

*HATVP conference*

*Paris, 09/06/22*

Good morning and thank you to the High Authority for organising today's conference.

Next year, I will have been an Ombudsman for 20 years, ten as Ombudsman for Ireland and ten as European Ombudsman. Prior to that I spent more than 20 years as a journalist largely covering Irish politics including the conflict in Northern Ireland.

I have therefore always worked precisely in that space where a public administration connects with, and acts upon, the citizen and that experience has taught me a lot about the nature of that relationship.

I often reflect on, for example, that tension between personal ambition and public responsibility.



A former Irish Prime Minister, Garret Fitzgerald once described politics as the most ethically challenging profession, while a former EU Commission President, Jean Claude Juncker reportedly claimed some years ago that while politicians knew what the right thing to do was, they also wondered if they would get elected if they did it.

We have seen that tension played out in very recent times as EU member states searched for agreement on measures relating both to COVID and to the war in Ukraine. We have seen examples of leaders and of member states making politically challenging decisions for the greater good in relation to everything from financial supports to people suffering job and income losses during the pandemic, to the imposition of sanctions on Russia. The barbarity of the Russian assault on Ukraine has forced other countries to display a counter ethic, a moral way of behaving in the world.

The challenge of course is to display the same ethical behaviour outside of demonstrably catastrophic situations when the spotlight isn't shining quite so brightly on a political decision or administrative act.



In my work as Ombudsman, many of the complaints I deal with may lack the high drama of Russian sanctions and global pandemics but I work under the belief that everything is ultimately connected and that ethical attention must be paid just as strongly to those superficially inconsequential matters.

Another reflection concerns citizen trust. The phrase is used so often, including by myself, that it risks having its meaning devalued. It is used frequently in an abstract sense rather than as something both concrete and vital.

The millions of citizens who took the COVID vaccines had to trust before they did so; the millions who sacrificed so much during lockdowns also had to trust before they embraced the restrictions. Governments learnt the importance of citizens' trust because without it the pandemic could have been a lot worse.



People can accept a lot and sacrifice a lot if they trust that their governments are telling them the truth and acting only in the public interest. Transparency is one of the biggest enablers of that trust. And that is why it matters.

It matters in a very particular way in the EU context. Citizens of member states are broadly aware of what their governments are deciding and doing. They know the main players, they absorb local, regional and national news, they hear debates and perhaps contribute to them. But at EU level, much is distant and opaque. How many EU citizens know how Brussels works, how decisions are made, how the three main institutions interact, how lobbies impact on decision making?

Just over a quarter of the complaints I deal with have to do with transparency. During the pandemic citizens and others wanted to see details of the huge vaccine contracts negotiated by the Commission and the members states.



A lot of detail was finally released but when anything at all is held back or is slow to be released, there is always a risk of generating suspicion and public mistrust.

In another case, a journalist wanted to see documents relating to the Commission' purchase of ten million masks, samples of which were found to be defective. The masks were never distributed but the journalist naturally considered that it was in the public interest - given the public health implications - to find out how this situation had occurred. 700 days later - I repeat - 700 days later - the journalist was eventually given the documents, way too late for any up to date story but more importantly the long delay risking public confidence in such vital procurement matters. Whose interest exactly was being served here? What did that do to shore up citizen trust in EU decision making. Small acts such as that one eventually feed into a much bigger river and that is where the dangers lie.



I am currently dealing with a complaint concerning text messages exchanged between the President of the Commission and the head of the pharmaceutical company Pfizer as contracts were being negotiated. The Commission has claimed that such 'short lived' messages do not constitute documents under the provisions of the relevant regulation and therefore, legally, do not exist.

I have disagreed, found maladministration in the handling of the initial request and am now awaiting a response to my request to go back and reconsider. In some ways, yes a small act, and, given the good that did flow from the eventual deal concluded many people might wonder at its relevance or importance. Yet the issue is obvious ammunition for those hostile to the vaccination campaign , who are hostile even to the EU itself, or who are just worried generally about goes on behind closed doors or smartphone apps. And that is why I continue to insist that the administration should always make the link between these superficially small acts and the must bigger picture.



If the rules or actions that govern people's lives appear to emanate not from open public debate but from closed meetings in far-off and inaccessible office buildings, it becomes easy to see how citizens can lose faith in institutions.

The European Union does operate under a high degree of transparency as compared even with some member states but as we look to our right at Russia or to our left at the troubling, increasingly polarised and regressive culture transforming politics in the United States, the EU must recognise its global role in strengthening open democracies by living up to the highest standards ourselves and leading by example.

Citizens also need to have faith in the long-term commitment of civil servants to the public good. If they believe that EU officials are using their service as a stepping-stone to potentially more lucrative private sector work, they may begin to question whose interests those officials represent.



My office has conducted several inquiries related to so-called 'revolving doors' over recent years and we currently have inquiries related to the European Central Bank and the European Investment Bank ongoing.

Last month, we concluded a major investigation into how the Commission handles the movement of staff to the private sector.

We looked at a sample of 100 decisions taken from 2019 to 2021. Out of these, the Commission prohibited only two activities. I understand that the High Authority finds an incompatibility with the proposed new activities of former public officials in about ten percent of cases.

The Commission and the European Parliament are currently discussing the creation of a new inter-institutional EU ethics body. Its mandate may include the post-employment activities of staff. I welcome attempts to improve accountability in this area and look forward to seeing what this proposed body would look like.



I will conclude by saying that the ultimate oversight in any democratic society comes from its citizens. It is up to them to decide whether to change their leaders or reform their institutions. It is their fundamental right. We have to provide them all with the possible tools needed fully to assess those leaders and those institutions so that informed democratic decisions can be made.