Activities of the European Ombudsman - annual report 2021

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The European Parliament adopted by 602 votes to 8, with 18 abstentions, a resolution on the annual report on the activities of the European Ombudsman in 2021.

Inquiries

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.

In its strategic work in 2021, the Ombudsman’s Office opened six new strategic inquires:

- on how the Commission manages ‘revolving doors’ moves of its staff members;

- on the transparency of the Commission’s interactions with representatives of the tobacco industry;

- on how Frontex complies with its fundamental rights obligations and ensures accountability in relation to its enhanced responsibilities;

- on how the European Defence Agency handled the application by its former chief executive to take on a senior position at Airbus;

- on how the Commission monitors EU funds used to promote the right of persons with disabilities and older persons to independent living;

- and on how the European Investment Bank holds certain personal information of job applicants before making recruitment decisions.

Parliament 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.

Improved transparency and accountability

2021 marked the twentieth anniversary of the entry into force of Regulation (EC) No 1049/2001 (Transparency Regulation) on public access to documents. The Ombudsman made access to documents a focus for the Office throughout the year. The resolution regretted that despite 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. Moreover, 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, Parliament suggested that the Transparency Regulation should be adjusted to better adapt to technological developments. The resolution welcomed the Ombudsman's call for a greater transparency in **trilogues**.

Parliament emphasised the importance of the adoption of an updated statute for the Ombudsman's Office in June 2021. This new statute provides a strengthened legal framework for the Office and introduces new safeguards that further guarantee its independence. Members strongly believe that budget allocated to the Office of the Ombudsman must be amended to ensure that it has the necessary resources to effectively handle the overall workload and is able to continue to work competently at the service of European citizens.

Parliament 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. It 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.

Revolving doors

The resolution 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.