

Annual report on the activities of the European Ombudsman in 2013

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The Committee on Petitions adopted the own-initiative report by Jarosław Leszek WASA (EPP, PL) on the annual report on the activities of the European Ombudsman 2013.

Members recalled that the Treaty on the Functioning of the EU empowers the European Ombudsman to receive complaints concerning instances of maladministration in the activities of the Union institutions, bodies, offices or agencies, with the exception of the Court of Justice of the European Union acting in its judicial role.

Number of complaints received: Members noted that 23 245 citizens called on the Ombudsman's services for help in 2013 and that 2 420 requests were registered as complaints (2 442 in 2012).

In 2013, the Ombudsman:

- took action on **2 354 complaints** received;
- opened 350 inquiries (465 in 2012), of which 9 were own-initiative inquiries;
- closed 461 inquiries (390 in 2012), of which 441 were complaints-based and 20 were own-initiative inquiries on requests for information and access to documents (25.6%), the Commission as guardian of the Treaties (19.1%), institutional and policy matters (17.6%), administration and the Staff Regulations (16.5%), competitions and selection procedures (14.8%), award of tenders or grants (9.5%), and execution of contracts (7.4%).

Members deplored the fact that the annual report 2013 does not contain the exact figures on the percentage of complaints that fell within or outside the Ombudsman's mandate and called for such data to be included.

Members noted that in 2013, the Member State with the largest number of complaints was Spain (416), followed by Germany (269), Poland (248) and Belgium (153). They noted that as regards inquiries opened per Member State Belgium (53) takes the lead, followed by Germany (40), Italy (39), and Spain (34).

Maladministration: Members noted that 80% (40 cases) of inquiries where maladministration was found were closed with critical remarks addressed to the institution concerned and 18% (9 cases) were closed with draft recommendations, which were either fully or partially accepted by the institution. In this case, **the Commission is the institution whose decisions are most likely to directly affect citizens, civil society organisations and businesses.**

Objectives of the European Ombudsman: Members recalled that Emily O'Reilly was elected European Ombudsman by the European Parliament at its plenary session of 3 July 2013 and took her oath on 30 September 2013. They approved the annual report for 2013 presented by the European Ombudsman and congratulated Emily O'Reilly on her first annual report as Ombudsman and her approach in terms of keeping up positive working relations and cooperation with Parliament.

They gave its full support to the new Ombudsman's stated ultimate goal, which is to **help strengthen the structures and institutions of accountability and transparency at European level.** They commended this new approach on the Ombudsman's part, which was adopted to reflect her desire to make her institution as accessible and user-friendly as possible.

Transparency, main area of investigation: Members noted that transparency-related issues once again topped the Ombudsman's list of inquiries closed (64.3%), representing an increase on 2012 (52.7%). They noted that the other key topics in complaints were ethical issues, citizens' participation in EU decision-making, EU-funded projects, fundamental rights, and culture of service. They agreed with the Ombudsman that transparency is a cornerstone of an advanced democracy.

EU Agencies: Members noted with concern that the percentage of complaints concerning EU agencies has almost doubled, from 12.5% in 2012 to 24% in 2013. They suggested that the Ombudsman indicate whether this increase was the result of greater public awareness of complaints procedures or was caused by other factors, such as possible non-compliance of EU agencies with the Ombudsman's recommendations from previous years.

EPSO-EP: Members are pleased to note that the percentage of complaints concerning the European Personnel Selection Office (EPSO) more than halved in 2013, down from 16.8 % in 2012 to 7.1 % in 2013. They also welcomed that the percentage of complaints against the European Parliament has decreased from 5.2 % in 2012 to 4.3 % in 2013.

Good administration and recommendations: Members noted that in 2013, the Ombudsman published a new version of the European Code of Good Administrative Behaviour and called on all the institutions to fully respect and implement this code. They noted that overall compliance with the Ombudsman's recommendations stood at 80% in 2012, slightly down from 82% in 2011. They supported the Ombudsman in her ambition to improve the compliance rate and urged the Commission, in particular, to make all efforts to improve its compliance rate.

As regards the 20% non-compliance rate, Members urged the institutions, bodies, offices and agencies of the Union to respond and react within a reasonable time frame to the critical remarks of the Ombudsman.

FRONTEX: Members noted that the Ombudsman submitted one Special Report to Parliament, the subject of which was the absence of a mechanism in the Frontex agency for dealing with complaints about fundamental rights infringements arising from its work. They are confident that this Special Report will be the subject of a report to be drawn up by its Committee on Petitions in cooperation with its Committee on Civil Liberties, Justice and Home Affairs.

TTIP: Members welcomed a number of important investigations which the Ombudsman has launched, such as the inquiries concerning transparency in the Transatlantic Trade and Investment Partnership (TTIP) negotiations. They welcomed the decision of the Council of the European Union to publish the EU negotiating directives for the ongoing negotiations on the TTIP and the decision of the Commission to publish more EU negotiating texts and to allow broader access to other documents in the context of the TTIP negotiations.

They considered that the fact of closely monitoring transparency in the TTIP negotiations has strengthened the role of the Ombudsman as guardian of EU transparency. They endorsed the Ombudsman's call for a transparent policy approach and an information campaign on TTIP, to be adopted by the European institutions.

Lastly, Members called on the Parliament to follow up on the outcomes of the consultation on TTIP transparency, inter alia by considering petitions received on this issue, in particular in view of the potential impact of TTIP and other trade negotiations on the lives of European citizens.