

7.2.2019

A8-0050/1

Amendment 1

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Report

A8-0050/2019

Paulo Rangel

Regulations and general conditions governing the performance of the Ombudsman's duties
(Statute of the European Ombudsman)
2018/2080(INL)

Motion for a resolution

Annex I – paragraph 8 – point 4 a (new)

Motion for a resolution

Amendment

(4 a) The Ombudsman has the right to make recommendations where it finds that an institution is not properly applying a court ruling.

Or. en

Amendment 2**Josep-Maria Terricabras**

on behalf of the Verts/ALE Group

Report**A8-0050/2019****Paulo Rangel**

Regulations and general conditions governing the performance of the Ombudsman's duties
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2018/2080(INL)

Motion for a resolution**Annex I – paragraph 8 – point 8***Motion for a resolution**Amendment*

(8) The Ombudsman should have access to all the elements required for the performance of the Ombudsman's duties. To that end, Union institutions, bodies, offices and agencies are to be obliged to supply the Ombudsman with any information that the Ombudsman requests of them, without prejudice to the Ombudsman's obligations under Regulation (EU) No 1049/2001 of the European Parliament of the Council². Access to classified information or documents should be subject to compliance with the rules on the processing of confidential information by the Union institution, body, office or agency concerned. The institutions, bodies, offices or agencies supplying classified information or documents should inform the Ombudsman of such classification. For the implementation of the rules on the processing of confidential information by the Union institution, body, office or agency concerned, the Ombudsman should have agreed in advance with the institution, body, office or agency concerned the conditions for treatment of classified information or documents ***and of other information covered by the obligation of professional secrecy***. If the Ombudsman finds that the assistance requested is not

(8) The Ombudsman should have access to all the elements required for the performance of the Ombudsman's duties. To that end, Union institutions, bodies, offices and agencies are to be obliged to supply the Ombudsman with any information that the Ombudsman requests of them, without prejudice to the Ombudsman's obligations under Regulation (EU) No 1049/2001 of the European Parliament of the Council². Access to classified information or documents should be subject to compliance with the rules on the processing of confidential information by the Union institution, body, office or agency concerned. The institutions, bodies, offices or agencies supplying classified information or documents should inform the Ombudsman of such classification. For the implementation of the rules on the processing of confidential information by the Union institution, body, office or agency concerned, the Ombudsman should have agreed in advance with the institution, body, office or agency concerned the conditions for treatment of classified information or documents. If the Ombudsman finds that the assistance requested is not forthcoming, the Ombudsman should inform the European

forthcoming, the Ombudsman should inform the European Parliament, which should make appropriate representations.

² Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

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² Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

Or. en

Amendment 3

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Report

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Paulo Rangel

Regulations and general conditions governing the performance of the Ombudsman's duties
(Statute of the European Ombudsman)
2018/2080(INL)

Motion for a resolution

Article 1 – point 3

Motion for a resolution

Amendment

3. In the performance of the duties referred to in the Treaties and in this Regulation, the Ombudsman may not *intervene in cases before courts* nor may the Ombudsman question the soundness of a court's ruling or a court's competence to issue a ruling.

3. In the performance of the duties referred to in the Treaties and in this Regulation, the Ombudsman may not *conduct inquiries where the alleged facts are or have been the subject of legal proceedings* nor may the Ombudsman question the soundness of a court's ruling or a court's competence to issue a ruling.

Or. en

Amendment 4**Josep-Maria Terricabras**

on behalf of the Verts/ALE Group

Report**A8-0050/2019****Paulo Rangel**

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(Statute of the European Ombudsman)
2018/2080(INL)

Motion for a resolution**Article 2 – point 7***Motion for a resolution*

7. ***When*** the Ombudsman, ***because of*** legal proceedings in progress or ***concluded*** concerning the facts which have been put forward, ***has to declare a complaint inadmissible or terminate consideration of it, the outcome of any inquiries*** the Ombudsman has ***carried out up to that point shall be filed definitively.***

Amendment

7. The Ombudsman ***is not entitled to take a decision while*** legal proceedings ***are*** in progress or concerning the facts which have been put forward ***in a concluded legal proceeding. However,*** the Ombudsman has ***the right to make recommendations where it finds that an institution is not properly applying a court ruling which has an impact in terms of maladministration.***

Or. en

Amendment 5**Josep-Maria Terricabras**

on behalf of the Verts/ALE Group

Report**A8-0050/2019****Paulo Rangel**

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(Statute of the European Ombudsman)
2018/2080(INL)

Motion for a resolution**Article 2 – point 8***Motion for a resolution**Amendment*

8. No complaint may be made to the Ombudsman that concerns work relationships between the Union institutions, bodies, offices and agencies and their officials and other servants unless all the possibilities for the submission of internal administrative requests and complaints, in particular the procedures referred to in Article 90 of the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the Union, laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68⁴ (“the Staff Regulations”), have been exhausted by the person concerned and the time-limits for replies by the institution, body, office or agency concerned have expired.

8. No complaint, ***with the exception of sexual harassment cases***, may be made to the Ombudsman that concerns work relationships between the Union institutions, bodies, offices and agencies and their officials and other servants unless all the possibilities for the submission of internal administrative requests and complaints, in particular the procedures referred to in Article 90 of the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the Union, laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68⁴ (“the Staff Regulations”), have been exhausted by the person concerned and the time-limits for replies by the institution, body, office or agency concerned have expired.

⁴ OJ L 56, 4.3.1968, p. 1.

⁴ OJ L 56, 4.3.1968, p. 1.

Or. en

7.2.2019

A8-0050/6

Amendment 6

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Report

A8-0050/2019

Paulo Rangel

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2018/2080(INL)

Motion for a resolution

Article 2 – point 9

Motion for a resolution

Amendment

9. The Ombudsman shall inform as soon as possible ***the complainant*** of the action taken on the complaint.

9. The Ombudsman shall inform ***the complainant*** as soon as possible, ***and no later than twenty working days after the complaint***, of the action taken on the complaint.

Or. en

Amendment 7**Josep-Maria Terricabras**

on behalf of the Verts/ALE Group

Report**A8-0050/2019****Paulo Rangel**

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2018/2080(INL)

Motion for a resolution**Article 3 – point 3 – paragraph 5***Motion for a resolution*

Officials and other servants of Union institutions, bodies, offices and agencies shall, at the request of the Ombudsman, testify to facts which relate to an ongoing inquiry by the Ombudsman. ***They shall speak on behalf of their institution, body, office or agency. They shall continue to be bound by the obligations arising from the rules to which they are subject.***

Amendment

Officials and other servants of Union institutions, bodies, offices and agencies shall, at the request of the Ombudsman, testify to facts which relate to an ongoing inquiry by the Ombudsman. ***The Ombudsman shall process this testimony, respecting the need for confidentiality .***

Or. en

Amendment 8**Josep-Maria Terricabras**

on behalf of the Verts/ALE Group

Report**A8-0050/2019****Paulo Rangel**

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(Statute of the European Ombudsman)
2018/2080(INL)

Motion for a resolution**Article 3 – point 4***Motion for a resolution**Amendment*

4. ***In so far as their national law allows***, the competent authorities of the Member States shall, at the request of the Ombudsman or on their own initiative, urgently transmit to the Ombudsman any information or document that may help to clarify instances of maladministration by Union institutions, bodies, offices or agencies. Where such information or document is covered by national law on the processing of confidential information or by provisions preventing its being communicated, the Member State concerned may allow the Ombudsman to have access to this information or document provided that the Ombudsman undertakes to handle it in agreement with the originating competent authority. A description of the document shall be provided in any event.

4. The competent authorities of the Member States shall, at the request of the Ombudsman or on their own initiative, urgently transmit to the Ombudsman any information or document that may help to clarify instances of maladministration by Union institutions, bodies, offices or agencies. Where such information or document is covered by national law on the processing of confidential information or by provisions preventing its being communicated, the Member State concerned may allow the Ombudsman to have access to this information or document provided that the Ombudsman undertakes to handle it in agreement with the originating competent authority. A description of the document shall be provided in any event.

Or. en

Amendment 9

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2018/2080(INL)

Motion for a resolution

Article 3 a (new)

Motion for a resolution

Amendment

Article 3 a

The Ombudsman and their staff shall deal with complains linked to requests for public access to documents in accordance with the conditions and limits provided for in Regulation (EC) No 1049/2001. With regards to complaints regarding the right of public access to official documents, the Ombudsman shall, following due analysis and all necessary considerations, issue a decision concerning the release or otherwise of said documents, which the concerned institution, agency or body shall deliver within the timeframes provided for by Regulation (EC) No 1049/2001.

If the institution concerned does not follow the recommendation to divulge the said documents, it must duly motivate its refusal. In such case, the Ombudsman shall inform the complainant about the legal remedies available, including the procedures available to refer the case to the Court of Justice of the European Union.

Or. en