

**Maria Carro-Pitarch\***

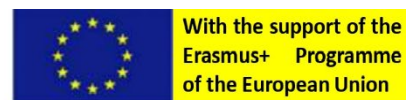
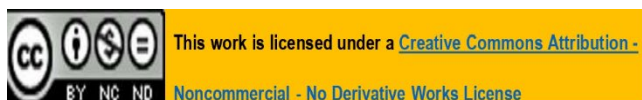
## **Article 43 of the Charter of Fundamental Rights of the European Union on The European Ombudsman**

### **SLIDE 1**

Hello, welcome. I am Maria Carro, and in this video I am going to talk to you about article 43 of the Charter of Fundamental Rights of the European Union on The European Ombudsman.

### **SLIDE 2**

Article 43 of the Charter states that: "Any citizen of the Union or any natural or legal person residing or having its registered office in a Member State has the right to refer to the Ombudsman of the Union cases 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".



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The Ombudsman of the Union is also regulated in Article 288 of the Treaty on the Functioning of the European Union and in the Union Regulation on the Statute of the European Ombudsman.

### **SLIDE 3**

Currently, and since 2013, the European Ombudsman is Emily O'Reilly.

This body was set up by the Maastricht Treaty to improve the protection of citizens in cases of maladministration and to strengthen transparency and democratic control in the decision-making of the Union's institutions and bodies.

The Ombudsman is elected by the European Parliament after each election and his or her mandate is renewable.

To be eligible for election, the person must be a citizen of the Union and enjoy full civil and political rights and must not have been a member of a national government or a Member of the European Parliament, or a member of the European Council or of the European Commission in the two years preceding the date of publication of the call for applications.

He or she may be dismissed by the Court of Justice at the request of the European Parliament if he or she no longer fulfils the conditions required for the performance of his or her duties or if he or she has been guilty of serious misconduct.

#### **SLIDE 4**

The European Ombudsman's role includes her ability to receive complaints about maladministration in the activities of the institutions, bodies, offices, or agencies of the Union.

Therefore, the Ombudsman cannot investigate complaints against national, regional, or local authorities, but only Union authorities.

Such claims may be brought either by any citizen of the Union residing in a Member State or by any natural or legal person residing or having its registered office in a Member State. However, actions brought by the Court of Justice and the Court of First Instance in the exercise of their judicial functions shall not be the subject of a complaint.

We speak of maladministration when an institution or body fails to act in accordance with

the law, fails to respect principles of good administration or violates human rights. This would be the case, for example, of administrative irregularities or cases of discrimination or abuse of power in the management of EU funds.

This concept of maladministration includes failure to respond, refusal to grant access to information or unnecessary delay in granting access to information in the public interest.

In addition, the Ombudsman has the power to investigate on the basis of these complaints and has to submit an annual report to the European Parliament on the outcome of these investigations.

All functions must be exercised in full independence in accordance with the Treaty on the Functioning of the European Union.

## **SLIDE 5**

In the performance of her duties, the Ombudsman shall conduct enquiries for which she finds grounds, either on her own initiative or on the basis of complaints received directly or through a Member of the European Parliament, unless the alleged facts are or have been the subject of legal proceedings.

Where the Ombudsman has established an instance of maladministration, she shall bring it to the attention of the institution, body, office, or agency concerned, which shall have three months to submit its position to the Ombudsman. Finally, the Ombudsman sends a report to the European Parliament and to the institution, body, office, or agency concerned. The person from whom the complaint emanates will also be informed of the outcome of these enquiries.

## **SLIDE 6**

I hope you found this video about the European Ombudsman interesting.

That is all I had to say to you. Thank you very much for your attention.