



European Ombudsman

P. Nikiforos Diamandouros
European Ombudsman

Decision

concerning the handling of complaints that fall outside the Institution's mandate

The European Ombudsman

having regard to the European Ombudsman's Strategy for the mandate, which was adopted in September 2010 and communicated to the European Parliament in the Ombudsman's Annual Report for 2010;

having regard to the Strategy's aims of better serving citizens and of applying best practices, among others, the practices of national parliamentary ombudsmen;

having regard to the fact that a significant proportion of complaints sent to the European Ombudsman falls outside his mandate, established by Article 228 of the Treaty on the Functioning of the European Union, to examine and report on instances of maladministration in the activities of the Union institutions, bodies, offices or agencies, with the exception of the Court of Justice of the European Union acting in its judicial role;

having regard to the interest of complainants in being informed as rapidly as possible if the European Ombudsman cannot deal with their complaint and in having their complaint transferred to a competent body, or receiving advice to address a competent body;

considering the resources incrementally allocated to the Registry since 2008, including the Ombudsman's decision that the Registry shall be headed by an experienced administrative lawyer;

considering the proposals made by the Head of the Registry on 19 January 2012 to the Ombudsman;

has decided as follows:

Article 1

From 1 March 2012, complaints that fall outside the Institution's mandate shall be answered in a letter signed by the Head of the Registry. For the purposes of the present decision, the term 'complaints that are outside the mandate' includes:

(a) complaints that are not against an EU institution, body, office or agency,



- (b) complaints that are against the Court of Justice acting in its judicial role,
- (c) complaints that do not concern maladministration, and
- (d) complaints submitted by persons who are neither EU citizens nor residing or having a registered office in the EU, and whose complaint also falls within one of the three previous categories.

Complaints that do not fall within one of the above-mentioned categories shall be dealt with by a Complaints and Inquiries Unit.

Article 2

When possible and appropriate, the Registry shall transfer complaints that fall outside the mandate to another member of the European Network of Ombudsmen, or to another competent body, or shall provide the complainant with advice as to which body or bodies might be competent.

The letters from the Head of the Registry to complainants shall explain the reason why their complaint falls outside the European Ombudsman's mandate and shall inform the complainant of the possibility to make a reasoned request for review.

Article 3

After approval by the director in charge, and consultation with the Secretary General, the Head of the Registry shall lay down internal guidelines for the implementation of this decision.

The internal guidelines shall ensure that reasoned requests for review receive an answer signed by the Ombudsman.

Article 4

This decision shall enter into force on the date of its adoption.

P. Nikiforos Diamandouros
European Ombudsman

Done in Strasbourg on **30 -01- 2012**