

## THE ROLE OF THE EUROPEAN OMBUDSMAN IN PROMOTING GOOD ADMINISTRATION



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### **Abstract:**

*The study aimed to clarify administrative mediation through the European Ombudsman, the first supervisory institution of the European Union (EU) established to counter EU member states' administrative dysfunctions. It focuses on showcasing the European mediator's efforts and experiences in promoting principles of administrative governance through two main avenues. The first involves defending European citizens' rights according to the principles of transparency and accountability (e.g., access to information and files) and controlling the administration's proper use of power, which the mediator achieves through annual reports detailing their work and clarifying their assigned role. A key finding of the study is that, despite the introduction of legal texts and reforms enabling full access to information and files, the European mediator still receives numerous complaints from European citizens alleging violations of legal principles and a lack of the complete transparency they strive for in practice.*

**Key words:** Maladministration; Good administration; Accountability; Transparency; EU Ombudsman; Right of access to information.

### **Introduction:**

Controlling mismanagement within the institutions of the European Union and improving the level of protection of European citizens are two important factors in asserting the latter's right to good governance. This is not only important, but also to renew the trust that citizens lack in the institutions and agencies of the European Union due to bureaucracy, slowness, complexity, and other

shortcomings that could alienate European citizens from the ideals they seek in the European Community.

Because European citizens recognize the mediator institution's positive reputation and effectiveness in investigating mismanagement, the concept of a European mediator was introduced to address their needs. This institution serves to their desire for justice, reduced acrimony, streamlined procedures, and even faster, cheaper, or even free dispute resolution.

The idea of the European Ombudsman has led to a renewed focus on its role as a method of resolving conflicts and disagreements, particularly through taking over the examination of citizens' complaints to public authorities within the EU institutions.

### **Significance of the study:**

The allocation of power within both the European Union's institutions and its member states serves as a significant factor in choosing the European mediator as a crucial topic. This dynamic interplay of power can lead to a diverse range of political measures aimed at controlling and balancing authority. Moreover, the very establishment of the European mediator aligns with the evolving notion of democratic governance within the European Union. It reflects an active effort to include European citizens in the democratic management of the European Communities' institutions, fostering greater participation and transparency.

We investigated this topic to clarify the scientific basis of various approaches to administrative mediation systems and demonstrate their crucial role in safeguarding citizens from abuse and administrative misconduct. While the European Ombudsman holds significant legal and social standing, research dedicated to their specific function remains limited.

### **Aims of the study:**

Underscore the role of the European Ombudsman institution in facing mismanagement within the structure's and institutions of the European Union.

The main objective of the establishment of the European mediator institution is to improve the level of protection of the European citizens by their rights to a sound administration based on the rules of fairness, transparency, and the rule of law.

Discovering the extent of the European mediator's relations with the institutions and members of the European Union and the level of its administrative and functional independence

At the same time, indicate the role of the European Ombudsman in promoting the idea of citizenship and protecting the fundamental rights of European citizens within the European Union.

Through investigation of citizen complaints and addressing institutional dysfunction, the European Ombudsman plays a crucial role in strengthening transparency, fairness, and sound administration within the EU. By proposing solutions to mismanagement and promoting good governance practices, the Ombudsman contributes to a more democratic EU where citizen rights are upheld through accountability. Therefore, it is important to ask:

**To what extent can the Ombudsman's commitment to transparency and accountability effectively empower European citizens and safeguard their fundamental rights?**

To answer the sub-questions, the following hypothesis was adopted:

“Strengthening both transparency and accountability is a top priority for the European mediator, seen as essential for the revival of an open, transparent and accountable governance model. This model would establish multiple control mechanisms over political authorities, thereby restoring trust between European citizens and the institutions of the Union”.

About the methodology of study, we have relied on both the analytical approach due to the nature of the topic itself, in addition, the analysis of the annual reports of the European Ombudsman Foundation has been adopted, and therefore this approach is the most appropriate in the preparation and completion of this type of Legal Studies, and political research, In addition to the adoption of the institutional legal approach.

To answer the research question and test the hypothesis, we propose a framework centered in two parts:

1. Institutional legitimacy of the European administrative Ombudsman.
2. Functional structure of the European ombudsman.

3. The role of the Ombudsman in promoting good management according to the principle of transparency and accountability.

## **THE FIRST TOPIC:**

### **Institutional legitimacy of the European Ombudsman**

In this research, we will explore the concept of the ombudsman, focusing specifically on the European Ombudsman as an extension of the Scandinavian model. We will delve deep into the legal and institutional nature of this institution, examining the key legal frameworks that govern its operations and responsibilities.

#### **The first requirement: Adjusting the study terminology.**

Before defining the European Ombudsman concept, we will briefly describe the broader principle of the ombudsman.

#### **Section I: The concept of the ombudsman system.**

The concept of the ombudsman was first proposed by a reporter for the Representative newspaper in 1970 (Legrand , 1970, p. 26), Initially envisioned as a parliamentary official and observer of law enforcement by courts and the administration, this notion later materialized in Sweden as the pioneering model for modern regulatory systems, specifically following the adoption of the 1809 Constitution (Gregory & Giddings, p. 145). The Swedish "parliamentary ombudsman" embodies the core philosophy of the system most closely and reflects its practical implementation (Tecla, 1971, page11). In addition, Chris Field further defines the ombudsman as a Swedish innovation that originated as a parliamentary inspector of bureaucracy and subsequently spread to numerous global systems (field, 2010, p. 4).

In another definition of ombudsman, Dr. Anderson explains that the term signifies "representative or agent"—a person who speaks on behalf of another. This means an ombudsman can be sent to represent you if you are unable or unwilling to appear yourself (Beck, 1976, p. 25). "Like with courts or other institutions and structure" (mackenney & fallberg, 2004, p. 3),"the primary goal in establishing an ombudsman is to strengthen civic engagement by creating a system that oversees the conduct of public functions independently of the government" (rief, 2004, p. 5).

## **Section II: concept of the European ombudsman.**

The creation of this new office arose directly from the concept of adopting European citizenship. It aims to address the limitations of democracy in European governance and strengthen public trust in the management's transparency. The idea for this new office was first proposed in the 1970s, which coincided with the period of its spread in Western Europe (Peters, 2005, p. 699).

The idea of the European Ombudsman originated from joint initiatives by the Spanish and Danish governments. While Spain proposed direct European citizenship, Denmark advocated for a system of bureaucratic oversight over EU institutions. This proposal stemmed from Denmark's unique experience as the only Scandinavian member at the time and its commitment to transparency and accountability in EU-citizen relations. Ultimately, the foundation for the Ombudsman was inspired by the Danish national ombudsman, with an emphasis on democratic legitimacy and cooperation between citizens and EU institutions (Demokaan, 2021, p. 132).

Though the European Parliament had called for a mediator role since 1979 (Al-Hawari, 2020, page18), the official establishment of the European Ombudsman came with the Maastricht Treaty in 1992 and its first office opened in September 1995 (Vogiatzism, 2018, page2). Its purpose is to tackle administrative misconduct within the EU (Avtonomov, 2021, page4), addressing complaints filed by citizens, residents, associations, or companies against EU institutions and structure's (G. Kucsko, 2008, page64). These complaints can encompass unfair treatment, discrimination, abuse of power, information deficits, delays, and procedural errors (European Ombudsman, 2023).

Furthermore, the Ombudsman serves as a key tool for bolstering democratic principles and plays a crucial role in oversight, transparency, and accountability (Batalli, 2015, p. 235).

The existence of this institution, implied by the treaty, highlights the concepts of mediation and dispute resolution beyond translating the literal term "ombudsman" It conducts investigations into citizens' complaints against public authorities, functioning as an auxiliary body to the European Parliament(al-Hawari, p.18); moreover, it can be construed as an independent and impartial self-governing entity Jacob Saderman served as the first EU Ombudsman (Demokaan, p. 132).

## **The second requirement: The legal and institutional nature of the European ombudsman**

Having familiarized ourselves with the Administrative Organization of this institution, the degree of independence, the available material and human resources, and the laws that regulate work, it was necessary to discover the specific legislation and procedures governing the performance of tasks.

### **Section I: The updated legal context**

The European Parliament adopted the mediator's updated statute in the form of a parliamentary decision": Combine into one sentence for better flow. "In 1994, the European Parliament adopted the mediator's updated statute through a parliamentary decision, governing how the mediator performs their duties.

The ombudsman specifically approved the implementing clauses of the four articles of the European ombudsman in the amended Treaty on the Constitution of Europe of October 29, 2004, which closely match the treaty's provisions (Peters, p. 700).

This is established by Article 9, which is incorporated into the resolution on mediator statutes and functions by paragraph 3 of Article 195.

It is also confirmed by Articles 10 and 11 of the resolution that outline the rules and procedures for doing so (al-Hawari, p. 26).

### **Section II: Organizational structure of the European Ombudsman**

An examination of the European Ombudsman Institution's administrative and organizational structure, along with its degree of material and human autonomy, will be undertaken in this section.

Inside the European Ombudsman's office, for complaints and investigation Units function under the auspices of the directorates. Additionally, a separate entity the Personnel, Management, and Budget Unit, operates under the Ombudsman's direct supervision.

In particular, this unit is not the only one outside the directorates, as Data Protection personnel also report directly to the Ombudsman (demokaan, p. 133).

The founder has a general secretariat, whose secretary-general guides the ombudsman in policymaking through the communications unit, the information and external affairs unit, and the registration office (demokaan, p.133).

The ombudsman's power to appoint secretariat staff (including the first official, with these employees retaining full rights to return to their previous



positions, reflects the principle of functional independence similar to that of the European ombudsman (neither can hold other positions while performing duties (al-Hawari, p. 26).

In carrying out investigations of maladministration within the activities of the Union's institutions, bodies, offices, and agencies, the European Ombudsman receives assistance. This excludes the Court of Justice of the European Union when acting in its judicial capacity (European Ombudsman).

The European ombudsman should be elected by European institution through a general, and direct election, a list of candidates is prepared, and published in the official gazette of the union, with the support of candidates for the position of ombudsman by 37 deputies in the parliament, and these deputies must belong to at least two member states, the latter has to support only one candidate, voting is conducted through a secret ballot, and whoever gets a majority of votes in the European Parliament (al-Hawari, page 24), half of the members of the European Parliament attend the voting session during the election procedure, and if candidates cannot be elected in both rounds first two, the two candidates with the most votes in the second round is bought in the third round, and the candidate with the largest number of votes is elected in the third round, but in case of equality, the older member is elected.

Because the European Union Ombudsman operates within the framework of the European Parliament, their main office is located in Strasbourg. They also have a branch office in Brussels, and a second office where the European Parliament operates (demokaan, p. 133). Since the Parliament elects the Ombudsman, their term of office is determined by the Parliament's term, and they are eligible for reappointment (Epaminondas, 1994, page 4). Thus, the appointment and reappointment of any Ombudsman partially depends on the political majority in Parliament. Once elected, the Ombudsman must take a formal oath before the members of Parliament to uphold their independence (Herwig C.H. & Ziller , 2017, p. 7).

To perform his duties as a commissioner to the European Union, the European Ombudsman must be completely independent and may not seek or take instructions from any government, institution, body, office, or agency (Hofmann & Ziller, p. 7). This independence is not intended to be subordinate to the legislative body, but rather to ensure the Ombudsman's autonomy from the executive (Peters, p. 713).

The position of European Ombudsman requires the availability of certain conditions, as specified in Article 6 of the European Parliament resolution on the duties of the European Ombudsman.

This position requires the ombudsman to have the citizenship of the Union as a prerequisite and to provide all guarantees of independence. Additionally, the ombudsman must either meet the conditions required to exercise the highest judicial position in their country or have recognized competence and experience, particularly in functional specialization (Epaminondas, p. 4).

Based on the fore mentioned, we can conclude that the European ombudsman model draws heavily from the Swedish ombudsman system. This is evident in the structural and functional similarities between the two, particularly in the relationship between the European mediator and the European Parliament. As the Parliament is responsible for the mediator's election, it grants them a significant degree of functional and administrative independence, a point we will explore further later.

The functional independence of the mediator is implied by paragraph 3 of Article 195, which states that the mediator "exercises his functions with full independence." This principle is further reinforced by the Treaty on the European Union, under which the parliament appoints the mediator, receives his reports, has the power to request his resignation, and determines his legal regime and the general conditions for exercising his functions (al-Hawari, p. 24).

Concerning financial resources, this institution's budget falls under the second section of the European Union's budget. This necessitated an amendment to the financial regulation, granting the mediator full financial autonomy. The European Parliament frequently grants the mediator the necessary leeway to manage its budget, often doing so without difficulty. However, the Ombudsman's independence ultimately hinges on the Court of Justice's report.

Its clear independence is that he is treated the same as a judge in the court of justice about his financial rights such as salaries, bonuses, and pensions (al-Hawari, p. 26), as the ombudsman here enjoys the same rank in terms of rights and privileges as a judge in the court of Justice For the common good of the communities and the citizens of the Union, he must perform his duties with full independence... During his term of office, he cannot exercise any political or administrative functions, whether profitable or not, and he has parliamentary immunity as both Articles 12 to 15 and Article 18 of the protocol on privileges and



immunities of the European Communities on the European ombudsman apply to him (Epaminondas, p. 4).

Through this, we find that the privileges granted to the European ombudsman, such as salary, benefits, and bonuses, are the same level of privileges as the judge of the European Court of Justice. As his position is within the position of a judge in the Union.

## **THE SECOND TOPIC:**

### **The functional structure of the European ombudsman**

We will explore the limitations of the European Ombudsman's power, specifically examining the authorities and resources available for conducting investigations and the key actions taken to resolve submitted complaints.

#### **The first requirement: the limits of his control over the community institutions of the European Union**

First, we will examine the powers and means granted to the ombudsman. Second, we will review the procedures followed by the ombudsman when a complaint is filed. Third, we will delve into the second stage of the investigation, which involves the direct examination of complaints.

The European Ombudsman has the power, where necessary, to effect changes in the principles and administrative conduct within the institutions and members of the European Union. His influence has often extended to the Court of Justice, establishing him as a crucial pillar of the European rule of law. He has also contributed significantly to the dissemination of national constitutional norms, the introduction of new principles of political accountability, and the establishment of judicial boundaries in investigative procedures (al-Hawari, p. 31).

Under his supervision are a variety of community institutions, including the European Central Bank, 19 agencies, and 20 other federal organizations. Faced with numerous complaints about mismanagement by national administrations and seeking to expand his reach, the European Ombudsman has forged informal relationships with national mediators. This collaboration aims to align their activities and improve complaint handling. Additionally, a network of national and local mediators has been established to facilitate the referral and exchange of complaints (cadeddu , 2004, page 168-169).

The following institutions, bodies, and agencies are subject to the supervision of the European Ombudsman and may be involved in conducting his investigations:

- The European Investment Bank
- The Committee of the Regions
- The European Central Bank
- The Court of Justice of the European Union
- The European Court of Auditors
- The European Economic and Social Committee
- The European Union Agency for Fundamental Rights (previously European Observatory on Racism and Xenophobia)
- The European Food Safety Authority
- The European Environment Agency;

Considering the European Investment Bank, the Committee of Regions, the European Central Bank, the Court of Justice, the Court of Auditors, the Economic and Social Committee, the European Observatory on Racism and Xenophobia, the European Food Safety Authority, the European Union, and the European Environment Agency, we can observe the breadth of the Ombudsman's competence (al-Hawari, page 46-47). All institutions and members of the European Union are subject to the Ombudsman's authority during investigations. In exercising this authority, the Ombudsman must adhere to the principle of institutional balance (demokaan, p. 133).

### **The second requirement: Judicial limitations and its relations with judicial activities**

While both the Ombudsman and the judiciary are state institutions with their powers defined by law, they operate in distinct ways within the realm of administrative justice. Both serve as mechanisms for resolving disputes between individuals and the administration (Remáč, , 2014, p. 14). He is prohibited from interfering with the functions of the judiciary of the European Communities (al-Hawari, page 51-52).

The European Ombudsman is obliged to reject any complaint for which the subject matter is already undergoing a lawsuit before a court of the European community. This distinction arises from the fundamental difference between

judicial and non-judicial remedies. Courts primarily focus on ensuring compliance with the law by both the state and its citizens, while the European Ombudsman's primary function is to promote good administration and prevent mismanagement within EU institutions (European Ombudsman, Speech, 2012).

Regarding the original relationship between individuals, the administration of the ombudsman and the judiciary are both in a secondary position, the judiciary is here as a traditional dispute resolution mechanism while the European ombudsmen represent one of the alternative dispute resolution mechanisms (Remáč, p. 14).

It also cannot be considered an alternative institution to the judiciary or replace it, but it can deal with a different aspect of the behavior of the administration or deal with the same behavior by the administration while applying methods, and techniques that differ from the judicial methods, such as informally approaching the administration, seeking to mediate the existing dispute or trying to reach an amicable settlement between the parties to the dispute, so despite the differences between these institutions, the similarities, and overlaps between them cannot be overlooked (Remáč, p. 14).

Furthermore, the mediator's role does not encroach upon the judiciary's jurisdiction. Unlike the judge, the mediator cannot appear before judicial Commission, conduct investigations into legal violations, or act as a guardian of the law (al-Hawari, page 31-52). They don't undertake independent fact-finding in contested matters, nor do they possess the authority to file lawsuits or initiate disciplinary proceedings against employees. Additionally, their expertise does not extend to challenging the validity of court judgments or questioning the competence of courts to issue verdicts (European Ombudsman, Legal basis statute).

## **THE THIRD TOPIC:**

### **The role of the Ombudsman in promoting good Administration: according to the transparency and accountability**

In this section, we will analyze the fundamental role of the ombudsman in fostering good administration through the principles of transparency and accountability. We will examine complaints received, both within and beyond the ombudsman's jurisdiction, and analyze the administration's response rates to the European ombudsman's positive recommendations.

### **The first requirement: The European ombudsman and the principle of transparency**

It allows access to information, disclosure of negatives and drawbacks in administrative systems (Khalouf & Khalouf , 2012, p. 80), Administrative reform hinges on bodies adopting open and transparent work methods, granting serious access to information about their actions concerning citizens and students, and readily responding to their requests ( Al-Sabahi, 2021, p. 209). To strengthen the political accountability of the federation's administrations, they must be guided by three key principles:

1. Transparency of decision-making mechanisms: This ensures that citizens understand the process behind decisions and builds trust in government institutions.
2. Development of good governance standards: This involves establishing clear guidelines and ethical practices for institutions and members within the federation to uphold.
3. Increased public participation in decision-making: This empowers citizens to contribute to decision-making procedures and enhances ownership of government policies. Additionally, robust appeal mechanisms should be readily available to address grievances.

As evidence of transparency's importance, it has significantly contributed to the evolution of a new, more participative concept of democracy within institutions. Notably, the concept of recourse to the European Union rests on the twin pillars of transparency and openness (al-Hawari, p. 44).

On the other indicator, mismanagement flagrantly violates the principles of good governance. Exposing such unethical and noncompliant administrative practices highlights the importance of the ombudsman's work in uncovering bad management within public administration, as evidenced in the 1995 annual report. The ombudsman has outlined clear indicators of mismanagement, including administrative violations, abuse of authority, negligence, illegal procedures, injustice, arbitrariness, and failure or refusal to provide adequate information (European Ombudsman). To promote good management within federal institutions and bodies, combat discrimination and nepotism, and bolster transparency, the ombudsman investigates citizen complaints and resists dysfunction within these bodies while offering solutions to address them (al-Hawari, p. 44).

The activation of the principle of transparency in administrative activities with citizens fosters integrity, increases citizen satisfaction with the administration's performance, and ultimately raises trust in the administration. This is particularly achieved through informing and empowering citizens with the right to access administrative documents. The ease and clarity of accessing such documents directly reflect the administration's level of transparency (Ben Ayyash, 2019, p. 125).

The Ombudsman is often seen as a link between European citizens and the EU administration. One of his main priorities is to help the EU administration to become more transparent, effective, and citizen friendly (Radulescu, 2015, p. 118).

Furthermore, the principle of transparency demands that citizens be readily equipped with clear and accurate information about their rights and duties. Recognizing this, European governments have implemented various initiatives to enhance institutional transparency. A notable example is the Lakin Conference of 2001, which established regulations guaranteeing public access to documents of the Council, Parliament, and the European Commission (Peters, p. 733).

According to Article 15 of the Treaty on the Functioning of the European Union, citizens, and legal persons residing in the EU have the right to access any document held by all EU institutions. This right is also recognized as a fundamental right in Article 42 of the Charter of Fundamental Rights of the European Union (European Ombudsman, Annual Report 2021, 2021).

The European Ombudsman's Annual Report 2021 states that refusal of access or non-response entitles a citizen to file a lawsuit or complaint with the European Ombudsman, under the provisions of the Treaty of the European Community. The Ombudsman has addressed public access to documents in their reports, emphasizing the need to provide members of the public with the information they request by Article 22 of the European Code of Good Administrative Conduct. However, their annual reports continue to highlight issues regarding access to documents. For example, the 2003 report noted concerns about the lack of access to documents from the Council, Parliament, Commission, ECB, and even the Convention (Peters, p. 734).

Therefore, as outlined in the European Ombudsman's 2024 strategy, the principle of transparency and accountability is essential for effective management and increasing the European Union's legitimacy. This strategy emphasizes the goal of the Ombudsman's performance serving as a model of open, transparent, and accountable governance (European Ombudsman, Annual Report 2021).

### **The second requirement: European mediator's performance to promote good administration**

Through this section, we will see the extent of the number of complaints, and administration's response to the demands of the European ombudsman, according to the following tables.

**Table1:** The role of the European ombudsman in promoting good administration for the last five years 2018/2022

	2015	2016	2017	2018	2019	2020	2021	2022
<b>Total complaints</b>	1946	1880	2181	2180	2201	2248	2266	2238
<b>Inside Jurisdiction</b>	707	711	751	880	871	728	729	755
<b>Outside Jurisdiction</b>	1239	1169	1430	1300	1330	1420	1437	1483

**Source:** European Ombudsman, Annual Report 2021-2022, Annual Report 2019-2020, <https://www.ombudsman.europa.eu>

Based on the data in this table, as outlined in the latest European Ombudsman report for 2022, a decrease in complaints outside the Ombudsman's jurisdiction and falling within specialist areas is evident. This suggests, despite the existing functional cooperation between the Ombudsman and EU institutions, that the institution might face challenges in resolving disputes and handling complaints effectively.



**Table 2:** Completed and closed cases and investigations for the year 2022

<b>Transparency and accountability (such as access to information and files)</b>	<b>107</b>	<b>32%</b>
<b>Service culture</b>	67	20%
<b>Respect for basic rights</b>	48	15%
<b>Proper use of discretion (eg infringement actions)</b>	47	14%
<b>Recruitment</b>	42	13%
<b>Good management of personnel issues</b>	37	11%
<b>Respect for procedural rights</b>	31	9%
<b>Proper management of infringement procedures</b>	17	5%
<b>Sound financial management</b>	13	4%
<b>Career Ethics</b>	7	2%
<b>Public participation in decision-making within the European Union</b>	7	2%
<b>other issues</b>	6	2%
<b>Grants, procurement and contracts</b>	3	1%

**Source:** <https://www.ombudsman.europa.eu/en>

Based on the data in the table and investigations concerning closed cases handled by the European Ombudsman in 2022, we can clearly discern the crucial role of this office in upholding the principles of good and accountable administration within the European Union institutions. This is particularly evident in the high number of cases (107) involving lack of transparency and accountability, especially concerning refusals by EU institutions, departments, and

agencies to grant access to documents and information. This high concentration of cases highlights the Ombudsman's importance in safeguarding access to information and promoting transparency, thereby strengthening good governance within the EU.

The right to access documents is enshrined in the Charter of Fundamental Rights of the European Union (European Ombudsman, 2021). Comparing 2019 and 2020 data, we see a shift in the percentage of cases submitted to the European Ombudsman regarding public access to documents. Transparency issues constituted 37 requests in 2020, alongside 22 requests related to complaint documents. The remaining 15 requests were classified as confidential to protect the privacy and safety of complainants, encompassing institutional, human resources, budgetary, internal procedures, and statistical information. This data suggests a continued emphasis on access to documents and transparency within European Union institutions (European Ombudsman, 2020).

To address these issues, it's crucial to examine the EU's response to the European Ombudsman's recent recommendations, solutions, and suggestions. Analyzing the administration's response rates in recent years, particularly between 2019 and 2022, can provide valuable insights into the effectiveness of existing measures and highlight areas requiring further improvement.

**Table 3:** Administration response rates for the positive responses of the European Ombudsman Foundation

Response rates for %	years
77%	2018
79%	2019
81%	2020
79%	2021

**Source:** European Ombudsman Annual Report 2022  
<https://www.ombudsman.europa>

## Conclusion:

Based on the presented evidence and discussion, we argue that the European Ombudsman institution is not simply an extension of the pioneering Scandinavian ombudsman model, but rather an evolution with distinct characteristics. While the Scandinavian model served as a foundation, the European Ombudsman model possesses greater scope and independence. Notably, the ability to initiate investigations into potential mismanagement and recommend administrative reforms underscores the European model's proactive approach to improving governance, rather than solely serving as a reactive complaint mechanism.

The control of mismanagement within EU organizations and bodies emerged from a dual purpose: firstly, to enhance and protect the rights of European citizens, as the updated legal framework is intrinsically linked to the concept of European citizenship. Secondly, this effort aims to restore European citizens' trust in the Union's institutions, which has been eroded by concerns regarding accountability and transparency within administrative governance mechanisms. The overarching goal is to strengthen the principles of the rule of law, fairness, and other widely accepted democratic mechanisms.

The study's findings show up the critical importance of the Ombudsman's independence in gaining the trust of both citizens and EU institutions. Although Parliament appoints the Ombudsman and controls the budget, the study argues that these mechanisms do not necessarily compromise independence.

Despite the Ombudsman's efforts through annual reports, there have been successes in influencing law changes about citizen access and information rights.

However, challenges and barriers remain, particularly regarding accountability and transparency issues. Examples include instances where the administration fails to address identified problems or agencies resist the Ombudsman's inquiries into information access for citizens.

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