Basic information

2009/2075(DEC) DEC - Discharge procedure	Procedure completed
2008 discharge: EU general budget, European Ombudsman **Subject** 8.70.03.07 Previous discharges	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
CONT Budgetary Control	CZARNECKI Ryszard (ECR)	01/10/2009

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	The committee decided not to give an opinion.	
DEVE Development	The committee decided not to give an opinion.	
INTA International Trade	The committee decided not to give an opinion.	
BUDG Budgets	The committee decided not to give an opinion.	
ECON Economic and Monetary Affairs	The committee decided not to give an opinion.	
EMPL Employment and Social Affairs	The committee decided not to give an opinion.	
ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	

TRAN Transport and Tourism	The committee decided not to give an opinion.	
REGI Regional Development	The committee decided not to give an opinion.	
AGRI Agriculture and Rural Development	The committee decided not to give an opinion.	
PECH Fisheries	The committee decided not to give an opinion.	
CULT Culture and Education	The committee decided not to give an opinion.	
JURI Legal Affairs	The committee decided not to give an opinion.	02/09/2009
LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	
AFCO Constitutional Affairs	The committee decided not to give an opinion.	
FEMM Women's Rights and Gender Equality	The committee decided not to give an opinion.	
PETI Petitions	The committee decided not to give an opinion.	

European Commission

Commission DG	Commissioner
Budget	ŠEMETA Algirdas

Key events

Date	Event	Reference	Summary
23/07/2009	Non-legislative basic document published	SEC(2009)1089	Summary
07/10/2009	Committee referral announced in Parliament		
23/03/2010	Vote in committee		Summary
25/03/2010	Committee report tabled for plenary	A7-0070/2010	

21/04/2010	Debate in Parliament		
05/05/2010	Decision by Parliament	T7-0096/2010	Summary
05/05/2010	Results of vote in Parliament		
05/05/2010	End of procedure in Parliament		
25/09/2010	Final act published in Official Journal		

Technical information

Procedure reference	2009/2075(DEC)
Procedure type	DEC - Discharge procedure
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	CONT/7/00686

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE430.318	02/02/2010	
Committee report tabled for plenary, single reading		A7-0070/2010	25/03/2010	
Text adopted by Parliament, single reading		T7-0096/2010	05/05/2010	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	SEC(2009)1089	23/07/2009	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofA	Document attached to the procedure	N7-0036/2009 OJ C 269 10.11.2009, p. 0001	10/11/2009	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2010/0504
OJ L 252 25.09.2010, p. 0101 Summary

2008 discharge: EU general budget, European Ombudsman

2009/2075(DEC) - 23/07/2009 - Non-legislative basic document

PURPOSE: to present the final annual accounts of the European Communities for the financial year 2008 - Other institutions: section VIII - European Ombudsman.

Note: this summary provides a general overview of the main trends in terms of the European Ombudsman's expenditure for the financial year 2008. It does not cover the details of the implementation of the expenditure by the institution due to the unavailability of the relevant document.

However, it does cover the figures for the Ombudsman's expenditure as presented in Consolidated Annual Accounts of the European Communities for the financial year 2008.

CONTENT: the summary of the consolidated annual accounts of the European Communities for the year 2008 show that the European Ombudsman's expenditure was as follows:

Commitment appropriations

- Authorised commitments: EUR 9 million
- Amounts paid in 2008: EUR 8 million (91.51% implementation rate)
- Amounts lapsed: EUR 1 million (13.86% of the total commitments).

Payments

- Authorised commitments: EUR 6 million
- Amounts paid in 2008: EUR 4 million (68.12% implementation rate)
- Amounts lapsed: EUR 1 million (17.56% of the total commitments).

Main axes of expenditure for 2008: the Ombudsman's budget focused on the following main elements (refer to the Ombudsman's Annual Report 2008):

Complaints and enquiries: the Ombudsman registered a total of 3 406 complaints in 2008. In almost 80% of cases registered, it was able to help the complainant by opening an inquiry into the case, transferring it to a competent body, or giving advice on where to turn. A total of 293 new inquiries were opened in 2008 on the basis of complaints. Of these, 26% were submitted by companies and associations, whereas 74% were submitted by individual citizens.

The Ombudsman also launched three inquiries on his own initiative. Two of these concerned cases which had been submitted by a non-authorised person (i.e., a complainant who is not a citizen or resident of the Union or a legal person with a registered office in a Member State). The third involved the use of the Ombudsman's own-initiative power to tackle what appeared to be a systemic problem concerning the European Commission's Early Warning System.

As is the case each year, most inquiries opened by the Ombudsman in 2008 concerned the Commission (195 inquiries or 66% of the total). Given that the Commission is the main Community institution that makes decisions having a direct impact on citizens, it is logical that it should be the principal object of citizens' complaints. There were 28 inquiries (10%) concerning the European Parliament's administration, 20 (7%) concerning the European Personnel Selection Office (EPSO), 10 (3%) concerning the Council of the EU, and 7 (2%) concerning the European Anti-Fraud Office (OLAF). Twenty other EU institutions and bodies were the subject of a further 37 inquiries.

The main types of maladministration alleged in inquiries opened in 2008 were lack of transparency, including refusal of information (107 cases or 36% of the total), unfairness or abuse of power (59 cases, 20%), unsatisfactory procedures (27 cases, 9%), negligence (25 cases, 8%), avoidable delay (24 cases, 8%), legal error (21 cases, 7%), discrimination (14 cases, 5%), and failure to ensure fulfilment of obligations, that is, failure by the Commission to carry out its role as "guardian of the Treaty" vis-à-vis the Member States (14 cases, 5%).

The Ombudsman closed 355 inquiries in 2008 (compared to 348 in 2007). Of these, 352 were linked to complaints and three were own-initiatives. Most of the inquiries were closed within one year (52%). Over one-third (36%) were closed within three months. On average, cases took 13 months to close.

Other Salient facts concerning the activities in 2008:

- **Restructuration**: an ambitious programme of internal restructuring was carried out in the Ombudsman's office in 2008. It entered into force on 1 July and involved the creation of four Units within each of the existing Departments: the Legal Department and the Administration and Finance Department. The Ombudsman implemented the internal re-organisation of his office without the addition of any new staff, the

number of staff posts in the establishment plan remaining at 57. The budgetary authority has agreed to an increase of six posts in the 2009 budget.

- **Staff retreat**: the year was marked by retreats and staff meetings. The European Ombudsman's staff retreats form an integral part of the Ombudsman's strategic planning, most notably by providing useful guidance for policy-making and the preparation of the Annual Management Plan (AMP). The retreats are an open forum of discussion, dialogue and brainstorming. They form part of an annual cycle of events that provide staff and trainees with an opportunity to share views on subjects directly linked to the Ombudsman's work.

- **European Network of Ombudsmen**: many complainants turn to the European Ombudsman when they have problems with a national, regional or local administration. The European Ombudsman co-operates closely with his counterparts in the Member States to make sure that citizens' complaints about EU law are dealt with promptly and effectively. This co-operation takes place for the most part under the aegis of the European Network of Ombudsmen. The Network met in Berlin in November 2008 to discuss how, together, they could improve the service they provide to citizens. Among the highlights in this regard were the signing of a Memorandum of Understanding with the President of the European Investment Bank and the agreement by the Union's Agencies to adopt the European Code of Good Administrative Behaviour in their relations with citizens.

- **Revision of the Ombudsman's Statute**: one final important development in 2008 concerned the revision of the Ombudsman's Statute. The changes made ensure that citizens can have full confidence in the Ombudsman's ability to conduct a thorough investigation of their complaints without restrictions.

2008 discharge: EU general budget, European Ombudsman

2009/2075(DEC) - 10/11/2009

PURPOSE: to present the report of the Court of Auditors on the implementation of the budget for the financial year 2008 (other institutions - European Ombudsman).

CONTENT: in its annual report for the financial year 2008, the Court focuses on the legality and regularity of the operating expenditure of the institutions. In 2008, the Court carried out audits in all the institutions on the following selected topics (procurement contracts, late payment penalties, payments on carried-over appropriations, transfers of acquired pension rights, etc…). In addition, the Court assessed the compliance of the supervisory and control systems applied by each institution with the requirements of the Financial Regulation.

In 2008, the Court notes that **all the institutions operated satisfactorily the supervisory and control systems** required by the Financial Regulation and the **transactions tested were free from material error of legality and regularity**.

Although the legality and regularity of the transactions underlying the accounts have been confirmed by the Court of Auditors, it does however draw attention to a number of findings which should be taken into consideration by the institutions concerned.

Nevertheless, in the specific case of the audit of the **European Ombudsman**, the audit did not give rise to any significant observations.

2008 discharge: EU general budget, European Ombudsman

2009/2075(DEC) - 05/05/2010 - Text adopted by Parliament, single reading

The European Parliament adopted a decision on discharge to be granted to the European Ombudsman in respect of the implementation of its budget for the financial year 2008.

Furthermore, Parliament adopted a resolution with observations which are an integral part of the decision to grant discharge.

Firstly, the resolution notes that, in 2008, the Ombudsman had commitment appropriations available amounting to a total of **EUR 9 million** (2008: EUR 8.2 million), with a utilisation rate of 91.51%, below the average of the other institutions (95.67%).

The Court of Auditors indicated in its annual report that the audit did not give rise to any significant observations as regards the Ombudsman. Parliament notes a trend of persistent growth over the period from 2003 to 2008, during which time commitment appropriations doubled from EUR 4.4 million to EUR 9 million, and the number of posts increased from 31 to 57 units (with 6 more posts in 2009), while complaints have increased from 2 436 to 3 346 and new enquiries opened from 253 to 293. Parliament notes that, since the internal restructuring in 2008, 24 of the 57 posts are now involved in examining complaints.

As regards the internal audit, Parliament welcomes the findings, in particular the observation that the procurement process had considerably improved, as well as the process for awarding grants. It notes, however, that the internal audit also revealed areas with scope for further improvement, in particular: procurement procedure files should include more complete information, delivery-due date modifications should only be allowed in exceptional cases, better planning of timing for tendering procedures, inconsistent clauses in contracts to be corrected before signature. It calls on the Ombudsman to follow up these issues and report to the Parliament in its activity report.

Lastly, Parliament welcomes the Ombudsman's decision to publish the annual declaration of interests of the Ombudsman and to publish it on its website.

2008 discharge: EU general budget, European Ombudsman

2009/2075(DEC) - 05/05/2010 - Final act

PURPOSE: to grant discharge to the European Ombudsman for the financial year 2008.

LEGISLATIVE ACT: Decision 2010/504/EU the European Parliament on the discharge for implementation of the European Union general budget for the financial year 2008 (Section VIII - European Ombudsman).

CONTENT: with the present decision, the European Parliament grants the European Ombudsman discharge in respect of the implementation of the budget for the financial year 2008.

This decision is in line with the European Parliament’s resolution adopted on 5 May 2010 and comprises a series of observations that form an integral part of the discharge decision (please refer to the summary of the opinion of 5 May 2010).