

Amendment 29

Kostadinka Kuneva, Merja Kyllönen, Patrick Le Hyaric, Dimitrios Papadimoulis, Kateřina Konečná, Jiří Maštálka, Paloma López Bermejo, Sofia Sakorafa, Ángela Vallina, Helmut Scholz

on behalf of the GUE/NGL Group

Fabio Massimo Castaldo, Eleonora Evi

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 – Article 3 – paragraph 3 – subparagraph 5***Motion for a resolution**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. 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.

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. ***When they are bound by a duty of professional secrecy, this shall not be interpreted as extending to information relevant for complaints or inquiries of harassment or maladministration.***

Or. en

Amendment 30

Kostadinka Kuneva, Merja Kyllönen, Patrick Le Hyaric, Dimitrios Papadimoulis, Barbara Spinelli, Kateřina Konečná, Jiří Maštálka, Paloma López Bermejo, Sofia Sakorafa, Ángela Vallina, Helmut Scholz, Kostas Chrysogonos
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(2018/2080(INL))

Motion for a resolution**Annex – Article 3 – paragraph 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. 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 **detailed** description of the document **and a justification for not transmitting it** shall be provided in any event.

Or. en

Amendment 31

Kostadinka Kuneva, Merja Kyllönen, Patrick Le Hyaric, Dimitrios Papadimoulis, Barbara Spinelli, Kateřina Konečná, Jiří Maštálka, Paloma López Bermejo, Sofia Sakorafa, Ángela Vallina, Helmut Scholz, Kostas Chrysogonos

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Motion for a resolution**Annex – Article 3 – paragraph 6***Motion for a resolution**Amendment*

6. Where instances of maladministration have been found following an inquiry, the Ombudsman shall inform the institution, body, office or agency concerned, where appropriate making recommendations. The institution, body, office or agency so informed shall send the Ombudsman a detailed opinion within three months. The Ombudsman may, upon request of the institution, body, office or agency concerned, grant an extension, which shall not exceed two months. When no opinion is delivered by the institution, body, office or agency concerned within the three month deadline or within the extended deadline, the Ombudsman may close the inquiry without such an opinion.

6. Where instances of maladministration have been found following an inquiry, the Ombudsman shall inform the institution, body, office or agency concerned, where appropriate making recommendations. The institution, body, office or agency so informed shall send the Ombudsman a detailed opinion within three months. The Ombudsman may, upon *the reasoned* request of the institution, body, office or agency concerned, grant an extension, which shall not exceed two months. When no opinion is delivered by the institution, body, office or agency concerned within the three month deadline or within the extended deadline, the Ombudsman may close the inquiry without such an opinion.

Or. en

Amendment 32

Kostadinka Kuneva, Merja Kyllönen, Patrick Le Hyaric, Dimitrios Papadimoulis, Barbara Spinelli, Kateřina Konečná, Jiří Maštálka, Paloma López Bermejo, Sofia Sakorafa, Ángela Vallina, Helmut Scholz, Kostas Chrysogonos
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(2018/2080(INL))

Motion for a resolution**Annex – Article 3 – paragraph 7***Motion for a resolution**Amendment*

7. The Ombudsman shall then send a report to the institution, body, office or agency concerned and, ***notably where the nature or the scale of the instance of maladministration uncovered so requires,*** to the European Parliament. The Ombudsman may make recommendations in the report. The complainant shall be informed by the Ombudsman of the outcome of the inquiry, of the opinion expressed by the institution, body, office or agency concerned and of any recommendations made in the report by the Ombudsman.

7. The Ombudsman shall then send a report to the institution, body, office or agency concerned and to the European Parliament. The Ombudsman may make recommendations in the report. The complainant shall be informed by the Ombudsman of the outcome of the inquiry, of the opinion expressed by the institution, body, office or agency concerned and of any recommendations made in the report by the Ombudsman.

Or. en

Amendment 33

Kostadinka Kuneva, Merja Kyllönen, Patrick Le Hyaric, Dimitrios Papadimoulis, Barbara Spinelli, Kateřina Konečná, Jiří Maštálka, Paloma López Bermejo, Sofia Sakorafa, Ángela Vallina, Helmut Scholz, Kostas Chrysogonos
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(2018/2080(INL))

Motion for a resolution**Annex – Article 3 – paragraph 9***Motion for a resolution*

9. As far as possible, the Ombudsman shall seek a solution with the institution, body, office or agency concerned to eliminate the instance of maladministration and satisfy the complaint. The Ombudsman shall inform the complainant of the solution proposed along with the comments, if any, of the institution, body, office or agency concerned. If the complainant so wishes, the complainant shall be entitled to submit comments to the Ombudsman.

Amendment

9. As far as possible, the Ombudsman shall seek a solution with the institution, body, office or agency concerned to eliminate the instance of maladministration and satisfy the complaint. The Ombudsman shall inform the complainant of the solution proposed along with the comments, if any, of the institution, body, office or agency concerned. If the complainant so wishes, the complainant shall be entitled to submit comments, ***or additional information that was not known at the time of submission***, to the Ombudsman, ***at any stage***.

Or. en

Amendment 34

Kostadinka Kuneva, Merja Kyllönen, Patrick Le Hyaric, Dimitrios Papadimoulis, Kateřina Konečná, Jiří Maštálka, Paloma López Bermejo, Sofia Sakorafa, Ángela Vallina, Helmut Scholz, Kostas Chrysogonos

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Motion for a resolution**Annex – Article 4 – paragraph 2 – subparagraph 1***Motion for a resolution**Amendment*

If the Ombudsman considers that facts learnt in the course of an inquiry might relate to criminal law, the Ombudsman shall notify the competent national authorities and, in so far as the case falls within their powers, the European Anti-fraud Office and the European Public Prosecutor's Office. If appropriate, the Ombudsman shall also notify the Union institution, body, office or agency with authority over the official or servant concerned, which may apply the second paragraph of Article 17 of Protocol No 7 on the Privileges and Immunities of the European Union.

If the Ombudsman considers that facts learnt in the course of an inquiry might relate to criminal law, the Ombudsman shall notify the competent national authorities and, in so far as the case falls within their powers, the European Anti-fraud Office and the European Public Prosecutor's Office, **and accordingly develop strategic partnerships with those agencies**. If appropriate, the Ombudsman shall also notify the Union institution, body, office or agency with authority over the official or servant concerned, which may apply the second paragraph of Article 17 of Protocol No 7 on the Privileges and Immunities of the European Union.

Or. en

6.2.2019

A8-0050/35

Amendment 35

Kostadinka Kuneva, Merja Kyllönen, Patrick Le Hyaric, Dimitrios Papadimoulis, Kateřina Konečná, Jiří Maštálka, Paloma López Bermejo, Sofia Sakorafa, Ángela Vallina, Helmut Scholz, Kostas Chrysogonos
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(Statute of the European Ombudsman)
(2018/2080(INL))

Motion for a resolution

Annex – Article 5 – paragraph 1

Motion for a resolution

Amendment

The Ombudsman and the staff thereof shall deal with requests for public access to documents, *other than those referred to in Article 4(1)*, in accordance with the conditions and limits provided for in Regulation (EC) No 1049/2001.

The Ombudsman and the staff thereof shall deal with requests for public access to documents, in accordance with the conditions and limits provided for in Regulation (EC) No 1049/2001.

Or. en