

Mission project: How to enable citizens to make low-level legal complaints

What is the problem?

All Member States, as well as all EU accession candidates have ombudsmen. They operate mainly at national and regional level, albeit with varying degrees of authority. These ombudsmen perform EU-level tasks, especially concerning citizens' complaints against national transposition of EU law. They thus have an extremely important role in ensuring compliance with the rule of law and upholding EU law. However, they often lack their own European law departments.

What is the solution?

EU Citizens' Advocates in the Member States

Establish dedicated EU Citizens' Advocate offices or European law departments in each Member State. These EU Advocates could be supported by the European Union Agency for Fundamental Rights. This would improve access to EU law in the Member States.

To achieve this goal, existing ombudsmen should be enabled to improve their expertise in EU law and given the capacity to provide a high standard of service as European Citizens' Advocates. Moreover, the European Parliament should establish EU Citizens' Advocate offices that should be integrated into the local representative offices of each Member State to act as contact persons for citizens seeking legal assistance.

How does it affect Europeans?

Comparative studies show that non-compliance with EU norms is higher in Member States that have a less developed civil society or interest groups, such as trade unions, as a result of which citizens find it harder to instigate litigation. This state of affairs also implies that some national administrations may 'price in' the (im)possibility of making legal complaints when implementing and interpreting EU law. Consequently, access to justice is better in some Member States than in others. For example, Scandinavian countries or Germany have higher compliance than Spain. The lack of an effective civil society to perform a watchdog function and promote access to justice and strategic litigation is not the only reason for this, but it is significant.

What does it cost?

The cost of EU Citizens' Advocate offices is small. In most Member States all that is needed is to strengthen existing structures by adding European law departments and little in the way of development work. Here, cooperation with the Fundamental Rights Agency could be sought.

Would you like more detailed information about this policy?