Activities of the European Ombudsman - annual report 2021

2022/2141(INI) - 08/03/2023 - Committee report tabled for plenary, single reading

The Committee on Petitions adopted the own-initiative report by Anne-Sophie PELLETIER (GUE/NGL, FR) on the annual report on the activities of the European Ombudsman in 2021.

Inquiries

The report noted that in 2021 the Ombudsman helped 20 536 people and opened 338 inquiries, of which 332 were complaint-based and 6 own-initiative and closed 305 inquiries (300 complaint-based and 5 own-initiative). Most of the inquiries concerned the Commission (208 inquiries or 61.5%), the next largest number concerned the European External Action Service (EEAS) (16 inquiries or 4.7%), the Parliament (13 inquiries or 3.8%), the European Personnel Selection Office (EPSO) (13 inquiries or 3.8%), the rest were distributed as follows: the European Border and Coast Guard Agency (FRONTEX) (11 inquiries or 3.3%), the European Medicines Agency (8 inquiries or 2.4%), the Council of the European Union (7 inquiries or 2.1%), the European Anti-Fraud Office (OLAF) (6 inquiries or 1.8%), and other institutions (34 inquiries or 10.1%).

The top three concerns in the inquiries closed by the Ombudsman in 2021 were transparency and accountability (access to information and documents) (29%), culture of service (26%) and proper use of discretionary powers (including in infringement procedures) (18%). Other areas of concern included respect for procedural rights, respect for fundamental rights, good management of personnel issues, sound financial management, public participation in EU decision-making, ethical issues, and whistleblowing on the EU administration.

Members approved the annual report for 2021 presented by the European Ombudsman and welcomed the Ombudsman’s remarkable work and constructive efforts to find a balance between the EU institutions’ right to work and the public interest in an EU administration that works with the highest standards of integrity and accountability. They also congratulated the Ombudsman:

- on enhancing representative and participative democracy, while improving public participation in and the legitimacy of the EU decision-making process;

- for the work in issuing a short guide for the EU administration on what policies and practices they should implement to give effect to the right of public access to EU documents;

- on expanding the role of the European Network of Ombudsmen (ENO) in capacity building and the sharing of best practices between ombudsmen institutions of Member States, EEA countries and EU candidate countries.

Improved transparency and accountability

The report recalled that one of the ways to improve citizens’ perception of the EU is by making it more accessible, understandable and transparent to them. Members deeply regretted that despite the several calls by Parliament and by the Ombudsman, the Council’s current work is still marred by a **lack of transparency** and citizens do not have appropriate access to legislative documents produced by the Council. The current legislation on public access to EU documents is severely **obsolete** due to technological advances in recent decades in access to documentation, new means of communication and

different ways of recording, managing and storing information. In this regard, the report suggested that the Transparency Regulation should be adjusted to better adapt to technological developments.

The Ombudsman's Office is congratulated on the implementation and revision of the **'fast-track' procedure**, which seeks to deal quickly with public access to documents complaints.

Members noted the Ombudsman's inquiry into the Commission's refusal to grant public access to text messages exchanged between the Commission President and the CEO of a pharmaceutical company on the purchase of COVID-19 vaccines. They recalled that text messages whose content relates to the policies, activities and decisions falling within the institution's sphere of responsibility are considered EU documents under the Transparency Regulation.

In November 2021, the Ombudsman opened an inquiry into how the Commission ensures that its interactions with tobacco lobbyists are transparent. As the EU is a party to the Framework Convention on Tobacco Control (FCTC) of the World Health Organisation (WHO), it must prevent the tobacco industry from having a negative impact on public health policies. Therefore, the Commission is called on to fully live up to the principles of ethics, transparency and accountability towards European citizens.

In order to improve transparency in **trilogues**, Members reiterated their call to also publish before or shortly after trilogue meetings, documentation including calendars, agendas, minutes, documents examined, amendments and information on Member State delegations and their positions and minutes in a standardised and easily accessible online environment, by default in accordance with the Transparency Regulation and in compliance with CJEU case-law.

Revolving doors

The report stressed that proper management of the revolving doors issue is essential to maintaining confidence in the EU institutions. The Ombudsman is called on to continue her work to ensure the timely publication of the names of senior EU officials involved in revolving doors cases and to guarantee full transparency with regard to all related information. For its part, the Commission should sharpen the rules concerning revolving doors and conflict of interest and ensure that strong rules are implemented across all EU institutions.

Fundamental rights

In 2021, the Ombudsman opened an own-initiative inquiry into how Frontex complies with its fundamental rights obligations and ensures accountability in relation to its enhanced responsibility. This inquiry sought to clarify matters related to the accountability of Frontex's joint operations, to activities related to **returns of migrants and to migration support** in screening at EU external borders.

Members also welcomed the list of best practices for accommodating the needs of persons with **disabilities** during emergencies, drawn up as a result of a strategic initiative on how the Commission accommodates the special needs of staff members with disabilities in the context of COVID-19.