

## Election of the European Ombudsman

The European Parliament is set to elect the European Ombudsman for the new parliamentary term. The only candidate is Emily O'Reilly, who was elected Ombudsman last year to see out the remainder of the term of Nikiforos Diamandouros, following his early retirement in 2013.

### What does the European Ombudsman do?

The independent European Ombudsman plays an important part in ensuring that EU institutions adhere to the principle of good administration and respect EU citizens' rights under the Treaties and the [EU Charter of Fundamental Rights](#). The Ombudsman does so by dealing with [complaints about maladministration](#), by EU institutions and bodies, lodged by citizens and legal entities (NGOs and businesses) – for example in cases of contractual or other disputes in the framework of EU-funded projects. This is done through inquiries – sometimes in cooperation with national ombudsmen – and a report with recommendations to the respective party and the European Parliament (EP). In addition, the Ombudsman can also make [own-initiative inquiries](#). In addition, the Ombudsman can involve Parliament and request an EP decision calling on the respective institution to solve the problem. In terms of conflict resolution, the Ombudsman can mediate between the parties by proposing a friendly solution and/or making critical remarks on the case, but cannot intervene once legal proceedings have been started.

### How is the European Ombudsman elected?

The Ombudsman is [elected](#) by the Parliament for the duration of a parliamentary term from a list of nominees, each supported by at least 40 MEPs from at least two Member States. The procedure then provides for a possible hearing of candidates, the drawing up of a list of admissible candidates and a vote by secret ballot. The successful candidate must receive a majority of votes, and there is provision for further votes if no candidate is elected during the first two ballots, and the appointment of the oldest of the two remaining candidates in case of a tied vote. The Parliament can also vote to [dismiss](#) the Ombudsman in case of misconduct, upon request of a tenth of MEPs, and will ask the Court of Justice for a ruling on his dismissal if the Ombudsman refuses to resign.

### Impact of the Ombudsman's work

While the Ombudsman's office has no binding powers, its functional independence has had a clear impact on EU institutions and bodies' adherence to the principle of good administration – in [82% of cases](#) the institutions concerned have complied with the Ombudsman's recommendations. Beyond the mediator role set out in the [Ombudsman's Statute](#) adopted by the EP, the tasks also include the wider role of setting good administration standards. This function has been generally welcomed but has also faced criticism.

In this context, the support of the previous office-holder for the [EP's proposal](#) for a binding EU regulation harmonising the application of principles of good administration across the EU has been [criticised](#), as such an instrument would lead to a loss of the flexibility provided by non-legislative standards. Another issue was that the Ombudsman should focus more on creating [ethical standards](#) of good administration, rather than on checking legality of administrative behaviour itself, seen as a prerogative of the Court of Justice.

It may be noted that the [decisions](#) of the current Ombudsman demonstrate that the approach has evolved to take account of criticisms of her predecessors, for instance, the Ombudsman's decisions all specify clearly the principle of good administration involved (e.g. impartiality, equality). Moreover, she has [underlined](#) the dangers of an over-reliance on the law as being detrimental to the requirements of good administration. She has also emphasised that the fundamental values and principles on which the EU is based, including fairness and justice, need to complement the law.