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“CITIZENS SHOULD HAVE A RIGHT TO GOOD ADMINISTRATION” SAYS EUROPEAN OMBUDSMAN

"The European citizen should have a right to good administrative behaviour by the European public administration" said European Ombudsman Jacob Söderman, speaking on Tuesday 11 January 2000 to officials from the Baltic States at a seminar on Good Administration held in Helsinki. He also hoped that the citizen's right to good administrative treatment would be included in the proposed EU Charter of Fundamental Rights. "This could be one of the great achievements in the field of fundamental rights in the new century", he added. "The citizen, who in the end pays for the whole show, should be treated fairly and with respect".

Söderman said that the EC Treaty should clearly state that European citizens have a right to an open, accountable and service-minded European administration. To make this guarantee effective in practice there needs to be a European administrative law setting out the basic principles, as well as the service that citizens have a right to expect from the administration. As practical examples, Söderman cited the right to be heard and make observations, the right to receive a reasoned reply in due time and in one's own language and the right to be informed of the remedies in case of a negative response. The administration should also have a duty to act promptly and fairly.

"Good administrative behaviour is essential for any public administration which hopes for support and trust from the public at large", said Söderman. "By taking this kind of initiative, the European Union could play a leading role in the service to the citizen instead of being the scapegoat of Europe in daily debate." He added that many Member States have taken various actions in this field, but that he hoped that the EU example would have a broad impact on all existing and future Member States.

The Ombudsman's speech contained information on the patchy response from European institutions and bodies to his recommendation to adopt a Code of Good Administrative Behaviour. Once again, the European Agency for the Evaluation of Medicinal Products (EMEA) has taken the lead by adopting the proposed Code from the beginning of this year. Its example appears to be followed by many other EU agencies. The European Parliament, the Council, the European Central Bank and the Court of Auditors are still reflecting on the issue to the end of January, while the European Commission has initially decided on a weaker code of conduct as "supplementary measures" to be annexed to its internal rules of procedure.

Söderman told the audience that he will soon make a Special Report to the European Parliament on the outcome of his recommendation. If the recommendation has not led to an acceptable result for the citizen, he hoped that the Parliament would be ready to use its powers to take a legal initiative to pursue the adoption of a European law on good administrative behaviour.

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