## Basic information

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|---|---|
| **2014/2159(INI)**<br>INI - Own-initiative procedure | Procedure completed |
| Annual report on the activities of the European Ombudsman in 2013<br>**Subject**<br>1.20.04 European Ombudsman | |

## Key players

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|---|---|---|---|
| European Parliament | **Committee responsible** | **Rapporteur** | **Appointed** |
| | PETI Petitions | WAŁĘSA Jarosław (PPE) | 24/09/2014 |
| | | Shadow rapporteur<br>MIZZI Marlene (S&D)<br>MARIAS Notis (ECR)<br>BECERRA BASTERRECHEA Beatriz (ALDE)<br>VALLINA Ángela (GUE/NGL)<br>REDA Felix (Verts/ALE)<br>EVI Eleonora (EFDD) | |
| European Commission | **Commission DG** | **Commissioner** | |
| | Secretariat-General | JUNCKER Jean-Claude | |

## Key events

| Date | Event | Reference | Summary |
|---|---|---|---|
| 24/11/2014 | Committee referral announced in Parliament | | |
| 02/12/2014 | Vote in committee | | |
| 09/12/2014 | Committee report tabled for plenary | A8-0058/2014 | Summary |
| 15/01/2015 | Decision by Parliament | T8-0009/2015 | Summary |
| 15/01/2015 | Results of vote in Parliament | | |
| 15/01/2015 | Debate in Parliament | | |
| 15/01/2015 | End of procedure in Parliament | | |

| Technical information | |
|---|---|
| **Procedure reference** | 2014/2159(INI) |
| **Procedure type** | INI - Own-initiative procedure |
| **Procedure subtype** | Annual report |
| **Legal basis** | Rules of Procedure EP 238-p2<br>Rules of Procedure EP 55 |
| **Other legal basis** | Rules of Procedure EP 165 |
| **Stage reached in procedure** | Procedure completed |
| **Committee dossier** | PETI/8/01616 |

Documentation gateway

**European Parliament**

| Document type | Committee | Reference | Date | Summary |
|---|---|---|---|---|
| Committee draft report | | PE539.677 | 29/10/2014 | |
| Amendments tabled in committee | | PE541.608 | 13/11/2014 | |
| Committee report tabled for plenary, single reading | | A8-0058/2014 | 09/12/2014 | Summary |
| Text adopted by Parliament, single reading | | T8-0009/2015 | 15/01/2015 | Summary |

**European Commission**

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Commission response to text adopted in plenary | SP(2015)132 | 13/04/2015 | |

# Annual report on the activities of the European Ombudsman in 2013

2014/2159(INI) - 15/01/2015 - Text adopted by Parliament, single reading

The European Parliament adopted by 572 votes to 21, with 82 abstentions, a resolution on annual report on the activities of the European Ombudsman 2013.

Parliament recalled that the Treaty on the Functioning of the EU empowers the European Ombudsman to receive complaints concerning instances of maladministration in the activities of the Union institutions, bodies, offices or agencies, with the exception of the Court of Justice of the European Union acting in its judicial role.

Number of complaints received: Parliament noted that 23 245 citizens called on the Ombudsman's services for help in 2013 and that 2 420 requests were registered as complaints (2 442 in 2012).

In 2013, the Ombudsman:

- took action on **2 354 complaints** received;
- opened 350 inquiries (465 in 2012), of which 9 were own-initiative inquiries;
- closed 461 inquiries (390 in 2012), of which 441 were complaints-based and 20 were own-initiative inquiries on requests for information and access to documents (25.6%), the Commission as guardian of the Treaties (19.1%), institutional and policy matters (17.6%), administration and the Staff Regulations (16.5%), competitions and selection procedures (14.8%), award of tenders or grants (9.5%), and execution of contracts (7.4%).

Parliament deplored the fact that the annual report 2013 does not contain the exact figures on the percentage of complaints that fell within or outside the Ombudsman's mandate and called for such data to be included.

It noted that in 2013, the Member State with the largest number of complaints was Spain (416), followed by Germany (269), Poland (248) and Belgium (153). It noted that as regards inquiries opened per Member State Belgium (53) takes the lead, followed by Germany (40), Italy (39), and Spain (34).

**Maladministration on the part of the European Commission**: Parliament noted that a large majority of inquiries conducted by the Ombudsman over the past year (64.3%) concerned the **European Commission**. It recognised that the Commission is the institution whose decisions are most likely to directly affect citizens, civil society organisations and businesses. It understands that the Commission is therefore the main object of public scrutiny.

Parliament is concerned however, that the share of complaints concerning the Commission has risen compared to 2012 when it was 52.7%. It encouraged the Ombudsman to examine the reasons for this increase in order to help improve the Commission's administration and thus increase the credibility of the EU institutions as a whole. It called on the new Commission to take rapid action to improve its performance with the objective of reducing the number of complaints against it. Plenary considered that the involvement of the Commission in opaque entities such as the Troika does not tend to promote transparency and accountability within the Union, **nor does it respect the principle of subsidiarity**.

**Objectives of the European Ombudsman**: Parliament recalled that Emily O'Reilly was elected European Ombudsman by the European Parliament at its plenary session of 3 July 2013 and took her oath on 30 September 2013. It approved the annual report for 2013 presented by the European Ombudsman and congratulated Emily O'Reilly on her first annual report as Ombudsman and her approach in terms of keeping up positive working relations and cooperation with Parliament.

It gave its full support to the new Ombudsman's stated ultimate goal, which is to **help strengthen the structures and institutions of accountability and transparency at European level**. It commended this new approach on the Ombudsman's part, which was adopted to reflect her desire to make her institution as accessible and user-friendly as possible.

**More resources to the Parliament's Petition's Committee**: Parliament noted that in 2013 the Ombudsman referred 51 complaints to the Committee. It considered that, given the parallel and sometimes complementary work that the Committee on Petitions does in ensuring that EU legislation is duly implemented at every level of administration, more resources should be devoted to this committee, by analogy with those of the European Ombudsman.

**Transparency, main area of investigation**: Parliament noted that transparency-related issues once again topped the Ombudsman's list of inquiries closed (64.3%), representing an increase on 2012 (52.7%). It noted that the other key topics in complaints were ethical issues, citizens' participation in EU decision-making, EU-funded projects, fundamental rights, and culture of service. It agreed with the Ombudsman that transparency is a cornerstone of an advanced democracy.

**EU Agencies**: Parliament noted with concern that the percentage of complaints concerning EU agencies has almost doubled, from 12.5% in 2012 to 24% in 2013. It suggested that the Ombudsman indicate whether this increase was the result of greater public awareness of complaints procedures or was caused by other factors, such as possible non-compliance of EU agencies with the Ombudsman's recommendations from previous years.

**EPSO-EP**: Parliament is pleased to note that the percentage of complaints concerning the European Personnel Selection Office (EPSO) more than halved in 2013, down from 16.8% in 2012 to 7.1% in 2013. It also welcomed that the percentage of complaints against the European Parliament has decreased from 5.2% in 2012 to 4.3% in 2013.

**Good administration and recommendations**: Parliament noted that in 2013, the Ombudsman published a new version of the European Code of Good Administrative Behaviour and called on all the institutions to fully respect and implement this code. It noted that overall compliance with the Ombudsman's recommendations stood at 80% in 2012, slightly down from 82% in 2011. It supported the Ombudsman in her ambition to improve the compliance rate and urged the Commission, in particular, to make all efforts to improve its compliance rate.

As regards the 20% non-compliance rate, Members urged the institutions, bodies, offices and agencies of the Union to respond and react within a reasonable time frame to the critical remarks of the Ombudsman.

**FRONTEX**: Parliament noted that the Ombudsman submitted one Special Report to Parliament, the subject of which was the absence of a mechanism in the Frontex agency for dealing with complaints about fundamental rights infringements arising from its work. It is confident that this Special Report will be the subject of a report to be drawn up by its Committee on Petitions in cooperation with its Committee on Civil Liberties, Justice and Home Affairs.

**TTIP**: Members welcomed a number of important investigations which the Ombudsman has launched, such as the inquiries concerning transparency in the Transatlantic Trade and Investment Partnership (TTIP) negotiations. They welcomed the decision of the Council of the European Union to publish the EU negotiating directives for the ongoing negotiations on the TTIP and the decision of the Commission to publish more EU negotiating texts and to allow broader access to other documents in the context of the TTIP negotiations.

Parliament considered that the fact of closely monitoring transparency in the TTIP negotiations has strengthened the role of the Ombudsman as guardian of EU transparency. It endorsed the Ombudsman's call for a transparent policy approach and an information campaign on TTIP, to be adopted by the European institutions.

Members also called on the Parliament to follow up on the outcomes of the consultation on TTIP transparency, inter alia by considering petitions received on this issue, in particular in view of the potential impact of TTIP and other trade negotiations on the lives of European citizens.

Revolving door practices: Parliament highlighted that in 2013 the Ombudsman received numerous complaints relating to conflicts of interest or 'revolving door' practices involving senior figures moving between closely related public and private sector posts. The EU administration must attach the utmost importance to **exemplary ethical conduct**. The Ombudsman accordingly published a set of public service principles and ethical standards. The resolution stated that many NGOs maintain that the Commission is failing to deal with what they describe as systemic 'revolving door' practices.

Parliament welcomed a number of important investigations which the Ombudsman has launched, such as the inquiries concerning:

- the lack of transparency in the Transatlantic Trade and Investment Partnership (TTIP) negotiations,
- whistleblowing in the EU institutions,
- lack of transparency in Commission expert groups,
- 'revolving door' and conflict of interest cases,
- fundamental rights in cohesion policy.

Parliament looks forward to the findings of these inquiries.

# Annual report on the activities of the European Ombudsman in 2013

2014/2159(INI) - 09/12/2014 - Committee report tabled for plenary, single reading

The Committee on Petitions adopted the own-initiative report by Jarosław Leszek WAŁĘSA (EPP, PL) on the annual report on the activities of the European Ombudsman 2013.

Members recalled that the Treaty on the Functioning of the EU empowers the European Ombudsman to receive complaints concerning instances of maladministration in the activities of the Union institutions, bodies, offices or agencies, with the exception of the Court of Justice of the European Union acting in its judicial role.

**Number of complaints received**: Members noted that 23 245 citizens called on the Ombudsman's services for help in 2013 and that 2 420 requests were registered as complaints (2 442 in 2012).

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Members deplored the fact that the annual report 2013 does not contain the exact figures on the percentage of complaints that fell within or outside the Ombudsman's mandate and called for such data to be included.

Members noted that in 2013, the Member State with the largest number of complaints was Spain (416), followed by Germany (269), Poland (248) and Belgium (153). They noted that as regards inquiries opened per Member State Belgium (53) takes the lead, followed by Germany (40), Italy (39), and Spain (34).

**Maladministration**: Members noted that 80% (40 cases) of inquiries where maladministration was found were closed with critical remarks addressed to the institution concerned and 18% (9 cases) were closed with draft recommendations, which were either fully or partially accepted by the institution. In this case, **the Commission is the institution whose decisions are most likely to directly affect citizens, civil society organisations and businesses**.

**Objectives of the European Ombudsman**: Members recalled that Emily O'Reilly was elected European Ombudsman by the European Parliament at its plenary session of 3 July 2013 and took her oath on 30 September 2013. They approved the annual report for 2013 presented by the European Ombudsman and congratulated Emily O'Reilly on her first annual report as Ombudsman and her approach in terms of keeping up positive working relations and cooperation with Parliament.

They gave its full support to the new Ombudsman's stated ultimate goal, which is to **help strengthen the structures and institutions of accountability and transparency at European level**. They commended this new approach on the Ombudsman's part, which was adopted to reflect her desire to make her institution as accessible and user-friendly as possible.

**Transparency, main area of investigation**: Members noted that transparency-related issues once again topped the Ombudsman's list of inquiries closed (64.3%), representing an increase on 2012 (52.7%). They noted that the other key topics in complaints were ethical issues, citizens' participation in EU decision-making, EU-funded projects, fundamental rights, and culture of service. They agreed with the Ombudsman that transparency is a cornerstone of an advanced democracy.

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As regards the 20% non-compliance rate, Members urged the institutions, bodies, offices and agencies of the Union to respond and react within a reasonable time frame to the critical remarks of the Ombudsman.

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They considered that the fact of closely monitoring transparency in the TTIP negotiations has strengthened the role of the Ombudsman as guardian of EU transparency. They endorsed the Ombudsman’s call for a transparent policy approach and an information campaign on TTIP, to be adopted by the European institutions.

Lastly, Members called on the Parliament to follow up on the outcomes of the consultation on TTIP transparency, inter alia by considering petitions received on this issue, in particular in view of the potential impact of TTIP and other trade negotiations on the lives of European citizens.