Activities of the European Ombudsman in 2014

2015/2231(INI) - 02/02/2016 - Committee report tabled for plenary, single reading

The Committee on Petitions adopted the report by Soledad CABEZÓN RUIZ (S&D, ES) on the annual report on the activities of the European Ombudsman in 2014.

It recalled that Emily O'Reilly was re-elected European Ombudsman by Parliament at its plenary session in Strasbourg on 16 December 2014 and that the main priority of the European Ombudsman is to ensure that citizens' rights are fully respected and the right to good administration reflects the highest standards as expected of the institutions, bodies, offices and agencies of the Union.

Members approved the annual report for 2014 presented by the European Ombudsman and fully supported the fact that the Ombudsman is making greater use of the power to open strategic investigations on her own initiative. Members also welcomed the adoption of the new five-year strategy 'Towards 2019', which introduces a more strategic approach to tackling systemic issues and promoting good administration.

Investigations: Members welcomed the inquiries initiated by the Ombudsman in 2014, in which the following key topics may be identified:

- transparency within the EU institutions,
- transparency in lobbying and clinical trials,
- fundamental rights,
- ethical issues,
- participation of citizens in EU decision-making,
- EU-funded projects and programmes and EU competition policy.

The report recalled that, over the years, 20-30 % of complaints have concerned **transparency** and that the most common transparency issues raised are the institutions' refusal to grant access to documents and/or information. Members considered that openness and access to documents are an essential part of the system of institutional checks and balances. They support any initiative by the Commission and the other EU institutions to ensure fair, swift and simple access for all to EU documentation. There is still much room for improvement in the field of transparency on the part of the Commission, particularly concerning the availability, in terms of quantity and quality, of the information provided to individual citizens and civil society organisations upon their request to access to documents. They invited the Ombudsman to conduct an investigation on these matters.

Members also welcomed the Ombudsman's investigations into "**revolving door**" cases concerning high-ranking EU officials called on it to prevent conflicts of interest at any level of the EU's institutions.

Concerning the **lack of transparency in the TTIP negotiations**, Members welcomed the progress in openness in the ongoing TTIP negotiations following the Ombudsman's inquiries into transparency in these talks. They noted that the Council has since published the directives the EU is using to negotiate the TTIP.

Lobbying: Members wondered whether the long delays in the decision-making of some legislative initiatives in the Council (such as the horizontal anti-discrimination directive) do not fall within the category of maladministration, since they create a lot of frustration on the concerned citizens towards the EU institutions. They urged the Council, and particularly the blocking minorities therein, to take the steps necessary to address these unbearable situations. They welcomed the Ombudsman's increased and necessary focus on transparency in lobbying activities, and her work towards a **mandatory Transparency**

Register, to ensure that citizens may know who is trying to influence EU decision makers. In this regard, Members welcomed her inquiry into the composition and transparency of expert groups at the Commission.

The report noted that more than **7000 institutions** have voluntarily registered in the Transparency Register, reflecting the variety of public and private stakeholders that the European institutions are working with. They welcomed that the Register should include information on the human and financial resources available to lobby organisations, in greater compliance with existing rules and provisions on openness and good governance in the EU institutions. They continued to urge the Commission to deliver full transparency on the members and meetings of all expert groups, technology platforms and agencies.

Clinical trials: Members noted that the Ombudsman in 2014 played a key role in the area of clinical trials data transparency by helping to shape the proactive transparency policy of the European Medicines Agency (EMA). They noted that the EMA decided to publish proactively its clinical study reports. They welcomed the new EU Clinical Trials Regulation, which requires that information on clinical trials be made available.

At the same time, Members called on the Member States to be more diligent in their **mandatory collaboration with the Ombudsman**.

Malfunctioning of the institutions: Members highlighted various malfunctions brought to light by the Ombudsman investigations: (i) the protection of fundamental rights in all cases of implementation of the EU's cohesion policy; (ii) lack of transparency as regards Horizon 2020 and its budget of nearly EUR 80 000 million; (iii) Frontex to ensure respect for the welfare of returnees during return flights.

In addition, Members welcomed the Ombudsman's investigation into whether the EU institutions are living up to their obligation of introducing **internal whistleblowing rules.**

Members are concerned about at the persisting 20 % non-compliance rate. They are aware that the Ombudsman’s suggestions are not legally binding and urged the institutions, bodies and agencies to react promptly, effectively and responsibly to the Ombudsman's critical remarks and draft recommendations.

European Network of Ombudsmen: Members encouraged the Ombudsman to continue to promote the European Network of Ombudsmen with a view to informing EU citizens in a better way about the allocation of responsibilities between the European Ombudsman, national and regional ombudsmen and Parliament’s Committee on Petitions. They called on its Committee on Petitions to be a more active member of the Network and to reinforce its collaboration with the Network on common policies which fall within the field of activities of the European Union. They agreed with the Ombudsman that the EU institutions should ensure that their services are accessible to **persons with disabilities** and that such persons have access to information and means of communication.

Lastly, Members called for the annual budget of the Office of the Ombudsman to be increased.