Ombudsman's annual report 2010

2011/2106(INI) - 13/07/2011

The Committee on Petitions adopted an own-initiative report drafted by Iliana Malinova IOTOVA (S&D, BG) on the Annual Report on the European Ombudsman's activities in 2010.

Ombudsman's 2010 report in figures: the committee notes that in 2010 the Ombudsman received 2 667 complaints from citizens, companies, associations, NGOs and regional offices. It notes that this represents a decline of more than 400 compared to the previous year. It completed 326 inquiries (318 in 2009) of which 323 were based on complaints. The average time required for completing inquiries fell

from 13 months in 2008 to 9 months in 2009 and 2010.

The report notes that 65% of inquiries opened in 2010 concerned the European Commission (56% in 2009), 10% concerned the European Personnel Selection Office (EPSO), 7% the European Parliament, 2% the Council of the European Union, and 1% the Court of Justice of the European Union. The Ombudsman identified instances of maladministration in 12% of the cases (40) in 2010. He obtained positive outcomes in seven of these cases by making draft recommendations.

In over half (55%) of the cases closed in 2010 the institution concerned accepted a friendly solution or settled the matter.

Over these fifteen years the Ombudsman has responded to more than 36 000 complaints and played a major role in helping the European institutions to provide redress and to raise the quality of their administration.

The Committee on Petitions approves the Annual Report for 2010 and takes note of the new strategy the Ombudsman has developed for his current mandate and which forms the basis for his initiatives and activities. It notes that this strategy includes inter alia the ongoing dialogue with complainants, civil society and other stakeholders, identifying best practices in cooperation and consultation with colleagues in the European Network of Ombudsmen.

Transparency: Members welcome the Ombudsman's initiative to regularly publish studies in which he examines the EU institutions' follow-up to his critical and further remarks. They stress the need for citizens to be better informed about the modus operandi of the institution and the information website that validates the transparency of the Ombudsman's role.

Members encourage the European Ombudsman to continue to **promote the European Network of Ombudsmen** with a view to developing a comprehensive data base and better informing EU citizens about the apportionment of responsibilities between the European Ombudsman, national ombudsmen and Parliament's Committee on Petitions.

The report suggests that when the Ombudsman presents his annual report in a meeting of the Committee on Petitions, not only representatives of the European Commission but also of the respective administrations of the European Parliament, the Council and other EU institutions, agencies, services and bodies that have been the subject of an investigation, a special report, critical remarks or other measures taken by the Ombudsman should be present to comment on the report and take part in the discussion.

The Ombudsman is called upon to keep Parliament informed of developments in his relations with the new European External Action Service and the European Council.

Improve the answering process: Members take note of the Ombudsman's concerns about the relatively high number of unsatisfactory replies by the European Commission to his critical remarks. They share the Ombudsman's view that there is still major work to be done in persuading officials that a defensive approach to the Ombudsman represents a missed opportunity for their institutions and risks damaging the image of the Union as a whole. The report calls for the radical improvement of the answering process, including reducing the time taken in generating responses (especially in time-sensitive cases), and producing solution oriented rather than defensive answers.

Access to documents: Members point to the fact that in 2010 by far the most common allegation examined by the Ombudsman was lack of transparency in the EU administration. This allegation arose in 33% of all closed inquiries and included refusal of information and of access to documents. The Ombudsman is encouraged to continue to insist on the **fundamental right of access to documents**, the proper implementation of the principle of transparency in the decision-making process, a citizen-friendly culture of service and a pro-active attitude by the EU's institutions, agencies and bodies with regard to putting documents into the public domain.

Members considers, nevertheless, that adopting **common binding rules and principles** on administrative procedure within the EU's own administration and the introduction of the service principle in this context would be the best way to ensure a lasting shift in the administrative culture of the EU.