

Annual report on the activities of the European Ombudsman in 2016

2017/2126(INI) - 23/10/2017 - Committee report tabled for plenary, single reading

The Committee on Petitions adopted the own-initiative report by Marlène MIZZI (S&D, MT) on the 2016 annual report presented by the European Ombudsman, while welcoming her efforts to improve the quality and accessibility of the Ombudsman's services as well as her collaborative and positive cooperation with the European Parliament.

Follow-up of recommendations: Members noted the reduction in the number of inquiries concerning EU institutions conducted by the Ombudsman in 2016 (245 in 2016 compared with 261 in 2015). Most of the inquiries concerned the Commission (58.8 %), followed by EU agencies (12.3 %) and Parliament (6.5 %).

Members noted that the Ombudsman's office has achieved the **second highest rate of compliance** with its decisions and/or recommendations so far. However, they urged the EU institutions, bodies, offices and agencies to **respond and react within a reasonable timeframe to the critical remarks of the Ombudsman** and to improve their rate of compliance with the Ombudsman's recommendations and/or decisions.

Strategic inquiries and initiatives: in 2016, the Ombudsman's office opened 4 new strategic inquiries on, among other subjects, possible conflicts of interest of special advisors and delays in chemical testing, and in addition it opened ten new strategic initiatives.

Members acknowledged the role of strategic inquiries and initiatives, and support those conducted by the Ombudsman pursuing strategically important topics on her own initiative.

The report welcomed the Ombudsman's strategic inquiry into how the Commission carries out **conflict of interest assessments for its special advisers** and supported the strategic inquiry on the Commission's expert groups.

In 2016, most of the cases handled by the Ombudsman were closed within 12 months. The Ombudsman is however urged to reduce the time taken to handle complaints.

Transparency: the report stressed the importance of transparency-related issues and **access to information and documents as the main** subject matter of inquiries submitted to the Ombudsman (29.6 %), following good management of EU personnel issues (28.2 %), and culture of service (25.1 %). Other issues were also raised such as the proper use of discretion, including in infringement proceedings, sound financial management of EU grants and contracts and respect for procedural and fundamental rights.

The report stressed that maximum transparency of and access to documents held by the EU institutions must be the **rule** and that exceptions to this right should always be weighed against the principles of transparency and democracy. It called on the Commission to **improve transparency** and access to documents and information with regard to the EU Pilot procedures in relation to petitions received.

Members also insisted on the need:

- to monitor the implementation of the Ombudsman's recommendations for transparency in **trilogues**;
- for full and enhanced transparency in **trade agreements** and negotiations;
- to improve transparency on the part of all EU institutions in the **Brexit** negotiations;

- for greater transparency in the **EU's economic and financial decision-making process**, in particular in the area of the banking supervision performed by the European Central Bank;
- to improve EU lobbying transparency and fully comply with the Ombudsman's suggestions for improving the EU Transparency Register.

The Commission is called upon to make its work with the tobacco industry lobbyists fully transparent.

Maladministration: noting the reports of maladministration by the Ombudsman with regard to the Code of Conduct for Commissioners, Members called for the **application of stricter ethical standards** within the EU administration with the aim of securing respect for the duty to behave with integrity and discretion and full independence from the private sector.

They also called on the Commission to guarantee proactive publication and full transparency with regard to the **post-term-of-office occupation** of former Commissioners, while supporting the Ombudsman's recommendations for a further revision of the Code and inviting her to publish the names of EU officials involved in revolving door cases.

Members welcomed the Ombudsman's initiative to identify best practices in the EU administration and bring them to greater public attention with the Ombudsman's **Award for Good Administration**.

Lastly, the report called on the Ombudsman to further assess the implementation of the new internal **whistle-blowing rules** in the EU institutions.