

Working Group V

Working document 18

Working group V « Complementary Competencies »

Subject : **Note by Mrs Marietta Giannakou, Member of the Convention**
"Proposals regarding the document presented by the Deputy Minister of
Sweden Mrs. Hjelm Wallen"

Member of the Working Group will find hereafter a paper by Mrs. Marietta Giannakou, Member of the Convention, representative of the Parliament of Greece.

MARIETTA GIANNAKOU, M.P.

Member of the European Convention

Proposals regarding the document presented by the Deputy Minister of Sweden Mrs. Hjelm Wallen

1. In order to achieve a better reflection of the citizens' right to good administration, as expressed in Art. 41 of the Charter of Fundamental Rights of the EU, in the Treaties, our primary concern should be first of all to upgrade this Charter's status from a mere political declaration, which is its current status, to a legally binding document, through its incorporation either in the Treaties, or in another document of constitutional nature for the EU.
2. The concept of "good administration" in Art.41 of the EU Charter of Fundamental Rights should be seen not only from the point of view of the rights that a citizen may have (i.e. those provided for in Art. 41) but also of the point of view of the quality of the governance provided by a good administration. To that end, the principle of "sound governance" may be introduced. This principle may have *three basic elements*: a) economic governance i.e. governance that uses its assets in an economic manner (use of least expensive means to achieve its targets) in order to be able to manage its expenses according to its revenues, b) efficient governance i.e. governance that achieves the best possible results with the resources (financial resources, authority resources, human resources, etc) available to it and c) effective governance i.e. governance that achieves its goals as set by itself and the relevant political and legal documents (in the case of the EU the basic Treaties).
3. With regard to the European Ombudsman, we should consider the further enhancement of its role, with a view not only to remedying but also preventing administrative abuses, as a means of encouraging openness and good administration within the framework of the EU institutions. Such a task may involve close cooperation with the Commission, which could also have a role in assisting Member States in implementing Community law. Instead of not only monitoring the Member States' implementation rate of Community law or using "reasoned opinions" and actions before the Court of Justice, the Commission may provide invaluable assistance by

familiarising the national authorities (especially of the new Member States) with Community law and their obligations under it.

4. We should examine the possibility of harmonising, throughout the EU, the role and competences of national Ombudsmen and promote the establishment of such an institution, where it does not exist. A set of common rules should be implemented, in order to facilitate and govern cooperation between national Ombudsmen and the European Ombudsman, if and when necessary. Overall, such initiatives could minimize the openness deficit in EU institutions, limit or circumvent obstructions in public access to official documents and thus facilitate the work of national Ombudsmen.