

# EUROPEAN PARLIAMENT

2004



2009

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*Committee on Constitutional Affairs*

**2006/2223(INI)**

14.2.2008

## **AMENDMENTS**

### **9 - 11**

**Draft report**  
**Anneli Jäätteenmäki**  
(PE396.670v01-00)

Proposal for a decision of the European Parliament amending its Decision 94/262/ECSC, EC, Euratom of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties (2006/2223(INI))



**Amendment 9**  
**Costas Botopoulos**

**Proposal for a decision**  
**Article 3 – paragraph 2 – subparagraph 1**

*Ombudsman's statute*

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.*

*Amendment*

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. ***If the information requested is confidential, or the file contains confidential documents or information, the institution or body concerned shall inform the Ombudsman, who shall be obliged not to divulge the information or documents concerned.***

***In the case of a document that is sensitive as defined by Article 9 (1) of Regulation (EC) No. 1049/2001, the Ombudsman shall ensure that it is handled only by persons in his service who have been duly authorised to do so.***

Or. en

*Justification*

*The present drafting may detract from citizens' confidence in the Ombudsman's action and should be deleted. The additional text emphasises the necessity for the maintenance of confidentiality and protection of sensitive documents.*

**Amendment 10**  
**Giuseppe Gargani, Riccardo Ventre**

**Proposal for a decision**  
**Article 3 – paragraph 2 – subparagraph 1**

*Ombudsman's statute*

2. The Community institutions and bodies

*Amendment*

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.***

shall be obliged to supply the Ombudsman with any information he has requested of them and give him access to the files concerned. ***This paragraph is without prejudice to the application of the system of exemptions provided for in Article 4 of Regulation 1049/2001 and of the internal rules of the Council, Parliament and the Commission governing access to their own documents.***

Or. it

### *Justification*

*The amendment seeks to maintain a system of exemptions from application of the principle of access to documents, by analogy with both the provisions governing that principle at Community level and the rules on the subject laid down in many of the Member States in which the Ombudsman's office operates. Uncontrolled access to documents can have an adverse impact on the legislative, contractual and political activities of the institutions, particularly in the absence of specific measures concerning the handling of sensitive documents.*

## **Amendment 11 Costas Botopoulos**

### **Proposal for a decision Article 5**

#### *Ombudsman's statute*

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 cooperate 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.

#### *Amendment*

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 cooperate 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. ***Under the same conditions, the Ombudsman may cooperate with other institutions for the promotion and protection of fundamental rights.***

*Justification*

*The amendment seeks to allow the Ombudsman to cooperate also with other national or international institutions operating in the field of fundamental rights. The term 'fundamental rights' is more generic, encompassing also the notion of 'human rights', and is consistent with current practice and with the Charter of Fundamental Rights in which citizen's rights to good administration and to complain to the European Ombudsman are enshrined.*