

# EUROPEAN OMBUDSMAN

Curso 2017/2018

(Código: 26602567)

## 1. PRESENTACIÓN

The purpose of this subject is to analyze the European Ombudsman, the European body that responds to complaints from EU citizens, helping to uncover cases of "maladministration" – where EU institutions have broken the law, failed to respect the principles of a good administration or violated fundamental rights.

## 2. CONTEXTUALIZACIÓN

The European Ombudsman is a European body created in 1992 based on the Scandinavian model. Like its namesakes elsewhere, the Ombudsman would review complaints of "maladministration". It would be able to compel the cooperation of the European Institutions in its investigations and ultimately make recommendations, supported by reports to the European Parliament. Due to its function and powers, it plays a relevant role in the recognition and guarantee of fundamental rights in the European Union.

In spite of its important paper, most of European Union Law handbooks don't pay any attention to this figure. Because of it, this optional subject offers the study of this European body

## 3. REQUISITOS PREVIOS RECOMENDABLES

For the purpose of this subject, it's very important to know the European Union structure and functioning, as well as the role of the Fundamental Rights in the European Union.

## 4. RESULTADOS DE APRENDIZAJE

1. To acquire theoretical knowledge related to the European Ombudsman
2. To be able to apply and integrate the previous knowledge and the capacities of resolution of problems in this matter
3. To learn to use all documentary sources in the matter: reports of the ombudsman, European law sources, European data bases...
4. To be able to use the precise methodology to formulate judgments in the matter
5. To acquire the necessary skills and practical knowledge to act before the ombudsman

## 5. CONTENIDOS DE LA ASIGNATURA

Table of contents:

1. European Ombudsman in the European Union
2. Origin and historical evolution
3. Legal framework
4. Legal statute

- 4.1. Election
- 4.2. Duration of the mandate
- 4.3. Cessation
- 4.4. Personal independence
- 5. Function and powers
  - 5.1. Investigation of complaints in cases of “maladministration”
    - 5.1.1. Who can present a complaint
    - 5.1.2. Which institutions and bodies can be object of a complaint
    - 5.1.3. Which acts can be object of a complaint
    - 5.1.4. How to present a complaint
    - 5.1.5. Admission of complaints
    - 5.1.6. Investigation of complaints
    - 5.1.7. Resolution of complaints
  - 5.2. Presentation of annual activities reports

## 6.EQUIPO DOCENTE

- [MARIA SALVADOR MARTINEZ](#)

## 7.METODOLOGÍA

This subject will give accordingly with the methodology that characterizes the UNED, in which it gives priority to self-learning but under the command of a Professor through diverse systems of communication.

This subject is given by support of a virtual interactive platform where the student can find didactic basic materials, complementary information, news, exercises and so on.

## 8.BIBLIOGRAFÍA BÁSICA

Comentarios y anexos:

Bibliographical references:

Alexandros Tsadiras, “The Ombudsman”, in Paul Craig, EU Administrative Law, Oxford, OUP, 2012.

The European Ombudsman: at a glance, Luxembourg, Publications Office of the European Union, 2006.

Katja Heede, European Ombudsman: redress and control at Union level, The Hague/London, Kluwer Law International, 2000.

Esra Ayse Yilmaz, *The European Ombudsman: conclusions after a decade of practice*, Bruges, College of Europe, 2005.

P. Nikiforos Diamandouros, "The European Ombudsman and the application of EU law by the Member States", *Review of European administrative law*, 2008/2.

"The EU Ombudsman, complaints and internal complaints and grievance procedures", in Patrick Birkinshaw, *European public law*, London, Butterworths, 2003.

"The Impact of the European Ombudsman: Breaking down Barriers to Procedural Legitimacy", in Melanie Smith, *Centralised enforcement, legitimacy and good governance in the EU*, London/ New York, Routledge, 2010.

Linda C. Reif, *The Ombudsman, Good governance and the international Human Rights System*, Leiden, Martinus Nijhoff, 2004.

Alexandros Tsadiras, *The European Ombudsman as a legal and political actor*, Oxford, University of Oxford, 2006.

## 9. BIBLIOGRAFÍA COMPLEMENTARIA

Comentarios y anexos:

### SPANISH BIBLIOGRAPHY

Pilar Mellado Prado, "El Defensor del Pueblo Europeo. Quince años después", en *Teoría y Realidad Constitucional*, nº 26, 2010, p.189.

María Salvador Martínez, "El defensor del pueblo europeo", en J. A. Camisón Yagüe, *Lecciones básicas de Derecho e Instituciones de la UE*, UEX, Cáceres, 2011.

B. Ferrer Jeffrey, "Presente y futuro del Defensor del Pueblo Europeo, guardián de la buena administración", en *Revista de Derecho de la Unión Europea*, nº 3, 2002, p. 350.

A. Ruiz Francés, "El Defensor del Pueblo de la Unión Europea", en *Cuadernos Europeos de Deusto*, nº 17, 1997, p. 98.

## 10. RECURSOS DE APOYO AL ESTUDIO

The resources of support to the study will be offered in the virtual platform of the course.

## 11. TUTORIZACIÓN Y SEGUIMIENTO

The Professor will abide consultations of students in the virtual forum. Also it is possible to contact the Professor by e-mail ([msalvador@der.uned.es](mailto:msalvador@der.uned.es)), by phone (+34. 91. 398 8017 and -8018, Tuesdays, Wednesday and Friday from 10 to 14 hours) and by post (María Salvador, Departamento de Derecho Político, Facultad de Derecho de la UNED, C/ Obispo Trejo s/n, 28040, MADRID).

## 12. EVALUACIÓN DE LOS APRENDIZAJES

The student shall pass two exams through the virtual platform of the course. The first one will be a multiple choice test, which evaluates the knowledge of theory. The second one consists on resolving a case. Both are sent to the students and should be given back once fulfilled.

## 13. COLABORADORES DOCENTES

Véase equipo docente.

