



Annual Report 2018

Introduction

Emily O'Reilly, European Ombudsman

It is a great pleasure to present our Annual Report for 2018 for the office of the European Ombudsman.

The office has seen a strong increase in complaints inside my mandate from citizens, civil society, businesses and media. I attribute this not to worsening standards of administration within the EU but because of a higher awareness of the work my office does and the positive outcomes we can achieve. I am grateful to the EU institutions, agencies and bodies for their cooperation in this work and to the European Parliament in particular for its continuing support.

This year was also notable for the use of one of the Ombudsman's infrequently used powers: that of submitting a Special Report to the European Parliament which I did in a report concerning the accountability of the Council of the European Union.

For many decades public perception of the EU has been partly shaped by the damaging myth that national governments have little or no say over the making of EU laws. It is therefore important for EU democracy and for informed public debate that this myth be challenged.

Therefore, as the public has a right to know how their governments contribute to the making of EU legislation, I asked the European Parliament to support my proposals to improve legislative transparency in the Council. I was very grateful to Members of Parliament for giving such strong backing to my proposals and I hope that it will lead to concrete change before the 2019 European elections.

This year also saw the formal launch of the 'Fast-Track' procedure for access to documents requests. This procedure, under which our office aims to reach a finding on a complaint within 40 days, has yielded some good results for complainants.

Part of the work of an ombudsman is proactively to monitor how rules on ethics and accountability are being implemented. In 2018, I completed a mapping exercise on how 15 institutions have managed the rules regarding senior staff moving to the private sector. I was pleased to see that there is high awareness among the institutions about the importance of strong rules on this revolving door issue although more work needs to be done.

As a follow-up to the #MeToo movement which continues to highlight harassment and especially against women, I decided to check what anti-harassment policies the EU



administration has in place. I wrote to 26 EU institutions and agencies asking for details of the policies; how they are implemented; whether harassment complaints have been received; and how they have dealt with them. My analysis has now been published which I hope will be helpful in the challenging work of eliminating workplace harassment.

My office has frequently dealt with complaints concerning the use of the official languages of the EU by the institutions. To initiate discussion, we asked for people's views on issues such as the language policies of the EU websites or to what extent technology can be used to provide translations. An analysis of the responses will be sent to the European Commission.

In March we held our annual Brussels conference of the European Network of Ombudsmen. The main theme was how ombudsmen can help to build more inclusive societies. A follow-up seminar in September, hosted by my office, discussed the lessons to be drawn from the OECD's survey on the role of ombudsman institutions in the promotion of open government.

In October I was delighted to announce the opening of the Award for Good Administration in 2019. The projects will be celebrated and the winners announced in a ceremony in June 2019.

In short, 2018 was a busy and successful year. As we look ahead to 2019 with its important European elections, and the ongoing debates about the future of democracy in a digital age, the obligation on the EU institutions to uphold the highest ethical and accountability standards is stronger than ever.

Emily O'Reilly

1 2018 at a glance

January

Ombudsman recommends ECB President Draghi suspend his Group of 30 membership

February

'Fast-Track' procedure for access to documents complaints launched

March

European Network of Ombudsmen annual conference in Brussels

April

Ombudsman gives speech to mark annual European Citizens' Initiative (ECI) Day

May



Ombudsman sends Special Report to Parliament on lack of Council legislative accountability

June

Ombudsman receives Vision for Europe award in Prague

July

Launch of public consultation on the use of languages in the EU institutions

August

Recommendations concerning European Commission's appointment of its Secretary-General published

September

Ombudsman hosts seminar on the role of ombudsman institutions in open government

October

Award for Good Administration 2019 launched

November

Ombudsman takes part in the 2018 Annual Colloquium on Fundamental Rights

December

Ombudsman goes to Washington DC for discussions on US and EU ethics and transparency rules

2 Key topics

The European Ombudsman helps members of the public as they engage with the EU institutions, bodies and agencies. Problems that arise range from lack of transparency in decision-making or refusal of access to documents to violations of fundamental rights to contractual issues.

2.1 Accountability in EU decision-making

For Europeans to exercise their democratic right to participate in the EU's decision-making process, and to hold those involved to account, legislative deliberations must be sufficiently



transparent.

The Ombudsman made a number of recommendations to the Council of the European Union to allow the public to follow the EU legislative process more easily. These included that the Council should systematically record the identities of Member States positions in preparatory bodies as well as develop clear criteria for applying the 'LIMITE' (restricted) status to documents. Ms O'Reilly also proposed that the Council develop a dedicated webpage for each legislative proposal and improve the user-friendliness of the public register of documents. The Ombudsman called for the European Parliament's support on the matter by issuing a Special Report. Members of the European Parliament overwhelmingly backed the Ombudsman's proposals in a plenary vote.

Accountability in decision-making also applies to the more intricate part of the EU decision-making process, including comitology – a set of procedures through which Member States control how the European Commission implements EU law. A Member of the European Parliament turned to the Ombudsman after the Commission granted only partial access to the minutes of meetings of Member State representatives to discuss and decide on EU rules on car emissions. Pointing out that understanding how an implementing act comes about and which positions the different Member States' representatives hold is vital in an accountable democratic system, the Ombudsman asked the Commission to greatly increase access to the minutes of the meetings.

European Ombudsman

O'Reilly: Making the EU legislative process more accountable to the public, by being more open, would send an important signal ahead of the European elections in 2019
[#euco #transparency](http://europa.eu/!md66Du)

Emily O'Reilly: making the EU legislative process more accountable to the public, by being more open, would send an important signal ahead of the European elections in 2019.

"If citizens do not know what decisions their governments are taking while shaping EU law, the 'blame Brussels' culture will continue." Emily O'Reilly

The EU occasionally sets up ad hoc groups to advise on policy areas. One such group – the Group of Personalities – advised the Commission on how the EU can support research related to the Common Security and Defence Policy. An NGO complained to the Ombudsman about the lack of transparency around this group, noting that it did not appear on the Commission's register of expert groups, which supply expert advice on policies. The Ombudsman found that the group carried out the same functions as an expert group – and therefore asked it to publish its meeting agendas, minutes and submissions by participants. Any future Group of Personalities should also apply the same transparency standards, said the Ombudsman.

European Ombudsman



#EOpress : We found four instances of maladministration in the appointment of the @EU_Commission's Secretary-General.

<https://www.ombudsman.europa.eu/en/press-release/en/102716> ...

We found four instances of maladministration in the appointment of the European Commission's Secretary-General.

"The Commission should learn from the lessons of this affair and develop a new procedure for appointing its Secretary-General." Emily O'Reilly, European Ombudsman

Accountable decision-making also applies to internal decisions within an institution. Following two complaints, the Ombudsman examined the manner in which the European Commission appointed its Secretary-General in February 2018 and found four instances of maladministration, including the creation of an artificial sense of urgency to fill the post. The Ombudsman noted that the responsibility for the maladministration rested with the Commission collectively and asked that in future there be a specific appointment procedure for the Secretary-General. The Commission refused to put in place such an appointment procedure despite the Parliament's support for the Ombudsman's recommendations. The Ombudsman then closed the inquiry, noting that she regretted that the Commission had missed the opportunity to restore public trust after the problematic appointment of its highest-ranked official.

2.2 Lobbying transparency

Much of the Ombudsman's work concerns sensitising the EU administration to certain issues, including the damage done to public perception of the EU by revolving doors – where EU officials take positions in the private sector, or where individuals join the EU institutions from the private sector. These moves can raise concerns about conflicts of interest or lobbying of former colleagues.

The Ombudsman carried out an inquiry in the past regarding how the Commission handles revolving door situations concerning staff and made suggestions as to how it can strengthen procedures for implementing rules in this area. Ms O'Reilly followed up in 2017 by opening an own-initiative inquiry into the extent to which the Commission had implemented her proposals.

The Commission's revised rules on revolving doors came into place in September 2018, and govern activities taken when staff are on personal leave as well as when staff leave the institution to work elsewhere. The Commission annually makes around 2 000 conflict of interest checks of incoming staff members, and around 400 checks of staff members who intend to take up employment outside the EU administration.

The Ombudsman's analysis found the Commission's management of revolving door situations fell short in two main respects. It was not publishing details about the instances of senior staff moving to another job in all cases (but only for those where it identified a



potential for lobbying) and the information is only published once a year. The Ombudsman asked for details of all cases to be published and reiterated her past proposal that the Commission publish information on individual cases more regularly.

The Ombudsman suggested several other practical measures. She proposed that if the Commission imposes conditions on a former staff member, then the person concerned should inform their future employer. Ms O'Reilly also suggested that when a former senior staff member is placed under a temporary lobbying ban, the Commission should inform that person's former colleagues within the institutions. A further proposal is that former senior staff's moves to the private sector be published directly on the Transparency Register.

European Ombudsman

Post-mandate activities of former Commissioners: @EU_Commission should do more to strengthen procedures, limit conflicts of interest and increase citizens' trust
<http://europa.eu/!yu83bM>

Post-mandate activities of former Commissioners: the European Commission should do more to strengthen procedures, limit conflicts of interest and increase citizens' trust.

"Ex-Commissioners have a right to post-office employment but as former public servants they must also ensure that their actions do not undermine citizens' trust in the EU." Emily O'Reilly

The Ombudsman also examined how 15 EU institutions and bodies (including the European Parliament, the Council, and the Court of Auditors) publish information when their senior staff members request approval to take up external employment, including how often such information is published and the scope and content of the information.

While she found high awareness among the 15 institutions about the importance of robust implementation of rules in this area, the Ombudsman nevertheless made some suggestions for improvement. Ms O'Reilly proposed the institutions publish information on all cases where they assess a request to take up outside employment; and that when the former staff member is moving to an organisation on the Transparency Register, the information published on their case should include a link to the organisation's entry on the Transparency Register.

2.3 Access to documents

The 'Fast-Track' access to documents procedure was formally launched in February and quickly became an important part of the case inquiry landscape. Under the system, the office decides within five working days of receipt of a complaint whether it can be looked into and aims to have a finding within 40 days.

A Belgian NGO used the procedure for a document access request to the European Defence



Agency (EDA). The inquiry led to the documents (related to lobbying on the European Defence Research Programme) being released as well as the EDA making improvements to its procedures and systems for handling and responding to access to documents.

Sometimes the institution concerned de facto prevents access to a document by being slow to respond to the initial request. This happened when a German citizen requested access to briefing documents for meetings between the EU Budget and Human Resources Commissioner and third parties. The complainant turned to the Ombudsman as the Commission had not taken a decision on the request after more than a year. During the inquiry the Commission said it was still not able to take a position on the request leading the Ombudsman to issue a recommendation for unreasonable delay. The Commission then released documents from 12 meetings, which the Ombudsman found to be an appropriate step.

Ms O'Reilly after another inquiry encouraged the Commission to take a pragmatic and citizen-friendly approach to transparency to avoid giving a false impression of secrecy. The Commission had granted partial access to documents to a journalist related to an EU project to provide free Wi-Fi hotspots in towns. The Ombudsman found that the redactions the Commission made to the documents were, as the Commission said, outside the scope of the complainant's request. However, Ms O'Reilly proposed that when only a small part of a document is beyond what the complaint is asking for, the Commission should in future consider simply making public that information as well.

European Ombudsman

@EUOmbudsman inquiry on contacts with the defence industry: @EUDefenceAgency gives access to documents and improves #transparency procedures
<https://www.ombudsman.europa.eu/cases/decision.faces/en/98631/html.bookmark> ...

The European Ombudsman's inquiry into the European Defence Agency's contacts with the defence industry: the Agency gives access to documents and improves transparency procedures.

The Ombudsman also issued a recommendation over the Commission's refusal to grant public access to documents related to the use of GMOs as food or feed. Greenpeace, a non-governmental organisation, asked the Commission to give it public access to documents setting out the different options considered by the Commission before presenting its proposal, as well as documents about the way in which the option presented in that proposal was selected.

A further case seeks to establish clarity on when emails can be considered documents for the purpose of access to document requests. In this inquiry the Ombudsman asked the Commission to set out its internal policy for when staff emails are considered as documents and to reply to the Ombudsman's view that access to staff emails could be necessary in the handling of requests for public access to EU documents.



2.4 Fundamental rights

The Ombudsman regularly deals with complaints concerning fundamental rights such as equality and non-discrimination. A staff member at the European Investment Bank (EIB) turned to the Ombudsman to complain about gender discrimination at the bank. The complainant had submitted a report under the bank's whistleblowing policy suggesting that the bank did not give women the same opportunities as men to access management positions. The Ombudsman found that the EIB took too long to reply to the complainant's report and asked the EIB to tighten its whistleblowing policy, which it agreed to do. The Ombudsman also called on the Bank to try harder to achieve a balanced representation of both men and women in management positions, and to aim higher than its target of 33% women in management positions by 2021.

The Ombudsman in late 2018 followed up on a previous inquiry into whether fundamental rights are being respected when Member States implement EU cohesion policy. Ms O'Reilly asked the Commission what steps it has taken to help Member States put in place arrangements to examine complaints concerning the European Structural and Investment Funds. As the inquiry concerned how EU funds are being spent in Member States, the Ombudsman also invited members of the European Network of Ombudsmen to look into how their governments are implementing the rules.

European Ombudsman

@EIB accepts our recommendations on how to better handle gender discrimination and equal opportunity concerns. We have also suggested they work toward a more balanced gender representation at management level <https://europa.eu/!Rq33HH>

The European Investment Bank accepts our recommendations on how to better handle gender discrimination and equal opportunity concerns. We have also suggested they work toward a more balanced gender representation at management level.

In early 2018, two trade unions complained to the Ombudsman about a European Commission paper and staff working document on air traffic management. The complainants felt it did not respect the fundamental right to strike and that the Commission had no power to act in this area. The Ombudsman found that, by encouraging Member States in a non-binding way to apply certain practices in the event of a strike, the Commission had not gone beyond its strict remit. She also did not find evidence to suggest that any of the practices encouraged by the Commission violated the fundamental right to strike.

2.5 Ethical issues

Part of the Ombudsman's work is sensitising the EU institutions to how they – or their actions – are perceived by the public. In this spirit, and following a complaint by a Brussels-based



transparency NGO, Ms O'Reilly asked Mario Draghi, President of the European Central Bank (ECB), to suspend his membership of the Group of Thirty (G30), a private organisation consisting of heads of major private and central banks as well as members of academia. As some of the G30 members are the heads of banks that are directly or indirectly supervised by the ECB, the Ombudsman found that the ECB President's continued membership of the G30 could undermine public confidence in the independence of the bank. The ECB refused to implement the proposals suggested by the Ombudsman. Ms O'Reilly, while regretting the bank's stance, expressed the hope that her recommendation would prompt greater awareness of such issues in future.

European Ombudsman

O'Reilly: Interactions with the G30 should be as transparent as possible and not based on membership which undermines the transparency steps @ECB has made in recent years
<http://europa.eu/!hx39Dd>

Emily O'Reilly: interactions with the G30 should be as transparent as possible and not based on membership, which undermines the transparency steps the European Central Bank has made in recent years.

"It is important to demonstrate to the public that there is a clear separation between ECB as supervisor and the finance industry which is affected by its decisions." Emily O'Reilly

The Ombudsman welcomed the Commission's announcement in early 2018 that it would start publishing details about Commissioners' travel expenses every two months. The Commission's move came as the Ombudsman was inquiring into a complaint by transparency NGO Access Info Europe into how the Commission handled public access requests to Commissioners' travel expenses in 2016. In her closing decision, the Ombudsman called the new publishing policy "a very positive step towards greater transparency in this area".

In the wake of the #MeToo movement, the Ombudsman decided to run a check on what anti-harassment policies the EU administration has in place. She wrote to 26 EU institutions and agencies asking for details of the policies; how they are implemented; whether harassment complaints have been received; and how they have dealt with them. The best practices identified by the Ombudsman cover awareness-raising, training, risk assessment, monitoring of policies and rehabilitation measures. In a general remark, the Ombudsman notes that all EU staff, regardless of their status, should be protected from harassment and that this protection should extend to acts committed by all categories of personnel.

The Ombudsman also made specific suggestions to the European Parliament on how to strengthen its procedures for handling harassment complaints. This followed a complaint by a staff member of a political group in the Parliament about the length of time the Parliament's Advisory Committee was taking to assess his harassment case. The Ombudsman noted that shortcomings in the procedures could reflect negatively on anti-harassment procedures across the EU civil service generally and proposed that the



Parliament draw up guidelines on the timescale for the Advisory Committee to conclude its work on individual cases.

2.6 EU agencies and other bodies

In addition to opening complaint-based or own-initiative inquiries, the Ombudsman seeks to influence change in the EU institutions by other means, including by taking part in public consultations that touch on her area of work. Ms O'Reilly wrote to Commission President Jean-Claude Juncker in early 2018 with proposals concerning the transparency of the EU risk assessment model in the food chain. Among her suggestions were that the European Food Safety Agency should publish, without undue delay, the agendas and minutes of meetings related to risk assessment. She also noted that the public interest in the robustness of scientific studies usually trumps commercial interests in having scientific findings protected.

Continuing with her own-initiative inquiry into how the European Medicines Agency (EMA) deals with interactions with pharmaceutical companies before those companies submit applications for market authorisations, the Ombudsman launched a public consultation on the issue in October 2018. The consultation asked for views on whether these “pre-submission” activities are sufficiently transparent and on whether there needs to be more transparency about the scientific advice EMA provides to medicine developers. The consultation ran until end of January 2019.

An inquiry concerning how the European Aviation Safety Agency (EASA) treats safety reports resulted in the agency changing its practice so that those who report safety concerns receive feedback on whether EASA has the power to act on the issues raised. The policy change came after an aircraft maintenance mechanic turned to the Ombudsman as he had not received any feedback on a safety report he had submitted.

A business company turned to the Ombudsman after the European Research Agency (REA) attempted to recover a part of its contribution paid to the company as part of an EU-funded project. Following the Ombudsman's intervention, the REA admitted its initial explanation to the complaint about why it wanted to recover the fund had not been sufficiently clear and offered the complainant a further opportunity to provide explanations on matters raised by the REA.

European Ombudsman

How does @EMA_News engage with medicine producers before they apply for EU market authorisations? We invite you to comment by 31 January 2019 <https://europa.eu/!XY76tj>

How does the European Medicines Agency engage with medicines producers before they apply for EU market authorisations? We invite you to comment by 31 January 2019.

2.7 EU contracts and grants



Each year the Ombudsman deals with several cases concerning EU funds. While the European Commission rightly ensures that the funds are allocated and spent appropriately, there are sometimes misunderstandings or difficulties arising from this verification procedure.

In one case, the owner of a Croatian company, which was part of a consortium that carried out an EU-funded project, turned to the Ombudsman after the Commission sought to recover funds totalling more than the company had received. After the Ombudsman's intervention the Commission agreed to reduce the amount it would recover by over EUR 300 000. However, it did not apologise to the complainant nor did it implement another recommendation of the Ombudsman, which was to review an aspect of its audit findings. The Ombudsman suggested that the Commission should in the future ensure that its actions, while enforcing financial rules, should be fair and proportionate and better reflect the values on which the EU is based.

EUA

EUA welcomes the European Ombudsman's decision and looks forward to keep working with its #LatinAmerican partners

<https://eua.eu/component/tags/tag/65-latin-america-the-caribbean.html> ...

The European University Association welcomes the European Ombudsman's decision and looks forward to keep working with its Latin American partners.

Another case concerned the European Commission's decision to recover funds granted to a German non-governmental organisation under the EU's LIFE+ programme. The Commission considered that the funds in question constituted profit for the NGO and wanted to recover EUR 214 707. The complainant contested the Commission's position and turned to the Ombudsman. During the inquiry, the Commission agreed that it would no longer try to recover the funds.

A further funds-related inquiry was opened when the European University Association complained to the Ombudsman as the Commission had refused to pay costs (EUR 83 000) incurred by the organisation in relation to the ALFA-PUENTES project – a project to foster Latin-American regional integration. The Ombudsman found that the Commission had not provided sufficient justifications for its refusal to pay the amount to EUA and asked it to do so. In response the Commission discussed the matter with the complainants again and agreed to pay the costs.

2.8 Citizen participation in EU policy-making

The EU, which has 24 official languages and more than 500 million citizens, is committed to respecting and safeguarding linguistic diversity. This makes the languages used by the EU institutions to communicate with the public of great importance. All EU laws must be



published in all of the official languages but outside of these specific instances, EU institutions have some discretion about the languages to use in specific situations.

However, there is inconsistency across the institutions about when and how they apply language policy, with a particular area of concern being the websites of the institutions. The Ombudsman ran a public consultation from July to September asking for comments on how the EU institutions can best communicate with the public. The consultation received 286 responses, of which the vast majority came from individuals (247), while three came from Member States and two from EU agencies. An analysis of the replies will be published on the Ombudsman's website in 2019.

Citizen participation in policy-making is dependent on people having timely access to relevant information. One access to documents case illustrates this well – an animal rights NGO turned to the Ombudsman after the Commission refused access to documents on the calculations performed to estimate animal use for a draft impact assessment. The assessment was carried out as part of an amendment to the EU's law governing the authorisation and evaluation of chemicals (REACH). During the inquiry, the Commission released the documents – a step that was also in line with a recent Court of Justice of the European Union ruling on access to documents related to legislative initiatives.

The Ombudsman continued her strong support for the European Citizens' Initiative (ECI) – under which the European Commission should consider legislation on an issue that has gathered over one million signatures from at least seven Member States. In a speech to mark ECI Day, Ms O'Reilly noted that her office would monitor how the planned new legislation on the ECI is implemented.

European Ombudsman

What do you think about the use of languages in the EU institutions? We have launched a public consultation and look forward to receiving your views: <http://europa.eu/!gT39KW>

What do you think about the use of languages in the EU institutions? We have launched a public consultation and look forward to receiving your views.

The European Ombudsman, Emily O'Reilly, with Commission First Vice-President, Frans Timmermans; President of the European Economic and Social Committee, Georges Dassis; and Deputy Minister for the Bulgarian Presidency of the Council of the EU, Monika Panayotova, at the European Citizenship Initiative Day 2018.

3 Communication and co-operation

3.1 Communication

The Ombudsman's Office completed two major steps in 2018 as part of its ongoing aim to raise its visibility. The first was an overhaul of the website, with the new version going live in July. The new website is more user-friendly, with a better search function so that cases are



arranged according to topic; format and date. Major inquiries, publications and events are displayed prominently to allow the user to gain a quick impression of the activities of the office.

The Ombudsman also launched a new video to convey in a simple manner the nature of her work. The video highlights three types of areas the Ombudsman can look into – access to information; problems with EU funding; and transparency in lobbying. The separate inquiry areas are also split into three very short videos, which are easy to share on social media.

The office's Twitter account – @EUOmbudsman – saw a 17% rise in followers over the year while followers of the LinkedIn account increased by 13%. Platforms that the Ombudsman has expanded to more recently such as Instagram saw a large increase (61%) in followers while the Ombudsman's page on Medium increased its readership by 40%.

The Ombudsman launched the Award for Good Administration 2019 in October, following up on the very successful first edition of the award, which saw projects nominated from across a range of EU institutions, bodies and agencies. Nominations for the award can be made by EU staff, or by businesses, associations or civil society groups. Inviting nominations, the Ombudsman noted that "formally recognising this work helps to share best practice across the institutions" and that she hoped it would serve as inspiration for future projects. An award ceremony will take place in June 2019.

The European Ombudsman, Emily O'Reilly, talking to a group of young Europeans during the 2018 European Youth Event in Strasbourg in June.

The Ombudsman's Office was delighted to take part in the 2018 European Youth Event which brought together thousands of young people over two days in Strasbourg in June. Several members of staff participated in the event, explaining how the office helps citizens and how it promotes its work on social media. Ms O'Reilly gave a keynote speech in which she reminded young people of the power of voting. She encouraged them to view the European elections as a chance to use this power to influence decisions taken at the EU level.

European Ombudsman

There are many dedicated #EU public servants out there making that extra effort to help citizens. Give them the acknowledgement they deserve by nominating them for our 'Good Administration Award 2019' here: <http://europa.eu/!Hq47rx> #EOAward

There are many dedicated EU public servants out there making that extra effort to help citizens. Give them the acknowledgement they deserve by nominating them for our Good Administration Award 2019.

European Ombudsman

The #EYE2018 in #Strasbourg is starting. Join the @EUombudsman team to meet the Ombudsman herself & find out what her office can do for citizens and to share your wish list for the #FutureofEurope



The European Youth Event in Strasbourg is starting: join the European Ombudsman's team to meet the Ombudsman herself and find out what her Office can do for citizens, and to share your wish list for the Future of Europe. European Ombudsman

3.2 Relations with EU institutions

3.2.1 European Parliament

The Ombudsman highly appreciates the strong relationship with the European Parliament. Its members elect the Ombudsman, who works to help people facing issues with the Union's administration. During 2018, the Ombudsman addressed the Parliament's plenary session and exchanged views with several committees including the Committees on Petitions, on Legal Affairs, on International Trade, on Constitutional Affairs and on Budgetary Control. The Ombudsman met President Antonio Tajani and held meetings with several Members of the European Parliament, who represented all major political groups. The Ombudsman looks forward to continuing the productive relationship with the newly elected Parliament in 2019. The European Ombudsman handing over her *Annual Report 2017* to the President of the European Parliament, Antonio Tajani.

3.2.2 Committee on Petitions

A continuous dialogue with the Committee on Petitions is essential for an effective system of addressing the concerns of the public who turn to the Committee or the Ombudsman for guidance and help. Whereas the Ombudsman deals with complaints against EU institutions, bodies and agencies, the Committee on Petitions deals with petitions as regards the EU's areas of activity across Europe. In 2018, the Committee worked simultaneously on several files concerning the Ombudsman's work. The Ombudsman was pleased to know that she could rely on strong support from Members of the Committee representing all political groups, and is excited to work with the newly formed Committee.

PETI Committee Press

Joint @EP_Petitions & @EPInstitutional report on the #transparency of legislative discussions in the preparatory bodies of the Council (@EUombudsman 's strategic inquiry) was approved with 31 votes and 3 abstentions.

Joint report of the European Parliament's Committee on Petitions and Committee on Constitutional Affairs on a Special Report by the European Ombudsman. It is in relation to her strategic inquiry into the transparency of legislative discussions in the Council of the EU's preparatory bodies. The joint report was approved by 31 votes and 3 abstentions.

3.2.3 European Commission



The European Commission oversees the majority of EU administrative work and is the subject of much public attention. As the biggest EU institution with an enormous impact on the lives of millions of people, it is natural that a large percentage of the complaints to the Ombudsman concern the work of the Commission. In order to convey the concerns of Europeans, the Ombudsman met President Juncker and several Commissioners in 2018. The Commission already has impressively high standards of public administration. However, many areas still need to be improved. Therefore, a regular, open and honest working relationship between the services of the two institutions is the most effective form of co-operation.

Emily O'Reilly with Jean-Claude Juncker, President of the European Commission.

3.2.4 Other institutions, agencies and organisations

The Ombudsman also upholds relationships with the other EU institutions, bodies and agencies in order to observe and support the administrative culture and inter-institutional co-operation. In 2018, the Ombudsman was in close contact with the European Data Protection Supervisor (EDPS), the European Central Bank (ECB), the European Investment Bank (EIB), the European Court of Auditors (ECA), and several agencies. Strong relationships with all of the EU institutions, bodies and agencies are an important element of the "Towards 2019" strategy of the Ombudsman in order to create a more open and service-oriented EU administration for the benefit of all those living in Europe.

European Court of Auditors

Thank you @EUombudsman Emily O'Reilly for her 1st visit to @EUauditors . Fruitful exchange of ideas with President & Members, with presentation to staff incl Q&A. Sound EU governance at the heart of both institutions & key for maintaining citizens' trust.
<https://www.eca.europa.eu/en/Pages/NewsItem.aspx?nid=10043> ...

Thank you, European Ombudsman, Emily O'Reilly, for your first visit to the European Court of Auditors. There was a fruitful exchange of ideas with the Court President and Members, and a presentation to staff, which included a question and answer session. There is sound EU governance at the heart of both institutions, which is key to maintaining citizens' trust.

3.2.5 UN Disability Rights Convention

As a member of the EU Framework , the Ombudsman protects, promotes, and monitors the EU administration's implementation of the United Nations Convention on the Rights of Persons with Disabilities (CRPD). In September, the Ombudsman took over as chair of the EU Framework for a year.

In her strategic inquiry into the treatment of persons with disabilities under the EU's Joint Sickness Insurance Scheme (JSIS), the Ombudsman recommended that the Commission revise the provisions governing the JSIS to ensure CRPD compliance. The Ombudsman further identified a number of systemic issues relating to the protection of the rights of



persons with disabilities and made a number of suggestions. She also issued a report on her consultation addressed to associations of EU staff members with disabilities – or whose families have disabilities – and the European Disability Forum.

The Ombudsman closed her strategic inquiry on the accessibility of the Commission's websites and online tools for persons with disabilities. She was satisfied that the Commission was taking steps to improve web accessibility, and made a number of suggestions to this end. For example, she suggested that the Commission provide web content in accessible formats that meet higher international standards across a wide range of websites, adopt an action plan on web accessibility, and introduce mandatory training on web accessibility for all staff members working on websites.

In December, the Ombudsman issued recommendations in a joint inquiry into two complaints concerning accessibility of the selection procedures of the European Personnel Selection Office (EPSO) for visually impaired candidates. She asked EPSO to ensure that its online application form for selection procedures be made fully compliant with accessibility requirements for visually impaired candidates. She also called for a timely introduction of assistive technologies for candidates during the computer-based tests, which take place in testing centres around the world.

As a follow-up to her own-initiative inquiry on respect for fundamental rights in the implementation of EU cohesion policy, the Ombudsman wrote to the Commission about the requirement for Member States to have effective complaints mechanisms concerning the European Structural and Investment Funds in place. She asked, for example, what steps the Commission has taken to help Member States put in place such arrangements and how it has been monitoring Member States' compliance with this obligation.

The Ombudsman also wrote to the Commission with regard to European Schools and children with disabilities. She asked the Commission to take the necessary steps to ensure that parents of children with special educational needs who are excluded from European Schools are not required to contribute to the educational costs of their children.

European Ombudsman

Recommendation: #EU should recognise 'serious illness' in staff with #disabilities in line with #UNCRPD recommendations <http://europa.eu/!Hq48YK>

Recommendation: the EU should recognise 'serious illness' in staff with disabilities in line with the recommendations of the United Nations Convention on the Rights of Persons with Disabilities.

3.3 European Network of Ombudsmen

The panellists of the first session of the 2018 conference of the European Network of Ombudsmen (left to right): Emily O'Reilly, European Ombudsman; Andreas Pottakis, Greek Ombudsman; Georges Dassis, President of the European Economic and Social Committee;



Shada Islam, Moderator; Reinier van Zutphen, National Ombudsman of the Netherlands; Ulrike Guérot, Professor of European policy and the study of democracy; and Adam Bodnar, Ombudsman of Poland.

The main event for the European Network of Ombudsmen (ENO) – which consists of 96 offices in 36 European countries and the European Parliament’s Committee on Petitions – was a conference in March bringing the entire Network together, as well as Brussels-based organisations and journalists. The opening session dealt with a theme central to the work of ombudspersons everywhere – how to make society fair and inclusive for citizens. Ms O’Reilly set the scene by urging ombudspersons to help make the recently agreed European Pillar of Social Rights a reality.

The main discussion covered how ombudsmen could better work together to promote social justice; how EU policy fits into the national context and what a future EU could look like. A later discussion focused on how ombudsmen, sometimes working with other bodies such as the EU-funded network SOLVIT, can help citizens who encounter problems because an EU law is not properly enforced. Several ombudsmen drew attention to cross-border issues, such as problems concerning social welfare payments.

Complaints transferred to other institutions and bodies; complainants advised to contact other institutions and bodies by the European Ombudsman in 2018 (1 016 in total) The European Network of Ombudsmen 2018 conference.

As a follow-up to the March conference, the Ombudsman’s Office organised a seminar in Brussels bringing together liaison officers and communication experts from the Network. The seminar looked at how to deepen ENO co-operation; examined best practices for engaging with citizens in today’s hyper connected world; and reflected on what lessons can be drawn from the OECD’s survey on the role of ombudsman institutions in open government.

The ENO continued to focus on parallel inquiries and initiatives among interested ombudsman offices. In early 2018, the Ombudsman closed a strategic initiative examining the implementation of an EU law (Regulation 1005/2009) on substances that deplete the ozone layer. In her closing letter, Ms O’Reilly noted the Commission had not yet assisted Member States in their compliance inspections, even though it is entitled to do so under that particular law. Several national ombudsman offices gave an overview of how the EU law is implemented domestically.

Another initiative involving co-operation with national ombudsmen concerned the extent to which the Commission evaluates the compliance of national Export Credit Agencies (national bodies that give financial support to companies doing business in risky markets) with EU rules on human rights and environmental matters. National ombudsmen were asked for their views on the matter. The inquiry, which came after a complaint by an international coalition of NGOs, resulted in a recommendation as the Ombudsman found the Commission’s annual review of such agencies to be inadequate. The matter was also subject to a hearing by the International Trade Committee in the European Parliament, where Members were supportive of the Ombudsman’s stance. The Commission agreed to address the Ombudsman’s recommendation and, closing the inquiry, the Ombudsman asked the Commission to report back on its progress in a year.



The queries procedure, under which the European Ombudsman's Office assists ENO members by obtaining expert replies from the EU institutions on matters of EU law, continued to be a valuable resource for ENO members. One such query came from the Spanish Ombudsman's Office, which wrote a letter to the European Ombudsman concerning Joint Return Operations coordinated by Frontex. The Spanish office noticed certain problems, including that the people being repatriated were not informed about the existence of a complaints mechanism; and that the mechanism was neither available in hardcopy nor in the appropriate language (in this case Spanish). The query led to Frontex making the form available on its website and in printed form, and translating it into Spanish, Russian, Serbia and Albanian.

European Ombudsman

What is the role of Ombudsman Institutions in #OpenGov? How can they persuade governments to be more transparent? We conducted a survey jointly with @OECDgov which we are presenting now and which you can find here: <http://europa.eu/!Vh33nx> #ENO2018

What is the role of ombudsman institutions in open government? How can they persuade governments to be more transparent? We conducted a survey jointly with the OECD, which we are presenting now and which you can find on the European Network of Ombudsmen conference 2018 website.

Continuing her regular visits to the offices of her national counterparts, Ms O'Reilly in February travelled to Greece where she was received by Ombudsman Andreas Pottakis. As part of the trip, Ms O'Reilly met several members of the Greek government and spoke to local stakeholders and journalists about her work in the area of transparency and accountability in the EU. She also visited the Elaionas refugee camp close to Athens.

Gundi Gadesmann

@EUombudsman meets with Greek Ombudsman Pottakis and his team in Athens to discuss closer cooperation and best practices in dealing with complaints #ENO2018

The European Ombudsman meets the Greek Ombudsman, Andreas Pottakis, and his team in Athens to discuss closer co-operation and best practices in dealing with complaints.

3.4 The Ombudsman visits Washington DC

The European Ombudsman, Emily O'Reilly, in a meeting with the Director of the Office of Congressional Ethics, Omar Ashmawy, in Washington DC.

In December 2018 the Ombudsman went on mission to Washington DC where she met with a broad range of US policy-makers, oversight offices, NGOs, think tanks, academics and other interlocutors to learn about ethics, transparency and accountability standards and rules, as well as their implementation, in the US administration and Congress. The Ombudsman discussed issues such as revolving doors, lobbying, whistleblowers' protection and the



Freedom of Information Act with various US offices. Ms O'Reilly met Members of Congress, Inspectors-General and Special Counsels and gave a speech on populism and public trust at the German Marshall Fund.

EPWashingtonDC

. @EUombudsman Emily O'Reilly and @EdwardGLuce discussing #Populism and Trust in Europe at @gmfus . Europe is a convenient scapegoat for populist politicians. Accountable and transparent institutions more essential than ever. #EE2019

European Ombudsman, Emily O'Reilly, and Edward G. Luce (journalist) discussing populism and trust in Europe at the German Marshall Fund in Washington, DC. Europe is a convenient scapegoat for populist politicians. Accountable and transparent institutions are more essential than ever.

4 Cases and complaints: how we serve the public

The fundamental mission of the European Ombudsman is to ensure the EU's administration serves the public interest, and to help all those facing problems with EU institutions. While the Ombudsman continues to use her own-initiative powers to serve the public interest, the work of the Ombudsman's Office is largely based on complaints from individuals, academics, businesses, and other organisations.

The Ombudsman's Office is constantly seeking to improve its working methods, so that it can be as flexible and efficient as possible in how it assists those who seek help. This was a guiding principle behind the revised implementing provisions for dealing with complaints, which are now well established.

The Ombudsman's new website, launched in 2018, also includes a revised and user-friendly interface for potential complainants. As with the office's diverse team of case handlers, the new website also reflects the Ombudsman's commitment to assist those seeking assistance in all 24 official languages of the EU.

Another new initiative, formally launched in 2018, is the Ombudsman's 'Fast-Track' procedure for dealing with complaints about public access to documents held by the EU institutions. Given the often highly time-sensitive nature of these complaints, the Ombudsman decided to take a more flexible and streamlined approach to dealing with them.

In dealing with access to documents complaints, the Ombudsman's Office now contacts the institution at an earlier stage in the process, where this is necessary. The overall goal is to take a decision within 40 days.

European Ombudsman

Have you faced difficulties while trying to access EU documents? We have launched a new



'Fast-Track' procedure for access to documents complaints <http://europa.eu/!fN66Rh>

Have you faced difficulties while trying to access EU documents? We have launched a new 'Fast-Track' procedure for access to documents complaints.

4.1 Type and source of complaints

4.1.1 Overview of complaints and strategic inquiries

Advice, complaints and inquiries in 2018

While the vast majority of the office's work is complaint-based cases, the Ombudsman also conducts wider strategic inquiries and initiatives when she considers that there are grounds to do so. These cases are launched on the Ombudsman's own initiative, either where she has identified a systemic issue that should be looked into in the public interest, or where she has received one or more complaints on an issue of systemic relevance.

Strategic work in 2018 National origin of complaints registered and inquiries opened by the European Ombudsman in 2018

4.1.2 Complaints outside the Ombudsman's mandate

In 2018, the European Ombudsman processed 1 300 complaints that did not fall within her mandate, mostly because they did not concern the work of an EU institution or body.

These complaints primarily concerned problems that complainants encountered with national or regional public bodies, national or international courts and private entities. The complaints were about issues related to consumer protection (involving banks and airline companies for instance), social security and healthcare, taxation or visa applications. Sometimes, citizens also turned to the Ombudsman based on the misconception that the Ombudsman is an appeals body with jurisdiction over national or regional ombudsman institutions.

In 2018, the Ombudsman received a large number of similar complaints on three issues (more than 10 per issue) that fall outside of her mandate, i.e., temporary contracts for doctors in Spain, an administrative fine levied by the Italian authorities for the absence of a non-transferability clause on cheques and police repression in Romania.

Certain complaints, while being directed against an EU institution or body, also fell outside of the Ombudsman's mandate as they concerned political issues, the legislative work of the European Parliament or the judicial activities of the Court of Justice of the European Union.

In all these cases, the Ombudsman replied to people seeking help in the language of their complaint, explaining the Ombudsman's mandate and providing advice, as far as possible, about other bodies that could help. With the complainant's agreement, the Ombudsman also transferred complaints to members of the European Network of Ombudsmen (ENO).



Complainants expressing discontent with specific EU legislation were usually advised to turn to the European Parliament's Committee on Petitions. Those who raised issues relating to the implementation of EU law were referred to national or regional ombudsmen or to EU networks such as SOLVIT and Your Europe Advice. Alternatively, complainants were informed about the possibility to submit an infringement complaint to the European Commission.

Number of complaints inside the mandate of the European Ombudsman 2008-2018 Number of complaints outside the mandate of the European Ombudsman 2008-2018

4.2 Against whom?

Inquiries conducted by the European Ombudsman in 2018 concerned the following institutions

4.3 About what?

Issue of inquiries closed by the European Ombudsman in 2018

Note: In some cases, the Ombudsman closed inquiries with two or more subject matters. The above percentages therefore total more than 100%.

4.4 Results achieved

Action taken by the European Ombudsman on new complaints dealt with in 2018 Evolution in the number of inquiries by the European Ombudsman Results of inquiries closed by the European Ombudsman in 2018

Note: In some cases, the Ombudsman closed inquiries on two or more grounds. The above percentages therefore total more than 100%.

Length of inquiry of cases closed by the European Ombudsman in 2018

1. Some complex cases require several rounds of consultations with the complainant and the institution concerned: the new implementing provisions are expected to reduce the length of inquiries.

4.5 Compliance with the Ombudsman's proposals

In the context of inquiries, the Ombudsman can make proposals to the EU's institutions and bodies about how to address a problem or improve their administrative practices. These proposals take the form of solutions, recommendations and suggestions.

Each year, the Ombudsman carries out a comprehensive analysis of how the institutions respond to her proposals in inquiries that were closed in the previous year. This analysis, which includes compliance rates and other concrete examples to demonstrate the impact and relevance of the Ombudsman's work, is published in the annual *Putting it right?* report.

In 2017, the EU institutions complied with the Ombudsman's proposals in 81% of instances, a slight decrease from the 85% in 2016. The institutions reacted positively to 80 out of the 99 proposals for improvement made by the Ombudsman. There were 148 other cases in which the Ombudsman considered that the institutions had taken steps to improve how they work. Eight out of the 14 institutions had a 100% compliance rate, while the European Commission



– which accounts for most cases – had a 76% compliance rate.

The report for 2018 will be available at the end of 2019.

5 Resources

5.1 Budget

The Ombudsman's budget is an independent section of the EU budget. It is divided into three titles. Title 1 covers salaries, allowances, and other expenditure related to staff. Title 2 covers buildings, furniture, equipment, and miscellaneous operating expenditure. Title 3 covers the expenditure resulting from general functions that the institution carries out. In 2018, budgeted appropriations amounted to EUR 10 837 545.

With a view to ensuring effective management of resources, the Ombudsman's internal auditor regularly checks the institution's internal control systems and the financial operations that the office carries out. As is the case with other EU institutions, the European Court of Auditors also audits the Ombudsman.

5.2 Use of resources

Every year, the Ombudsman adopts an Annual Management Plan , which identifies concrete actions that the office expects to take to give effect to the objectives and priorities of the Ombudsman's five-year strategy " Towards 2019 ". The 2018 Annual Management Plan is the fourth to be based on this strategy.

The institution has a highly qualified multilingual staff. This ensures that it can deal with complaints about maladministration in the 24 official EU languages and raise awareness about the Ombudsman's work throughout the EU. In 2018, the Ombudsman had a staff of 65.

Cesira D'Aniello, Secretary-General of the European Ombudsman's Office.

In September 2018, Cesira D'Aniello joined the office as Secretary-General, replacing Beate Gminder, who took on new responsibilities at the European Commission.

Detailed information on the structure of the Ombudsman's office and the tasks of the various units is available on the Ombudsman's website .

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