



European
Ombudsman

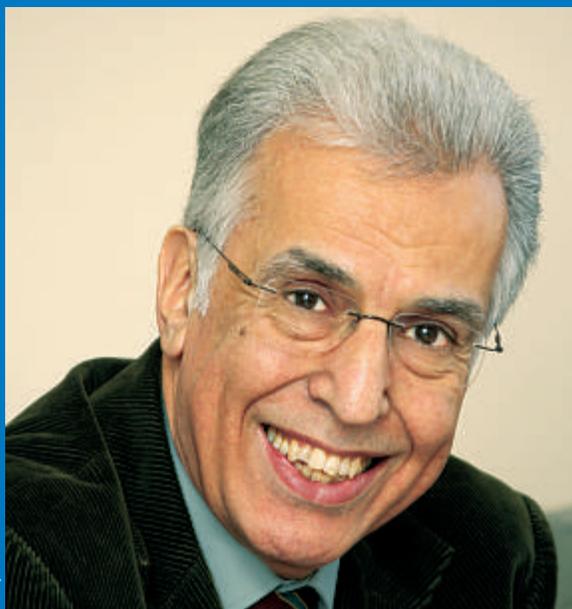
Overview
2011

Dear reader,

Welcome to the Ombudsman's *Overview 2011*. This publication records the most important results obtained by the institution over the past year and outlines the main challenges and opportunities facing it.

Over 22 000 individuals directly helped in 2011

One of the overarching aims of the European Ombudsman's strategy for the 2009-2014 mandate is to ensure that European citizens enjoy their rights fully. The year 2011 was a successful one in this regard, with over 22 000 individuals helped directly by the Ombudsman. This includes individuals who complained to us (we dealt with 2 510 complaints during the year in question), those who received a reply to their request for information (1 284), and those who obtained advice through the interactive guide on our website (18 274). We also published a booklet entitled *Problems with the EU? Who can help you?* to further guide and advise citizens, companies, and associations.



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Over 50% of the complaints were within the competence of a member of the European Network of Ombudsmen. In turn, just over half of these, that is, 27% of the total, fell within the European Ombudsman's mandate. At their Eighth Seminar in Copenhagen in October, the national ombudsmen confirmed their commitment to finding ways, through the Network, better to inform citizens throughout Europe of their rights. This should further enhance our contribution to making the rights of European citizens a reality.

More citizen-friendly procedures

The value that citizens attach to their fundamental right to complain to the European Ombudsman was confirmed in a special Eurobarometer on citizens' rights and the performance of the EU administration.¹

Mindful of this, we focused, throughout 2011, on making our procedures more citizen-friendly. We introduced a new type of inquiry, to allow complainants to clarify their complaint if the Ombudsman is not convinced that there are grounds to ask the EU institution for its opinion on a case. The main outcome of this change was that we opened a record number of inquiries in 2011, namely, 396. This represents an increase of 18% relative to 2010. Improvements to the simplified procedure, which aims at rapidly resolving complaints concerning failure to answer correspondence, mean that complainants no longer have to make a new complaint if they are dissatisfied with the substance of the reply.²

1. Full information on this Eurobarometer is available at: <http://www.ombudsman.europa.eu/en/press/statistics.faces>

2. The main statistical implications of this new approach are that fewer cases are now closed as settled by the institution, while a greater number of cases are closed with a finding of no further inquiries justified.



One consequence of these changes is that it took slightly longer, on average, to complete inquiries – ten months in 2011, compared to nine months in 2010. To my mind, the substantial improvements we have introduced for complainants justify this slight increase. We continued to complete most inquiries (66%) within one year. This is the same percentage as in 2010.

A culture of service in the institutions

The results of the Eurobarometer survey prompted me to search for ways not only to enhance the quality of my own services, but also to encourage the EU administration to improve its performance, by deepening its commitment to the principles of a culture of service to citizens. To that end, we published *The European Ombudsman's guide to complaints*, which was distributed to staff in all EU institutions in November 2011. During my meeting with the College of Commissioners in February, I stressed that offering compensation in appropriate cases should be the next step in deepening the culture of service within the Commission. In May, I launched a programme of visits to EU agencies. The response of some agencies to the Ombudsman's work with complaints has been exemplary, and reinforces my belief that it is worth making the effort to identify and spread best practices, in order to help managers in the agencies who are trying to build and maintain a culture of service.

Finally, we moved forward with our work on developing public service principles for EU civil servants. To this end, we launched a public consultation on the Ombudsman's draft principles in February and published an analysis of the responses received in December. The final version of the principles will be published in the first part of 2012.

Taken together, all these initiatives have, I am persuaded, enhanced the European Ombudsman's capacity better to approximate the goals of building trust through dialogue between citizens and the European Union and of fostering the highest standards of behaviour in the Union institutions, which are set out in the institution's mission statement, and, in so doing, to make its modest contribution to strengthening the rule of law and democracy in the EU.

Strasbourg, 31 January 2012

P. Nikiforos Diamandouros

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The European Ombudsman investigates complaints about maladministration in the EU institutions, bodies, offices, and agencies. Any EU citizen, resident, or an enterprise or association in a Member State, can lodge a complaint with the Ombudsman. The Ombudsman offers a fast, flexible, and free means of solving problems with the EU administration. For further information in the 23 official EU languages, please visit the website (<http://www.ombudsman.europa.eu>), where you will also find this *Overview*, the cases mentioned in this publication, as well as the full *Annual Report 2011* – available in English from May 2012 and in all the other official languages from July 2012.

Star cases from 2011

Ten star cases closed in 2011 illustrate best practice. The institutions' willingness to cooperate with the Ombudsman to achieve a satisfactory resolution of these complaints is an important expression of commitment to the principle of a culture of service. In some of the cases, the complainants' constructive engagement also proved crucial to obtaining a win-win outcome.

Transparency

Case **3072/2009/MHZ** concerned the Commission's "Transparency Register". The Commission accepted the Ombudsman's suggestion to publish general rules concerning (i) its procedures for dealing with Register complaints, (ii) how interest groups should calculate their lobbying budgets, and (iii) how these groups should report their eligible activities for the purposes of the Register.

The European Banking Authority (EBA) took immediate measures to conform to transparency requirements in response to complaint **2497/2010/FOR**. As a sign of its commitment, it agreed to provide access to the list of participants at a public hearing as requested by the complainant.

In case **3106/2007/FOR**, the European Medicines Agency (EMA) agreed to provide public access to suspected serious adverse reaction reports relating to a pharmaceutical product. The Ombudsman welcomed the important progress made by EMA in rendering its work more transparent.

The Commission gave the complainant full access to the documents he requested in case **2609/2010/BEH**, despite initially arguing that they fell within the scope of the exception to public access for protecting defence and military matters.

Contracts and tenders

The Commission took concrete steps, in dealing with case **1786/2010/PB**, to make EU research funding less bureaucratic. This followed the Ombudsman's finding that it was not consistent with the principle of sound financial management to impose obligations that create disproportionate burdens for beneficiaries.

In case **3264/2008/GG**, the Commission acknowledged that it went further than its duties strictly required when it communicated to the complainant's employer assumptions which subsequently proved to be unfounded.

Charter of Fundamental Rights

Cases **1804/2009/MHZ** and **899/2011/TN** concerned a provision in the EU Staff Regulations, whereby a staff member's dependent child allowance may be doubled if his/her child suffers from a serious illness which results in heavy expenditure. Parliament and the Commission respectively responded positively in these cases, which concerned two provisions in the Charter of Fundamental Rights, namely, the integration of persons with disabilities, and fairness as an aspect of the right to good administration.

Language policy

The Office for Harmonisation in the Internal Market (OHIM) agreed to change its language policy in response to the Ombudsman's inquiry in case **2413/2010/MHZ**. Specifically, it agreed to accept written queries from any citizen of the Union in any one of the EU official languages, and to provide an answer in the same language. It also decided to make the homepage of its website available in all EU languages and to explain its language policy on that homepage.

The European Personnel Selection Office (EPSO) agreed, in case **2533/2009/VIK** concerning alleged language discrimination, to publish relevant explanations on its website and responded positively to the complainant's constructive proposals in this regard.

How many complaints and inquiries?

The Ombudsman registered 2 510 complaints in 2011, of which 698 were within his mandate. This compares with 2 667 complaints in 2010, of which 744 were within the mandate. He opened 396 inquiries, compared to 335 in 2010, and completed 318 inquiries during the year (326 in 2010). In total, the Ombudsman handled over 3 828 complaints and information requests – up from 3 700 in 2010.

What action did the Ombudsman take?

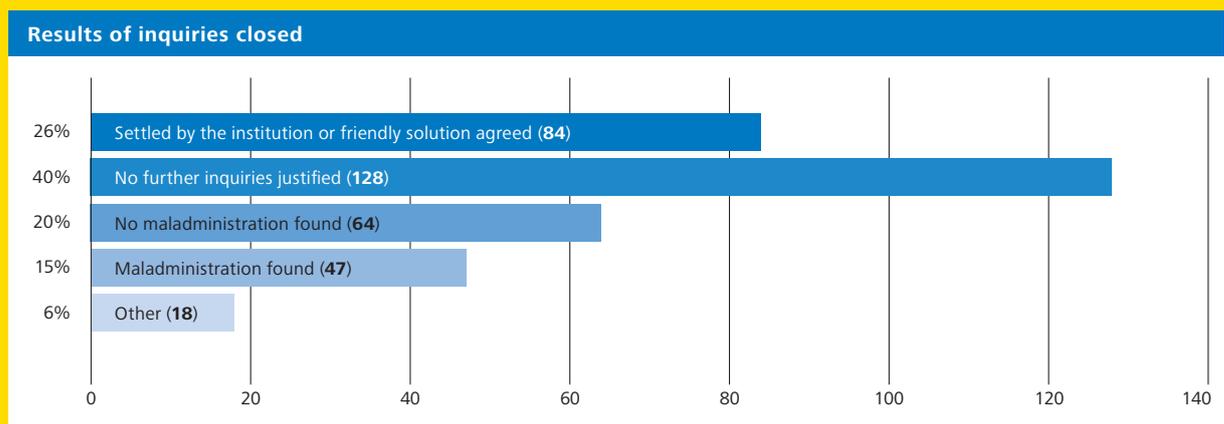
In over 65% of cases (1 667)³, the Ombudsman was able to help the complainant by opening an inquiry, transferring the case to a competent body, or advising the complainant on where to turn. Forty-seven percent⁴ of the cases that the Ombudsman transferred or advised on went to a member of the European Network of Ombudsmen, i.e., a national or regional ombudsman, or the European Parliament's Committee on Petitions. The Ombudsman referred a total of 11% of the cases to the Commission. In 46% of the cases, he encouraged the complainant to contact other bodies, including SOLVIT. This EU-wide network handles problems with cross-border issues that arise when public authorities in the EU Member States incorrectly apply EU law.

Source of complaints where inquiries were closed in 2011

Companies, associations, and other legal persons	18% (57)
Individual citizens	82% (253)

Outcome of inquiries

In 97 cases closed in 2011, a positive outcome was achieved when the institution concerned settled the matter, agreed to a friendly solution, or accepted a draft recommendation. No maladministration was found in 64 cases, while maladministration was found in 47. The institution accepted a draft recommendation in part or in full in 13 of these (compared to seven in 2010), while 35 cases were closed with critical remarks. In 39 cases, the Ombudsman made further remarks to help improve future performance.



Note 1: In some cases, the Ombudsman closed inquiries on two or more grounds. The above percentages therefore total more than 100%.

Note 2: In one case where the Ombudsman found maladministration, he closed the inquiry with both a critical remark and a draft recommendation that the institution fully accepted.

³ This figure includes 124 complaints registered towards the end of 2010 that were processed in 2011. It does not include 38 complaints registered towards the end of 2011 that were still being processed at the end of the year to determine what action to take.

⁴ In some cases, the Ombudsman gave a complainant more than one type of advice.

Inquiries concerning which institutions, bodies, offices, or agencies?

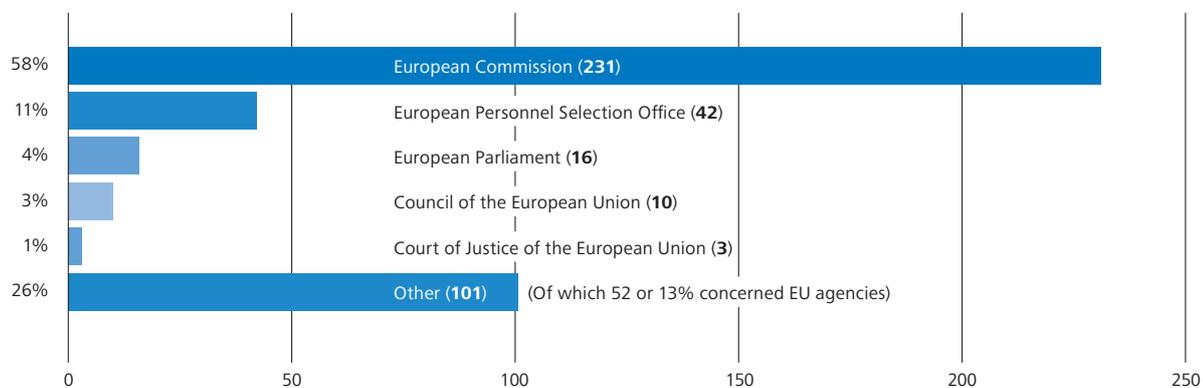
Most inquiries opened in 2011 (231 cases) concerned the Commission (58%). The comparable figure for 2010 was 219 cases. Since the Commission is the main Union institution that makes decisions having a direct impact on citizens, it is normal that it should be the principal object of complaints. Next came the European Personnel Selection Office with 42 inquiries (35 in 2010). Taken together, the Parliament, the Council, and the Court of Justice of the EU were the object of complaints in 8% of the cases in which the Ombudsman opened

an inquiry. It is important to mention that the Ombudsman can only open inquiries into the Court's non-judicial work.

Inquiries concerning what type of maladministration?

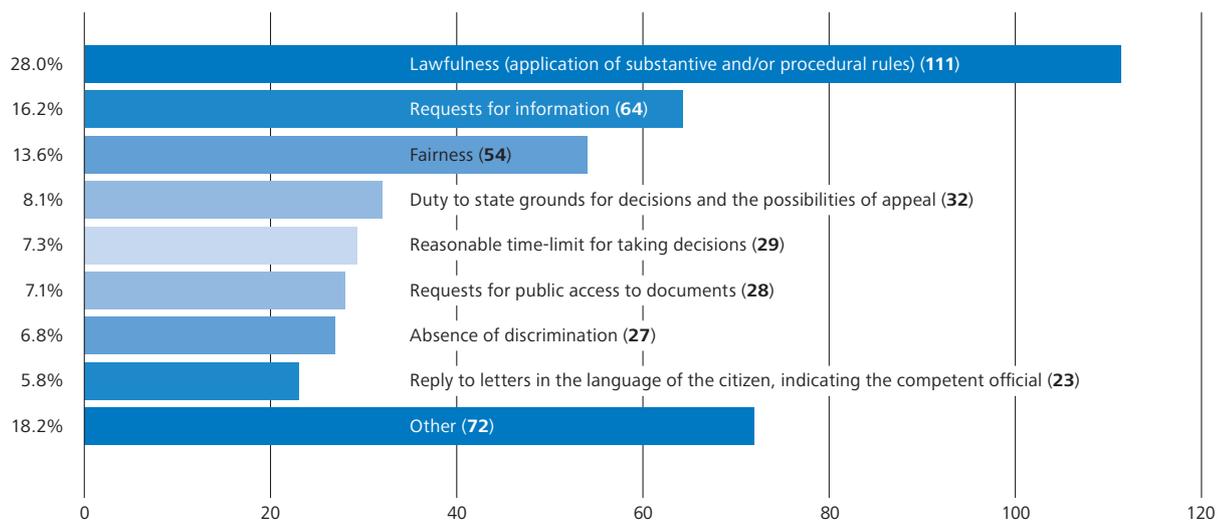
Maladministration occurs when an institution fails to act in accordance with the law, fails to respect the principles of good administration, or when it violates fundamental rights. The main types of alleged maladministration that the Ombudsman investigated in 2011 concerned lawfulness, fairness, and also requests for information.

Institutions and bodies subject to inquiry



Note: The Ombudsman opened one inquiry on his own initiative in 2011, which he addressed to more than one institution. The above percentages therefore total more than 100%.

Alleged maladministration concerning:



Note: In some cases, the same inquiry examined two or more alleged types of maladministration. The above percentages therefore total more than 100%.

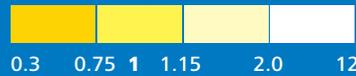
Complaints from whom?

The map below outlines the national origin of the complaints that the Ombudsman registered in 2011. As the complaint ratio shows, the number of complaints originating in a Member State is not necessarily directly proportional to the size of its population.

Country	Number of Complaints	Ratio
Luxembourg	29	11.6
Cyprus	26	5.2
Belgium	190	3.6
Malta	7	2.8
Slovenia	28	2.8
Bulgaria	71	1.8
Ireland	38	1.7
Spain	361	1.6
Portugal	71	1.3
Austria	52	1.2
Czech Republic	64	1.2
Poland	233	1.2
Finland	31	1.1
Slovakia	29	1.1
Lithuania	18	1.0
Hungary	47	0.9
Greece	53	0.9
Sweden	41	0.9
Denmark	23	0.8
Germany	308	0.7
Latvia	9	0.7
The Netherlands	44	0.5
France	167	0.5
United Kingdom	141	0.5
Estonia	3	0.4
Romania	42	0.4
Italy	97	0.3
Other	137	
Not known	150	

Note: The complaint ratio is the result of the percentage of total complaints from each Member State divided by its percentage of the total EU population. The ratio is greater than 1 if more complaints originated in the country in question than might be expected, given the size of its population.

Ratio (% complaints / % population)



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