Basic information

2024/2056(INI) INI - Own-initiative procedure	Procedure completed
Activities of the European Ombudsman – annual report 2023 **Subject** 1.20.04 European Ombudsman	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
PETI Petitions	AGIUS SALIBA Alex (S&D)	04/09/2024
	Shadow rapporteur AGIUS Peter (EPP) JORON Virginie (PfE) ZŁOTOWSKI Kosma (ECR) TOOM Jana (Renew) BOSANAC Gordan (Greens/EFA) PAPPAS Nikos (The Left)	

Key events

Date	Event	Reference	Summary
10/10/2024	Committee referral announced in Parliament		
14/11/2024	Vote in committee		
21/11/2024	Committee report tabled for plenary	A10-0016/2024	Summary
16/12/2024	Debate in Parliament		
17/12/2024	Decision by Parliament	T10-0063/2024	Summary
17/12/2024	Results of vote in Parliament		

Technical information

Procedure reference	2024/2056(INI)
Procedure type	INI - Own-initiative procedure

Procedure subtype	Annual report
Legal basis	Rules of Procedure EP 55 Rules of Procedure EP 238-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	PETI/10/00889

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE763.122	12/09/2024	
Amendments tabled in committee		PE765.098	10/10/2024	
Committee report tabled for plenary, single reading		A10-0016/2024	21/11/2024	Summary
Text adopted by Parliament, single reading		T10-0063/2024	17/12/2024	Summary

Meetings with interest representatives published in line with the Rules of Procedure

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency

Name	Role	Committee	Date	Interest representatives
AGIUS SALIBA Alex	Rapporteur	PETI	05/09/2024	Cabinet Member from the Ombudsman's office

Activities of the European Ombudsman – annual report 2023

2024/2056(INI) - 21/11/2024 - Committee report tabled for plenary, single reading

The Committee on Petitions adopted the report by Alex AGIUS SALIBA (S&D, MT) on the annual report on the activities of the European Ombudsman in 2023.

Members approved the annual report for 2023 presented by the European Ombudsman and commended her excellent presentation of the most important facts and figures concerning the Ombudsman’s work in 2023.

In 2023, the Ombudsman opened 398 inquiries, of which 393 were complaint-based and five were own-initiative inquiries, while closing 372 inquiries (369 complaint-based and 3 own-initiative inquiries).

Most of the Ombudsman’s inquiries concerned the Commission, while the next largest numbers concerned the European Personnel Selection Office (EPSO), the European Parliament and the European Border and Coast Guard Agency (Frontex).

The inquiries closed by the European Ombudsman in 2023 where settled by the institution in 206 cases (55.4 %), there was no maladministration found in 99 cases (26.6 %) and in 27 (7.3 %) cases the Ombudsman found maladministration and a recommendation was agreed by the institution.

The top three concerns in the inquiries closed by the Ombudsman in 2023 were transparency and accountability (e.g. access to information and documents) (34.2 %), culture of service (21.5 %) and recruitment (15.3 %); whereas other concerns include good management of personnel issues, proper use of discretion (including in infringement procedures), proper management of infringement procedures, respect for fundamental rights, respect for procedural rights, grants, procurement, contracts, ethics, public participation in EU decision-making and sound financial management.

Moreover, in 2023, the Ombudsman also conducted wider strategic inquiries and initiatives into systemic issues in the EU institutions, covering access to documents, fundamental rights, ethical issues, accountability in decision-making and recruitment of EU civil servants.

Access to documents

The Commission is called on to improve the way it handles requests for public access to documents, to deal with its systemic delays as a matter of urgency and to respect deadlines. It is also called on to guarantee public access to environmental information and to promote public participation in decision-making relating to the **environment**. Members are concerned that the Commission's refusal to provide access to all documents requested concerning the greenhouse gas emissions reported under the EU Emissions Trading System extends to further industrial facilities beyond the ceramics industry and called on the Ombudsman to continue raising awareness on the findings of the investigations with a view to increasing transparency.

The report recalled that a considerable number of petitions to the European Parliament concern the lack of or limited access to environmental information.

Members supported the Ombudsman in her efforts to further contribute to the clarification of **what constitutes an EU document** and stressed that the EU institutions should follow the Ombudsman's recommendations in order to adapt their administrative practices to take into account evolving means of communication. They underlined that citizens' right to public access to information applies to written physical and electronic documents, as well as to audio and audio-visual recordings related to policies, activities and decisions of the EU institutions, and recalled that work-related text messages and instant messages are considered 'documents' under Regulation 1049/2001. They regretted the cases where the Commission failed to grant public access to documents in the form of emails or text messages, such as those regarding the draft EU soil, forest and climate-adaptation strategies or exchanges between the Commission President and the CEO of a pharmaceutical company in relation to the purchase of COVID-19 vaccines.

Fundamental rights

Members appreciated the Ombudsman's commitment to upholding fundamental rights in migration-related actions. They noted that the Ombudsman asked for further clarification from the Commission as to how it intends to guarantee respect for human rights in the context of the EU-Tunisia Memorandum of Understanding, in an effort to ensure that the EU complies with its human rights obligations.

Ethical issues

The report welcomed the Ombudsman's inquiries following the **Qatargate** scandal in Parliament and strongly supported the Ombudsman's conclusions that the EU's ethical and anti-corruption rules need to be respected and strengthened by the EU institutions and that Parliament's implementation of reforms in this area must be properly monitored and enforced at all levels.

Members stressed the need for Parliament and the Commission always to pay close attention to **direct and indirect lobbying** activities in order to identify gaps and weaknesses that may compromise transparency and accountability and increase the risk of potential conflicts of interest.

The report also took note of the Ombudsman's investigations into risks of **conflicts of interest** in the Commission, especially in the area of the European Defence Fund (EDF), including the fact that the Commission is not required to make public the names of the experts it consults on EDF-related projects. In this context, it pointed to the Ombudsman's suggestion that the Commission should proactively publish the declarations of interest made by the members of the Regulatory Scrutiny Board and, if needed, amend the relevant rules governing the Board.

Members noted the Ombudsman's call on the European Investment Bank (EIB) to improve its rules on conflicts of interest and to strengthen the oversight role of its Ethics and Compliance Committee, following the move of its vice-president to become the CEO of a national promotional bank. They encouraged the Ombudsman, in this regard, to continue focusing on the issue of **cooling-off periods and revolving door moves** by senior staff members from all EU institutions, agencies and bodies in order to ensure the highest ethical standards of transparency and public accountability.

Members are worried that the Ombudsman identified several transparency concerns in the Commission's interactions with the **tobacco industry**. They noted, however, that the Commission committed to further assessing the exposure of its departments to lobbying by the tobacco industry.

Lastly, Members praised the Ombudsman for her continuous constructive working relationship with the Commission, which is the EU institution affected by the majority of the Ombudsman's inquiries.

Activities of the European Ombudsman – annual report 2023

2024/2056(INI) - 17/12/2024 - Text adopted by Parliament, single reading

The European Parliament adopted by 598 votes to 17, with 37 abstentions, a resolution on the annual report on the activities of the European Ombudsman in 2023.

Members approved the annual report for 2023 presented by the European Ombudsman and congratulated Emily O'Reilly on her remarkable work and her tireless efforts to support democracy by enhancing the accountability and transparency of the EU institutions, bodies, offices and agencies. They expressed its appreciation for the constructive cooperation between the European Ombudsman and the European Parliament, in particular its Committee on Petitions.

Inquiries

In 2023, the Ombudsman opened **398 inquiries**, of which 393 were complaint-based and five were own-initiative inquiries, while closing 372 inquiries (369 complaint-based and 3 own-initiative inquiries).

Most of the Ombudsman's inquiries concerned the Commission, while the next largest numbers concerned the European Personnel Selection Office (EPSO), the European Parliament and the European Border and Coast Guard Agency (Frontex).

In the inquiries closed by the Ombudsman in 2023, **no maladministration was found** in 99 (26.6 %) cases, a solution was achieved, partly achieved or settled by the institution in 206 (55.4 %) cases, no further inquiries were justified in 46 (12.4 %) cases and maladministration was found in 27 (7.3 %) cases.

The top three concerns in the inquiries closed by the Ombudsman in 2023 were **transparency and accountability** (e.g. access to information and documents) (34.2 %), **culture of service** (21.5 %) and **recruitment** (15.3 %), whereas other concerns include good management of personnel issues, proper use of discretion (including in infringement procedures), proper management of infringement procedures, respect for fundamental rights, respect for procedural rights, grants, procurement, contracts, ethics, public participation in EU decision-making and sound financial management.

Access to documents

Stressing that public access to documents is a **fundamental right** of EU citizens and a cornerstone of European democracy, Members called on the Commission to improve the way it handles requests for public access to documents, to deal with its systemic delays as a matter of urgency and to respect deadlines. They strongly believe that any negotiations on the revision of Regulation (EC) No 1049/2001 should be based on the position already adopted by Parliament and that its scope should be extended to all EU institutions, bodies and agencies, thus enhancing the accountability of the decision-making process.

The Commission is also called on to guarantee public access to **environmental information** and to promote public participation in decision-making relating to the environment. Members recalled that a considerable number of petitions to the European Parliament concern the lack of or limited access to environmental information.

Parliament supported the Ombudsman in her efforts to further contribute to the clarification of what constitutes an **EU document** and stressed that the EU institutions should follow the Ombudsman's recommendations in order to adapt their administrative practices to take into account evolving means of communication. It underlined that citizens' right to public access to information applies to written physical and electronic documents, as well as to audio and audio-visual recordings related to policies, activities and decisions of the EU institutions, and recalled that **work-related text messages and instant messages are considered 'documents'** under Regulation 1049/2001.

Members regretted the cases where the Commission failed to grant public access to documents in the form of emails or text messages, such as those regarding the draft EU soil, forest and climate-adaptation strategies or exchanges between the Commission President and the CEO of a pharmaceutical company in relation to the purchase of COVID-19 vaccines.

Fundamental rights

Members appreciated the Ombudsman's commitment to upholding fundamental rights in **migration-related actions**. They noted that the Ombudsman asked for further clarification from the Commission as to how it intends to guarantee respect for human rights in the context of the EU-Tunisia Memorandum of Understanding, in an effort to ensure that the EU complies with its human rights obligations.

Ethical issues

Parliament welcomed the Ombudsman's inquiries following the Qatargate scandal in Parliament and strongly supported the Ombudsman's conclusions that the EU's ethical and anti-corruption rules need to be respected and strengthened by the EU institutions and that Parliament's implementation of reforms in this area must be properly monitored and enforced at all levels. Members stressed the need for Parliament and the Commission always to pay close attention to **direct and indirect lobbying activities** in order to identify gaps and weaknesses that may compromise transparency and accountability and increase the risk of potential conflicts of interest.

Parliament took note of the Ombudsman's investigations into **risks of conflicts of interest** in the Commission, especially in the area of the European Defence Fund (EDF). It also took note of the Ombudsman's call on the European Investment Bank (EIB) to improve its rules on conflicts of interest and to strengthen the oversight role of its Ethics and Compliance Committee, following the move of its vice-president to become the CEO of a national promotional bank. Members encouraged the Ombudsman, in this regard, to continue focusing on the issue of **cooling-off periods and revolving door moves** by senior staff members from all EU institutions, agencies and bodies.

Members are worried that the Ombudsman identified several transparency concerns in the Commission's interactions with the **tobacco industry**. They noted, however, that the Commission committed to further assessing the exposure of its departments to lobbying by the tobacco industry.

Lastly, Parliament regretted that not all Member States have yet fully and consistently transposed the European Accessibility Act (the deadline for transposition by Member States expired on 28 June 2022) and that they continue to accumulate delays, as confirmed by the ongoing infringement procedure opened against them by the Commission. The Ombudsman is invited to address this very serious violation of EU law, which undermines the rights of persons with disabilities.