

# Valentin Bou-Franch\*

## Access to European Institutions

### SLIDE 1

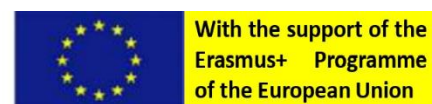
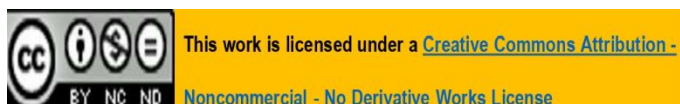
Hello, welcome. My name is Valentin Bou, and in this publication, I am going to talk to you about access to the European institutions.

### SLIDE 2

Access to the European institutions takes several forms. The first is the right to petition the European Parliament.

This right consists of the right to petition the European Parliament on a European Union matter that directly affects either citizens of the European Union, or residents of its Member States, or both.

The formal requirements for the exercise of this right are threefold: they must be in writing addressed to the European Parliament in one of the official languages of the Union (e.g., Spanish); anonymous petitions are not allowed; and they are sent by mail to the European Parliament or through the “Petitions Portal of the European Parliament.”



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The Committee on Petitions of the European Parliament may declare a petition inadmissible or admissible.

If it declares it inadmissible, it must do so by means of a reasoned decision communicated to the petitioners. This means that the petition is definitively closed.

If it declares it admissible, then the petitioners may participate in the discussions of the Committee on Petitions; and the Committee may request the President of the European Parliament to forward its recommendation to the Council, the European Commission, or the Member State to act or respond.

### **SLIDE 3**

Another modality is the right of access to the European Ombudsman.

The European Parliament appoints the European Ombudsman, which appoints him or her after each election to the European Parliament, for the duration of its term of office. Only the Court of Justice of the European Union can dismiss the Ombudsman, at the request of the European Parliament.

The European Ombudsman receives complaints about maladministration by the European institutions or bodies:

- from citizens of the European Union or residents of its Member States

- no claims may be brought against the Court of Justice of the Union in the exercise of its judicial functions

- anonymous complaints cannot be lodged; and its time limit is two years from the date on which the facts giving rise to the complaint became known.

The Ombudsman may declare a complaint inadmissible or admissible.

If the Ombudsman declares the complaint inadmissible, it must be by a reasoned decision that is communicated to the complainants.

If the Ombudsman declares the complaint admissible, and concludes that there is bad administration, he shall refer the matter to the institution concerned for a report within three months. The Ombudsman then sends his report to the European Parliament, the institution concerned and the complainant.

## **SLIDE 4**

Over time, the right of access to the European institutions has been broadened with three new manifestations.

First, any citizen of the European Union may write to any European institution in one of the official

languages of the Union (e.g., Spanish) and receive a reply in the same language.

Secondly, the right to good administration has been enshrined. This right means that every citizen of the European Union has the right to have his or her affairs managed impartially and fairly by all the institutions and bodies of the Union. The right to good administration includes:

- the right of every person to be heard before an unfavourable individual measure is taken against him;

- the right of every person to have access to his file, while respecting the legitimate interests of confidentiality and professional and commercial secrecy; and

- the obligation of the administration to give reasons for its decisions.

Thirdly and finally, the right of access to documents has been established. This right means that every citizen of the European Union and every resident of a Member State has a right of access to the documents of the institutions and bodies of the Union, whatever their medium.

## **SLIDE SHOW 5**

This is all I had to tell you. Thank you very much for your attention.