Index

Aarhus Convention 115, 208
Abraham, A. 204
access
free movement access 91, 92
Ombudsman role in enhancing access to information 137–42
Ombudsman’s right of access to sensitive documents 123, 245–6, 250, 251, 254–5
public’s access to documents 42–3, 67–9, 94–5, 109–12, 207, 209, 222–3, 235–6
see also information disclosure
accountability
evolving EU 38–40
institutions, building in turbulence 30–40
Ombudsman accountability to Parliament 58
Ombudsman capacity 40–47
and Ombudsman role 24–5, 75–7
supervision of Ombudsman 24–5
and transparency 220–22, 233, 235–6, 241, 245, 250, 251
see also transparency
administration
administrative and accountability institutions, building in turbulence 30–40
and administrative activity, and good governance 202–4
see also maladministration concept
advice giving 210
agencies
governmental control over 36–7
Lisbon Treaty and new perspectives for European Ombudsman 180–81, 183
maladministration to good administration reflection 224–5, 228–9, 233, 234–5
programme of ‘visits’ to EU agencies 207
annulment cases 189–90
Ansell, C. 31
Anti-Counterfeiting Trade Agreement (ACTA) 67, 68, 123
anti-dumping cases 153
Article 228 TFEU
and European Parliament remit 254, 255
Ombudsman role 3, 7, 8–9, 11, 16–17, 179, 186, 191
Ombudsman’s role, good governance promotion 200, 201, 203, 204
Austria, Vienna Airport environmental impact assessment (EIA) 60–61, 70
Azoulai, L. 146
Bach, T. 35, 36
Bailey, D. 149
Baldwin, R. 146
Barbier de la Serre E. 149
Barma, N. 34, 40
Bauer, M. 34, 35
Baviera, S. 2
Bellamy, R. 53
Benz, A. 35
best practices, Ombudsman setting 70
Biering, P. 254
Birkinshaw, P. 117, 127
blame culture concerns 229
Body of European Regulators for Electronic Communications (BEREC) 180
Bonnor, P. 12, 24, 191, 266
Bouveresse, A. 149
Bovens, M. 39, 75
Brunell, T. 80
Brunsson, N. 34

271
Accountability in the EU

Buess, M. 37
Bulgaria, nuclear power plant investment project and information disclosure 125
Burleson, C. 120
Busuioc, M. 37
Cadieddu, S. 2, 16
Caranta, R. 149
Carella, G. 181
Carrubba, C. 81
Chalmers, D. 13, 107
Christiansen, T. 70

Citizens and dealings with public administration 219
increased protection for individuals 183, 188–90, 193–6
information about EU rights and Ombudsman, country comparison 77–83
organizations, rights to access information 69, see also information disclosure
right to good administration 3–4, 13
right to make a complaint 8–9, 17–18
rights protection 101, 102, 103, 107–8, 111

Citizenship concept 2–3
multi-faceted nature of 211–12, 213–14, 215–16
Clément-Wilz, L. 146
closed case with draft recommendations 17
commercial interest, freedom of information request 129–31
Common Foreign and Security Policy (CFSP) 182, 183
Common Security and Defence Policy (CSDP) 182, 189
Common Sickness Insurance Scheme 114
competition procedural rules
alleged unfair treatment in procedures organized by European Parliament 65–6
European Personnel Selection Office (EPSO) 128–9, 141–2, 237–8
European Securities and Markets Authority (ESMA) composition 180–81
infringements 153, 165–6
complaint numbers 18–19, 225
complaint types received 76–7
conflicts of interest 60, 67, 213, 233, 240–41
consent, state where document originated not given consent to disclosure 124–5
cooperation agreement, formal 209–10
Council of Europe 182, 208
Court of First Instance (General Court) 117, 121, 124, 132, 156, 251
Court of Justice of the European Union (CJEU) 3, 39–40, 43, 75, 147, 228
legal duty of care 167–9, 176
and maladministration cases 183
Ombudsman removal powers 58, 72
outside Ombudsman's mandate 61
permission to intervene in Ombudsman cases 233, 246–7
see also EU court cases; judicial review
courtesy, and freedom of information request 116, 137
Craig, P. 152
Crisp, J. 95
critical remarks and recommendations 62–3, 64, 65, 207
Cseres, C. 165
Cyert, R. 32
Danielsen, O. 36
Danish Ombudsman plan 2, 57, 101, 262, 266
De Bono, E. 260
De Leeuw, M. 96, 97, 98, 99, 101, 103, 105, 106, 107, 111, 139, 140
decision-making exceptions, freedom of information request 127–9, 141–2
Dehousse, R. 36
Delors Commission 221
democratic deficit allegations 53–6
democratization era 220–22, 223, 242
Index


Dimitrakopoulos, I. 15
disclosure of documents see access; information
Arizona Chemical v Commission 156, 157, 158
Associazione delle Cantine Sociali Venete v European Ombudsman and Parliament 190
A.S.TER v Commission 132
Balkan-Import Export v Hauptzollamt Berlin-Packhof 152
Bertelsmann and Sony v Independent Music Publishers and Labels Association (Impala) 153
BG v European Ombudsman 189
British Aggregates v Commission 156, 157, 158
Buczek Automotive v Commission 153
Chalkor v Commission 153, 154
Co-Frutta Soc. coop. v Commission 129
Commission v Bavarian Lager 251
Commission v Ireland 205
Commission v Scott 156, 160
Dow AgroSciences v Commission 153, 154
Éditions Odile Jacob SAS v Commission 153
Elitaliana v Eulex Kosovo 180
Estonia v Commission 156
France v Commission 153, 154, 161
Franchet and Bylv v Commission 132
Frucona Košice v Commission 153
Gauweiler v Deutscher Bundestag 144, 145, 150, 161, 169, 175, 176
Gibraltar v Commission 15
Gold East Paper and Gold Huasheng Paper v Council 156
Hautala/Council 117
Hubei Xinyegang Steel Co. Ltd v Council 153
IFAW Internationaler Tierschutz-Fonds v Commission 124
Ingo-Jens Tegebaure v European Parliament 191
Internationaler Hilfsfonds v Commission 206
Kadi v Commission 153
KME Germany v Commission 153, 154
Komninou v Commission 189
Lamberts v Ombudsman 24, 188, 206
Liberation Tigers of Tamil Eelam (LTTE) v Council 153
MasterCard v Commission 152, 153, 155
Meditiator v Lamberts 190
Meroni 144, 149
Minority SafePack v Commission 196
Mirela Inglatlanhasznosító v Commission 189
My Travel 132–3
Netherlands v Commission 153, 154
Nölle v Hauptzollamt Bremen-Freihaven 156
Olatra v European Ombudsman 25
One of Us v Parliament 196
ONP v Commission 153
Pfizer Animal Health v Council 148
Ralf Schräder v Community Plant Variety Office (CPVO) 153
Remia v Commission 147
Safa Nicu Sepahan Co. v Council 153
Schönberger v Parliament 191
Sison v Council 121, 122
Spain v Commission and Lenzing 153
Srinivasan v European Ombudsman 189–90
Staalen v European Ombudsman 24, 206
Sweden v Commission 124
T & L Sugars and Siddal Açúcares v Commission 183
T-Mobile 157–8
Technische Universität München 154, 155, 156, 168, 175
Terezakis v Commission 129, 130
Tetra Laval 152, 154–5, 159–60, 161, 167, 168
Tillack v Commission 15
United Kingdom v European Parliament and Council (ESMA) 144–5, 149, 150, 162, 163, 164, 175–6
Weber v Commission 132
WWF v Council 121
YS and Others and M and S 187
see also Court of Justice of the European Union (CJEU)
Euratom Treaty 125
European Agency for the Management of Operational Cooperation at the
External Borders (FRONTEX) 10, 23, 26, 71, 235
European Agency for Reconstruction (EAR) 112–13
European Anti-Fraud Office (OLAF) 39, 61, 222
European Banking Authority (EBA) 181
European Biofuels Technology Platform 171–4
European Central Bank (ECB) 213, 228
Outright Monetary Transactions (OMT) program 144, 145, 161, 175–6
technical choices and price stability 151
European Charter of Fundamental Rights 3, 47, 76, 102, 110, 184–6, 205, 209, 219, 225, 227, 234
European Citizens’ Initiative (ECI) 71, 95, 193–6, 209, 213
European Competition Network 188
European Court of Auditors 15, 16, 39, 43, 228
European Data Protection Supervisor (EDPS) 209–10, 212, 233, 246, 267
Memorandum of Understanding 19–20, 209–10, 235, 236
European External Action Service (EEAS) 182–3
European Foundation for Quality Management (EFQM) 243
European Investment Bank (EIB) 228
Memorandum of Understanding 210, 212, 213, 233, 236–7
European Medicines Agency (EMA) 130–31, 212, 247
as integrity-body 25–7
European Ombudsman see Ombudsman headings
European Parliament 43, 190–91, 192, 253–5
good governance promotion 201–2, 209, 212
Ombudsman relationship see Ombudsman and European Parliament relationship
Ombudsman visits 228
Petitions Committee 59–61, 70, 73, 190–91
political work exclusion 203–4
European Personnel Selection Office (EPSO) 128–9, 141–2, 237–8
European Securities and Markets Authority (ESMA) 144–5, 149, 150, 162, 163, 175–6, 180–81
excepted information and restrictions, freedom of information request 119–35, 140
factual basis of decision 147, 148, 149, 150, 152, 154–6, 158–9, 160–61, 162–6, 171–2, 173
‘fast-track’ procedure and disclosure of documents 70–71
Ferguson, J. 133
Financial Regulation and the Stakeholder Consultation guidelines 209
Follesdal, A. 54
follow-up reports 9–10, 18–19, 208, 233, 238–9
France, École Normale Supérieure 221
free access to documents see access
free movement access 91, 92
Freedom of Information Act 117, 120, 131, 135
freedom of information request see transparency advancement in EU and Ombudsman role, freedom of information request
friendly solution proposals, Ombudsman role 16–17
Fritzsche, A. 149
future role of Ombudsman 214–16
Galligan, D. 147
Gammeltoft-Hansen, H. 1, 59
Giddings, P. 97
Accountability in the EU

Gilardi, F. 38
Gill, C. 46, 47
Glomar doctrine 120–21
Gomes Canotilho, J. 166
good governance promotion,
Ombudsman's role 198–216, 265,
267, 269
access to documents 209
administration and administrative
activity 202–4
advice giving 210
Article 228 TFEU 200, 201, 203, 204
citizenship, multi-faceted nature of
211–12, 213–14, 215–16
cooporation agreement 209–10
critical friend role 207
ethical conduct 213
EU Parliament relationship 201–2,
209, 212
follow-up report 208
future role 214–16
good administration to good
governance 205–10
inquiries, conducting 205–8
interventions in public debate 209
legitimacy issues 211, 212, 214–15
maladministration definition 202
maladministration, future prevention
204–5
maladministration identification 204
maladministration to good
administration 201–5
methods and outputs, distinguishing
between 208
multilevel governance 213–14
organizational design to achieve
desired results 199–200
outputs taking specific written form
208–10
outreach to other EU and
international institutions 208
own-initiative investigations 201–2,
205–7, 209
policy monitoring 215
political work of the European
Parliament, exclusion of 203–4
programme of 'visits' to EU agencies
207
public access to documents 207
public participation 213–14
statements of principle 209
systemic approach development
204–5, 206–7, 215
transparency role 212
visibility issues 216
whistle-blowers, dealing with 213
see also maladministration to good
administration reflection
'good will' offensives aimed at
institutions 228
governmental control over EU agencies
36–7
Grande, E. 38
Gregory, R. 97, 98, 100
Groenleer, M. 37, 38
Grolman, L. 107
Guardian of Good Administration,
Ombudsman as 229, 231, 233,
238–9, 242, 246, 249, 252, 255
Gulbrandsen, C. 38
Hamers, A. 17
Harden, I. 7, 14, 56, 61, 62, 72, 170,
171, 185, 190, 198–216, 265, 267,
268
Harlow, C. 9, 21–2, 170
Hix, S. 54
Hofmann, H. 1–27, 35, 96, 152, 267
Holkeri, K. 119
Hooghe, L. 35
Hornuf, L. 81
illegality focus limitations 13, 14–15
independence, Ombudsman 6–10,
25–6, 27, 58, 63–4
Independent Accountability
Mechanisms of international
financial institutions 208
individuals see citizens
information disclosure
documents and information,
relationship between 116–19
freedom of information request
see transparency advancement
in EU and Ombudsman role,
freedom of information request
MEPs see Members of the European
Parliament (MEPs)
Ombudsman role in enhancing
access to information 137–42
Index 277

- Ombudsman's investigative powers 10–11
- public's access to documents 42–3, 67–9, 109–12, 207, 209
- transparency and openness of the EU institutions 185, 191–2, 194–5
- trilogues or 'fast-track' procedure and disclosure of documents 70–71

see also access

- infringement of competition rules 153, 165–6
- Ingravallo, I. 181
- inquiry
  - numbers 41, 45, 63, 205–8
  - own-initiative see own-initiative inquiries
- institutions and institutional perspective
- discretion and law in EU administration 167–74
- Lisbon Treaty and new perspectives for European Ombudsman 179–80, 182, 189
- outreach to other EU and international institutions 208
- refusal to grant access to information 111, 114–15, 116, 121, 122–33, 138
- as targets 228, 229–30
- integrity of administrative decision-making, maintaining 15–16
- internal documents, freedom of information request 119, 128
- international relations and foreign policy 122–3

- Jacobsson, B. 32
- judicial remedy challenge 189–91
- judicial review 183–4
  - of administrative discretion 147–8, 167–9
  - comparison with Ombudsman role 18–19, 25
  - overlaps between ombuds-review, administrative review, and judicial review 19–20
  - standard 152–5
  - versus reach of law 159–61, 166

see also Court of Justice of the European Union (CJEU)

- Kelemen, R. 37
- Kohler-Koch, B. 54
- Kosovo, EU Rule of Law Mission (EULEX) 183
- Kostatinova, P. 54
- Kranenborg, H. 127
- Kröger, S. 53
- Kucsko-Stadlmayer, G. 98
- Kuhling, J. 153

- Labayle, H. 95, 109, 110, 111
- Laegreid, P. 33
- Laffan, B. 39
- Langbroek, P. 106
- language
  - multilingualism violations on websites 181
  - shift ('plain language' initiative) 223, 233, 247–8
  - versions of ombudsman 261–5
- legal consequences of Ombudsman recommendation 229–30
- legal framework, Ombudsman role 5–25
- legal limits, discretion and law in EU administration 146–51, 167–9, 174
- legislative procedures, rules concerning 184
- legislators and bureaucracies, relationship between 151
- legitimacy aspect 46–7, 211, 212, 214–15, 220
- administrative procedures, Code development 192
- agencies 180–81, 183
- annulment cases 189–90
- Article 228 TFEU 179
- competition and selection procedures 180–81
- damages actions 190
- and EU procedural law 188–91
- EU ‘residence’ question 186
- individuals, increased protection for 183, 188–90, 193–6
institutions 179–80, 182, 189
judicial remedy challenge 189–91
judicial review cases 183–4
legislative procedures 184
maladministration concept 179, 180, 181, 182, 183, 185–6, 189–90, 194
multilingualism violations on websites 181
national or regional ombudspersons’ intervention 187–8
natural persons residing in the EU, right to refer 186
offices 181, 183
own-initiative inquiries 182–3, 186, 191–5
pillars system, abolition of 182
quality improvement of Commission’s administrative procedures 192
right to good administration 185
right to refer as fundamental right 184–8
scrutiny to national administrations 187
small and medium-sized enterprises (SMEs) 181
transparency and openness of the EU institutions and information access 185, 191–2, 194–5
‘trilogues’ procedures 184
Lord, C. 54, 75

McMillan, J. 28
Maggetti, M. 36, 38
Magnette, P. 12, 28, 41, 42, 54–5, 56, 57, 62
maladministration concept definition 202
European Ombudsman and European Parliament relationship 58–9, 61–2, 64–71
future prevention of maladministration 204–5
identification, good governance promotion, Ombudsman’s role 204
investigation and transparency advancement 101–7
Lisbon Treaty and new perspectives for European Ombudsman 179, 180, 181, 182, 183, 185–6, 189–90, 194
Ombudsman and discretion in maladministration cases 169–74, 176–7
and Ombudsman resilience 41–2, 46–7
Ombudsman role 7–10, 11–19
see also administration maladministration to good administration reflection 217–58, 265–6, 267, 268
agencies 224–5, 228–9, 233, 234–5
anti-fraud office (OLAF) 222
and Article 228 TFEU 254, 255
blame culture concerns and zero-sum solutions 229
citizens and dealings with public administration 219
classical ombudsman model 218–19
competitions and selection procedures 237–8
complaint numbers reaching Ombudsman 225
conflicts of interest 233, 240–41
Court permission to intervene in Ombudsman cases 233, 246–7
Delors Commission 221
democracy logic 220–21
democratization era 221–2, 223, 242
discretion, use of 231–2
ethical dimension of good administration 227–8, 238, 240
EU civil service 233, 238, 245
EU enlargement effects 222, 224, 233
EU Parliament relationship 228, 253–5
follow-up reports 233, 238–9
good administration focus 226–8
good governance promotion 201–5
‘good will’ offensives aimed at institutions 228
institutions as targets 228, 229–30
language shift (‘plain language’ initiative) 223, 233, 247–8
legal provisions 229–30
legitimacy aspect 220
Lisbon Treaty 219, 227
and Maastricht Treaty 219, 220, 221–2, 223, 225, 254, 255
management style and culture 243–4
Memoranda of Understanding 235–8
monitoring function and follow-up reports 233, 238–9
moral authority of Ombudsman 229–31, 233, 238–9, 246, 253
network of ombudsman institutions, expansion of 225–6, 232, 233, 234, 238, 239–40, 247
Ombudsman Daily News 239–40
Ombudsman election concerns 255–7
Ombudsman as Guardian of Good Administration 229, 231, 233, 238–9, 242, 246, 249, 252, 255
Ombudsman institution capacity improvement 233, 241–5
Ombudsman staff policy review 244–5
Ombudsman staff ‘retreat’ and staff participation 242–4
Ombudsman’s right of access to sensitive documents 245–6, 250, 251, 254–5
Ombudsman’s Statute review 233, 245–6
own-initiatives 232
post-Santer and post-enlargement era 224–31, 241
prior experience as founding Ombudsman of Greece 218
‘prior learning’ aspects 217–18
proactivity as central component 47, 231–48
prospective reflections 252–7
public access to documents 222–3, 235–6
regulation governing administrative practice, support for 250–51
right to good administration 219
Santer Commission misconduct 222
service culture principles 227, 233
Söderman’s intellectual legacy 218–20

transparency and accountability 220–22, 233, 235–6, 241, 245, 250, 251

see also good governance promotion, Ombudsman’s role
management style and culture 243–4
manifest error test 147, 150, 152, 154, 155, 158, 160, 161, 166
March, J. 32
Marks, G. 35
Marshall, M. 97
Martens, M. 36
Mastroianni, R. 178–97, 267–8
Mattarella, B. 147, 148, 149
Meese, J. 12
Members of European Parliament (MEPs) and information disclosure
absences due to medical grounds 126–7
allowances 68–9, 142, 254–5
participating in the EP’s supplementary pension scheme 69
Memoranda of Understanding 235–8
European Data Protection Supervisor (EDPS) 19–20, 209–10, 235, 236
European Investment Bank (EIB) 210, 212, 213, 233, 236–7
Mendes, J. 12–13, 102, 103, 105, 106, 112, 144–77, 265–6
merit points award 64
Metcalfe, L. 33
Mihăescu, B. 14
Mihaylova, M. 110
monitoring function and follow-up reports 9–10, 18–19, 208, 233, 238–9
moral authority of Ombudsman 229–31, 233, 238–9, 246, 253
Moreiro González, C. 2, 21
Moure Pino, A. 97, 101, 103
multilevel administrative (MLA) system 34–8
specialization principle 37–8
multilingualism violations on websites 181
see also language
Murrah, L. 81
national ombudsmen
as creators of norms of good
administration 96–100
intervention 187–8
query procedure 23
Neamtu, B. 94–143, 268
Nehl, H. 155, 167
network integration 43–6
network of ombudsman institutions,
expansion of 225–6, 232, 233, 234,
238, 239–40, 247
see also European Network of
Ombudsmen
Neuhold, C. 53–73, 268
non-existence of document, Glomar
doctrine 120–21
Office for Harmonization in the
Internal Market (OHMI) 181
offices 181, 183
Olsen, J. 29, 39
Ombudsman
election 57, 58, 255–7
good governance promotion role see
good governance promotion,
Ombudsman’s role, public
participation
Guardian of Good Administration
229, 231, 233, 238–9, 242, 246,
249, 252, 255
institution capacity improvement
233, 241–5
institution development 97–8,
100–101
and Lisbon Treaty see Lisbon
Treaty and new perspectives for
European Ombudsman
and maladministration see
maladministration headings
role in good governance promotion
see good governance
promotion, Ombudsman’s role
and transparency advancement see
transparency advancement in
EU and Ombudsman role
Ombudsman Daily News 239–40
Ombudsman and European Parliament
relationship 6–7, 25–6, 53–73, 268
alleged unfair treatment in
competition and selection
procedures organized by the EP
65–6
alleged violations of staff regulations
64, 66–7
citizens’ organizations, rights to
access information 69
democratic deficit allegations 53–6
and inquiry numbers 63
links between 56–61
maladministration concept extent
58–9, 61–2, 64–71
MEPs participating in the EP’s
supplementary pension scheme
69
merit points award 64
Ombudsman accountability to
Parliament 58
Ombudsman as ‘arbitrator’ or
‘mediator’ 70
Ombudsman creation 56–7
Ombudsman decisions following
inquiry against Parliament
63–71
Ombudsman election by Parliament
57, 58
Ombudsman independence 58, 63–4
Ombudsman own-initiative inquiries
71
Ombudsman recommendations and
critical remarks 62–3, 64, 65
Ombudsman role categorization
70–71
Ombudsman setting ‘best practices’
70
Ombudsman special report powers
58, 66
Ombudsman as transparency
watchdog 67–9, 70–71
Parliament’s Petition Committee,
Ombudsman’s cooperation with
59–61
Parliament’s Petition Committee,
own-initiative reports 60, 70
political decisions, inadmissibility of
58–9, 68–70
procedural legitimacy enhancement
54–5
public access to details of MEPs’
allowances 68–9
Index

public’s requests for information and access to documents 67–9
recruitment procedures of officials, alleged unfair and irregular decisions 65
trilogues or ‘fast-track’ procedure and disclosure of documents 70–71
Ombudsman resilience 28–52, 268
accessibility of documents from EU institutions and bodies 42–3
administrative and accountability institutions, building in turbulence 30–40
environmental turbulence 31
EU accountability, evolving 38–40
governmental control over EU agencies 36–7
inquiry numbers 41, 45
and legitimacy 46–7
maladministration responsibilities 41–2, 46–7
network integration 43–6
Ombudsman accountability capacity 40–47
organizational capacities 33–4
and ‘parliamentarization’ of EU 44
private organization and turbulence 32
pro-active advocacy for principles of good administration 47
public-sector organizations and post-New Public Management (NPM) reforms 33–4
quality improvement focus, issues with 47
standard shaping and safeguarding good administration and transparency 41–3, 46–7
standards development 42, 43
‘star cases’, learning from 47
‘Towards 2019’ strategy 43
transparency emphasis 42–3
Ombudsman resilience, turbulence concept 31–8
multilevel administrative (MLA) system 34–8
multilevel administrative (MLA) system, specialization principle 37–8
and organizational de-coupling 34
and resilience, links between 33–4
turbulence of scale 31–2, 46
turbulent organizations 31, 32–3
Ombudsman role 1–27, 267
accountability and supervision of Ombudsman 24–5
agencies’ inclusion 3
Article 228 TFEU see Article 228 TFEU
citizens’ right to good administration 3–4, 13
citizen’s right to make a complaint 8–9, 17–18
and citizenship concept 2–3
closed case with draft recommendations 17
development history 1–5
as driver of change 4–5
follow-up compliance investigation 18–19
friendly solution proposals 16–17
illegality focus limitations 13, 14–15
independence from executive bodies 7–10, 27
independence, impartiality and relation to Parliament 6–7, 25–6
integrity of administrative decision-making and implementation, maintaining 15–16
investigative powers and information access 10–11
joint or parallel investigations, participation in 23–4, 25
judicial review comparison 18–19, 25
legal framework 5–25
maladministration concept 11–16
maladministration, dealing with 7–10
maladministration findings, consequences of 16–19
maladministration and institution’s or body’s compliance with rule of law 12–13
overlaps between ombuds-review, administrative review, and judicial review 19–20
own-initiative investigations 9–10, 23–4, 26–7
redress function 7–8, 98–9
regional and national ombudsmen
query procedure 23
staff whistle-blowers 9–10
supervisory oversight of
administration 9–10
ongoing proceedings and
investigations, freedom of
information request 131–3
Ordinary Legislative Procedure (OLP)
70–71
O’Reilly, E. 4, 71, 95, 106, 107–8, 191,
235, 247, 257, 260
Organization for Economic
Cooperation and Development
(OECD) 208, 240
organizational capacities 33–4
organizational design to achieve
desired results 199–200
organizations, turbulent 31, 32–3
Ostrom, E. 34
outputs taking specific written form
208–10
outreach to other EU and international
institutions 208
overriding public interest tests,
freedom of information request
133–5, 138
own-initiative inquiries
and European Parliament
relationship 60, 70, 71
good governance promotion 201–2,
205–7, 209
and Lisbon Treaty 182–3, 186, 191–5
Ombudsman role 9–10, 23–4, 26–7,
232
self-referral power 266–7
and transparency advancement 101
‘parliamentarization’ of EU 44
partial disclosure, freedom of
information request 121, 139–40
Peers, S. 10
pension scheme, MEPs participation in
supplementary 69
personal information protection,
freedom of information request
126–7
Peters, A. 2, 9, 76, 190
Peters, B. 32, 34
Pezza, A. 188
Pierre, J. 32
Pignal, S. 230–31
pillars system, abolition of 182
Pitarakis, J. 80
policy monitoring, and good
governance promotion 215
political work of the European
Parliament, exclusion of 203–4
Pollak, J. 54, 75
‘prior learning’ aspects 217–18
private organization and turbulence 32
pro-active advocacy for principles of
good administration 47, 231–48
procedural legitimacy enhancement
54–5
programme of ‘visits’ to EU agencies
207
proportionality principle, discretion
and law in EU administration
160–61
Public Access Regulation 11
public access to documents 42–3, 67–9,
94–5, 109–12, 207, 209, 222–3,
235–6
public awareness of EU rights 74–93,
268
accountability role of Ombudsman
75–7
citizen information about EU rights
and Ombudsman, country
comparison 77–83
complaint types received 76–7
countries’ political histories effect 81
cross-border differences, per capita
income effect 79–80, 83, 92
cross-border differences, reasons for
79–83
domestic governance arrangements,
effects of 82–3, 86–8, 92
free movement access 91, 92
intra-EU trade effects 80–81, 87–8
length of EU membership effects 81,
86–91, 92–3
right to good administration 75–6
trust factors 81, 83–6, 88–91
public health and environment risks
153
public interest perspective 162–6,
171–4
Index

overriding public interest tests 133–5, 138
Public Service Principles for EU Civil Servants 42, 45–6, 47, 209, 233, 238
public tenders investigations 107
quality improvement focus 47, 192
Rawlings, R. 9, 21–2, 170
Rawls, J. 231
recommendations closed case with draft recommendations 17
and critical remarks 62–3, 64, 65
recruitment procedural rules see under competition procedures
redress functions 7–8, 98–9
regional ombudsmen see national ombudsmen
regulation governing administrative practice, support for 250–51
Reh, C. 71
Reif, L. 97, 98
Remac, M. 7, 97, 98, 99, 101, 103–4, 106
repetitive requests, freedom of information request 113–15
resilience see European Ombudsman resilience
right to good administration 75–6, 185, 219
right to refer 184–8
Rijpkema, P. 106
risk regulation 158–9
Rokkan, S. 32
Ruffing, E. 35, 36
Sandholtz, W. 80
Sant’Anna, J. 110, 111
Santer Commission misconduct maladministration to good administration reflection 222
post-Santer and post-enlargement era 224–31, 241
Schmidt, V. 54
Schmidt-Assmann, E. 147
Schwarze, J. 149
Selection Board members, information disclosure requests 127
selection procedural rules alleged unfair treatment in procedures organized by European Parliament 65–6
European Personnel Selection Office (EPSO) 128–9, 141–2, 237–8
European Securities and Markets Authority (ESMA) composition 180–81
sensitive documents, access to 123, 245–6, 250, 251, 254–5
service culture principles 227, 233
Sibony, A. 149
small and medium-sized enterprises (SMEs), interests of 181
Soares, R. 162, 163, 164
Söderman, J. 1, 2, 3–4, 12, 13, 21, 42, 107, 218–20, 225, 233, 242, 254, 256, 258, 260
special report powers 58, 66
specialization principle, multilevel administrative (MLA) system 37–8
staff whistle-blowers 9–10, 213
standards development European Ombudsman resilience 42, 43
shaping and safeguarding good administration and transparency 41–3, 46–7
standard setting on access to information 95
‘star cases’, learning from 47
state aids cases 153
state where document originated not given consent to disclosure, freedom of information request 124–5
statements of principle 209
Stie, A. 28, 29
Stone Sweet, A. 80
Stuhmcke, A. 46
Suvarierol, S. 37
systemic approach development 204–5, 206–7, 215
Tajikistan, European Investment Bank Framework Agreement and information disclosure 122
Tarr, E. 38
Tarrant, A. 37

technical assessments 148–9, 159–60, 167
and appraisal of public interests, distinction between 149–51, 160–61, 163–4, 166, 173
and assessment of facts 160
terrorism, and economic and financial sanctions 153
Thelen, K. 33
third-party consent, freedom of information request 124–5
Tiili, V. 167
Tonneau, D. 266
‘Towards 2019’ strategy 43
Transatlantic Trade and Investment Partnership (TTIP) 95, 193
transparency
and accountability 220–22, 233, 235–6, 241, 245, 250, 251
emphasis 42–3
Ombudsman as transparency watchdog 67–9, 70–71
Ombudsman’s role 212
openness of the EU institutions and information access 185, 191–2, 194–5
standard shaping and safeguarding good administration 41–3, 46–7
see also accountability
transparency advancement in EU and Ombudsman role 94–143, 268
categorization of principles and rules 103–4
citizens’ rights protection 101, 102, 103, 107–8, 111
EU recruitment competitions 107
free access to documents 109–12
institutions’ refusal to grant access to information 111, 114–15, 116, 121, 122–33, 138
Lisbon Treaty and right of access to documents 110–11
maladministration investigation 101–7
maladministration investigation, legalistic character 103–7, 140–41
national ombudsmen as creators of norms of good administration 96–100
ombudsman as creator of good administration norms 100–108, 137–8
ombudsman institution development 97–8, 100–101
ombudsman legislative standard of control and assessment criteria 99–100
ombudsman models, redress or control functions 7–8, 98–9
Ombudsman role in enhancing access to information 137–42
own-initiative inquiries 101
public access to institutional documents 94–5
public tenders investigations 107
standard setting on access to information 95
transparency advancement in EU and Ombudsman role, freedom of information request
annex to a document 118
applications erroneously addressed to a non-competent public authority 115, 140
clarity and precision 112–13
commercial interest 129–31
database information 118
deadlines 135–7, 138–9
decision-making exceptions 127–9, 141–2
documents and information, relation between 116–19
documents of a sensitive nature 123
excepted information and restrictions 119–35, 140
Freedom of Information Act 117, 120, 131, 135
internal documents, emails or drafted correspondence 119, 128
and international relations and foreign policy 122–3
non-existence of document, Glomar doctrine 120–21
ongoing proceedings and investigations 131–3
overriding public interest tests 133–5, 138
partial disclosure 121, 139–40
protection of personal information and privacy 126–7
response and courtesy 116, 137
state where document originated not given consent to disclosure 124–5
third-party consent 124–5
vexatious or repetitive requests 113–15
Tridimas, G. 74–93, 268
Tridimas, T. 74–93, 268
trilogues or ‘fast-track’ procedure and disclosure of documents 70–71, 184
Trondal, J. 28–52, 268
trust factors, public awareness of EU rights 81, 83–6, 88–91
Tsadiras, A. 2, 9, 100, 101, 102, 107, 170
turbulence concept see European Ombudsman resilience, turbulence concept
Turk, A. 35
UN Convention on the Rights of Persons with Disabilities 209–10
UN High Commissioner for Human Rights 208
US
American Civil Liberties Union v Department of Defense 120
Phillippi v CIA 120
Van Bijsterveld, S. 94, 95, 109
Vanhamme, J. 167
Venezia, J. 147
Verhoest, K. 33
Versluis, E. 38
vexatious or repetitive requests, freedom of information request 113–15
visibility issues, good governance promotion 216
'visits' programme to EU agencies 207
Voermans, W. 127
Vogiatzis, N. 42, 182, 184
Voigt, S. 81
Wallace, H. 33
Weiler, J. 54
Welsh, M. 34
Wettenhall, R. 28
whistle-blowers 9–10, 213
Wilkins, P. 28
Wille, A. 28–52, 268
Wockelberg, H. 36
written outputs taking specific form 208–10
Yesilkagit, K. 36
Ziller, J. 259–69
Zweifel, T. 53