter in closed proceedings. The two possibilities to appeal to the Constitutional Court provided for in the Federal Constitution are very effective weapons that extend far beyond the Ombudsman's personal authority. A judgment for the petitioning Ombudsman leaves the administrative authorities no latitude; the sentence of the Constitutional Court must be complied with and resistance can be broken by means of enforcement. The authority to appeal to the Constitutional Court to examine an ordinance (*Verordnung*) is similarly powerful. If the petition of the Ombudsman is allowed and the ordinance is repealed, the administrative authority - in contrast to a recommendation - has no latitude whatsoever; it must comply with the decision of the Constitutional Court.

**AUSTRIA** (*Volksanwaltschaft*) (continued)

<b>General reports to political authorities</b>	<b>Administrative position of the secretariat</b>	<b>Staff</b>	<b>Budget</b>
<p>The <i>Volksanwaltschaft</i> provides the Nationalrat and the Bundesrat with an annual report on its activity.</p> <p>The Ombudsmen are entitled to speak while the reports are being discussed in Parliament and they have also this right in committees consulting on their matters.</p>	<p>The <i>Volksanwaltschaft</i> has an autonomous administration; it decides its internal rules and the internal allocation of duties itself.</p>	<p>47 persons.</p>	<p>Budget 2000: ATS 52,700,000 (EUR 3,829.858)</p>

**PORTUGAL (*Provedor de Justiça*)**

<b>Constitutive Act</b>	<b>Current legal basis</b>	<b>Appointment</b>	<b>Qualifications required</b>	<b>Incompatibilities</b>	<b>Length of mandate</b>	<b>Dismissal</b>
Decree Law No. 212/75 of 21 April 1975	<p>- Article 23 of the Constitution of the Portuguese Republic</p> <p>- Law No. 9/91 of 9 April 1991, modified by law nr. 30/96, of 14 August 1996 (Office of <i>Provedor</i>)</p> <p>- Decree Law No. 279/93 of 11 August 1993 (organic law establishing the Office of <i>Provedor</i>).</p>	The <i>Provedor</i> is elected by the Assembly of the Republic by a two-thirds majority of the members present if this number is higher than the absolute majority of the actual members.	Must be a citizen who fulfils the requirements for election to the Assembly of the Republic and has an established reputation for integrity and independence.	The <i>Provedor</i> is subject to the same rules of incompatibility as judges in office and may not perform any functions in bodies of political parties or associations or have any partisan activities of a public nature.	The <i>Provedor</i> is elected for a four-year period and may be reelected once only for another four-year period.	The <i>Provedor</i> is independent and has security of tenure; he may not be removed from office before the end of his mandate except in the event of decease or permanent physical disability; unless he no longer fulfils the conditions for election to the Assembly of the Republic; unless incompatibility arises; unless he resigns.

<b>Summary of functions</b>	<b>Position with respect to political authorities</b>	<b>Methods of referral</b>	<b>Procedures of investigation</b>	<b>Powers of investigation</b>
<p>Defending and promoting rights and freedoms and guaranteeing the legitimate rights of citizens. Using informal methods, he ensures that the public authorities act justly and lawfully.</p> <p>His remit covers all the activities of the central, regional and local authorities, the armed forces, public institutes, public undertakings or undertakings in which the public has a majority holding or firms contracted to provide or operate public services or facilities</p> <p>The activity of the <i>Provedor</i> may also extend to the relations between private persons, which involve a special relationship of dominion, in the scope of the protection of rights, liberties and safeguards.</p>	<p>The <i>Provedor</i> represents a State body. He is independent, has security of tenure and has complete autonomy vis-à-vis the political authorities.</p> <p>He may not be detained without the authorization of the Assembly of the Republic except for a crime punishable by a prison sentence of more than three years and in flagrante delicto.</p> <p>He is a member of the Council of State.</p>	<p>He takes action when complaints are submitted to him in writing or orally by natural or legal persons, including foreigners.</p> <p>There is no time limit for the submission of complaints.</p> <p>The <i>Provedor</i> may also act on his own initiative.</p>	<p>The role of the <i>Provedor</i> is basically an informal and non-judicial one and neutral vis-à-vis legal and internal administrative appeals by citizens.</p> <p>Complaints are first examined to establish their admissibility. Those deemed justified are investigated informally and quickly; information is requested, inspections are made, documents are examined etc.</p> <p>The <i>Provedor</i> may set a deadline in writing of not less than 15 days within which the bodies concerned must submit the information he deems necessary.</p>	<p>All administrative bodies and staff have a legal duty to cooperate with the <i>Provedor</i>; failure to fulfil this obligation constituting an act of disobedience.</p> <p>The <i>Provedor</i> may make visits of inspection in all sections of activity of the public administration, whether announced or unannounced.</p> <p>He may ask for information and documents, which may not be refused unless classified by law as legal or State secrets.</p> <p>He may conduct any inquiries and searches he deems necessary or appropriate.</p>

**PORTUGAL** (*Provedor de Justiça*) (continued)

<b>Powers of sanction</b>	<b>General reports to political authorities</b>	<b>Administrative position of the secretariat</b>	<b>Staff</b>	<b>Budget</b>
<p>The main measures at the <i>Provedor's</i> disposal are recommendations to the public authorities. The body to which a recommendation is made must, within 60 days of receiving it, indicate the position it intends to adopt and, where appropriate, the reasons for not acting on the recommendation.</p> <p>The <i>Provedor</i> may also draw attention to shortcomings in certain legislative provisions by making recommendations for interpreting, amending or repealing them or suggesting new provisions.</p> <p>He may ask the Constitutional Court to verify the constitutionality or legality (in the case of regional laws) of any legislative provision and the non-observance of the Constitution because of a lack of the legislative measures necessary to implement constitutional provisions.</p>	<p>The <i>Provedor</i> submits an annual report to the Assembly of the Republic.</p> <p>At the request of the Assembly of the Republic, he delivers an opinion on matters relating to his activities.</p> <p>He may take part in the proceedings of parliamentary committees dealing with matters that come under his remit either at the request of the committees or when he deems it appropriate.</p>	<p>The technical and administrative services of the <i>Provedor's</i> Office have administrative and financial autonomy.</p>	<p>123 staff.</p>	<p>Budget 2000: PTE 800,000,000 (EUR 3,990,383).</p> <p>The appropriations needed for the <i>Provedor's</i> Office are entered in the Budget of the Assembly of the Republic.</p>



## **FINLAND**

Due to historical reasons, there are two independent "guardians of legality" in Finland; the Parliamentary Ombudsman and the Chancellor of Justice. Their status and salary, as well as their powers are almost identical, and their functions overlap to a great extent. Yet there are some clear differences:

1. the Parliamentary Ombudsman is elected by Parliament for a four-year term, while the Chancellor of Justice is appointed by the President of the Republic and enjoys tenure of office. The President and the Government are not involved in the nomination and election of the Parliamentary Ombudsman. Likewise the Parliament is not involved in the appointment of the Chancellor of Justice.
2. the foremost duty of the Chancellor of Justice is to oversee the lawfulness of the official acts of the Government and the President of the Republic. For this purpose, the Chancellor of Justice must attend all the meetings of the Government and examine the documents of these meetings in advance. The Chancellor of Justice also has a duty, upon request, to provide the President, the Government and the Ministries with information and opinions on legal issues. In this way, the Chancellor of Justice resembles a legal advisor for the Government, but the Constitution makes it clear that the Chancellor of Justice is a supervisor and not a counsel.

As far as the supervision of the Government and the President of the Republic are concerned, the Parliamentary Ombudsman has the same powers as the Chancellor of Justice, but in practice, this area is of secondary importance in the Parliamentary Ombudsman's everyday work. On the other hand, the oversight of certain branches of public administration have been designated as special responsibilities for the Parliamentary Ombudsman : defence forces and military units, prisons and other closed institutions, police powers and deprivations of liberty in general. Complaints concerning these areas are nearly always referred to the Parliamentary Ombudsman. In other areas, the Parliamentary Ombudsman and the Chancellor of Justice agree on a division of labour on a case-to-case basis.

3. in addition, the Chancellor of Justice acts as the highest supervisor of the advocates, having the right to review the decisions of the disciplinary committee of the Finnish Bar Association. The Parliamentary Ombudsman does not have such a power.

The Parliamentary Ombudsman and the Chancellor of Justice are independent of each other and do not oversee each other's activities. However, they keep in close contact, which is also necessitated by their similar functions.

**FINLAND** (*Eduskunnan oikeusasiamies - Parliamentary Ombudsman*)

<b>Constitutive Act</b>	<b>Current legal basis</b>	<b>Appointment</b>	<b>Qualifications required</b>	<b>Incompatibilities</b>	<b>Length of mandate</b>	<b>Dismissal</b>
The Constitution Act of Finland, of 17 July 1919 (replaced by the Constitution of Finland, 11 June 1999).	<ul style="list-style-type: none"> <li>▪ Sections 38, 48, 109, 110, 111, 112, 113, 114 and 117 of the Constitution of Finland (731/1999), 11 June 1999, which entered into force on 1 March 2000.</li> <li>▪ Statute for the Parliamentary Ombudsman, adopted by Parliament on 22 February 2000 and entered into force on 1 March 2000, replacing the earlier Statute adopted by Parliament in 1919 and later amended on many occasions.</li> </ul>	The Ombudsman and two Deputy Ombudsmen are elected by Parliament by secret ballot after the applicants for office have been screened by the Constitutional Law Committee of Parliament.	According to the Constitution, the Ombudsman as well as the Deputies must have “outstanding knowledge of law”.	The Ombudsman and the Deputies may not serve as Members of Parliament, nor can they tend another public office during their term or administer public or private tasks which could imperil the confidence in their impartiality or hamper the performance of their duties. Should they hold a public office when elected, they are granted a leave of absence.	<p>The Ombudsman and the Deputies are each elected for a four-year term which may be renewed.</p> <p>Their terms of office are not tied in with the parliamentary term.</p>	Parliament may in extreme circumstances, and after having obtained the opinion of the Constitutional Law Committee, dismiss the Ombudsman before the end of his or her term, by a decision supported by at least two thirds of the votes cast. Also the High Court of Impeachment may dismiss the Ombudsman, if he or she should be convicted of an offence in office. The same applies to the Deputies.

<b>Summary of functions</b>	<b>Position with respect to political authorities</b>	<b>Methods of referral</b>	<b>Procedures of investigation</b>
The Ombudsman shall ensure that courts of law and other public authorities, civil servants and even others who perform public tasks obey the law, fulfil their obligations and respect constitutional and human rights. The Ombudsman also observes the administration of justice and public affairs, and watches for shortcomings in legislation, as well as monitors the lawfulness of the official actions of the Government, Ministers and the President of the Republic.	<p>The Ombudsman is independent of the Government and only acts upon his or her own judgment. The Ombudsman reports to Parliament on his or her activities and observations. Parliament does not, however, interfere in the work of the Ombudsman or give him or her specific assignments.</p> <p>A charge against the Ombudsman for unlawful conduct is heard by the High Court of Impeachment. The decision to bring such a charge is made by Parliament, after having obtained the opinion of the Constitutional Law Committee.</p>	The Ombudsman investigates complaints lodged by people. Anyone, irrespective of status or citizenship, may complain directly to the Ombudsman. A complaint can be made on one’s own behalf or on behalf of another person or a group. The Ombudsman may also intervene, on his or her own initiative, in matters of concern. He conducts e.g. on-site inspections of public offices and institutions, focusing particularly on prisons, military units, and institutions in the social welfare and health sector. This provides prisoners, conscripts, and persons confined in closed institutions with an opportunity to have confidential discussions with the Ombudsman.	<p>The procedures are flexible and adaptable to the particular requirements of each case.</p> <p>All complaints are registered and replied to. Once received, the complaint undergoes a preliminary reading. It may turn out that the case is beyond the remit of the Ombudsman, or the complaint is manifestly ill-founded, or the matter is pending before a competent authority or there remains a possibility to appeal through ordinary channels. In such cases, the complaint is not investigated, but the complainant is advised to contact the appropriate body. Complaints concerning matters over five years old are not investigated, unless there are special reasons to do so. Anonymous complaints are not usually investigated either.</p> <p>Other complaints are investigated if the Ombudsman finds there is reason to suspect unlawful behaviour or neglect of duty in a matter within his or her remit. The investigation of complaints involves no fees.</p> <p>Both the complainant and the person complained against are informed of the outcome of the investigation by the Ombudsman. The Ombudsman’s views are often released to the media.</p> <p>The Ombudsman and the Deputies observe a division of labour established by the Ombudsman. In matters assigned to them, both Deputies act independently and with the same authority as the Ombudsman.</p>

**FINLAND** (*Eduskunnan oikeusasiamies - Parliamentary Ombudsman*) (continued)

<b>Powers of inquiry</b>	<b>Powers of sanction</b>	<b>General reports to political authorities</b>	<b>Administrative position of the secretariat</b>	<b>Staff</b>	<b>Budget</b>
<p>All public officials and authorities have a duty to render the Ombudsman any assistance he or she needs. The Ombudsman has access to all premises, data systems and information needed for the discharge of his or her duties.</p> <p>During the investigation of a case, the authorities are requested to provide information and give statements to the Ombudsman. Also the person complained against is heard. If necessary, people may be questioned by the investigators on the Ombudsman's staff, or a police investigation may be initiated.</p> <p>The Ombudsman also enjoys the right to attend the meetings of the Government.</p>	<p>The Ombudsman may issue a reprimand for unlawful behaviour or neglect of duty, or express views concerning proper interpretation of the law. He or she may also call the authority's or official's attention to the requirements of good administration or circumstances promoting the implementation of constitutional and human rights. The Ombudsman often makes a recommendation to an authority, in order to correct a mistake or redress a wrong. In serious cases, the Ombudsman may order that a criminal charge be brought against a judge or a public official. Moreover, the Ombudsman may call the Government's and Parliament's attention to shortcomings observed in statutory provisions and make recommendations to rectify them.</p> <p>The Ombudsman may not intervene in a matter under or subject to appeal, influence the hearing or handling of a case pending before a court of law or a public authority, amend or overturn a decision complained against, consider claims for damages or other compensation, nor provide legal assistance or counselling as to how a case should be pursued.</p>	<p>The Ombudsman submits an Annual Report to Parliament on his or her work, including observations on the state of the administration of justice and public affairs, as well as on any shortcomings in legislation.</p> <p>The Ombudsman may also submit special reports to Parliament in matters he or she considers important.</p>	<p>The Office of the Parliamentary Ombudsman is an autonomous administrative unit attached to Parliament and supported by the logistical services of Parliament</p>	<p>The Ombudsman appoints the staff of the secretariat, including the chief legal advisor, four legal advisors and 18 legal officers, two investigating officers, an information officer and office personnel. The total number of full-time staff members is currently 37, consisting of permanent appointees as well as those appointed for a fixed term. In addition, there are a number of part-time legal officers.</p>	<p>Budget 2000: FIM 15,150,000 (EUR 2,548,047).</p> <p>The Ombudsman's budget is incorporated in the Parliamentary budget.</p> <p>The use of premises in the Parliament House as well as logistical services are provided free of charge by Parliament.</p>

**FINLAND** (*Valtionevoston oikeuskansleri - The Chancellor of Justice*)

<b>Constitutive Act</b>	<b>Current legal basis</b>	<b>Appointment</b>	<b>Qualifications required</b>	<b>Incompatibilities</b>	<b>Length of mandate</b>	<b>Dismissal</b>
The Constitution of Finland, of 11 June 1999	Sections 69, 108, 110 and 112 of the Constitution of Finland and the Act on the Chancellor of Justice of the Government, both of which entered into force on 1 March, 2000.	The Chancellor of Justice and the Deputy Chancellor of Justice are appointed by the President of the Republic.	Under the Constitution of Finland (section 69), the Chancellor of Justice and his Deputy shall have an outstanding knowledge of the law.	The Chancellor of Justice cannot serve simultaneously as a Member of Parliament or hold any other public office.	The appointments of the Chancellor of Justice and his Deputy are permanent.	The dismissal of the Chancellor of Justice and his Deputy can only be carried out by the President of the Republic.

<b>Summary of duties</b>	<b>Position with respect to political authorities</b>	<b>Methods of referral</b>	<b>Procedures of investigation</b>
<p>The Chancellor of Justice oversees the lawfulness of the official acts of the Government and the President of the Republic. He also ensures that the courts of law, other authorities and civil servants, public employees and other persons, when performing a public task, obey the law and fulfil their obligations. In the performance of his duties, the Chancellor of Justice monitors the implementation of basic rights and liberties and human rights.</p> <p>The Chancellor of Justice attends sessions of the Government, including those where matters are presented to the President of the Republic. His duty is to supervise the observance of legal procedure and current legal provisions. The supervision also takes place by examining in advance the presentation agendas of the plenary and the presidential sessions. The Chancellor's duties also include issuing opinions on legal issues for the President, Government and the Ministries</p> <p>Supervision of the legality of the actions taken by the public authorities is mainly carried out by handling complaints.</p>	<p>The Chancellor of Justice has a constitutionally guaranteed position as an independent overseer of legality. He is attached to the Government as the highest guardian of the law, even though he is not a Government member. The changes in Government does not affect his position and he is not subordinate to the Government, which cannot issue him any orders or directives.</p> <p>Government supervision deals solely with legal questions and not with the expediency or political aspects of the proposals or other things that are being handled.</p>	<p>Supervision of public authorities and officials takes place mainly by investigating complaints that come directly from citizens. There are no restrictions on who can send a complaint to the Chancellor. The complainant can be an individual, a corporation or an organisation, Finnish or foreign. There are no filing fees or other costs to the complainant. Finland's official languages are Finnish and Swedish, but complaints received in other languages are also considered as far as possible.</p> <p>Supervision of the legality of the actions of the President and the Government includes advance checking of the presentation agendas to the plenary sessions of the Government, to sessions where matters are presented to the President, and to sessions of the Finance Committee. The presentation agendas are distributed by the relevant ministries. Supervision also includes issuing information or opinions to Government and ministries on their request.</p>	<p>The Act on the Chancellor of Justice of the Government lays down provisions on the handling of complaints and the potential responses to complaints. Complaints are investigated if they concern activities of persons or bodies coming under the supervisory authority of the Chancellor. There must also be justifiable grounds to suspect illegal action or other misconduct. When a matter is investigated, reports and other information are acquired on the case as considered necessary by the Chancellor. If necessary, a police investigation can be ordered to be done.</p> <p>The complainant is usually provided with an opportunity to file a rejoinder before the matter is resolved and he or she will receive a written response by mail.</p> <p>The Chancellor will not investigate a complaint on an infringement that occurred more than five years earlier, unless there is special reason to do so.</p>

**FINLAND** (*Valtioneuvoston oikeuskansleri - The Chancellor of Justice*) (continued)

Summary of duties	Position with respect to political authorities	Methods of referral	Procedures of investigation
<p>The Chancellor of Justice acts as a special prosecutor in cases where authorities are accused of misconduct in office. He also has the right to review sentences imposed by courts of law.</p> <p>Under the Advocates Act, the Chancellor also supervises the actions of advocates. Supervision of the actions of the advocates is primarily the concern of the Finnish Bar Association.</p> <p>If the Chancellor is prevented from performing his duties, the Deputy Chancellor of Justice attends to them. The Deputy Chancellor of Justice has a substitute, who in turn attends to his duties when needed. They both act independently in their decision-making with the same authority as the Chancellor.</p> <p>In accordance with the Act on the Division of Duties Between the Chancellor of Justice and the Parliamentary Ombudsman, matters concerning the Defence Forces, imprisonment or detention in other institutions against a person's will are generally referred to the Parliamentary Ombudsman.</p>	<p>The Office of the Chancellor of Justice is an independent authority functioning within the Government with a position, which is equal to a ministry.</p> <p>The Chancellor submits an annual report to Parliament and the Government on his observations and actions regarding the supervision of legality.</p>	<p>To be able to review sentences, the Chancellor's office receives documents concerning decisions on sentences and their enforcement from courts of law.</p> <p>The Finnish Bar Association sends the decisions concerning disciplinary actions against its members for the Chancellor to be checked.</p> <p>The Chancellor also investigates matters on his own initiative. On-site inspections in public offices or organisations are also carried out annually.</p>	<p>With reference to the supervision of the Government or the President, the presentation agendas of the plenary or presidential sessions are reviewed before the sessions by the Chancellor and the Department for Government Affairs of the office. Necessary adjustments are then made together with the representatives of ministries in question.</p> <p>Reviewing of the sentences by the courts of law takes place mainly by inspecting samples of documents sent by courts on a regular basis.</p> <p>The Finnish Bar Association sends a copy of every disciplinary or supervisory action regarding its members to the Chancellor. The Chancellor can then decide whether to use his right to appeal against a decision on a disciplinary matter to a general court. Complaints made about advocates are also investigated by the Chancellor. He may refer the complaints to the Bar Association, which takes the necessary disciplinary action against its members.</p>

**FINLAND** (*Valtioneuvoston oikeuskansleri - The Chancellor of Justice*) (continued)

<b>Powers of investigation</b>	<b>Powers of sanction</b>	<b>General reports to political authorities</b>	<b>Administrative position of the secretariat</b>	<b>Staff</b>	<b>Budget</b>
<p>In accordance with the Constitution, the Chancellor is present at the plenary sessions and meetings of the Government and at the sessions where matters are presented to the President of the Republic. He may attend the plenary sessions of Parliament when his annual report or other matters taken up on his initiative are being considered.</p> <p>To perform his duties, the Chancellor has the right to receive from all public officials and authorities all information and assistance he needs. The right includes inspection of public offices or institutions. The authorities are duty-bound to produce written explanations or statements if so required by the Chancellor. If found necessary, the Chancellor may request the police to carry out an investigation</p>	<p>In case of illegal action or misconduct in office, the Chancellor can issue a reprimand to an official or body. He can also issue instructions on proper procedure for future reference or in more serious cases, order charges to be brought against the official in question.</p> <p>A decision to bring charges against a judge for unlawful conduct in office is made by the Chancellor or the Parliamentary Ombudsman.</p> <p>The Chancellor has the power to recommend the amendment of provisions or regulations and to initiate proceedings to annul a court ruling if the common interest so demands.</p> <p>He also is empowered to initiate disciplinary proceedings against a member of the Bar and he has the right to appeal against the decisions of the Board of Directors of the Finnish Bar Association on disciplinary matters.</p> <p>The Chancellor is not authorised to annul or amend a decision taken by an authority, nor can he order payment of damages. If a clear error is noted, the Chancellor will strive to have it corrected. Relevant errors detected in, for example, the reviewing of sentences of courts of law are referred to the Supreme Court for annulment and rectification.</p> <p>An investigation carried out by the Chancellor may in itself result in the authority or public official himself or herself correcting an error.</p>	<p>The Chancellor is required to give an annual report on his activities and observations regarding the supervision of legality to Parliament and to the Government.</p>	<p>The Office of the Chancellor of Justice is an autonomous administrative unit attached to the Government.</p>	<p>In addition to the Chancellor of Justice and the Deputy Chancellor of Justice, the office is led by the Secretary- General, who also is the head of the Administrative Unit. The two other departments (the Department for Government Affairs, and the Department for Legal Supervision) each have a Head of Department. The rest of the personnel consists of 14 lawyers, a personnel secretary, an information officer, department and other secretaries, registrar, clerks and other attendants. The total number of staff is 34.</p>	<p>For the year 2000 : FIM 12.400,000 (EUR 2,085,530).</p>

**SWEDEN** (*Riksdagens Ombudsmän*)

Constitutive Act	Current legal basis	Appointment	Qualifications required	Incompatibilities	Length of mandate	Dismissal
The Instrument of Government 1809 (Constitution).	<ul style="list-style-type: none"> <li>- The Instrument of Government 1974 (constitution)</li> <li>- The <i>Riksdag</i> (Parliament) Act (semi-constitutional status)</li> <li>- The Instruction for Parliamentary Ombudsmen (law), issued 1986</li> <li>- Working-order for the Expedition of the Parliamentary Ombudsmen (ratified by the Chief Parliamentary Ombudsman).</li> </ul>	Parliamentary Ombudsmen are elected by the <i>Riksdag</i> (Parliament). The election takes place during a plenary session in the <i>Riksdag</i> and is prepared by the Committee on the Constitution. There are four Parliamentary Ombudsmen, all of them working independently within their respective areas of supervision (defined in the Internal Rules of Procedure). One of them is elected Chief Parliamentary Ombudsman, i.e. administrative chief of the institution. The four Ombudsmen are elected individually.	<p>A person who holds a degree in law which qualifies him/her to be judge in the highest courts of law or administrative courts in Sweden can be elected Ombudsman.</p> <p>The Ombudsmen are not recruited from the political ranks. Political qualifications do not have any influence on the recruitment.</p>	No formal ones. A person with a pronounced partypolitical connection, however, might not be elected Parliamentary Ombudsman.	An Ombudsman is elected for a period of four years and is usually re-elected once or twice.	<p>An Ombudsman who has lost the confidence of the <i>Riksdag</i> must resign before his time of office has expired.</p> <p>The <i>Riksdag</i> may relieve an Ombudsman of his mandate at the request of the Committee on the Constitution.</p>

Summary of functions	Position with respect to political authorities	Methods of referral	Procedures of investigation	Powers of investigation
<p>The Parliamentary Ombudsmen supervise the administration; courts, central agencies, regional and local authorities and public officials. The Ombudsmen are to make sure that agencies and authorities observe objectivity and impartiality and that the fundamental rights and freedoms as they are laid down in the Constitution are maintained for all citizens.</p> <p>The supervision of the courts does not include judgments in an individual case though; only how a case has been dealt with according to the procedural regulations is supervised. Members of the <i>Riksdag</i>, the <i>Riksdag</i> agencies and boards and the Clerk of the Chamber are not subject to the supervision. Members of the Cabinet (ministers) and local government councils (directly elected decision making bodies in the municipalities and regions) are also excluded.</p> <p>Four areas of responsibility are divided between the Ombudsmen. The Ombudsmen are not supervised by each other. Not even the Chief Parliamentary Ombudsman has the authority to interfere with business dealt with by another Ombudsman.</p>	<p>The Parliamentary Ombudsmen are formally one of the agencies of the <i>Riksdag</i> and the tasks of the Ombudsmen are part of the parliamentary control of the Government administration. But the office is independent from the <i>Riksdag</i> and the tasks are carried out without interference from the <i>Riksdag</i>.</p> <p>In relation to the Government, the institution is of course completely independent. The budget is decided exclusively by Parliament.</p>	<p>Direct referral by Swedish citizens or people who live in Sweden as well as self-referral.</p> <p>It is also possible for citizens of other countries, not living in Sweden, to complain to the Ombudsman.</p> <p>An Ombudsman should not begin investigations of circumstances dating from more than two years previously. Rare exceptions can be made in special cases.</p>	<p>The staff of the Secretariat investigates complaints to the Ombudsmen and prepares cases. The Ombudsmen can also require a public authority to do this. The Ombudsman sends the authority's comments to the complainant asking for his or her comments. Finally the Ombudsman and the staff deal with the case. When the inquiry is finished the Ombudsman concludes the case with a written decision which is communicated to the complainant and the authorities concerned.</p> <p>If there are adequate grounds for prosecution in a case, the Ombudsman can either request a public prosecutor or ask a staff member who is experienced prosecutor to handle the case on behalf of the Ombudsman, both during the inquiry and in court. The Ombudsman never appears in court personally. Apart from dealing with complaints from the public, the Ombudsmen also carry out inspections, which may lead to self-referral and further inquiries.</p> <p>The investigation is normally carried out in writing. Oral hearings are rare in ordinary cases of supervision but frequent during preliminary criminal investigations.</p> <p>Complaints of decisions which may be appealed to an administrative court or a higher administrative authority cannot be submitted to the Ombudsmen, until a decision has been made by that court or authority. In these cases the Ombudsmen refer the complainant to the right court or authority.</p>	<p>An Ombudsman may be present at the deliberations of a court or an administrative authority and shall have access to the documents of these authorities.</p> <p>Authorities are obliged to provide an Ombudsman with all information and reports he may request - even classified information.</p>

**SWEDEN** (*Riksdagens Ombudsmän*) (continued)

<b>Powers of sanction</b>	<b>General reports to political authorities</b>	<b>Administrative position of the secretariat</b>	<b>Staff</b>	<b>Budget</b>
<p>-Initiate legal proceedings against a negligent official at a court of law.                      -Submit a report to an authority which is empowered to decide on disciplinary actions. An Ombudsman may make an appeal to a court of law on a decision made by an authority not to dismiss an official.                      -Admonish and criticise an official.                      -Make a statement with the purpose of making the legal procedure more uniform.                      -Recommend various measures on how to handle business within an authority (but not how to decide on a specific matter).                      -Suggestions to the <i>Riksdag</i> and the Government on how to remedy defects in legislation or other measures to rectify faults.                      -Give publicity to decisions and suggestions.</p> <p>Apart from the cases brought to court there are no sanctions against repeated misconduct or disobedience by a criticized authority.</p>	<p>An annual report to the <i>Riksdag</i> is scrutinized by the Committee on the Constitution.</p> <p>The report also forms the basis for a debate in the Chamber.</p>	<p>The Secretariat of the Parliamentary Ombudsmen is autonomous.</p>	<p>The Secretariat has a staff of about 50 persons, of whom 34 are lawyers.</p>	<p>The annual budget is approximately SEK 44,000,000 (EUR 5,250,909).</p> <p>It is determined by the <i>Riksdag</i>. The Government has no influence on this issue.</p>

**UNITED KINGDOM - England, Wales and Scotland** (*Parliamentary Commissioner for Administration-PCA*)<sup>1</sup>

<b>Constitutive Act</b>	<b>Current legal basis</b>	<b>Appointment</b>	<b>Qualifications required</b>	<b>Incompatibilities</b>	<b>Length of mandate</b>	<b>Dismissal</b>
Parliamentary Commissioner Act 1967	<ul style="list-style-type: none"> <li>- Parliamentary Commissioner Act 1967</li> <li>- National Health Service Acts 1973</li> <li>- Parliamentary and Health Service Commissioners Act 1987</li> <li>- Courts and Legal Services Act 1990</li> <li>- The Scotland Act 1998 (Transitory and Transitional Provisions) (Complaints of Maladministration) Order 1999; and the Government of Wales Act 1998</li> </ul>	PCA is appointed by the Crown on the advice of the government, after consultation with the Leader of the Opposition and the Chairman of the Select Committee on Public Administration <sup>2</sup> .	No special qualifications are prescribed for the holder of the office.	PCA must not be a Member of Parliament or of any political party, or hold another important public appointment (except that of Health Service Commissioner). On a temporary basis he is also Scottish Parliamentary Commissioner for Administration and Welsh Administration Ombudsman. He is an officer of the House of Commons.	PCA is appointed until the end of the calendar year in which he attains the age of 65 years. He is not subject to re-appointment.	He can be dismissed by the Crown, by a motion by both Houses of Parliament.

<sup>1</sup> In 1973 the posts of Health Service Commissioner for England, for Wales and Scotland were established and since then these posts have been held by PCA. In those capacities he can investigate complaints that a National Health Service (NHS) authority or trust has not provided a service which it has a duty to provide, about a failure in a service provided by a NHS authority, and about maladministration connected with action taken by or on behalf of a NHS authority. In 1996 the investigation of complaints about clinical matters was added to his jurisdiction. He cannot investigate complaints about private practice. In contrast to PCA, complaints can be made direct to the HSC (instead of having to be referred through an MP) provided that the complainant has first taken the matter through the NHS complaints procedure and given the NHS body concerned an opportunity to investigate and reply. The restrictions on the jurisdiction of HSC are similar to those of PCA. His powers are the same as those he possesses as PCA. His investigative procedures are broadly similar, although greater emphasis is placed on interviews because there tends to be less documentary evidence. In 1999 the posts of Scottish PCA and Welsh Administration Ombudsman were created to investigate complaints about matters reserved for the Scottish Parliament and Welsh Assembly. PCA is filling these roles on a temporary basis.

<sup>2</sup> The Select Committee on the Parliamentary Commissioner for Administration, composed of Members of the House of Commons, has terms of reference to examine the reports of the Parliamentary Commissioner, the Health Service Commissioners and the Northern Ireland Parliamentary Commissioner for Administration, and matters in connection therewith.

**UNITED KINGDOM - England, Wales and Scotland** (*Parliamentary Commissioner for Administration-PCA*) (continued)

Summary of functions	Position with respect to political authorities	Methods of referral	Procedures of investigation	Powers of investigation	Powers of sanction
<p>Investigation of complaints of injustice sustained in consequence of maladministration<sup>1</sup> by central government departments and certain non departmental public bodies (listed in Schedule 2 of the 1967 Act, as amended).</p> <p>Under the 1994 Code of Practice Access to Government Information, PCA may also investigate complaints alleging that access to official information has been wrongly refused.</p> <p>PCA, as well as recommending a remedy for the individual, might recommend an alteration in procedures, or the introduction of a new procedure if the absence of one has contributed to injustice.</p>	<p>In deciding whether to initiate, continue or discontinue investigations, and the manner in which he conducts them, PCA acts in accordance with his own discretion. All the powers of the PCA are derived from statute and are, in that sense, exercised independently of the Executive and of Parliament.</p> <p>His reports of investigations into complaints carry absolute privilege and immunity from actions for defamation.</p> <p>He is paid in same way as a judge, from the Consolidated Fund.</p>	<p>There must be a written complaint from someone (an individual or group of individuals) claiming to be personally affected<sup>2</sup>.</p> <p>The complainant must be referred to PCA by a Member of Parliament.</p> <p>The complainant cannot normally allow more than 12 months to elapse before bringing it to the attention of an MP.</p> <p>PCA cannot initiate an investigation.</p>	<p>Where PCA decides to undertake the investigation, the MP is notified and at the same time the complaint is passed formally to the government department concerned for any comments which it wishes to offer.</p> <p>PCA must provide the department or body against which complaint is made and any named official in it the initial opportunity to comment upon the complaint.</p> <p>One of PCA's investigating units will then undertake an investigation, by examining the departmental papers, and by conducting whatever interviews may be necessary with the officials concerned, the complainant and any third parties who may be involved.</p> <p>At the end of his investigation PCA makes his report to the referring Member, and to Parliament if he deems it desirable.</p>	<p>In the course of an investigation he can require any Minister, official or other person who, in his opinion, is able to furnish information or produce relevant documents to do so and, with very limited exceptions, can disclose all the information he is given.</p> <p>PCA is entrusted with similar powers of those of the High Court for purpose of obtaining evidence. Obstruction of the PCA or of any officer of his without lawful excuse is punishable by a court under the 1967 Act.</p> <p>PCA cannot investigate: if the complainant has or had recourse to a tribunal or a court; actions taken in respect of personnel matters in the public service or the armed forces; actions taken in matters relating to contractual or other commercial transactions of a government department or body except actions relating to the compulsory purchase of land or its subsequent disposal; discretionary decisions taken without maladministration; actions and decisions relating to matters reserved for Scotland and Wales under the devolution arrangements.</p>	<p>PCA does not have the executive authority to impose a remedy upon the body complained against and he cannot by law order compliance with his recommendations.</p> <p>Where a body refuses to accept PCA's recommendations, or where a body is slow to implement the PCA's recommendations, he can report the fact to both Houses of Parliament.</p> <p>In practice, the all-party Select Committee would then take the matter up. The Select Committee may summon and question senior officials from the body concerned and if the issue cannot be settled at that stage it may be raised in debate in the House of Commons and the Minister called upon to justify the actions of his department.</p>

<sup>1</sup> Maladministration was not defined in the 1967 Act, and to define it would be to limit it when it needs to be capable of being interpreted by PCA. There is a commonly accepted catalogue of what is maladministration and such faults as bias, neglect, inattention, delay, incompetence, ineptitude, perversity, turpitude and arbitrariness are all included. PCA investigates complaints that maladministration has led to injustice which include complaints that official information has been unreasonably refused. Under the 1994 Code of Practice on Access to Government Information, Government departments and other listed bodies are committed to: give information related to their areas of responsibility, in response to specific requests; give facts and analysis with major policy decisions; open up internal guidelines about department's dealings with the public; give reasons with administrative decisions; provide information under the Citizen's Charter about public services, what they cost, targets, performance, complaints and redress. All information belonging to Government departments and other listed bodies is covered, unless its confidentiality is protected by law, or by the Code of Practice.

<sup>2</sup> Complainants about refusal of access to official information do not need to show that they are personally affected.

**UNITED KINGDOM - England, Wales and Scotland** *(Parliamentary Commissioner for Administration-PCA) (continued)*

<b>General reports to political authorities</b>	<b>Administrative position of the secretariat</b>	<b>Staff</b>	<b>Budget</b>
Annual and periodical reports to Parliament, which are published by Order of Parliament as Parliamentary papers.	Autonomous.  PCA has power to appoint staff to his office, many of whom are seconded from civil service departments. Expenses for the office are set out in a Parliamentary vote and approved annually by Parliament.	1999-2000 : 219 (the current staff serves the PCA and the Health Service Commissioners; all the staff are based in Westminster, London, except for two small groups situated in Edinburgh and Cardiff).	Budget 1999-2000: GBP 13,057,000 (EUR 21,282,804)

**UNITED KINGDOM - Northern Ireland** (*Northern Ireland Assembly Ombudsman-AO(NI) and Commissioner of complaints-CforC(NI)*)<sup>1</sup>

<b>Constitutive Act</b>	<b>Current legal basis</b>	<b>Appointment</b>	<b>Qualifications required</b>	<b>Incompatibilities</b>	<b>Length of mandate</b>	<b>Dismissal</b>
- Parliamentary Commissioner Act (NI) 1969. - Commissioner for Complaints Act (NI) 1969.	- Ombudsman (NI) Order 1996; - Commissioner for Complaints (NI) Order 1996, as amended by the Commissioner for complaints (Amendment) (NI) Order 1997	AO (NI)/CforC(NI) is appointed by the Crown on the advice of the government of the day.	No special requirements.	AO (NI)/CforC(NI) is disqualified for membership of the NI Assembly.	AO (NI)/CforC(NI) is appointed until the end of the year of service in which he/she attains the age of 65 years. He/She is not subject to re-appointment.	AO (NI)/ CforC(NI) can be dismissed by the Crown, in consequence of an Address from the NI Assembly.

<sup>1</sup> Since January 1972, the two posts ( AO and Commissioner for Complaints), have been held by one person, known unofficially as the Northern Ireland Ombudsman, and the office has operated as a single entity. The jurisdiction of AO (NI) and Commissioner for Complaints (NI) differs significantly in a number of ways from counterparts in the rest of the United Kingdom, via : a) both AO (NI) and Commissioner for Complaints can investigate grievances about personnel issues (such as recruitment, promotion and dismissal) from civil servants and employees of other public bodies within jurisdiction; b) decisions of the Commissioner for Complaints (NI) are enforceable in law in so far as complainants can apply to the County Court for appropriate redress on the basis of the Commissioner's report..

**UNITED KINGDOM - Northern Ireland** (*Northern Ireland Assembly Ombudsman-AO(NI) and Commissioner of complaints-CforC(NI)*) (continued)

Summary of functions	Position with respect to political authorities	Methods of referral	Procedures of investigation	Powers of investigation
<p>AO(NI) investigates complaints from members of the public who claim to have suffered injustice in consequence of maladministration by a central government department in Northern Ireland (excluding areas of government administered by the Westminster Government in London) or other public bodies within jurisdiction (Schedule 2 of the 1996 Order).</p> <p>Commissioner for Complaints (NI) can investigate complaints about maladministration by specified public bodies in Northern Ireland, including Health and Social Service Boards, Education and Library Boards, District Councils and the Northern Ireland Housing Executive. In the Health Service, the Ombudsman has equivalent powers in this regard to the Health Service Commissioner for Great Britain.</p> <p>As well as recommending a remedy for the individual, the Ombudsman might recommend an alteration in procedures, or the introduction of a new procedure if the absence of one has contributed to injustice.</p>	<p>The Ombudsman is independent. The Ombudsman's reports of investigations into complaints carry absolute privilege and immunity from actions for defamation.</p> <p>The Ombudsman is paid, in the same way as a judge, from the Consolidated Fund.</p> <p>In deciding whether to initiate, continue or discontinue investigations, and the manner in which to conduct them, the Ombudsman acts in accordance with his/her own discretion.</p>	<p>There must be a written complaint from someone (an individual or group of individuals) claiming to be personally affected.</p> <p>The complain must be referred to AO (NI) by a Member of the NI Assembly. The complainant cannot normally allow more than 12 months to elapse before bringing it to the attention of a Member of the NI Assembly.</p> <p>Any member of the public can complain direct to the <i>Commissioner for Complaints</i> - these complaints must be made within 12 months of the aggrieved person learning of the offending action or of the date of the action itself, whichever first occurs.</p> <p>AO and the Commissioner for Complaints cannot initiate an investigation.</p>	<p>Where (NI) decides to undertake the investigation of a complaint, the Member is notified and at the same time the complaint is passed formally to the government department concerned for any comments which it wishes to offer. One of the AO(NI)'s Investigating Officers will then undertake an investigation, by examining the departmental papers, and by conducting whatever interviews may be necessary with the officials concerned, the complainant and any third parties who may be involved. AO(NI) must also provide the department or body against which complaint is made and any named official in it an opportunity to comment upon the complaint. At the end of the investigation, AO(NI) makes a report to the referring Member, who informs the complainant.</p> <p><i>Commissioner for Complaints</i> cases are dealt with similarly, the report going direct to the complainant.</p>	<p>In the course of an investigation the Ombudsman can require any Minister, official or other person who, in his/her opinion, is able to furnish information or produce relevant documents to do so and, with very limited exceptions, can disclose all the information he/she is given. They can require evidence to be given under oath. Obstruction of the Ombudsman or of any officer of the Ombudsman without lawful excuse is punishable by the High Court under the 1996 Orders..</p> <p>Certain matters are generally excluded from the Ombudsman jurisdiction e.g., if the complainant has or had recourse to a tribunal or a court; actions taken in matters relating to contractual or other commercial transactions of a government department or body to which the Ombudsman (NI) Order 1996 applies, except actions relating to the compulsory purchase of land or its subsequent disposal; discretionary decisions taken without maladministration where there is no prima facie evidence to sustain a presumption of maladministration.</p>

**UNITED KINGDOM - Northern Ireland** (*Northern Ireland Assembly Ombudsman-AO(NI) and Commissioner of complaints-CforC(NI)*) (continued)

<b>Powers of sanction</b>	<b>General reports to political authorities</b>	<b>Administrative position of the secretariat</b>	<b>Staff</b>	<b>Budget</b>
<p>AO(NI) does not have the executive authority to impose a remedy upon the body complained against. In the rare event of a body refusing to accept AO(NI)'s recommendations, or where a body is slow to implement the changes which AO(NI) has required, he/she can report the fact to the NI Assembly. It is likely that a Committee of the NI Assembly would then take the matter up. It may summon and question senior officials from the body concerned and if the issue cannot be settled at that stage it may be raised in debate in the NI Assembly and the Minister called upon to justify the actions of his/her department.</p> <p>However, it has never been necessary for the Northern Ireland Assembly Ombudsman to submit such a special report .</p> <p>Decisions of <i>the Commissioner for Complaints</i> are enforceable in law in so far as complainants can apply to the County Court for appropriate redress on the basis of the Commissioner's report.</p>	<p>Annual Report to the NI Assembly.</p>	<p>Autonomous</p>	<p>2000-18 (officers seconded from the Northern Ireland Civil Service)</p>	<p>Budget 1999/2000: GBP 683,000 (EUR 1,113,284), covering both the Office of the AO and the Commissioner for Complaints.</p>

**The Regional Ombudsmen  
in one Member State of the Union**



## ITALY

There is no national Ombudsman in Italy.

A national ombudsman - although not envisaged in the constitution - could be created by a State law. In addition to a draft constitutional law amending the constitution, which provides for the insertion of Article 98a, establishing the office of State *Difensore Civico*, a number of draft ordinary state laws have been submitted with the aim of establishing the office. However, none of these drafts has resulted in a law being passed.

Only the regions have created the office of regional Ombudsman (*Difensore civico*) under regional laws<sup>1</sup>.

The office of *Difensore civico* has been created in 17 **regions** (first of all in Tuscany in 1974, then Liguria in 1974, Campania in 1978, Umbria in 1979, Lombardy and Lazio in 1980, Friuli-Venezia-Giulia, Puglia, the Marches and Piedmont in 1981, Emilia-Romagna in 1984, Calabria in 1985, Basilicata in 1986, the Veneto in 1988, Sardinia in 1989, Val d'Aosta in 1992, in the region of Abruzzo in 1995) and in the **autonomous provinces** of Trento and Bolzano in 1982 and 1983 respectively.

The regions of Molise and Sicily have not yet enacted the law establishing the office of *Difensore civico*.

In the 1970s, when the regions with ordinary statutes were created, the only statutes to make provision for a *Difensore civico* were those of Lazio, Liguria and Tuscany.

The statutes of the first two regions classify the *Difensore civico* as one of the institutions involving citizen participation. Liguria's merely announces creation of the office and Lazio's attributes to the *Difensore civico* the limited role of requesting information from the regional administration. The statute of Tuscany, on the other hand, mentions the *Difensore civico* in the section concerning administrative organization, assigning him the task of ensuring that administrative procedures involving individual citizens are properly carried out, which he does at their request.

When the statutes of the regions of Emilia Romagna and Umbria were revised in 1990 and 1992 respectively, the *Difensore civico* was mentioned in the chapter concerning regional administration.

In the former region his task is to safeguard citizens' rights and interests and in the latter to ensure the impartiality and proper conduct of administrative procedures.

A comparative study of the regional laws governing the office of *Difensore civico* show a large

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<sup>1</sup> In Italy support has been given to the theory (De Vergottini, Di Giovine and Pizzetti, 1974) that a region may appoint a *Difensore civico* competent to monitor the activities of the regional administration and of bodies dependent on it, since this role comes under the provisions concerning the regional statute set out in Article 123 of the Constitution. Reference is also made to Article 117 of the Constitution, which gives a region the constitutional right to include the *Difensore civico* in its own legal system, on the basis of the legislative power assigned to the region by that article as regards the organisation of its own offices.

It was also considered that Article 97 of the Constitution could be invoked as a constitutional basis for establishing the office of national *Difensore civico*. This article states that public departments must be organised according to the provisions of the law, to guarantee proper conduct and impartiality of administration (La Pergola 1971).

degree of uniformity in provisions (as regards his appointment, qualifications, term of office, field of competence and the practicalities of his intervention) except for the new provisions introduced by the laws establishing the office of *Difensore civico* in the regions of the Veneto (1988), Sardinia (1989) and, in particular, in the autonomous region of the Val d'Aosta (1992) and in the new rules contained in the law of Tuscany (1994) which extend his sphere of action.

The *Difensore civico* was established to provide a system of safeguards to cover administrative acts (when neither a subjective right nor a legitimate interest can be cited, but merely a simple *de facto* interest which is not legally protected and which is regularly involved in the administrative procedure). Subsequently he was entrusted (in the Veneto, Sardinia, the Val d'Aosta, and above all Tuscany, by virtue of the new regional law No. 4 of 12 January 1994) with safeguarding interests of all kinds (rights, protective interests and generalised interests) irrespective of whether they have been harmed by formal provisions.

The provisions in force in the different regions as regards the appointment of the *Difensore civico*, the qualifications required, ineligibility and incompatibilities, length of mandate, dismissal, remuneration, seat and staff and right to information are relatively uniform, albeit with a few variations.

The **appointment** of the *Difensore civico* is generally governed by a principle accepted in all the regions: he is elected by the representative body (Regional Council) by a qualified majority and is appointed by the executive body. Voting is by secret ballot (except in Umbria and Tuscany).

As regards the **qualifications required**, the *Difensore civico* is usually chosen from among those citizens who, in addition to possessing the qualifications required for election to the Regional Council, have particular legal and administrative ability and competence, as well as education and experience providing the greatest possible guarantees of independence, objectivity and unbiased judgment. The people chosen must therefore have demonstrated rectitude and impartiality and be of good reputation. In the autonomous region of the Val d'Aosta the knowledge of French is an obligatory requirement.

The grounds for **ineligibility** are numerous and go hand-in-hand with a long list of **incompatibilities**; the aim is to increase the independence and impartiality of the *Difensore civico*. A number of regions expressly exclude re-election (Umbria, Puglia, Basilicata and Lazio), others accept it but with certain restrictions (in Sardinia, Campania, Friuli-Venezia Giulia and Lombardy re-election must take place using the same procedures as for the original appointment. Calabria and Liguria stipulate that the *Difensore civico* cannot be re-elected immediately), and in most of the regions it is only allowed once.

The office of the *Difensore civico* is generally located in the **Regional Council**, which provides the staff, premises and resources necessary for the functioning of the service.

All the regional laws emphasise both aspects of the *Difensore civico*'s **right of information**: firstly, access to information (he may have access to all documents and acts relating to the matters raised and make copies of them; it may not be objected that the documents are confidential); secondly, he may address **information and recommendations** to the bodies concerned, via annual reports, and via special reports to draw the attention of the Regional Council to specific cases. The general public may be informed about these reports.

The *Difensore civico* may not 'overlap' or replace administrative authority: he cannot amend, revoke

or annul an administrative provision. He is not empowered to engage in dialogue with the jurisdictional authority.

The most distinctive characteristic of the *Difensore civico* is that he intervenes in relations between citizens and the public administration, carrying out a non-jurisdictional role of assistance and protection, designed to guarantee that procedures are called into question and hence that the administrative process is correctly conducted: in other words to ensure that the principle of fair administrative procedures is implemented.

In carrying out his role, the *Difensore Civico* goes far beyond the institutional tasks assigned to him by regional law (administration of the region and entities dependent on it), since he is called upon to intervene, in most cases, vis-à-vis public institutions which do not belong to the Region. In practice, in fact, the *Difensore civico* has managed to gain recognition for his role from a growing number of institutions, which have gradually agreed to offer their co-operation. He has patiently built up a whole network of contacts with prefectures, police stations, revenue offices, the treasury and various ministries, social security offices, public undertakings such as the SIP (telephone company) and the ENEL (electricity board), as well as with local and provincial authorities, which more often than not enable him to carry out his work successfully<sup>2</sup>.

When Law No. 142 of 1990 on local autonomy was adopted, the national legislator gave the local and provincial authorities the right to create the office of *Difensore civico*. It goes without saying that a local authority that does not create the office of Ombudsman at local level may decide by statute to allow the regional Ombudsman to intervene in matters that come under its jurisdiction.

In recent years, the institution of the regional Ombudsman has undergone several legislative changes. The main feature of these new legal norms is that they come more from the national legislature than from the regional bodies, despite the regional character of *Difensore civico* in Italy. In fact, in the context of a general reform of the State administration in the direction of greater autonomy for local authorities, the national legislature passed the so-called "Bassanini Laws" (59/1997, 127/1997, 191/1998), which contain articles on the *Difensore civico*. These articles can be summarised by saying that they widen the powers and the types of action the *Difensore civico* is authorised to take.

The main reform allows the regional Ombudsman to act not only against the regional and local institutions, but also in the case of poor service associated with the work of the local offices of the State (prefectures, provincial offices of the Treasury, etc). With this reform, the national legislature has shown that it has learnt from the concrete experience accumulated by the regional Ombudsmen in these early years of their work. As noted above, in fact, the regional Ombudsmen have in many cases found that in order to respond to the requests of the public they have had to exceed their institutional limits and investigate the activity of certain local offices of the State.

A further reinforcement of the powers of the *Difensori civici*, contained in the laws mentioned above, is their new right to appoint commissioners "ad acta" when regional administrations fail to fulfil their obligations.

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<sup>2</sup> Mention should be made of the recognition given to the role which the regional *Difensore civico* plays in instigating and encouraging the work of the public administration, as expressed by a regional administrative court (of Liguria). In its judgment No. 24 of 1992 it considered as 'justified' the disciplinary sanction imposed on an official of the regional administration who had not cooperated with the regional *Difensore civico*, in view of the public benefit of the tasks which his work involves, and the fact that all other entities or institutions operating at regional level are obliged to cooperate with him

Furthermore, the regional Ombudsmen are now required to present a report on their work every year not just to the Regional Council that appointed them, but also to the Presidents of the two Houses of the national Parliament.

While these are the changes made by the national legislature, those made by the regional legislatures in recent years represent more limited reforms or the approval of laws that simply assimilate the national legislation.

The attached table shows the most important provisions of the regional laws of **Lombardy, Piedmont, Tuscany and Val d'Aosta**.

**ITALY - Lombardy, Piedmont, Tuscany and Val d'Aosta (*Difensore civico*)**

Constitutive act	Current legal basis	Nomination	Qualifications required	Incompatibilities	Length of mandate	Dismissal
<p><b>Lombardy</b> Regional law No. 7 of 18 January 1980.</p> <p><b>Piedmont</b> Regional law No. 50 of 9 December 1981.</p> <p><b>Tuscany</b> Regional Law No. 8 of 21 January 1974.</p> <p><b>Val d'Aosta</b> Regional law No. 5 of 2 March 1992.</p>	<p><b>At national level :</b> National Law No. 59 of 15 March 1997; National Law No. 127 of 15 May 1997; National Law No. 191 of 16 June 1998.</p> <p><b>Lombardy</b> Regional Law No. 7 of 18 January 1980 as amended by Regional Law No. 52 of 10 September 1984.</p> <p><b>Piedmont</b> Regional Law No. 50 of 9 December 1981, supplemented by Regional Law No. 31 of 30 July 1986 and Regional Law No. 17 of 6 May 2000.</p> <p><b>Tuscany</b> Regional Law No. 8 of 21 January 1974, as amended by Regional Law No. 49 of 17 August 1977 and Regional Law No. 4 of 12 January 1994 laying down 'new rules governing the office of <i>Difensore Civico</i> and Regional Law No. 52 of 14 October 1999.</p> <p><b>Val d'Aosta</b> Regional Law No. 5 of 2 March 1992; Regional Law No. 49 of 16 August 1994; Regional Law No. 15 of 22 April 1997; Regional Law No. 54 of 7 December 1998; Regional Law No. 26 of 4 August 2000.</p>	<p>In <b>Lombardy</b> and <b>Piedmont</b>, the <i>Difensore Civico</i> is appointed by decree by the President of the <i>Giunta regionale</i> (Regional executive), after designation by the Regional Council. In Piedmont he is elected by a 2/3 majority of the councillors on the regional council. In Lombardy the majority required is 2/3 during the first three rounds and an absolute majority thereafter.</p> <p>In <b>Tuscany</b> the <i>Difensore Civico</i> is elected by the Regional Council by a 2/3 majority of the councillors. If this majority is not obtained in the first two rounds, the appointment shall be made by an absolute majority.</p> <p>In <b>Val d'Aosta</b>, the <i>Difensore Civico</i> is elected unanimously by a special committee composed of the presidents of the regional council, the Court of Aosta, the regional administrative tribunal, the Aosta barristers' association, the regional committee that monitors the activities of the local authorities. Nominations are made by associations and citizens.</p>	<p><b>Lombardy</b> The <i>Difensore Civico</i> must be chosen from among citizens whose training and experience provide the best guarantee of independence, objectivity, sound judgment and legal and administrative competence.</p> <p><b>Piedmont</b> No special qualifications required.</p> <p><b>Tuscany</b> The <i>Difensore Civico</i> is chosen from among citizens who have a degree and have had at least 10 years' proven professional experience of legal and administrative matters.</p> <p><b>Val d'Aosta</b> The <i>Difensore Civico</i> is chosen from among citizens who have resided in the region for at least five years, meet the requirements of independence, impartiality and legal and administrative competence, have a law degree or equivalent diploma, who have been a town clerk for at least ten years, who are over 40 and have no criminal record. Knowledge of French is an obligatory requirement.</p>	<p>The office of <i>Difensore Civico</i> is incompatible with the full-time exercise of any professional activity, whether as a self-employed or employed person and any commercial or business activity.</p> <p>The following are not eligible to be appointed <i>Difensore civico</i>: anyone who holds an elective public office or occupies a position in a body that monitors the activities of the public administration; administrators of public bodies, institutions and undertakings, or owners, administrators and directors of bodies and undertakings that are linked to the region by works or supply contracts or that receive aid from it for whatever reason (<b>Lombardy, Piedmont, Tuscany and Val d'Aosta</b>).</p>	<p>Five years (<b>Lombardy and Val d'Aosta</b>) or three years (<b>Piedmont and Tuscany</b>) renewable once.</p>	<p>The <i>Difensore Civico</i> may be dismissed on serious grounds relating to the performance of his duties. In <b>Lombardy, Piedmont and Tuscany</b> the dismissal decision is taken by the Regional Council, acting by a two-thirds majority of the regional councillors. In <b>Val d'Aosta</b> the dismissal decision is taken unanimously by the committee responsible for appointing the <i>Difensore Civico</i> on the basis of a substantiated proposal approved by the Regional Council by a two-thirds majority.</p>

**ITALY - Lombardy, Piedmont, Tuscany and Val d'Aosta (*Difensore civico*) (continued)**

Summary of functions	Position with respect to statutory regional bodies	Methods of referral	Procedures of investigation	Powers of investigation
<p><b>Lombardy</b> The role of the <i>Difensore Civico</i> is to intervene vis-à-vis the regional administration or its bodies to ensure that the administrative procedure follows its normal course and that administrative acts are enacted properly and in time. He reacts to any irregularity, negligence or delay and also assesses whether matters brought to his attention are in accordance with the rules of sound management and suggests ways and means of remedying any malfunction established.</p> <p><b>Piedmont</b> The role of the <i>Difensore Civico</i> is to defend the citizen in his efforts to obtain his rightful dues from the regional administration. He reacts to any irregularity, omission or delay and also assesses the legitimacy of and justification for administrative acts relating to matters referred to him. He also suggests ways of remedying them. The performance of the work of the <i>Difensori civico</i> may take place in decentralised regional offices or in provincial capitals or local councils with the prior agreement of the same.</p> <p><b>Tuscany</b> The <i>Difensore Civico</i> intervenes to ensure the non-jurisdictional protection of rights, protective interests and collective or generalized interests. He also intervenes in the event of delays, irregularities or omissions in the activities and behaviour of government departments, in order to guarantee proper respect for the principles of legality, transparency, good conduct and impartiality of administrative action.</p> <p><b>Val d'Aosta</b> At the request of citizens, foreigners or stateless persons residing or staying in the Region, the <i>Difensore Civico</i> intervenes in the event of omissions, delays, irregularities and unlawful acts recorded during the administrative procedure or relating to administrative measures already taken by bodies, offices or services of or answerable to the regional administration. He may also intervene to ensure that the principles of equal opportunities for and non-discrimination between men and women are complied with. He also takes action vis-à-vis the local authorities of a region in respect of matters within their jurisdiction on the basis of an ad hoc agreement concluded between them. The aim of his non-judicial defence of individual rights, legitimate interests and general interests is to guarantee the efficiency, conformity, impartiality and, in general, sound administration of the authorities. He may also intervene viz-à-viz the administration in respect of acts or procedures which, by law, may not be challenged or against which actions or proceedings have been instituted in the courts.</p> <p align="center">* * * * *</p> <p>The recent <b>National Laws</b> widen the powers of the <i>Difensori civico</i> in three directions: the functions of requesting, proposing, soliciting and informing can now be exercised, on the request of the public, also in relation to the local offices of the State (by way of example, the prefectures, the local offices of the Treasury, etc.); they exercise control over the decisions of the regional government on the subject of staff regulations; in the case of delays on the part of municipal councils and provinces in the fulfilment of their obligations, they can appoint a commissioner "ad acta" who ensures compliance.</p>	<p>The <i>Difensore Civico</i> acts entirely independently and is not subject to any form of supervisory or operational control.</p> <p>In <b>Piedmont</b> the internal rules of procedure of the Regional Council lay down the procedures for hearings of the <i>Difensore Civico</i> and the official involved to be held by council committees.</p> <p>In <b>Val d'Aosta and Tuscany</b> the council committees may summon the <i>Difensore Civico</i> to clarify the action he has taken. The <i>Difensore Civico</i> has the right to be heard by the council committee responsible for institutional affairs, to report on general aspects of his activities and by other council committees on specific aspects thereof.</p> <p>In <b>Tuscany</b> the <i>Difensore Civico</i> may be heard by the Regional Council at a public meeting.</p>	<p>In <b>Lombardy, Piedmont, Tuscany and Val d'Aosta</b>, direct referral by citizens or social groups with a direct interest in the procedure. The <i>Difensore Civico</i> may also intervene on his own initiative in particularly serious cases, and by virtue of his office in cases of procedures and acts identical in nature and content to those complained of in order to regulate analogous situations. Only in <b>Tuscany</b> can the <i>Difensore Civico</i> automatically intervene without any limitations. In the <b>Val d'Aosta</b> he can do so with certain limitations.</p>	<p>In <b>Lombardy, Piedmont, Tuscany and Val d'Aosta</b>, the <i>Difensore Civico</i> may summon in person the officials responsible for the fact complained of by notifying the head of their service or office. Following the same procedures, he may examine the file or procedure jointly with the official(s) concerned within a time limit set for the purpose. As part of this examination, the <i>Difensore Civico</i> must establish, in the light of service requirements, the deadline for closing the file or the procedure and must notify the citizen or body concerned and the competent regional statutory bodies thereof. He must submit his conclusions and observations to the statutory bodies.</p>	<p>In <b>Lombardy, Piedmont, Val d'Aosta and Tuscany</b>, the <i>Difensore Civico</i>, in carrying out his investigation, may request documents and summon officials in order to obtain information. The obligation of secrecy may not be used as grounds for withholding information. An official who delays or obstructs the <i>Difensore Civico</i> in the exercise of his duty may have disciplinary measures taken against him.</p>

**ITALY - Lombardy, Piedmont, Tuscany and Val d'Aosta (*Difensore civico*) (continued)**

<b>Powers of sanction</b>	<b>General reports to political authorities</b>	<b>Administrative position of the secretariat and staff</b>	<b>Budget</b>
<p>The <i>Difensore Civico</i> has no power of coercion. If, in the exercise of his institutional duties, he establishes or learns of anomalies or malfunction, he reports them to the administrative body concerned and to the statutory bodies of the region, and asks for the necessary measures to be adopted. He is required to report to the judicial authority if, during an investigation, he obtains knowledge of facts that may constitute an offence.</p> <p>In <b>Val d'Aosta</b> and <b>Tuscany</b> the regional administration is obliged to specify the matters of law or of fact on the basis of which it has decided not to accept all or part of the <i>Difensore Civico</i>'s observations.</p>	<p>Annual report to the regional council; the <i>Difensore Civico</i> may at any time report to the president of the <i>Giunta regionale</i> on specific matters in particularly important and urgent cases so that the necessary measures may be taken. (<b>Lombardy, Piedmont, Tuscany and Val d'Aosta</b>).</p> <p>In accordance with the recent National Laws, the regional Ombudsmen shall send an annual report on their work also to the Presidents of the Senate of the Republic and of the House of Deputies.</p>	<p>The office of the <i>Difensore Civico</i> is attached to the regional council. Staff working for the <i>Difensore Civico</i> are answerable to him with respect to his activities which are exercised independently. The presidency of the regional council provides the premises and takes care of staff management.</p>	<p>Expenditure is borne by the regional council and the necessary appropriations are included in the annual budget of the region.</p>



**The Committees on Petitions  
in two Member States of the Union**



## GERMANY

In Germany, there is no Ombudsman at federal level to deal with the complaints and grievances of citizens seeking redress against administrative orders and actions perceived to be unjust or incorrect.

The parliamentary treatment of petitions in the Federal Republic of Germany is in the vast majority of cases incumbent upon the Petitions Committees of the German Bundestag and of the Land parliaments set up for this purpose.

Under Article 17 of the Basic Law of the Federal Republic of Germany, everyone has the right to address written requests or complaints to the competent agencies and to parliaments. Under Article 45c, paragraph(1) of the Basic Law, the Petitions Committee set up by the German Bundestag is charged with dealing with the requests and complaints addressed to it.

In the Länder, the only parliamentary ombudsman who has the power to consider petitions without any restrictions, at Land level, as to subject matter is the Ombudsman of Rhineland-Palatinate. The governments of two Länder, or federal states, also have ombudsmen : this is the case in Mecklenburg-Western Pomerania (Ombudsman attached to the Office of the Minister-President of Mecklenburg-Western Pomerania) and Schleswig-Holstein (Ombudsman for social affairs and for the disabled of Schleswig-Holstein).

In the military field, Article 45b of the German Basic Law established a Parliamentary Commissioner for the Armed Forces (*Wehrbeauftragter*), elected by the Bundestag for a five-year term (Federal Law of 16 June 1982, as amended by law of 30 March 1990). Besides dealing with the complaints and grievances of individual servicemen, who claim that their basic rights, or the principles of internal leadership, have been violated, he is charged with assisting the Bundestag in exercising parliamentary control over the armed forces.

The following description concerns the **Petitions Committee of the German Bundestag**, on the assumption that it performs, in Germany, functions usually performed by national ombudsmen in other countries and should thus be considered as a similar institution.

**GERMANY** (*Petitionsausschuss des Deutschen Bundestages*)

Constitutive Act	Current legal basis	Summary of functions	Submissions
<p>The right of petition is established in Article 17 of the Basic Law. The <i>Bundestag</i> has always had a special committee, the setting up of which has been mandatory since 1975 pursuant to Article 45c of the Basic Law, to help it deal with petitions pursuant to Article 17 of the Basic Law.</p>	<p>The right of petition and the petitions procedure are governed by the following provisions, which are based on Articles 17 and 45c of the Basic Law:</p> <ul style="list-style-type: none"> <li>- Law on the Powers of the Petitions Committee of the German <i>Bundestag</i> (Law enacted pursuant to Article 45c of the Basic Law) of 19 July 1975</li> <li>- Rules of Procedure of the German <i>Bundestag</i> as published in the Notification of 2 July 1980 and as amended by the Notification of 12 November 1990 (particularly Rules 108 to 112)</li> <li>- Principles of the Petitions Committee governing the Treatment of Requests and Complaints (Procedural Rules) of 8 March 1989, edited by decision taken by the Petitions Committee on 20 February 1991, supplemented by a decision taken on 19 June 1991 and adopted for the 14<sup>th</sup> electoral term by decision taken on 13 November 1998..</li> </ul>	<p>The Committee on Petitions considers requests and complaints addressed to the <i>Bundestag</i>.</p> <p>The Petitions Committee deals with petitions which fall within the <i>Bundestag's</i> own area of competence, particularly federal legislation, and within the area of competence of the Federal Government, federal authorities and other institutions discharging public functions at federal level. Within the limits defined in the Basic Law, the Petitions Committee also deals with petitions concerning the other constitutional organs of the Federation. The Petitions Committee deals with petitions concerning the execution of federal laws or EC legislation by the Länder as matters of their own concern or as agents of the Federation only where the execution of such laws or legislation is subject to federal supervision or where the petition concerns a matter relating to federal laws or EC legislation.</p> <p>Petitions demanding encroachment upon the independence of judges may not be dealt with.</p> <p>If the Petitions Committee and the Parliamentary Commissioner for the Armed Forces are both concerned with the same matter, the submission is in principle first processed by the Parliamentary Commissioner for the Armed Forces.</p>	<p>Every natural person, and every legal person under private law resident in Germany, can submit in writing petitions in which requests or complaints are made on their own behalf, for third parties or in the general interest.</p> <p>Requests are demands and proposals for acts or omissions by organs of state, authorities or other institutions discharging public functions. They include in particular proposals for legislation. Complaints are objections to acts and omissions by organs of state, authorities or other institutions discharging public functions.</p> <p>The Petitions Committee may not take up matters on its own initiative. It may only deal with matters raised in petitions submitted to it.</p>

**GERMANY** (*Petitionsausschuss des Deutschen Bundestages*) (continued)

Treatment of petitions	Powers of investigation	Decisions and remedial action
<p>The President of the <i>Bundestag</i> refers petitions to the Petitions Committee. Petitions are registered and dealt with by the Committee Service. Submissions falling within the competence of a Land parliament are as a rule referred to that body. Comments of the specialized committees are requested where the petition concerns matters being considered by them.</p> <p>To ease the workload of its members, the Petitions Committee has included the following regulations in its Procedural Rules: where the Committee Service holds, following comments obtained from the appropriate agency, usually the competent federal ministry, that a petition will clearly be unsuccessful, it can inform the petitioner of the reasons therefor and advise him that the petitions procedure will be concluded if he does not lodge an objection within six weeks. If the petitioner does not object within this period, the Committee Service includes the petition in a list of petitions that have been conclusively settled. This list is subsequently submitted to the Petitions Committee so that it may examine the cases in question and take a decision on them. The Petitions Committee can give instructions that the petition be further pursued.</p> <p>As regards the other petitions, too, the Federal Government and other agencies are obliged to furnish information and are, as a rule, requested to submit their comments. Following examination of these comments, the demand made by the petitioner is often fulfilled (in 1993, about 9,3 per cent of the petitions examined on their merits). The petitions settled favourably in this manner are included in a list, as are those which are clearly unsuccessful. This list is also submitted to the Committee for endorsement.</p> <p>In cases not settled in the way described above, the Committee Service proposes the appointment as rapporteurs of two committee members from two different parliamentary groups. Moreover, any individual parliamentary group represented on the Committee can demand the additional appointment of a rapporteur of its own. Proposals for further clarification of the matter, for provisional settlement or for dealing with a petition conclusively, are made by the Committee Service, which are not binding on the rapporteurs, however.</p> <p>If the matter is to be further investigated, it is often suggested that additional comments be obtained or that a representative of the Federal Government be invited to attend a committee meeting. Where complaints are concerned, the Petitions Committee may make use of its other powers, such as on-site inspections. The rapporteurs present their proposals to the Petitions Committee in the form of motions which, as a rule, are voted upon collectively.</p> <p>After each meeting the Committee reports to the plenary of the <i>Bundestag</i> in the form of lists. Following the plenary's decision the petitioner is advised of the way his petition has been settled, as well as of the reasons for the decision taken.</p>	<p>The Committee may require the Federal Government and federal authorities to disclose documents to enable it to prepare decisions on complaints lodged under Article 17 of the Basic Law. In this case, the Committee is empowered to hear witnesses and experts.</p> <p>When considering requests and complaints, the Committee may require the attendance of the appropriate member of the Federal Government. In addition it is established practice for the Committee to summon parliamentary state secretaries or other representatives of the Federal Government to appear before it to answer questions.</p> <p>Under the Powers Act, the Committee has the following further rights to enable it to prepare decisions on complaints:</p> <ul style="list-style-type: none"> <li>-the right to require disclosure of information</li> <li>-the right to demand access to premises (right of inspection)</li> <li>-the right to hear the petitioner</li> <li>-the right to demand assistance from authorities.</li> </ul>	<p>The Petitions Committee submits recommendations for resolutions to the plenary of the <i>Bundestag</i>, to which it reports.</p> <p>Proposals as to how the Bundestag should deal with a petition conclusively may include in particular :</p> <ul style="list-style-type: none"> <li>-referral to the Federal Government or to another constitutional organ of the Federation for remedial action or for re-examination; the Federal Government or the body concerned are, as a rule, set a time limit of six weeks for their reply.</li> <li>-referral to the Federal Government as background material, to ensure, for example, that the petition is included in the preparation of bills, ordinances or other initiatives or studies;</li> <li>-simple referral to the Federal Government to draw its attention to the matter raised by the petitioner;</li> <li>-forwarding to the parliamentary groups for their information because, for example, the petition appears to be a suitable matter for a parliamentary initiative;</li> <li>-forwarding to the European Parliament because its jurisdiction is affected.</li> </ul>

**GERMANY** (*Petitionsausschuss des Deutschen Bundestages*) (continued)

<b>Reports to Parliament</b>	<b>Organisation and staff</b>
<p>Reports on petitions considered by the Committee are put before the <i>Bundestag</i> in a summary document, together with recommendations on the decisions to be taken. These reports must be submitted monthly. They must be printed, distributed and placed on the agenda within three sitting weeks of their distribution; they may be supplemented orally by the rapporteur. However, petitions are debated only if a parliamentary group or 5% of the Members of the <i>Bundestag</i> (who must be present in person) so demand.</p> <p>In addition, the Committee submits an annual report to the <i>Bundestag</i>.</p>	<p>The Petitions Committee forms part of the organisational structure of parliament. It is one of the permanent committees set up by the German <i>Bundestag</i>. The Petitions Committee comprises Members of Parliament, appointed in accordance with the relative strengths of the parliamentary groups or groupings in the plenary.</p> <p>The current composition of the Committee's staff (including the Director) is as follows:</p> <p>higher service: 15 officials  higher intermediate service: 22 officials and 5 salaried staff  intermediate service: 4 officials and 37 salaried staff (most in part-time jobs).</p> <p>In addition there are one data-processing expert and two messengers, who organisationally belong to other units of the <i>Bundestag</i> Administration but are assigned to the Petitions Directorate.</p> <p>The four Divisions responsible for processing the petitions mirror the structure of the Federal Ministries, with each Division being responsible for the field of competence of specific Federal Ministries.</p>

## LUXEMBOURG

The office of Ombudsman does not exist in the Grand Duchy of Luxembourg.

In 1976 the Luxembourg Government tabled a bill to create the office of general commissioner for monitoring its state and local government administration. The Council of State delivered a rather guarded opinion on this in 1978 but did not oppose it. There was no follow-up, however, and in 1984 the proposal was withdrawn.

In its governmental statement of 12 August 1999, the new government announced a reform in this area, in the following words: *“The Government will support the Chamber in its reform of petition law. As part of this, at Parliament the office of citizen’s representative will be introduced, responsible for analysing citizens complaints regarding the public authorities, to settle these disputes if possible, and to respectively refer to the Chamber problems that require reform measures.”* So far the government has not yet tabled a bill aimed at achieving this.

The role of Ombudsman is more or less filled by the Committee on Petitions of the Chamber of Deputies, which is described below.

**LUXEMBOURG** (*Commission des Pétitions de la Chambre des Députés*)

<b>Constitutive Act</b>	<b>Current legal basis</b>	<b>Admissibility of petitions</b>	<b>Procedure</b>
<p>The right of petition was included in the Constitution for the first time on 8 July 1848 (Articles 28 and 68)</p>	<p>- Articles 27 and 67 of the Constitution - Rules 146 and 147 of the Rules of Procedure of the Chamber of Deputies</p>	<p>Any private, natural or legal person has the right to submit petitions signed by one or more people to the public authorities. As regards public agencies, the right to submit petitions as a body is restricted to the established authorities.<sup>1</sup></p> <p>The Chamber does not deal with any petition concerning individual interests unless it involves the righting of grievances caused by unlawful acts of the government or the authorities, or unless the decision to be taken is within the Chamber's jurisdiction.</p> <p>The Committee on Petitions also declares petitions concerning matters for which another means of redress is available under the law to be inadmissible.</p> <p>Petitions must be submitted in writing to the President of the Chamber and signed by the petitioner(s), whose name and address must be clearly indicated.</p>	<p>The President refers petitions to the Committee on Petitions, or to committees dealing with a draft law or proposal to which the petition relates. In fact, referral to the Committee on Petitions is the standard procedure.</p> <p>New petitions that have been lodged are mentioned in the communication that the President makes to the Chamber at a public sitting.</p> <p>Depending on the circumstances the Committee on Petitions may decide to forward petitions either to a Minister or to another committee of the Chamber; to submit them to the Bureau of the Chamber; or simply to file them.</p>

<sup>1</sup> 'Established authorities' means not only the authorities created by the Constitution but also all officials and administrative colleges created by law with whatever share of authority, for instance local councils, the magistrature, Church councils and professional institutes. Leisure groups, circles, political clubs, private associations including professional associations under private law and trade associations are in theory excluded.

**LUXEMBOURG** (*Commission des Pétitions de la Chambre des Députés*) (continued)

<b>Powers of investigation</b>	<b>Effects of petitions</b>	<b>Reports to the Chamber</b>	<b>Composition and organisation of the Committee on Petitions</b>
<p>There is no legislation or regulation that lays down the procedure for examining petitions.</p> <p>Nevertheless, once it has deemed a petition admissible, the Committee on Petitions may, like any other standing committee, obtain all information, hear a Minister or an official of the administration, witnesses (who do not have to take an oath), and make on-the-spot visits, in short take any action that it deems useful or necessary for drafting the report.</p> <p>Recently, the committee decided to appoint a rapporteur for each petition, who is responsible for investigating the complaint. In special cases, the rapporteur has made an on-the-spot visit himself or heard the petitioner's oral explanations.</p>	<p>When it refers a petition to a Minister, the committee or the Chamber may not give him any instructions whatsoever, such as to apply a law or decree in a particular way. Members of the government are, however, required to explain the content of a petition when so requested by the Chamber (Article 67(1) of the Constitution). After hearing the Minister's explanations, the Chamber may make recommendations or express wishes.</p> <p>When it refers a petition to the Bureau of the Chamber, the Committee on Petitions ensures that it will receive a degree of publicity. Its referral to the Bureau is announced and each member who so wishes may peruse it and, if necessary, take any action he deems appropriate.</p> <p>The Committee on Petitions could also call for a parliamentary debate on the petition.</p> <p>Members of the Committee on Petitions may also take a parliamentary initiative to amend legislative provisions deemed to be unjust.</p>	<p>No specific procedure is established.</p>	<p>The Committee on Petitions is composed of a minimum of five and a maximum of 13 members appointed by the Chamber. It appoints its chairman and two vice-chairman from among members.</p> <p>The Committee on Petitions is assisted by only one official (legally qualified) from the Chamber.</p>



## **IV. ANNEXES**



## ANNEX 1

### TREATY ESTABLISHING THE EUROPEAN COMMUNITY

#### *Article 21 (ex-Article 8d)*

(...)

Every citizen of the Union may apply to the Ombudsman established in accordance with Article 195.

#### *Article 195 (ex-Article 138e)*

1. The European Parliament shall appoint an Ombudsman empowered to receive complaints from any citizen of the Union or any natural or legal person residing or having his registered office in a Member State concerning instances of maladministration in the activities of the Community institutions or bodies, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role.

In accordance with his duties, the Ombudsman shall conduct inquiries for which he finds grounds, either on his own initiative or on the basis of complaints submitted to him direct or through a Member of the European Parliament, except where the alleged facts are or have been the subject of legal proceedings. Where the Ombudsman establishes an instance of maladministration, he shall refer the matter to the institution concerned, which shall have a period of three months in which to inform him of its views. The Ombudsman shall then forward a report to the European Parliament and the institution concerned. The person lodging the complaint shall be informed of the outcome of such inquiries.

The Ombudsman shall submit an annual report to the European Parliament on the outcome of his inquiries.

2. The Ombudsman shall be appointed after each election of the European Parliament for the duration of its term of office. The Ombudsman shall be eligible for reappointment.

The Ombudsman may be dismissed by the Court of Justice at the request of the European Parliament if he no longer fulfils the conditions required for the performance of his duties or if he is guilty of serious misconduct.

3. 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. The Ombudsman may not, during his term of office, engage in any other occupation, whether gainful or not.

4. The European Parliament shall, after seeking an opinion from the Commission and with the approval of the Council acting by a qualified majority, lay down the regulations and general conditions governing the performance of the Ombudsman's duties.



## **ANNEX 2**

### **STATUTE OF THE EUROPEAN OMBUDSMAN**

#### **DECISION OF THE EUROPEAN PARLIAMENT ON THE REGULATIONS AND GENERAL CONDITIONS GOVERNING THE PERFORMANCE OF THE OMBUDSMAN'S DUTIES<sup>1</sup>**

##### **THE EUROPEAN PARLIAMENT,**

Having regard to the Treaties establishing the European Communities, and in particular Article 138e(4) of the Treaty establishing the European Community, Article 20d(4) of the Treaty establishing the European Coal and Steel Community and Article 107d(4) of the Treaty establishing the European Atomic Energy Community,

Having regard to the opinion of the Commission,

Having regard to the Council's approval,

Whereas the regulations and general conditions governing the performance of the Ombudsman's duties should be laid down, in compliance with the provisions of the Treaties establishing the European Communities;

Whereas the conditions under which a complaint may be referred to the Ombudsman should be established as well as the relationship between the performance of the duties of Ombudsman and legal or administrative proceedings;

Whereas the Ombudsman, who may also act on his own initiative, must have access to all the elements required for the performance of his duties; whereas to that end Community institutions and bodies are obliged to supply the Ombudsman, at his request, with any information which he requests of them, unless there are duly substantiated grounds for secrecy, and without prejudice to the Ombudsman's obligation not to divulge such information; whereas the Member States' authorities are obliged to provide the Ombudsman with all necessary information save where such information is covered by laws or regulations on secrecy or by provisions preventing its being communicated; whereas if the Ombudsman finds that the assistance requested is not forthcoming, he shall inform the European Parliament, which shall make appropriate representations;

Whereas it is necessary to lay down the procedures to be followed where the Ombudsman's enquiries reveal cases of maladministration; whereas provision should also be made for the submission of a comprehensive report by the Ombudsman to the European Parliament at the end of each annual session;

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<sup>1</sup> Official Journal L 113, 4.5.1994, p.15

Whereas the Ombudsman and his staff are obliged to treat in confidence any information which they have acquired in the course of their duties; whereas the Ombudsman is, however, obliged to inform the competent authorities of facts which he considers might relate to criminal law and which have come to his attention in the course of his enquiries;

Whereas provision should be made for the possibility of co-operation between the Ombudsman and authorities of the same type in certain Member States, in compliance with the national laws applicable;

Whereas it is for the European Parliament to appoint the Ombudsman at the beginning of his mandate and for the duration thereof, choosing him from among persons who are Union citizens and offer every requisite guarantee of independence and competence;

Whereas conditions should be laid down for the cessation of the Ombudsman's duties;

Whereas the Ombudsman must perform his duties with complete independence and give a solemn undertaking before the Court of Justice of the European Communities that he will do so when taking up his duties; whereas activities incompatible with the duties of Ombudsman should be laid down as should the remuneration, privileges and immunities of the Ombudsman;

Whereas provisions should be laid down regarding the officials and servants of the Ombudsman's secretariat which will assist him and the budget thereof; whereas the seat of the Ombudsman should be that of the European Parliament;

Whereas it is for the Ombudsman to adopt the implementing provisions for this Decision; whereas furthermore certain transitional provisions should be laid down for the first Ombudsman to be appointed after the entry into force of the Treaty on European Union;

## **HAS DECIDED AS FOLLOWS:**

### *Article 1*

1. The regulations and general conditions governing the performance of the Ombudsman's duties shall be as laid down by this Decision in accordance with Article 138e(4) of the Treaty establishing the European Community, Article 20d(4) of the Treaty establishing the European Coal and Steel Community and Article 107d(4) of the Treaty establishing the European Atomic Energy Community.
2. The Ombudsman shall perform his duties in accordance with the powers conferred on the Community institutions and bodies by the Treaties.
3. The Ombudsman may not intervene in cases before courts or question the soundness of a court's ruling.

### *Article 2*

1. Within the framework of the aforementioned Treaties and the conditions laid down therein, the Ombudsman shall help to uncover maladministration in the activities of the Community institutions

and bodies, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role, and make recommendations with a view to putting an end to it. No action by any other authority or person may be the subject of a complaint to the Ombudsman.

2. Any citizen of the Union or any natural or legal person residing or having its registered office in a Member State of the Union may, directly or through a Member of the European Parliament, refer a complaint to the Ombudsman in respect of an instance of maladministration in the activities of Community institutions or bodies, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role. The Ombudsman shall inform the institution or body concerned as soon as a complaint is referred to him.

3. The complaint must allow the person lodging the complaint and the object of the complaint to be identified; the person lodging the complaint may request that his complaint remain confidential.

4. A complaint shall be made within two years of the date on which the facts on which it is based came to the attention of the person lodging the complaint and must be preceded by the appropriate administrative approaches to the institutions and bodies concerned.

5. The Ombudsman may advise the person lodging the complaint to address it to another authority.

6. Complaints submitted to the Ombudsman shall not affect time limits for appeals in administrative or judicial proceedings.

7. When the Ombudsman, because of legal proceedings in progress or concluded concerning the facts which have been put forward, has to declare a complaint inadmissible or terminate consideration of it, the outcome of any enquiries he has carried out up to that point shall be filed without further action.

8. No complaint may be made to the Ombudsman that concerns work relationships between the Community institutions and bodies and their officials and other servants unless all the possibilities for the submission of internal administrative requests and complaints, in particular the procedures referred to in Article 90(1) and (2) of the Staff Regulations, have been exhausted by the person concerned and the time limits for replies by the authority thus petitioned have expired.

9. The Ombudsman shall as soon as possible inform the person lodging the complaint of the action he has taken on it.

### *Article 3\**

1. The Ombudsman shall, on his own initiative or following a complaint, conduct all the enquiries which he considers justified to clarify any suspected maladministration in the activities of Community institutions and bodies. He shall inform the institution or body concerned of such action, which may submit any useful comment to him.

2. The Community institutions and bodies shall be obliged to supply the Ombudsman with any information he has requested of them and give him access to the files concerned. They may refuse only on duly substantiated grounds of secrecy.

They shall give access to documents originating in a Member State and classed as secret by law or

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\* A proposal for the amendment of this Article is currently being considered by the Committee on Constitutional Affairs of the European Parliament.

regulation only where that Member State has given its prior agreement.

They shall give access to other documents originating in a Member State after having informed the Member State concerned.

In both cases, in accordance with Article 4, the Ombudsman may not divulge the content of such documents.

Officials and other servants of Community institutions and bodies must testify at the request of the Ombudsman; they shall speak on behalf of and in accordance with instructions from their administrations and shall continue to be bound by their duty of professional secrecy.

3. The Member States' authorities shall be obliged to provide the Ombudsman, whenever he may so request, via the Permanent Representations of the Member States to the European Communities, with any information that may help to clarify instances of maladministration by Community institutions or bodies unless such information is covered by laws or regulations on secrecy or by provisions preventing its being communicated. Nonetheless, in the latter case, the Member State concerned may allow the Ombudsman to have this information provided that he undertakes not to divulge it.

4. If the assistance which he requests is not forthcoming, the Ombudsman shall inform the European Parliament, which shall make appropriate representations.

5. As far as possible, the Ombudsman shall seek a solution with the institution or body concerned to eliminate the instance of maladministration and satisfy the complaint.

6. If the Ombudsman finds there has been maladministration, he shall inform the institution or body concerned, where appropriate making draft recommendations. The institution or body so informed shall send the Ombudsman a detailed opinion within three months.

7. The Ombudsman shall then send a report to the European Parliament and to the institution or body concerned. He may make recommendations in his report. The person lodging the complaint shall be informed by the Ombudsman of the outcome of the inquiries, of the opinion expressed by the institution or body concerned and of any recommendations made by the Ombudsman.

8. At the end of each annual session the Ombudsman shall submit to the European Parliament a report on the outcome of his inquiries.

#### ***Article 4***

1. The Ombudsman and his staff, to whom Article 214 of the Treaty establishing the European Community, Article 47(2) of the Treaty establishing the European Coal and Steel Community and Article 194 of the Treaty establishing the European Atomic Energy Community shall apply, shall be required not to divulge information or documents which they obtain in the course of their inquiries. They shall also be required to treat in confidence any information which could harm the person lodging the complaint or any other person involved, without prejudice to paragraph 2.

2. If, in the course of inquiries, he learns of facts which he considers might relate to criminal law, the Ombudsman shall immediately notify the competent national authorities via the Permanent

Representations of the Member States to the European Communities and, if appropriate, the Community institution with authority over the official or servant concerned, which may apply the second paragraph of Article 18 of the Protocol on the Privileges and Immunities of the European Communities. The Ombudsman may also inform the Community institution or body concerned of the facts calling into question the conduct of a member of their staff from a disciplinary point of view.

#### ***Article 5***

Insofar as it may help to make his enquiries more efficient and better safeguard the rights and interests of persons who make complaints to him, the Ombudsman may co-operate with authorities of the same type in certain Member States provided he complies with the national law applicable. The Ombudsman may not by this means demand to see documents to which he would not have access under Article 3.

#### ***Article 6***

1. The Ombudsman shall be appointed by the European Parliament after each election to the European Parliament for the duration of the parliamentary term. He shall be eligible for reappointment.
2. The Ombudsman shall be chosen from among persons who are Union citizens, have full civil and political rights, offer every guarantee of independence, and meet the conditions required for the exercise of the highest judicial office in their country or have the acknowledged competence and experience to undertake the duties of Ombudsman.

#### ***Article 7***

1. The Ombudsman shall cease to exercise his duties either at the end of his term of office or on his resignation or dismissal.
2. Save in the event of his dismissal, the Ombudsman shall remain in office until his successor has been appointed.
3. In the event of early cessation of duties, a successor shall be appointed within three months of the office's falling vacant for the remainder of the parliamentary term.

#### ***Article 8***

An Ombudsman who no longer fulfils the conditions required for the performance of his duties or is guilty of serious misconduct may be dismissed by the Court of Justice of the European Communities at the request of the European Parliament.

### ***Article 9***

1. The Ombudsman shall perform his duties with complete independence, in the general interest of the Communities and of the citizens of the Union. In the performance of his duties he shall neither seek nor accept instructions from any government or other body. He shall refrain from any act incompatible with the nature of his duties.
2. When taking up his duties, the Ombudsman shall give a solemn undertaking before the Court of Justice of the European Communities that he will perform his duties with complete independence and impartiality and that during and after his term of office he will respect the obligations arising therefrom, in particular his duty to behave with integrity and discretion as regards the acceptance, after he has ceased to hold office, of certain appointments or benefits.

### ***Article 10***

1. During his term of office, the Ombudsman may not engage in any other political or administrative duties, or any other occupation, whether gainful or not.
2. The Ombudsman shall have the same rank in terms of remuneration, allowances and pension as a judge at the Court of Justice of the European Communities.
3. Articles 12 to 15 and Article 18 of the Protocol on the Privileges and Immunities of the European Communities shall apply to the Ombudsman and to the officials and servants of his secretariat.

### ***Article 11***

1. The Ombudsman shall be assisted by a secretariat, the principal officer of which he shall appoint.
2. The officials and servants of the Ombudsman's secretariat shall be subject to the rules and regulations applicable to officials and other servants of the European Communities. Their number shall be adopted each year as part of the budgetary procedure<sup>2</sup>.
3. Servants of the European Communities and of the Member States appointed to the Ombudsman's secretariat shall be seconded in the interests of the service and guaranteed automatic reinstatement in their institution of origin.
4. In matters concerning his staff, the Ombudsman shall have the same status as the institutions within the meaning of Article 1 of the Staff Regulations of Officials of the European Communities.

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<sup>2</sup> A joint statement by the three institutions will set out guiding principles for the number of staff employed by the Ombudsman and the status as temporary or contract staff of those carrying out enquiries.

***Article 12\*\****

The Ombudsman's budget shall be annexed to section I (Parliament) of the general budget of the European Communities.

***Article 13***

The seat of the Ombudsman shall be that of the European Parliament<sup>3</sup>.

***Article 14***

The Ombudsman shall adopt the implementing provisions for this Decision.

***Article 15***

The first Ombudsman to be appointed after the entry into force of the Treaty on European Union shall be appointed for the remainder of the parliamentary term.

***Article 16\*\****

The European Parliament shall make provision in its budget for the staff and material facilities required by the first Ombudsman to perform his duties as soon as he is appointed.

***Article 17***

This Decision shall be published in the Official Journal of the European Communities. It shall enter into force on the date of its publication.

Done at Strasbourg, 9 March 1994

For the European Parliament,  
The President,

Egon KLEPSCH

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\*\* The Council Regulation (EC) N° 2673/1999 created a specific section for the European Ombudsman within the general budget of the European Communities and adjusted the provisions of the Financial Regulation which relate to the Ombudsman. Therefore, this Article has become obsolete. In its resolution of 17 November 2000 (doc. A5-0293/2000), the European Parliament proposed deleting Articles 12 and 16 of the Parliament's Decision on the regulations and general conditions governing the performance of the Ombudsman's duties. The procedure laid down in Article 195 (4) of the EC Treaty for the amendment of this Decision has not yet been completed.

<sup>3</sup> See Decision taken by common agreement between the Representatives of the Governments of the Member States on the location of the seats of the institutions and of certain bodies and departments of the European Communities (OJ No. C 341, 23.12.1992, p. 1).



**ANNEX 3**

**DECISION OF THE EUROPEAN OMBUDSMAN  
ADOPTING IMPLEMENTING PROVISIONS**

THE EUROPEAN OMBUDSMAN,

Having regard to Articles 8d and 138e of the Treaty establishing the European Community, Article 20d of the Treaty establishing the European Coal and Steel Community and Article 107d of the Treaty establishing the European Atomic Energy Community;

Having regard to Article 14 of the decision of the European Parliament on the regulations and general conditions governing the performance of the Ombudsman's duties, calling for the Ombudsman to adopt implementing provisions for this decision;

Whereas the implementing provisions adopted on an indicative and provisional basis on 4 September 1996 foresee the adoption of formal and durable implementing provisions during 1997;

Considering that experience in the functioning of his office makes it desirable to revise and consolidate the implementing provisions adopted on an indicative and provisional basis on 4 September 1996 and the Decision of the European Ombudsman of 24 March 1997 on public access to non complaints-related documents held by the Office of the European Ombudsman,

ADOPTS THE FOLLOWING IMPLEMENTING PROVISIONS:

**Article 1**

**Definitions**

- 1.1. In these implementing provisions, "citizen" means any natural or legal person who addresses a complaint to the European Ombudsman;
- 1.2. "institution concerned" means the Community institution or body which is the object of a complaint or an own initiative inquiry;
- 1.3. "the Statute" means the regulations and general conditions governing the performance of the Ombudsman's duties.

## **Article 2**

### **Receipt of complaints**

- 2.1. Complaints are identified, registered and numbered upon receipt.
- 2.2. An acknowledgement of receipt is sent to the citizen, quoting the registration number of the complaint and identifying the legal officer who is dealing with the case.
- 2.3. A petition transferred to the Ombudsman by the European Parliament with the consent of the petitioner is treated as a complaint.
- 2.4. In appropriate cases and with the consent of the complainant, the Ombudsman may transfer a complaint to the European Parliament to be dealt with as a petition.
- 2.5. In appropriate cases and with the consent of the complainant, the Ombudsman may transfer a complaint to another competent authority.

## **Article 3**

### **Admissibility of complaints**

- 3.1. On the basis of the criteria laid down in the Treaty and the Statute, the Ombudsman determines whether a complaint is within his mandate and if so, whether it is admissible; he may request the citizen to provide further information or documents before making the determination.
- 3.2. If a complaint is outside the mandate, or inadmissible, the Ombudsman closes the file on the complaint. He informs the citizen of his decision and of the reasons for it. The Ombudsman may advise the citizen to apply to another authority.

## **Article 4**

### **Inquiries into admissible complaints**

- 4.1. The Ombudsman decides whether there are sufficient grounds to justify making inquiries into an admissible complaint.
- 4.2. If he does not find sufficient grounds to justify making inquiries, the Ombudsman closes the file on the complaint and informs the citizen accordingly.
- 4.3. If the Ombudsman finds sufficient grounds to justify making inquiries he informs the citizen and the institution concerned. He transmits a copy of the complaint to the institution concerned and invites it to submit an opinion within a specified time that is normally no more than three months. The invitation to the institution concerned may specify particular aspects of the complaint, or specific issues, to which the opinion should be addressed.
- 4.4. The Ombudsman sends the opinion of the institution concerned to the citizen, unless he decides that it is inappropriate to do so in a specific case. The citizen has the opportunity to submit observations to the Ombudsman, within a specified time that is normally no more than one month.
- 4.5. After considering the opinion and any observations made by a citizen to whom it has been sent, the Ombudsman may either decide to close the case with a reasoned decision or to continue his inquiries. He informs the citizen and the institution concerned accordingly.

## **Article 5**

### **Powers of investigation**

5.1. Subject to the conditions laid down in the Statute, the Ombudsman may require Community institutions and bodies and the authorities of Member States to supply, within a reasonable time, information or documents for the purposes of an inquiry.

5.2. The Ombudsman may require officials or other servants of Community institutions or bodies to give evidence under the conditions laid down in the Statute. Where an individual official or other servant is specifically criticised in a complaint, he or she is normally invited to submit observations.

5.3. The Ombudsman may request Community institutions and bodies to make arrangements for him to pursue his inquiries on the spot.

5.4. The Ombudsman may commission such studies or expert reports as he considers necessary to the success of an inquiry; the costs are charged to his budget.

## **Article 6**

### **Friendly solutions**

6.1. If the Ombudsman finds maladministration, as far as possible he co-operates with the institution concerned in seeking a friendly solution to eliminate it and to satisfy the citizen.

6.2. If the Ombudsman considers that such co-operation has been successful, he closes the case with a reasoned decision. He informs the citizen and the institution concerned of the decision.

6.3. If the Ombudsman considers that a friendly solution is not possible, or that the search for a friendly solution has been unsuccessful, he either closes the case with a reasoned decision that may include a critical remark or makes a report with draft recommendations.

## **Article 7**

### **Critical remarks**

7.1. The Ombudsman makes a critical remark if he considers: that it is no longer possible for the institution or body concerned to eliminate the instance of maladministration and that the instance of maladministration has no general implications.

7.2. When the Ombudsman closes the case with a critical remark, he informs the citizen and the institution concerned of his decision.

## **Article 8**

### **Reports with draft recommendations**

8.1. The Ombudsman makes a report with draft recommendations to the institution or body concerned if he considers either that it is possible for the institution or body concerned to eliminate the instance of maladministration, or that the instance of maladministration has general implications.

8.2. the Ombudsman sends a copy of his report and draft recommendations to the institution concerned and to the citizen.

8.3. The institution concerned sends the Ombudsman a detailed opinion within three months. The detailed opinion could consist of acceptance of the Ombudsman's decision and a description of the measures taken to implement the recommendations.

8.4. If the Ombudsman does not consider that the detailed opinion is satisfactory he draws up a report in relation to the instance of maladministration. The report may contain recommendations.

8.5. A report under the preceding paragraph takes the form of a special report to the European Parliament. The Ombudsman sends a copy of the report to the institution concerned and to the citizen.

## **Article 9**

### **Own-initiative inquiries**

9.1. The Ombudsman may decide to undertake inquiries on his own initiative.

9.2. The Ombudsman's powers of investigation when conducting own initiative inquiries are the same as in inquiries instituted following a complaint.

9.3. The procedures followed in inquiries instituted following a complaint also apply, by analogy, to own initiative inquiries.

## **Article 10**

### **Points of procedure**

10.1. If the citizen so requests, the Ombudsman classifies a complaint as confidential. If he considers that it is

necessary to protect the interests of the complainant or of a third party, the Ombudsman may classify a complaint as confidential on his own initiative.

10.2. If he considers it appropriate to do so, the Ombudsman may take steps to ensure that a complaint is dealt with as a matter of priority.

10.3. If legal proceedings are instituted in relation to matters under investigation by the Ombudsman, he closes the case. The outcome of any inquiries he has carried out up to that point is filed without further action.

10.4. The Ombudsman informs the relevant national authorities and if appropriate, a Community institution or body of such criminal law matters as may come to his notice in the course of an inquiry. The Ombudsman may also inform a Community institution or body of facts which, in his view, could justify disciplinary proceedings.

## **Article 11**

### **Reports to the European Parliament**

11.1. The Ombudsman submits an annual report to the European Parliament on his activities as a whole, including the outcome of his inquiries.

11.2. A report made under paragraph 8.4. above takes the form of a special report by the Ombudsman to the European Parliament.

11.3. The Ombudsman may make such other special reports to the European Parliament as he thinks appropriate to fulfil his responsibilities under the Treaty and the Statute.

11.4. The annual and special reports of the Ombudsman may contain such recommendations as he thinks appropriate to fulfil his responsibilities under the Treaty and the Statute.

11.5. The European Ombudsman shall publish, in the C series of the Official Journal, announcements concerning the adoption of its annual and special reports making public the means for all interested to have access to the full text documents.

## **Article 12**

### **Co-operation with national ombudsmen**

The Ombudsman may work in conjunction with ombudsmen and similar bodies in the Member States with a view to enhancing the effectiveness both of his own inquiries and of those carried out by ombudsmen and similar bodies in the Member States and of making more effective provision for safeguarding the rights and interests of European citizens.

## **Article 13**

### **Public access to documents held by the Ombudsman**

13.1. The following are public documents: the general register of non-confidential complaints; complaints and documents annexed thereto by the citizen; opinions and detailed opinions from institutions concerned and any observations thereon made by the citizen; the Ombudsman's decisions closing cases; reports and draft recommendations made under paragraph 8.4. above.

13.2. Documents (b) to (e) in the preceding paragraph are treated as confidential if the complaint has been classified as confidential, in accordance with paragraph 10.1. above.

13.3. Reports of the Ombudsman to the European Parliament concerning a complaint that is confidential are published in a form that does not allow the citizen to be identified.

13.4. Other documents held by the Ombudsman's office are public documents unless the Ombudsman considers that confidentiality is required either: by the Treaties, the Statute of the Ombudsman, or any other provision of Community law, or in order to protect his interest in the confidentiality of his proceedings or the running of his office.

13.5. The Ombudsman provides access to public documents held by his office in response to requests made in writing that sufficiently identify the documents concerned.

13.6. Access is given on the spot or by providing the applicant with a copy. The Ombudsman may impose reasonable charges for the supply of copies of documents. The method of calculation of any charge is explained.

13.7. The decision on a request for public access is taken without undue delay and in any case within 15 working days from receipt of the request.

13.8. If a request for access to a document is refused in whole or in part reasons are given for the refusal.

13.9. The above provisions do not apply in the case of published documents of which the Ombudsman is not the author.

## **Article 14**

### **Languages**

14.1. A complaint may be submitted to the Ombudsman in any of the twelve Treaty languages. The Ombudsman is not required to deal with complaints submitted in other languages.

14.2. The language of proceedings conducted by the Ombudsman is one of the twelve Treaty languages; in the case of a complaint, the language in which it is written.

14.3. The Ombudsman determines which documents are to be drawn up in the language of the proceedings.

14.4. Correspondence with the authorities of Member States is conducted in the official language of the state concerned.

14.5. The annual report, special reports and, where possible, other documents published by the Ombudsman are produced in all official languages.

## **Article 15**

### **Entry into force**

15.1. This decision shall come into effect on 1 January 1998.

15.2. From 1 January 1998, the implementing provisions adopted on an indicative and provisional basis on 4 September 1996 and the Decision of the European Ombudsman of 24 March 1997 on public access to non complaints-related documents held by the Office of the European Ombudsman shall cease to have effect.

Done at Strasbourg, 16 October 1997  
Jacob Söderman

## **RULES OF PROCEDURE OF THE EUROPEAN PARLIAMENT**

### **CHAPTER XXIV - OMBUDSMAN**

#### **Rule 177**

##### **Appointment of the Ombudsman**

1. At the start of each parliamentary term, immediately after his election or in the cases referred to in paragraph 8, the President shall call for nominations for the office of Ombudsman and set a time limit for their submission. A notice calling for nominations shall be published in the Official Journal of the European Communities.

2. Nominations must have the support of a minimum of thirty-two Members who are nationals of at least two Member States.

Each Member may support only one nomination.

Nominations shall include all the supporting documents needed to show conclusively that the nominee fulfils the conditions required by the Regulations on the Ombudsman.

3. Nominations shall be forwarded to the committee responsible, which may ask to hear the nominees.

Such hearings shall be open to all Members.

4. A list of admissible nominations in alphabetical order shall then be submitted to the vote of Parliament.

5. The vote shall be held by secret ballot on the basis of a majority of the votes cast.

If no candidate is elected after the first two ballots, only the two candidates obtaining the largest number of votes in the second ballot may continue to stand.

In the event of any tie the eldest candidate shall prevail.

6. Before opening the vote, the President shall ensure that at least half of Parliament's component Members are present.

7. The person appointed shall immediately be called upon to take an oath before the Court of Justice.

8. The Ombudsman shall exercise his duties until his successor takes office, except in the case of his death or dismissal.

#### **Rule 178**

##### **Dismissal of the Ombudsman**

1. One tenth of Parliament's component Members may request the Ombudsman's dismissal if he no longer fulfils the conditions required for the performance of his duties or if he is guilty of serious misconduct.

2. The request shall be forwarded to the Ombudsman and to the committee responsible, which, if it decides by a majority of its members that the reasons are well-founded, shall submit a report to Parliament. If he so requests, the Ombudsman shall be heard before the report is put to the vote. Parliament shall, following a debate, take a decision by secret ballot.
  3. Before opening the vote, the President shall ensure that half of Parliament's component Members are present.
  4. If the vote is in favour of the Ombudsman's dismissal and he does not resign accordingly the President shall, at the latest by the part-session following that at which the vote was held, apply to the Court of Justice to have the Ombudsman dismissed with a request for a ruling to be given without delay.
- Resignation by the Ombudsman shall terminate the procedure.

## **Rule 179**

### **Activities of the Ombudsman**

1. The decision on the regulations and general conditions governing the performance of the Ombudsman's duties and the provisions implementing that decision as adopted by the Ombudsman are annexed for information to the Rules of Procedure.
2. The Ombudsman shall, in accordance with Article 3(6) and (7) of the above decision, inform Parliament of cases of maladministration, on which the committee responsible may draw up a report. He shall also, in accordance with Article 3(8) of the above decision, submit a report to Parliament at the end of each annual session on the outcome of his inquiries. The committee responsible shall draw up a report thereon which shall be submitted to Parliament for debate.
3. The Ombudsman may also inform the committee responsible at its request, or be heard by it on his own initiative.

## ANNEX 5

### LIST OF ADRESSES OF THE EUROPEAN OMBUDSMAN AND NATIONAL OMBUDSMEN OR SIMILAR BODIES

#### **The European Ombudsman**

1 avenue du Président Robert Schuman

B.P. 403

F-67001 Strasbourg Cedex

Tel: +33 3 88 17 40 01

Fax: +33 3 88 17 90 62

E-mail: [euro-ombudsman@europarl.eu.int](mailto:euro-ombudsman@europarl.eu.int)

Website: <http://www.euro-ombudsman.eu.int>

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#### **Belgium**

Federale Ombudsman

Hertogstraat 43

B-1000 Brussel

Tel: +32 2 289 27 27

Fax: +32 2 289 27 28

E-mail: [email@federalombudsman.be](mailto:email@federalombudsman.be)

Website : <http://www.federalombudsman.be>

Médiateur Fédéral

Rue Ducale 43

B-1000 Bruxelles

Tel: 32 2 289 27 27

Fax: 32 2 289 27 28

E-mail: [email@mediateurfederal.be](mailto:email@mediateurfederal.be)

Website : <http://www.federalombudsman.be>

## **Denmark**

Folketingets Ombudsmand  
Gammel Torv 22  
DK-1457 Copenhagen K  
Tel: 45 33 13 25 12  
Fax: 45 33 13 07 17  
E-mail: [ombudsmanden@ombudsmanden.dk](mailto:ombudsmanden@ombudsmanden.dk)  
Website : <http://www.ombudsmanden.dk>

## **Germany**

Der Petitionsausschuss  
Deutscher Bundestag  
Platz der Republik, 1  
D-11011 Berlin  
Tel: 49 30 228 162 53 42  
Fax: 49 30 228 162 60 27  
E-mail: [vorzimmer.peta@bundestag.de](mailto:vorzimmer.peta@bundestag.de)  
Website: <http://www.bundestag.de/gremien/gremien/petindex.htm>

## **Greece**

The Greek Ombudsman (Sinigoros tou Politi)  
Hatziyanni Mexi 5  
GR-11528 Athens  
Tel: 30 1 728 97 767  
Fax: 30 1 728 97 00

## **Spain**

Defensor del Pueblo  
Eduardo Dato 31  
E-28010 Madrid  
Tel: 34 91 319 4038  
Fax: 34 91 310 5202  
E-mail: [registro@defensordelpueblo.es](mailto:registro@defensordelpueblo.es)  
Website: <http://www.defensordelpueblo.es>

## France

Le Médiateur de la République  
53 avenue d'Iéna  
F-75116 Paris  
Tel: 33 1 4502 7272  
Fax: 33 1 4500 4791  
E-mail: [webmaster@mediateur-de-la-republique.fr](mailto:webmaster@mediateur-de-la-republique.fr)  
Website: <http://www.mediateur-de-la-republique.fr>

## Ireland

Office of the Ombudsman  
18 Lower Leeson Street  
IRL-Dublin 2  
Tel: 353 1 678 5222  
Fax : 353 1 661 0570  
E-mail: [ombudsman@ombudsman.irlgov.ie](mailto:ombudsman@ombudsman.irlgov.ie)  
Website: <http://www.irlgov.ie/ombudsman>

## Italy

### *Difensori civici regionali*

#### **Abruzzo**

Difensore Civico Regione Abruzzo  
Via Jacobucci  
I - 67100 l'Aquila

#### **Basilicata**

Difensore Civico Regione Basilicata  
Via Anzio  
Piazza XVIII Agosto, 14  
I - 85100 Potenza  
Tel : 39 097 127 4564  
Fax : 39 097 133 0960

### **Provincia autonoma di Bolzano**

Landesvolksanwalt von Südtirol  
Laubengasse, 22  
I - 39100 Bozen  
Tel : 39 0471 413 450  
Fax: 39 0471 981 229  
E-mail : [ombudsman@landtag-bz.org](mailto:ombudsman@landtag-bz.org)  
Website : <http://www.landtag-bz.org/ombudsman>

### **Calabria**

Resp. Uff. Difensore Civico Regione Calabria  
Consiglio regionale  
Via T. Campanella, 38  
I - 89100 Reggio Calabria  
Tel : 39 081 778 33 64  
Fax : 39 081 778 35 35

### **Campania**

Difensore Civico Regione Campania  
Centro Direzionale  
Via Isola F., 13  
I - 80143 Napoli  
Tél : 39 081 778 3364  
Fax: 39 081 778 3535

### **Emilia Romagna**

Difensore Civico Regione Emilia Romagna  
Via Largo caduti del lavoro, 4  
I - 40100 Bologna  
Tel : 39 051 649 2400  
Fax : 39 051 649 2280  
E-mail : [difciv1\(ps:un\)@regione.emilia-romagna-it](mailto:difciv1(ps:un)@regione.emilia-romagna-it)

### **Friuli Venezia Giulia**

Difensore Civico  
Regione Autonoma Friuli Venezia Giulia  
Piazza Oberdan 4  
I - 34100 Trieste  
Tel : 39 040 364 130  
Fax : 39 040 377 2289

### **Lazio**

Difensore Civico Regione Lazio  
Via IV Novembre, 149  
I - 00187 Roma  
Tel : 39 0366 679 1447

### **Liguria**

Difensore Civico Regione Liguria  
Viale Brigate Partigiane, 2  
I - 16129 Genova  
Tel : 39 010 565 384  
Fax : 39 010 540 877  
Website : [http://www.regione.liguria.it/cons7\\_difciv/difciv.htm](http://www.regione.liguria.it/cons7_difciv/difciv.htm)

### **Lombardia**

Difensore Civico Regione Lombardia  
Piazza Fidia, 1  
I - 20159 Milano  
Tel : 39 0267 482 465  
Fax : 39 0267 482 487  
E-mail : [nunzia.bramante@consiglio.regione.lombardia.it](mailto:nunzia.bramante@consiglio.regione.lombardia.it)

### **Marche**

Difensore Civico Regione Marche  
Via Leopardi, 9  
I - 60100 Ancona  
Tel : 39 347 364 6647  
Fax : 39 071 229 8483

### **Piemonte**

Difensore Civico Regione Piemonte  
Piazza Solferino, 22  
I - 10121 Torino  
Tel : 39 011 575 73 87  
Fax : 39 011 575 73 86  
E-mail : [difensorecivico@csr.regione.piemonte.it](mailto:difensorecivico@csr.regione.piemonte.it)  
Website : <http://www.consiglio.regionale.piemonte.it>

### **Puglia**

Resp. Uff. Legislativo Giunta regionale  
Via Capruzzi, 204  
I - 70129 Bari

### **Sardegna**

Difensore Civico Regione Sardegna  
Via Roma, 25  
I - 09125 Cagliari

### **Toscana**

Difensore Civico Regione Toscana  
Via dei Pucci, 4  
I - 50122 Firenze  
Tel : 39 055 238 7900  
Fax : 39 055 210 230  
E-mail : [difensorecivico@consiglio.regione.toscana.it](mailto:difensorecivico@consiglio.regione.toscana.it)  
Website : <http://www.consiglio.regione.toscana.it/difensore>

### **Provincia Autonoma di Trento**

Difensore Civico della Provincia Autonoma  
di Trento  
Galleria Garbari, 9  
I - 38100 Trento  
Tel : 39 0461 213 203  
Fax : 39 0461 238 989  
E-mail : [difensore.civico@consiglio.provincia.tn.it](mailto:difensore.civico@consiglio.provincia.tn.it)

## **Umbria**

Difensore Civico dell' Umbria  
Via Manfredo Fanti, 2  
I - 06100 Perugia  
Tel : 39 075 6963 283

## **Valle d'Aosta**

Difensore Civico della Valle d'Aosta  
Via Festaz, 52  
I - 11100 Aosta  
Tel : 39.165.262214  
Fax : 39.165.32690  
E-mail : [difensore.civico@consiglio.regione.vda.it](mailto:difensore.civico@consiglio.regione.vda.it)  
Website : <http://www.consiglio.regionale.vda.it>

## **Veneto**

Difensore civico della Regione Veneto  
S. Marco 1122 - Bacino Orseolo  
I – 30124 VENEZIA  
Tél : 39 041 270 1680  
Fax : 39 041 270 1684  
E-mail : [difciv@consiglio.regione.veneto.it](mailto:difciv@consiglio.regione.veneto.it)

## **Luxembourg**

Commission des Pétitions  
Chambre des Députés  
19, rue du marché aux herbes  
L-1728 Luxembourg  
Tel: 352 466 966 324  
Fax: 352 220 230  
E-mail : [lerr@chd.lu](mailto:lerr@chd.lu)  
Website: [http://www.chd.lu/chd/fr/newcomp/commiss/comm\\_r2.htm](http://www.chd.lu/chd/fr/newcomp/commiss/comm_r2.htm)

## **The Netherlands**

Nationale Ombudsman  
P.O. Box 93122  
Bezuidenhoutseweg 151  
NL-2509 AC The Hague  
Tel: 31 70 356 35 63  
Fax: 31 70 360 75 72  
E-mail: [bureau@nationaleombudsman.nl](mailto:bureau@nationaleombudsman.nl)  
Website: <http://www.ombudsman.nl>

## **Austria**

Volksanwaltschaft (Austrian Ombudsman Office)  
Singerstrasse 17  
Postfach 20  
A-1015 Wien  
Tel: 43 1 515 05 112  
Fax: 43 1 515 05 150  
E-mail: [post@volksanw.gv.at](mailto:post@volksanw.gv.at)  
Website: <http://www.volksanw.gv.at>

## **Portugal**

Gabinete de Provedor de Justiça  
Rua Pau de Bandeira, 7-9  
P-1249-088 Lisboa  
Tel: 351 21 392 6600  
Fax : 351 21 396 1243  
E-mail: [provedor@provedor-jus.pt](mailto:provedor@provedor-jus.pt)  
Website: <http://www.provedor-jus.pt>

## **Finland**

Eduskunnan oikeusasiamiehen kanslia  
(Parliamentary Ombudsman)  
Aurorankatu 6  
FIN-00102 Helsinki  
Tel: 358 9 432 1  
Fax: 358 9 432 22 68  
E-mail : [eo-kirjaamo@eduskunta.fi](mailto:eo-kirjaamo@eduskunta.fi)  
Website: <http://www.eduskunta.fi/fakta/eoa/eoa.htm>

Valtioneuvoston oikeuskansleri  
(Chancellor of Justice)  
Oikeuskanslerinvirasto  
PL 20  
FIN - 00023 Helsinki  
Tél : 358 916 01  
Fax : 358 916 039 75  
Mail : [kirjaamo@okv.vn.fi](mailto:kirjaamo@okv.vn.fi)  
Website : <http://www.vn.fi/okv>

### **Sweden**

Riksdagens Ombudsmän  
Box 16327  
S-10326 Stockholm  
Tel: 46 8 786 4000  
Fax: 46 8 216 558  
E-mail: [justitieombudsmannen@riksdagen.se](mailto:justitieombudsmannen@riksdagen.se)  
Website: [http://www.riksdagen.se/folkvald/ledamotr/organ/on\\_ro.htm](http://www.riksdagen.se/folkvald/ledamotr/organ/on_ro.htm)

### **United Kingdom**

Parliamentary Commissioner for Administration and Health Service Commissioner  
Church House, Great Smith Street  
1st Floor  
Millbank Tower  
Millbank  
UK-London SW1P 4QP  
Tel: 44 207 217 40 79  
Fax: 44 207 217 40 79  
E-mail: [opca-enqu@ombudsman.org.uk](mailto:opca-enqu@ombudsman.org.uk)  
Website: <http://www.ombudsman.org.uk>

Northern Ireland Parliamentary Commissioner  
for Administration and Commissioner for Complaints  
33 Wellington Place  
UK-Belfast BT1 6HN  
Northern Ireland  
Tel: 44 28 90 233821  
Fax: 44 2890 234912  
E-mail: [ombudsman@ni-ombudsman.org.uk](mailto:ombudsman@ni-ombudsman.org.uk)  
Website: <http://www.ombudsman.nics.gov.uk>



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