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European
Ombudsman

ANNUAL REPORT

EN

23



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INTRODUCTION



Emily O'Reilly, European Ombudsman

It is my great pleasure to present the European Ombudsman Annual Report for 2023.

The increasingly complex EU decision-making environment – often fast-moving and involving a wide variety of stakeholders – reinforces the need for and importance of independent oversight bodies such as the European Ombudsman in ensuring that the European administration remains accountable and transparent.

My office's work includes reminding the EU institutions that while some situations may require quick political action, the default mode of a citizen-oriented administration should be one that enables public discussion and scrutiny.

In this light, I asked the European Parliament to support my recommendation to address as a matter of priority the significant delays by the European Commission in handling access to documents requests, particularly when reviewing its initial access decisions. This is only the second time that I have issued a Special Report to Parliament as European Ombudsman and it is a testament to the importance of this issue for democratic oversight. I am grateful to the Committee on Civil Liberties, Justice and Home Affairs for taking up the matter so promptly.

Ethical matters remained central throughout the year. I closely followed the reform process in the European Parliament following the corruption scandal at the end of 2022. While there have been some clear improvements to the Parliament's ethics framework, proper implementation and enforcement of the reforms will be key.

Migration-related inquiries featured strongly in 2023 as I opened an own-initiative inquiry aimed at clarifying Frontex's role in search and rescue operations in the Mediterranean Sea and, in a separate inquiry, asked the Agency to do more to ensure the fundamental rights of migrants are respected during 'debriefing interviews'.

I also asked for more information about the EU-Tunisia Memorandum of Understanding, including whether the Commission had carried out a human rights impact assessment.

Migration was one the main topics at the European Network of Ombudsmen conference in the European Parliament in November. The gathering of national and regional ombudsmen also featured wide-ranging discussions on the use of AI in public administrations as well as the importance of high ethics standards in public life.

I was delighted to hold the fourth edition of the European Ombudsman Award for Good Administration in June. The award ceremony once again highlighted the many excellent initiatives and projects carried out by staff across the EU administration. The overall prize went to Eurojust and the Office of the Prosecutor of the International Criminal Court for their work in helping civil society to document war crimes and crimes against humanity.

The coming year is an important one for democracy in Europe and around the world. The choices people make at the ballot box will not only affect public policy but the functioning of democracy itself, including the checks and balances that safeguard fundamental rights and government accountability. Public administrations across the world will need to navigate the inherent tensions between their independence and the demands of government, using the public interest as their pole star. EU institutions are no different and it is part of the role of the European Ombudsman to act as their guide. As last year's Award for Good Administration shows, the EU is fortunate to have a cadre of hard-working, public-spirited, and independent-minded officials. I look forward to continuing to work with them to show how good public administration can help protect democracy and fundamental rights.



Emily O'Reilly

2023 AT A GLANCE

01 January

[Publication of guide on access to EU documents](#)

02 February

[Ombudsman discusses EU oversight framework with European Court of Auditors, European Anti-Fraud Office, and European Public Prosecutor's Office](#)

03 March

[Inquiry opened into how the European Personnel Selection Office \(EPSO\) carried out EU staff recruitment tests](#)

04 April

[Preliminary inquiry findings show lack of transparency in European Commission's interactions with tobacco lobbyists](#)

05 May

[Ombudsman addresses European Parliament of Persons with Disabilities](#)

06 June

[Award for Good Administration](#)

07 July

[Inquiry opened into role of European Border and Coast Guard Agency \(Frontex\) in search and rescue operations](#)

08 August

[Commission responds positively to Ombudsman's suggestions to draw up a fundamental rights impact assessment for EU-funded migration centres in Greece](#)

09 September

[Special report to the European Parliament on Commission delays in dealing with access to documents requests](#)

10 October

[Inquiry opened into how EU institutions deal with public access requests for legislative documents](#)

11 November

[European Network of Ombudsmen conference](#)

12 December

[Ombudsman highlights remaining concerns about Parliament's new ethics framework](#)

KEY TOPICS

The Ombudsman helps people, businesses, and organisations facing problems with the EU administration. These can include a lack of transparency in decision making, delays or refusals in providing access

to documents, violations of fundamental rights, and contractual issues. The following sections provide an overview of key cases related to particular areas.

3.1. Access to documents

EU citizens have broad rights to access documents held by the EU administration. If they face difficulties gaining access to these documents, they can turn to the Ombudsman for help.

Following an [own-initiative inquiry](#), the Ombudsman asked the European Commission urgently to deal with systemic delays in its handling of access to documents requests, noting that a fundamental rethink is needed to ensure it adheres to deadlines set out in the EU public access law (Regulation 1049/2001). The Ombudsman's inquiry revealed that when individuals seek a review of an access decision, known as a confirmatory request, the Commission misses the deadlines set out in the law in 85% of cases. In September, the Ombudsman sent a [special report](#) to the European Parliament, asking the institution for its formal support in getting the Commission to act on her recommendation. She discussed the report with Members of the European Parliament (MEPs) in the Committee for Civil Liberties, Justice and Home Affairs in November.

The Ombudsman also opened an [own-initiative inquiry](#) into how the Commission, Parliament, and Council of the European Union handle public access requests for legislative documents. Previous Ombudsman inquiries have suggested that the three institutions are not fully adhering to EU law and, more specifically case-law, when it comes to these access requests.

After an [inquiry](#), the Ombudsman asked the Council to give full public access to an opinion of its legal service on a proposed minimum wage law, arguing that greater transparency while negotiations on the draft law were ongoing would have greatly facilitated public



European Ombudsman

We have asked [@Europarl_EN](#) for formal support for our efforts to get [@EU_Commission](#) to reduce systemic delays in dealing with [#AccessToDocuments](#) requests.

"Citizens rightly expect the EU administration to be open, modern, and service-minded. The Commission's approach to access to documents falls far short of these expectations."

Emily O'Reilly



European Ombudsman

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"Citizens rightly expect the EU administration to be open, modern and service minded. The Commission's approach to access to documents falls far short of these expectations."



European Ombudsman

Following several complaints raising concerns about access to legislative documents, we've opened an inquiry into the extent @Europarl_EN, @EUCouncil, and @EU_Commission apply EU court decisions and EU law when it comes to such access requests.



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and not in light of whether it already plans to publish the relevant documents later and to better explain how exactly disclosure could undermine interests protected by transparency rules when refusing access. The Ombudsman's suggestions followed an [inquiry](#) into how the Bank handled an access request for the summary of a project it is financing on the modernisation of an electricity distribution network in Poland. In response, the EIB said it would ensure it handles access requests in line with the Ombudsman's suggestions.

In an [inquiry](#) related to environmental decision-making, the Ombudsman criticised the Commission's refusal to provide access to documents concerning greenhouse gas emissions of the ceramics industry reported under the EU's emissions trading system (EU ETS). The Ombudsman disagreed with the Commission's reasoning that the requested documents did not include more information on emissions into the environment than what was already publicly available as well as the Commission's assessment that there was no overriding public interest in disclosure of the documents. She informed the Commission that she is considering conducting a broader inquiry into how it interprets the scope of environmental information and information related to emissions into the environment.

participation in the EU legislative process. The Council granted access to the requested document following the Ombudsman's recommendation. The Ombudsman also criticised the European Data Protection Board's (EDPB) negative response to multiple public access requests for preparatory documents concerning international data transfers. In response to the [Ombudsman's recommendation](#), the EDPB ultimately granted wider access to the requested documents.

The question of what constitutes an EU document continued to be an issue in 2023. The Ombudsman criticised the Commission's initial failure to include specific emails in the scope of an access request concerning exchanges on draft EU soil, forest, and climate adaptation strategies. During the [Ombudsman's inquiry](#), the Commission agreed to register the emails in question and examine whether they could be released.

In an [inquiry](#) concerning the European Medicines Agency (EMA), the Ombudsman concluded that its practice of automatically placing certain access to document requests in a chronological queue, independent of whether their handling would entail an excessive administrative burden, could not be considered good administration. Noting that EMA is already taking steps to phase out this queue, the Ombudsman asked the Agency to report back to her on its progress.

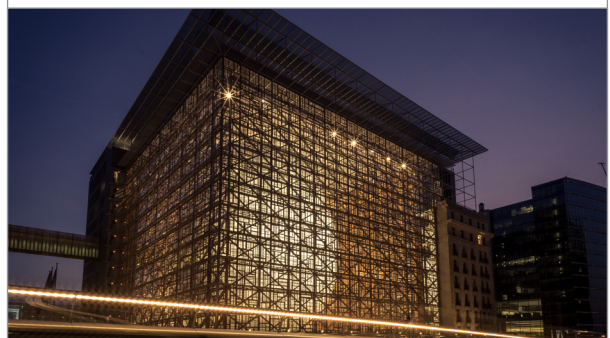
The Ombudsman also made suggestions to the European Investment Bank (EIB) for how it handles access to documents requests. In particular, she asked the EIB to assess access requests on their own merit



European Ombudsman

We have found maladministration in @EU_Council refusal to grant full access to a legal opinion on the draft EU directive on adequate minimum wages.

Greater #transparency while negotiations are ongoing is key for public participation in the EU legislative process.





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3.2. Fundamental rights



Following the drowning of hundreds of people off the coast of Greece on 14 June, the Ombudsman opened an [own-initiative inquiry](#) into the role of the European Border and Coast Guard Agency (Frontex) when it comes to search and rescue missions. The Ombudsman asked to inspect a wide range of documents concerning Frontex's responsibilities in this area, including the formal report of the incident in question (Serious Incident Report) as well as reports of other recent incidents involving a considerable loss of life in the Mediterranean Sea. The Ombudsman's inquiry team subsequently met with Frontex representatives in Warsaw to clarify some of the information provided. The Ombudsman also asked Frontex to provide further documents for inspection.

**European Ombudsman**

We have opened an inquiry to clarify [@Frontex](#) role in search and rescue sea operations following the drowning of over 500 people off the Greek coast on 14 June.

*"Migration to Europe will continue and it is up to the EU to ensure that it acts in a way that **maintains fundamental rights and does not lose sight of the human suffering** that compels people to seek a better life beyond their home countries."*

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European Ombudsman

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In another initiative related to the role of EU institutions in upholding fundamental rights in border management activities, the Ombudsman asked for more information about the Memorandum of Understanding (MoU) signed in July between the EU and Tunisia. Specifically, the [Ombudsman asked](#) the European Commission how it plans to ensure respect for human rights in migration-related actions resulting from the agreement, which provides EUR 105 million in EU funding to

**European Ombudsman**

We have asked [@EU_Commission](#) if it carried out a [#HumanRights](#) assessment before signing the recent agreement with [#Tunisia](#) on border management and migration and if it intends to carry out human rights impact reviews during its implementation.



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Tunisia for border management. The Ombudsman asked the Commission if it carried out a human rights impact assessment prior to signing the MoU as well as whether it intends to carry out periodic reviews during the agreement's implementation. She further asked the Commission whether it has defined criteria for suspending funding if human rights are not respected. In a [separate inquiry](#), the Ombudsman asked the Commission how it ensures EU funds granted to Greece for border management do not contribute to fundamental rights violations.

Following an [inquiry](#) concerning a Frontex joint operation in Spain, the Ombudsman asked the Agency to do more to ensure the fundamental rights of irregular migrants are respected during debriefing interviews – interviews that gather information for risk analysis and the identification of cross-border crime suspects. She suggested that Frontex record interviewees' consent as well as ensure they receive information about their rights and access to an independent complaints mechanism. The Ombudsman also suggested that Frontex insist that the operational plans for any joint border management operation in a Member State include access to legal aid for migrants. Frontex accepted the majority of the Ombudsman's suggestions.

The Ombudsman welcomed the Commission’s decision to work with local authorities to draw up a fundamental rights impact assessment of EU-funded migration management facilities in Greece (Multi-Purpose Reception and Identification Centres), to make this assessment public, and to review it periodically. The Commission’s commitment to these actions follows suggestions made by the Ombudsman in an [inquiry](#) into how the Commission ensures respect for fundamental rights in these facilities.

Following an [inquiry](#) into how the European External Action Service (EEAS) assesses human rights risks before providing support to non-EU countries to

develop surveillance capabilities, the Ombudsman made a number of suggestions for improving the EEAS’ Human Rights Guidelines. These include providing more information on the risk identification process, specifying that an assessment of the human rights impact of an activity should take place during every stage of that activity, and including data protection provisions with regards to information sharing sessions with local human rights organisations. In [another inquiry](#) related to assistance to non-EU countries for the development of surveillance capabilities, the Ombudsman suggested Frontex update the procedure it uses to assess the human rights impact and improve how this procedure is applied.

3.3. Ethical issues



 **European Ombudsman**

While we acknowledge significant progress by [@Europarl_EN](#) in strengthening its ethics rules following [#Qatargate](#), concerns remain about their implementation and enforcement.

“Ahead of the European elections next year, the Parliament must show that it is doing everything in its power to protect its integrity and credibility.”

Emily O’Reilly

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“Ahead of European elections next year, the Parliament must show that it is doing everything in its power to protect its integrity and credibility.”

Following allegations in late 2022 that non-EU countries paid for influence in the European Parliament, the Ombudsman had a series of exchanges with the Parliament on its plans to reform its ethics rules. In December, the Ombudsman welcomed the improvements the Parliament made to its ethics framework, such as a more detailed definition of conflicts of interest and the obligation for MEPs to publish meetings organised with registered lobbyists and with non-EU countries’ diplomatic representatives, but said that there were [still concerns](#) around how the rules will be implemented and enforced. She urged the Parliament to ensure it has the necessary resources and arrangements in place to properly monitor and enforce the new rules.

Following news that Qatar and organisations close to it had paid for business trips by a European Commission Director-General, the Ombudsman [asked the Commission](#) for information on travel costs paid for by third parties since 2021. Upon examining the statistics provided, she announced her intention to open an inquiry to assess the trips in question and identify whether the Commission took appropriate steps to mitigate potential conflicts of interest in these cases. She also urged the Commission to make public at least a summary of the information it had already shared with her on this matter.

In 2023, the Ombudsman looked at conflicts of interest risks in areas such as the European Defence Fund (EDF). She opened an [inquiry](#) into how the Commission ensures the absence of conflicts of interest among external experts evaluating EDF project proposals as, contrary to the general practice for the evaluation of proposals meant to receive EU funding, the Commission is not required to make public the names of the experts it consults for these projects.

The Ombudsman also asked the European Investment Bank (EIB) to [improve its conflict of interest rules](#) following the move of its vice-president to become the CEO of a national promotional bank in Italy. The vice-president had participated in the approval of financing agreements between the EIB and the national promotional bank in the weeks before his appointment as its CEO. The Ombudsman suggested that the EIB strengthen the oversight role of its ethics and compliance committee when it comes to the intended new jobs of management committee members. In response, the EIB said it had informed its ethics and compliance committee of the Ombudsman’s proposals. It also said the committee now informs outgoing management committee members that their new contracts must not prevent them from reporting back on any conflicts of interest that arise during their post-service ‘cooling off period’.



European Ombudsman

As part of our analysis in a recent case, we welcome changes [@EU_Commission](#) made to internal guidance on public procurement. If diligently applied, the guidance can strengthen how the institution deals with potential professional conflicts of interest.



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As part of her analysis in a [case](#) concerning potential conflicts of interest in the Commission’s award of a contract for a study on EU policy on business mergers to a competition law consultancy, the Ombudsman positively assessed changes the Commission had recently made to its internal guidance on public procurement. She stated that the new guidance could strengthen how the institution deals with potential professional conflicts of interest in tenders, but that it needed to be diligently applied. The Commission terminated the contract in question during the Ombudsman’s inquiry.



European Ombudsman

We’re asking [@EU_Commission](#) how it ensures experts evaluating European Defence Fund ([#EDF](#)) proposals do not have conflicts of interest.

Contrary to general practice for evaluating funding proposals, the names of these experts are not public.



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3.4. Accountability in decision making

The Ombudsman made a [series of suggestions](#) to the European Commission to help it ensure greater transparency and accountability with regards to the over EUR 700 billion Recovery and Resilience Facility (RRF) meant to help the EU economy recover from the COVID-19 pandemic and the socio-economic effects of Russia's invasion of Ukraine. Her suggestions include asking the Commission to continue publishing preliminary assessments of Member States' payment requests, improve its handling of RRF-related access to documents requests, and ensure Member States that have not yet set up public portals containing data on major funding recipients do so. She also suggested the Commission encourage Member States to publish all RRF beneficiaries on these public portals.

With the EU having agreed a series of laws in the last few years aimed at protecting the environment and combatting climate change, the transparency of decision making in this area has been the focus of many recent Ombudsman inquiries. This year, the Ombudsman published an [overview of the results](#) of her public consultation on transparency and participation in EU decision making related to the environment.

Respondents identified issues that make it difficult for them to follow or contribute to decision-making processes, including late publication of information, a lack of transparency around lobbying, and difficulties in accessing information about discussions on draft legislation. When it comes to the involvement of civil society in policymaking, respondents suggested the Commission should share preliminary positions on policies and legislation, and asked for greater transparency about who participates in public consultations.


Following the results, the Ombudsman launched an [own-initiative inquiry](#) into how the Commission manages risks related to dangerous chemicals. The inquiry aims to examine delays in introducing restrictions to mitigate the risks of specific chemicals, delays in placing chemicals on the list of substances where use is subject to prior authorisation, and delays in deciding on individual authorisations and conditions for authorisations. As part of the inquiry, the Ombudsman is looking at a selection of sample files to determine the causes of delays as well as transparency around the process.

European Ombudsman

We have just published the overview of responses to our public consultation on [#environment](#) decision making.

Respondents – the majority from civil society organisations – have raised concerns around access to information and participation.



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European Ombudsman

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It also failed to systematically assess if specific meetings with tobacco reps are needed in the first place.



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When it comes to decision making related to public health, the Ombudsman encouraged the European Medicines Agency (EMA) to share preliminary plans as soon as possible for [publishing clinical trial data](#) related to medicines evaluation procedures completed while its proactive transparency policy was suspended between 2018 and 2023. The Ombudsman also identified several transparency concerns in the Commission's interactions with the tobacco industry. In [inquiry findings](#), she criticised the Commission's failure proactively to publish details of all its meetings with tobacco lobbyists as well as its failure to keep minutes of all these meetings. At the same time, the Ombudsman welcomed the Commission's commitment to assessing further the exposure of its departments to lobbying by the tobacco industry. She will provide the Commission with information it should communicate to senior staff to ensure this assessment is thorough and has asked the Commission to report to her on its outcome.

Following accountability concerns raised by a civil society organisation, the Ombudsman opened an [inquiry](#) into the Commission's decision to restrict publication of contact details in the 'Whoiswho' online EU staff directory to managers. Previously, the contact details of policy officers were also available on Whoiswho.

3.5. Personnel issues

The Ombudsman conducted an [inquiry](#) into how the European Personnel Selection Office (EPSO) carried out 'pre-selection' tests as part of a procedure to recruit new staff into the EU civil service. The inquiry followed several complaints about the tests, specifically in relation to the requirement that they be exclusively carried out remotely. Candidates cited technical issues during the tests and problems with receiving assistance from EPSO and its contractor. The Ombudsman made a number of suggestions for improvement to EPSO, such as asking it to conduct a comprehensive assessment of how remote testing could impact equality of opportunity, ensuring technical requirements do not disadvantage certain candidates, and making sure candidates have access to instructions on how to troubleshoot during an exam and how to make a complaint.

The European Union Agency for Asylum (EUAA) improved a selection procedure for external experts following an inquiry by the Ombudsman into how it had dealt with one particular application. During the course of the [inquiry](#), the EUAA changed the procedural and organisational aspects of the selection process that seemed problematic. The Ombudsman welcomed the changes.



European Ombudsman

Following a complaint by civil society raising accountability concerns, we have opened an inquiry into [@EU_Commission](#) decision to remove the contact details of staff below head of unit level from the EU 'Whoiswho' online directory.



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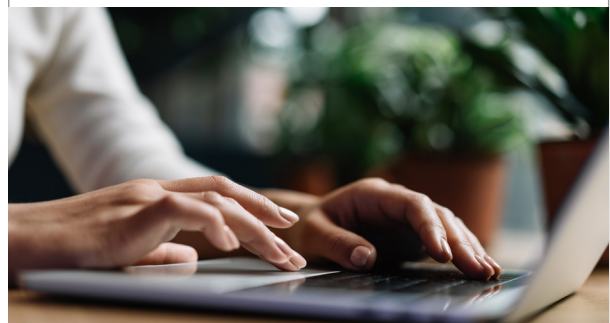


European Ombudsman

We have opened an inquiry into how recent [@EU_Careers](#) 'pre-selection' tests were carried out.

As a first step, we have asked EPSO about:

- its decision to have such tests take place only remotely
- what assistance was given when problems arose



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- what assistance was given when problems arose.

3.6. Grants and contracts

An NGO [turned to the Ombudsman](#) after the European Commission sought to recover costs following an audit of an EU-funded project on the rehabilitation of victims of torture. The Commission issued a debit notice to the NGO as it was the coordinator of the project. However, most of the costs considered ineligible were attributable to one of the project partners. Following the intervention of the Ombudsman, the Commission cancelled the recovery order totalling almost EUR 28 000 and said it would issue a new recovery order to the project partner responsible. The Ombudsman welcomed the Commission's decision.

After the European Parliament refused to grant access to its premises to the baby of an externally-contracted worker who wanted to breastfeed, the child's father [turned to the Ombudsman](#). The complainant noted that the Parliament grants access to the children of its own staff members. The Ombudsman found that the rule appeared to be disproportionate and at odds with the principle of equal treatment. The Parliament agreed to allow the worker to bring her baby on its premises and said it would change its rules.

AWARD FOR GOOD ADMINISTRATION



The European Ombudsman with representatives from the Award for Good Administration winning project: Cristina Ribeiro from the Office of the Prosecutor of the International Criminal Court and Matevz Pezdirc from Eurojust

The Ombudsman Award for Good Administration 2023 honoured the work done by the European Union Agency for Criminal Justice Cooperation (Eurojust) and the Office of the Prosecutor of the International Criminal Court to help document core international crimes and human rights violations. The two institutions combined their efforts to create guidelines to help civil society organisations collect and preserve information in a way that lets it become evidence in court.

The overall award winners were announced at a ceremony in the Solvay Library in Brussels on 28 June, which was opened by European Ombudsman Emily O'Reilly and European Parliament President Roberta Metsola. Five specific category winners, a public vote winner, and a special award winner were also announced.

Speaking about the work of the winners, the Ombudsman said, "holding the perpetrators of war crimes and human rights violations accountable brings justice for victims and may have a deterrent effect in future conflicts. History has shown how hard it can be to prosecute such crimes, which is why finding effective ways to collect and preserve evidence is so vital."

There were 57 projects nominated for the 2023 edition of the biennial award, which aims to recognise work done by EU public servants that has had a positive impact on people's lives in Europe and beyond.



During her speech, President Metsola thanked the Ombudsman and her team for their work and highlighted O'Reilly's personal and institutional commitment to high standards and their importance in supporting democracy.

An independent advisory board assessed the nominations and the Ombudsman chose the winners. This was the fourth iteration of the award, which was first introduced by the Ombudsman in 2017.

European Ombudsman

The 2023 #EOAward overall winner is ...
[@Eurojust](#) & [@IntlCrimCourt](#) - Helping civil society document core international crimes!

Their joint efforts produced guidelines which allow information to be collected and preserved so that it can be used as admissible evidence in court.

The 2023 EO Award overall winner is... Eurojust & the International Criminal Court – Helping civil society document core international crimes!

Their joint efforts produced guidelines which allow information to be collected and preserved so that it can be used as admissible evidence in court.

COMPLAINTS AND INQUIRIES: HOW WE HELP THE PUBLIC

The European Ombudsman helps people, businesses, and organisations facing problems with the EU's administration by dealing with complaints they submit, as well as by seeking to promote good administrative practices by proactively identifying broader systemic issues within the EU institutions.

The Ombudsman is constantly seeking to improve internal procedures to ensure the Office deals with inquiries in the most efficient manner possible and to ensure that complainants have an optimal experience. In 2023, the Ombudsman simplified and streamlined procedures for handling out of mandate complaints and complaints concerning the EU administration failing to reply to emails or letters. The new procedures enable the Ombudsman's Office to deal with these complaints more efficiently, which also improves the experience of complainants.

Improvements to the Ombudsman's online complaint system have made it more user-friendly. Complainants can now more easily submit and follow the progress of their complaints.

The Office's diverse team of case handlers and the multilingual website reflect the Ombudsman's commitment to helping those seeking assistance in all 24 official languages of the EU.

While the Ombudsman is not always in a position to inquire into all complaints received, the Office nonetheless tries to help all those who seek assistance, for example by providing advice on other possibilities for redress.

5.1. Type and source of complaints

5.1.1. Overview of complaints and strategic inquiries

The Ombudsman may open an inquiry only into complaints that are within her mandate and have fulfilled the necessary 'admissibility criteria', such as the complainant having previously tried to resolve the matter directly with the institution involved.

The themes of the Office's work derive from the Ombudsman's mandate and the complaints received, which account for most cases. However, in addition to the core work on complaints, the Ombudsman also conducts wider strategic inquiries and initiatives into systemic issues in the EU institutions.

Advice and complaints in 2023

17 550 People helped



14 423 Advice given through the Interactive Guide on the Ombudsman's website



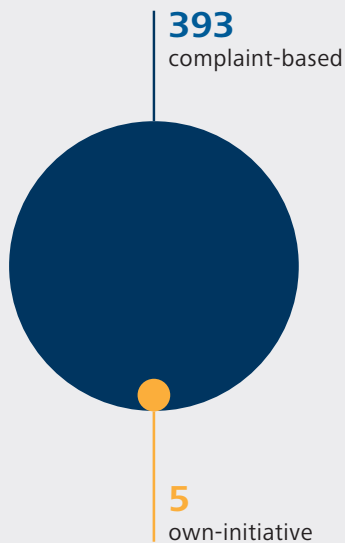
2 392 New complaints handled



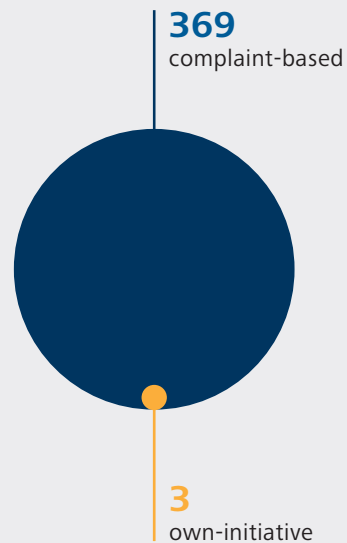
735 Requests for information replied to by the Ombudsman's services

Inquiries by the European Ombudsman in 2023

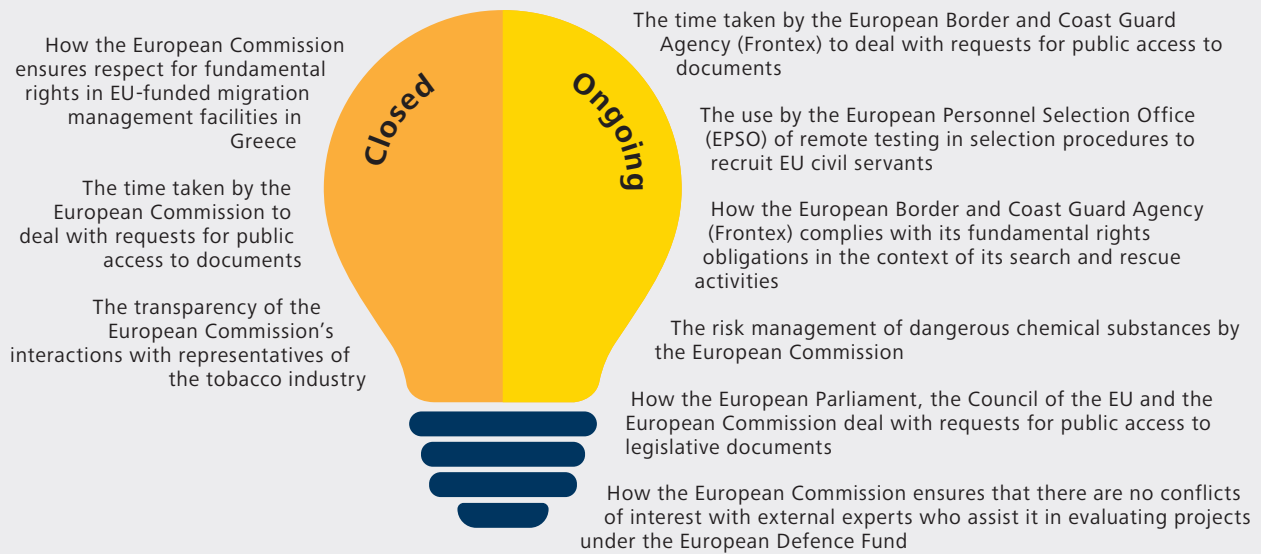
398
Inquiries opened



372
Inquiries closed

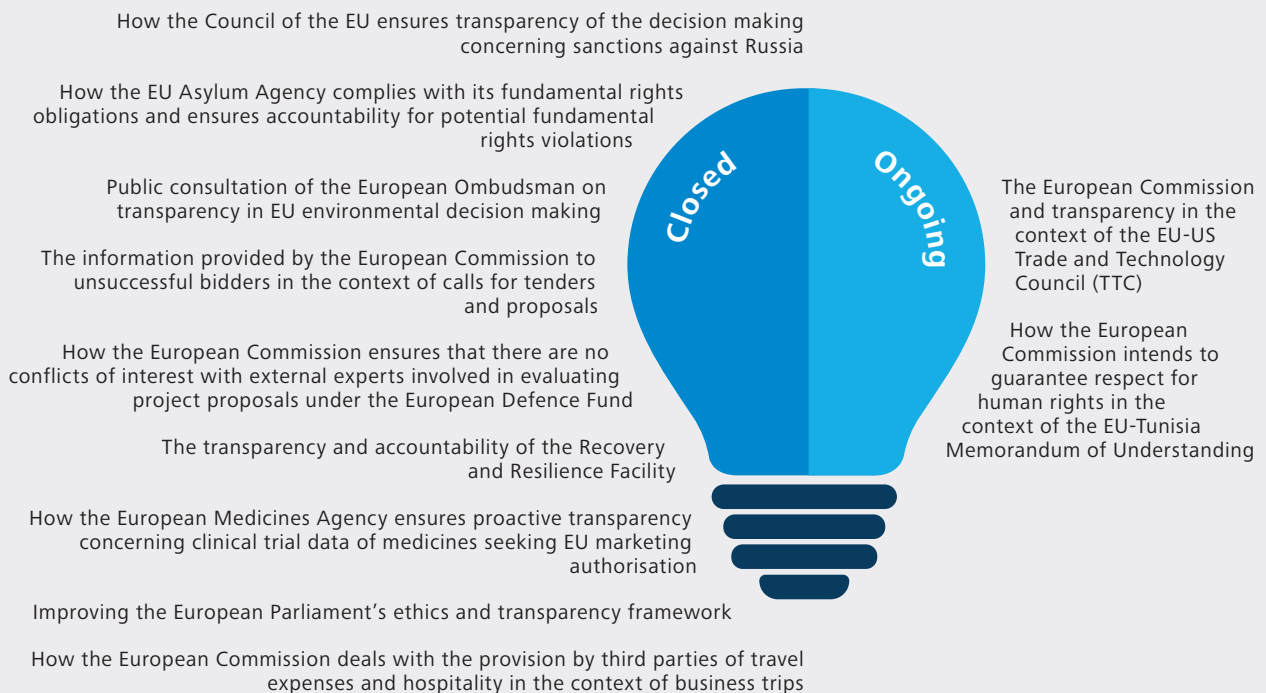


Topics of strategic inquiries in 2023



Topics of strategic initiatives in 2023

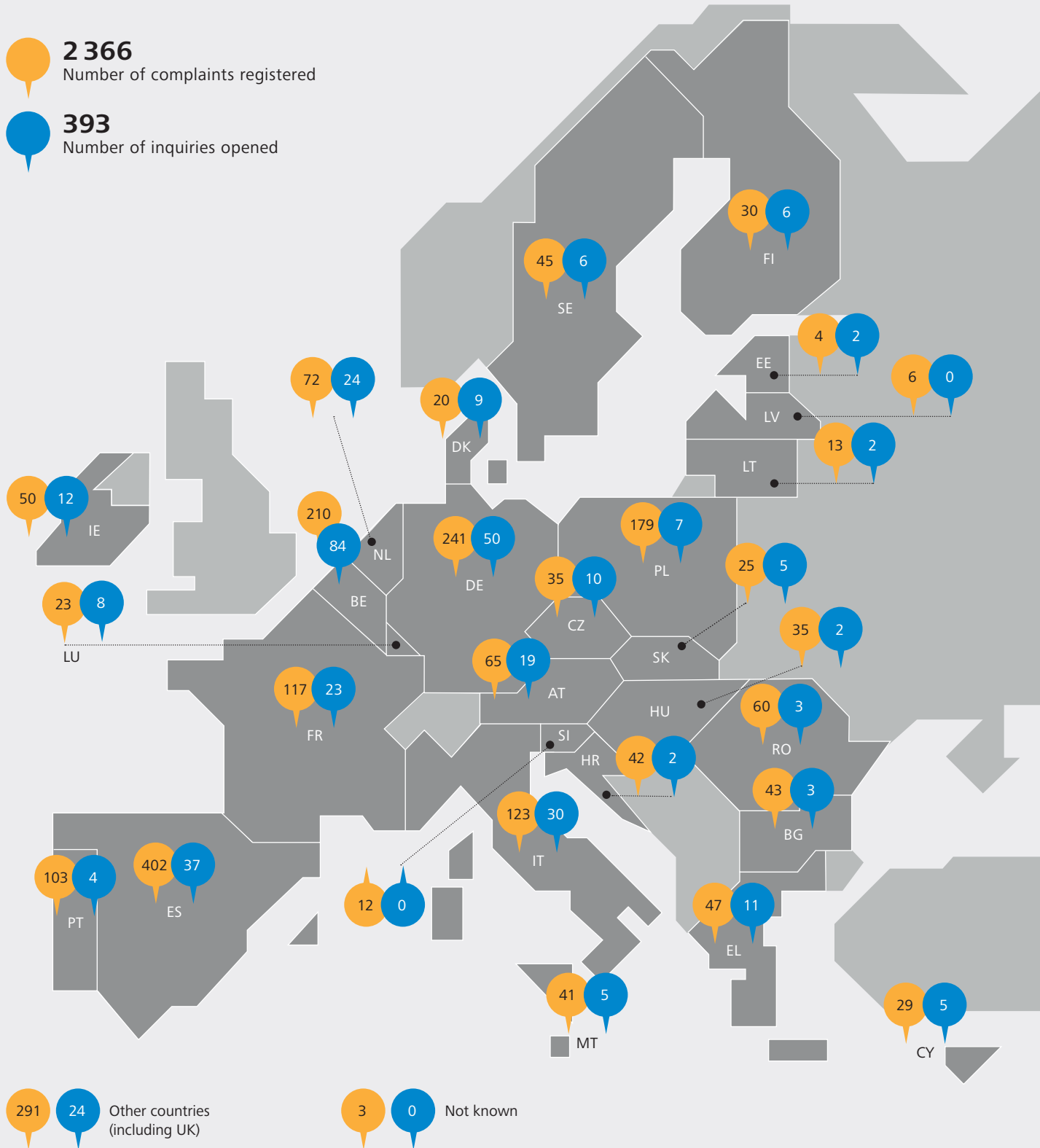
(requests for clarification, not formal inquiries)



National origin of complaints registered and inquiries opened by the European Ombudsman in 2023

2 366
Number of complaints registered

393
Number of inquiries opened



5.1.2. Complaints outside the Ombudsman’s mandate (OMCs)

In 2023, the European Ombudsman processed around 1 500 complaints that did not fall within her mandate, mostly because they did not concern the work of the EU administration. Over 40% of these complaints came from Spain, Poland, and Germany. Spain alone accounted for 20%, with the two other countries accounting for 10% each.

For the most part, people approached the Ombudsman with issues concerning equal treatment or discrimination, court cases, consumer protection, banking, and administrative transparency. Their out of mandate complaints were primarily related to problems encountered with national, regional or local public authorities, governments and public service bodies, and national or international courts (such as the European Court of Human Rights). Citizens also directed a large number of complaints at private entities, including banks, online businesses and platforms, and healthcare institutions.

The Ombudsman also received out of mandate complaints related to the humanitarian crises in Ukraine and Gaza.

While the total number of complaints related to the COVID-19 pandemic has declined, measures put in place by national authorities to monitor and contain the spread of the virus did remain a notable source of out of mandate complaints in 2023.

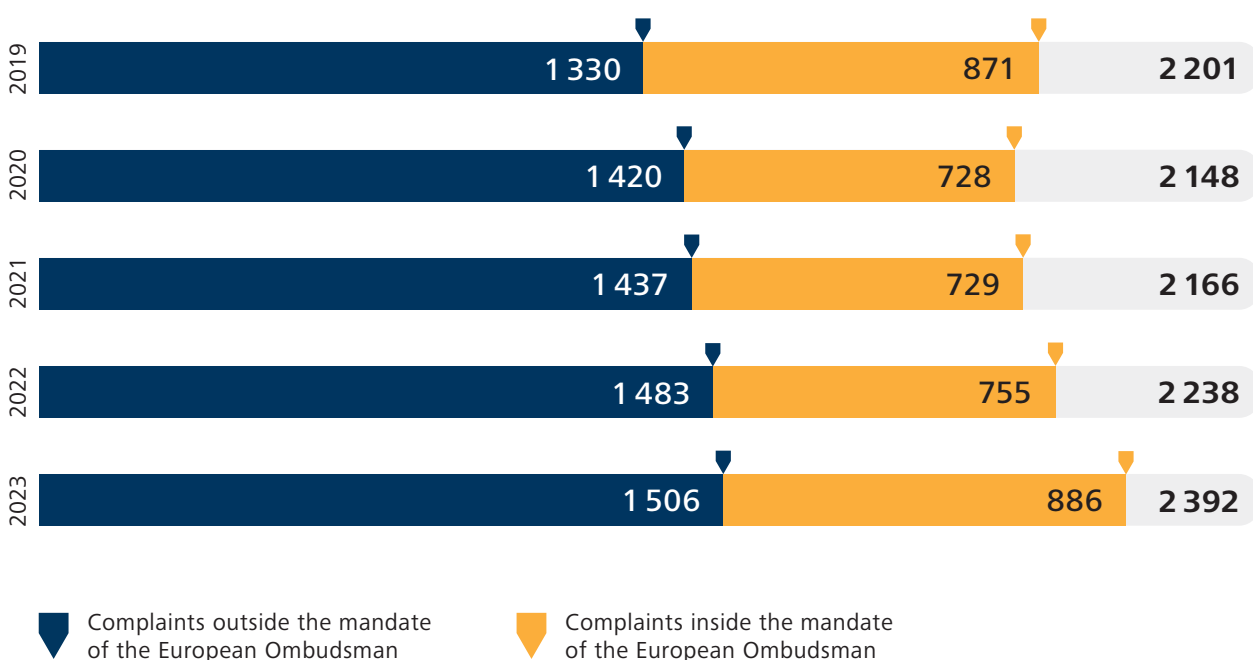
Other out of mandate complaints concerned EU institutions, but were related to political or legislative work.

The Ombudsman replied to all those seeking help in the language of their complaint or of their preference. The replies clarified the Ombudsman’s mandate and, as far as possible, advised complainants to turn to other bodies that could help. Although these were mainly national and regional ombudsman institutions, the Ombudsman also guided complainants to EU institutions (mostly the European Commission and the European Parliament), and networks, such as SOLVIT and the European Consumer Centres.

Where complainants were unhappy with specific EU legislation, the Ombudsman generally advised them to turn to the European Parliament’s Committee on Petitions. She referred those who raised issues relating to the implementation of EU law to national or regional ombudsmen, or to EU networks such as Europe Direct.

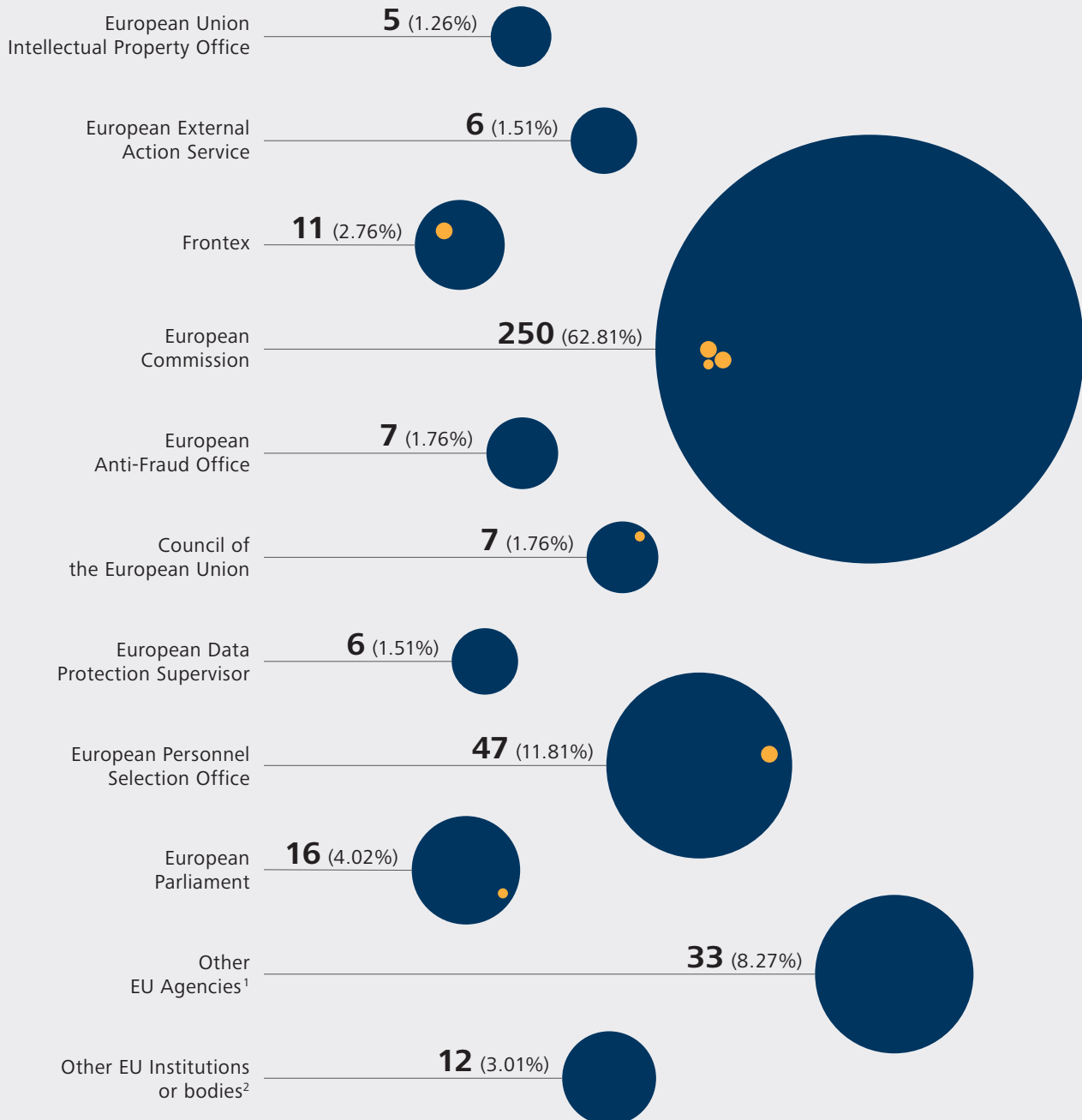
The use of streamlined templates for handling out of mandate complaints, first introduced in 2022, enabled the Ombudsman’s staff to reply to these complaints a lot faster in 2023 than in previous years.

Number of complaints 2019-2023



5.2. Against whom?

Inquiries conducted by the European Ombudsman in 2023 concerned the following institutions



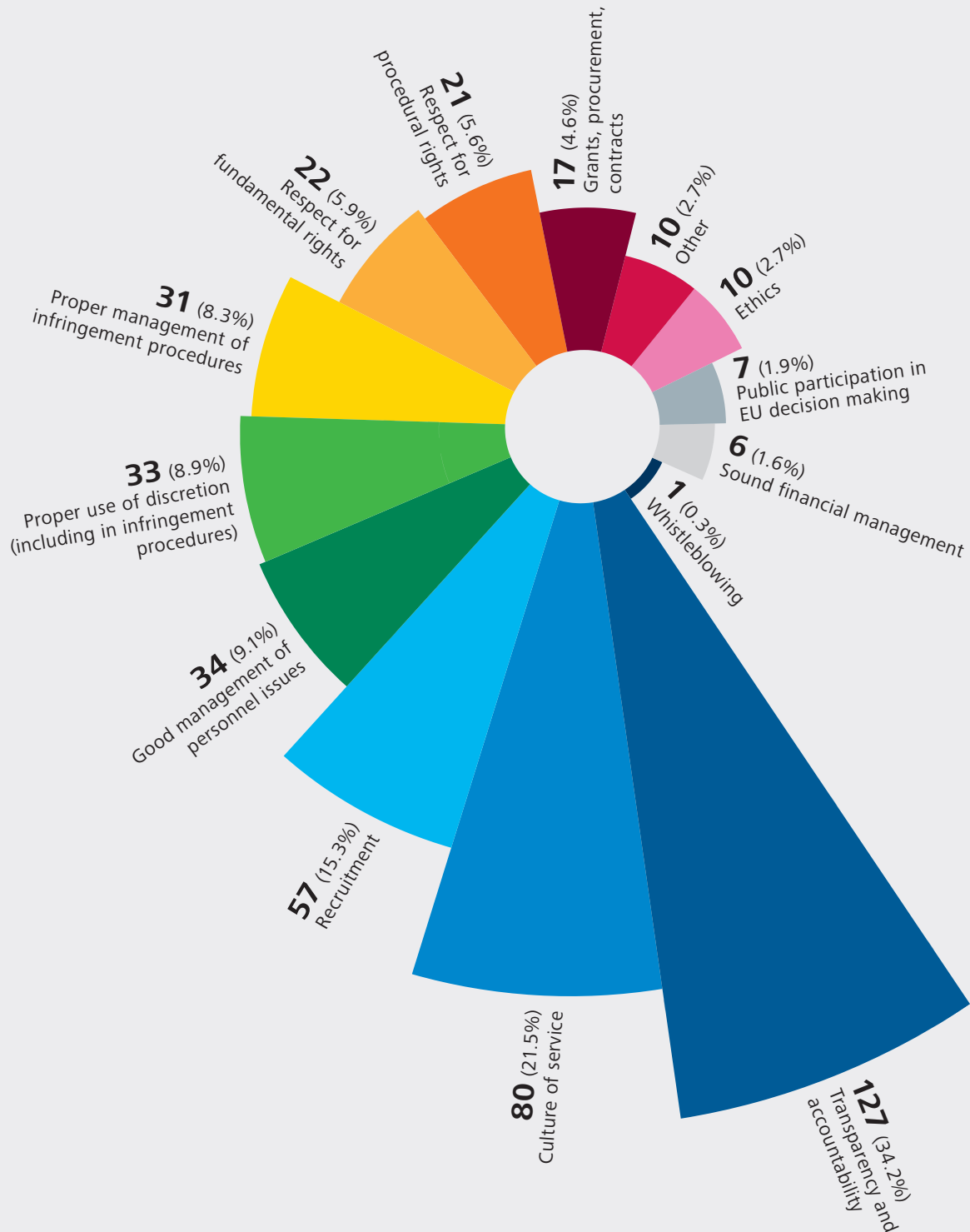
● Of the five own-initiative inquiries opened, one (OI/4/2023MIK) concerns three different institutions: Council of the EU, EC and EP.

1. Including Europol (4), EMA (4), EACEA (3), EASO (3), FRA (2), EEA (2), HaDEA (2), EDA (1), ESMA (1), REA (1), ERA (1), eu-LISA (1), EBA (1), BEREC (1), EASA (1), EUISS (1), CINEA (1), CdT (1), EFCA (1) and EFSA (1).

2. Including EIB (4), CJEU (3), EDPD (2), KDT-JU (1), EESC (1), and ECB (1).

5.3. About what?

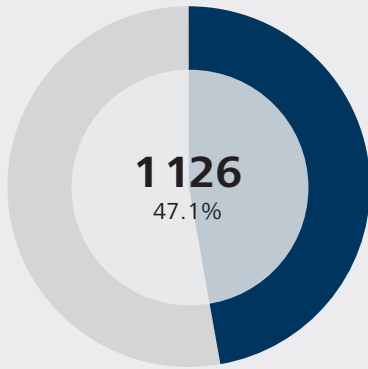
Subject matter of inquiries closed by the European Ombudsman in 2023



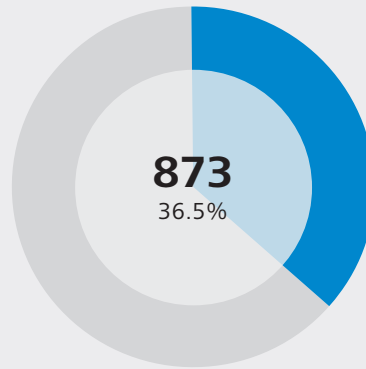
Note: In some cases, the Ombudsman closed inquiries with two or more subject matters. The above percentages therefore total more than 100%.

5.4. Results achieved

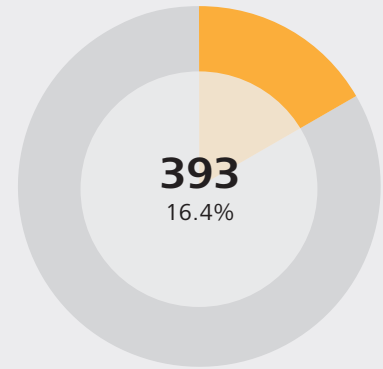
Action taken by the European Ombudsman on new complaints dealt with in 2023



Advice given or case transferred to another complaints body



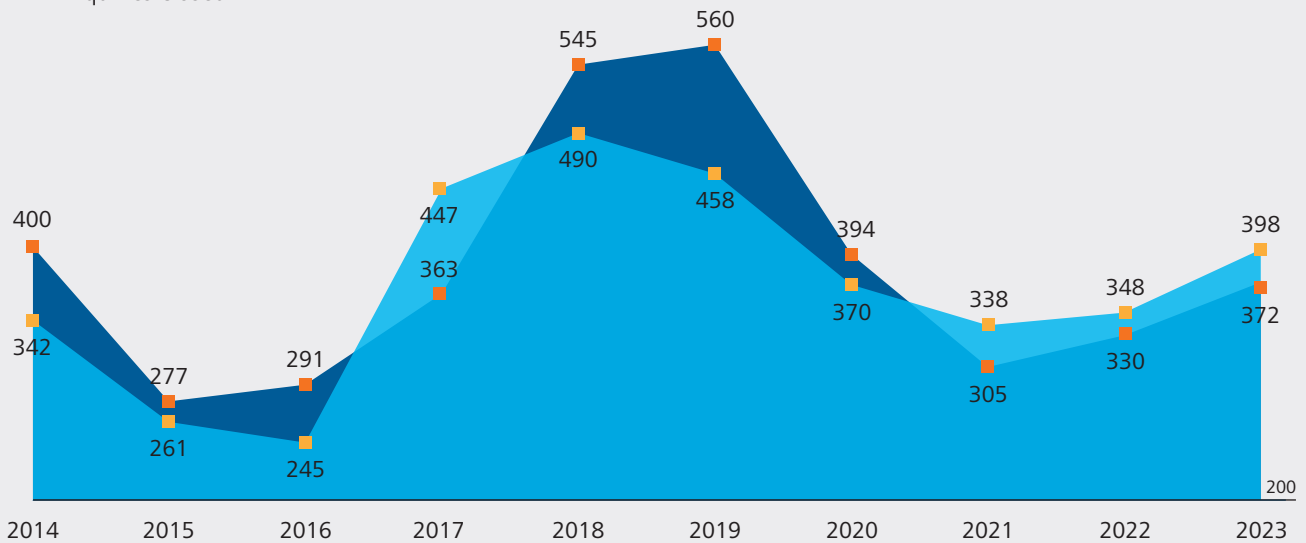
Reply sent to inform the complainant that no further advice could be given



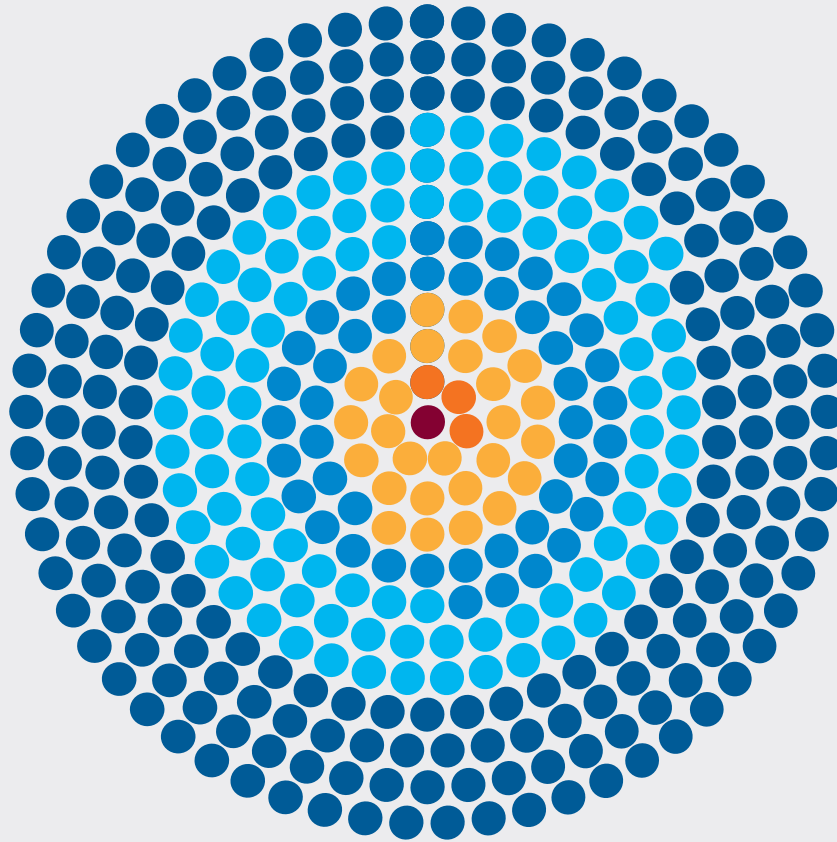
Inquiry opened

Evolution in the number of complaint-based and own-initiative inquiries by the European Ombudsman

- Inquiries opened
- Inquiries closed



Results of inquiries closed by the European Ombudsman in 2023

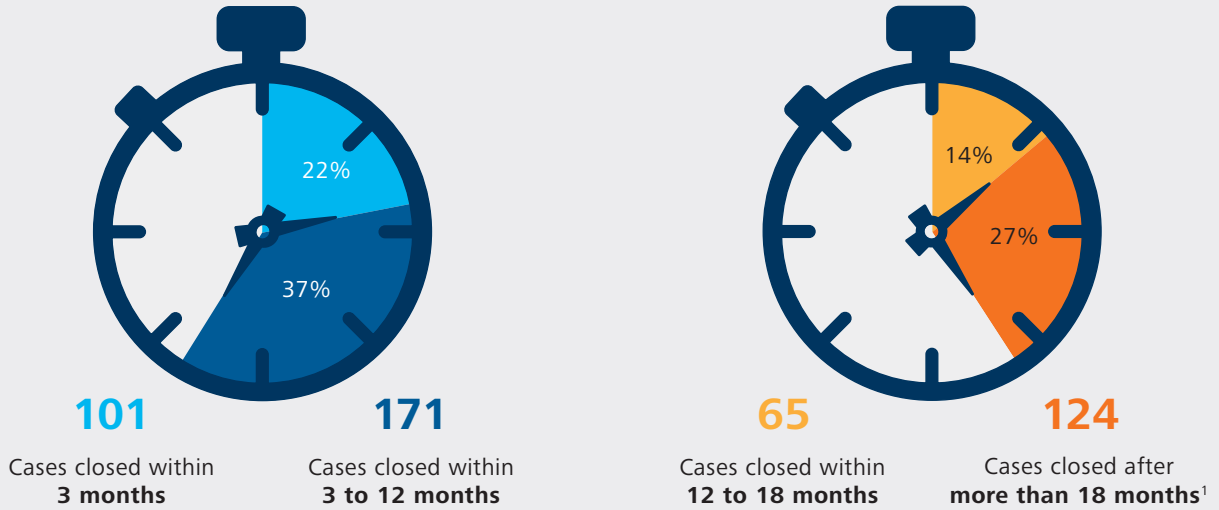


- **206** (55.4%) Settled by the institution, solutions achieved, solution partly achieved
- **99** (26.6%) No maladministration
- **46** (12.4%) No further inquiries justified
- **27** (7.3%) Maladministration found, recommendation agreed by the institution
- **3** (0.8%) Dropped by the complainant
- **1** (0.3%) Dealt with by a Court (Art. 2.7)

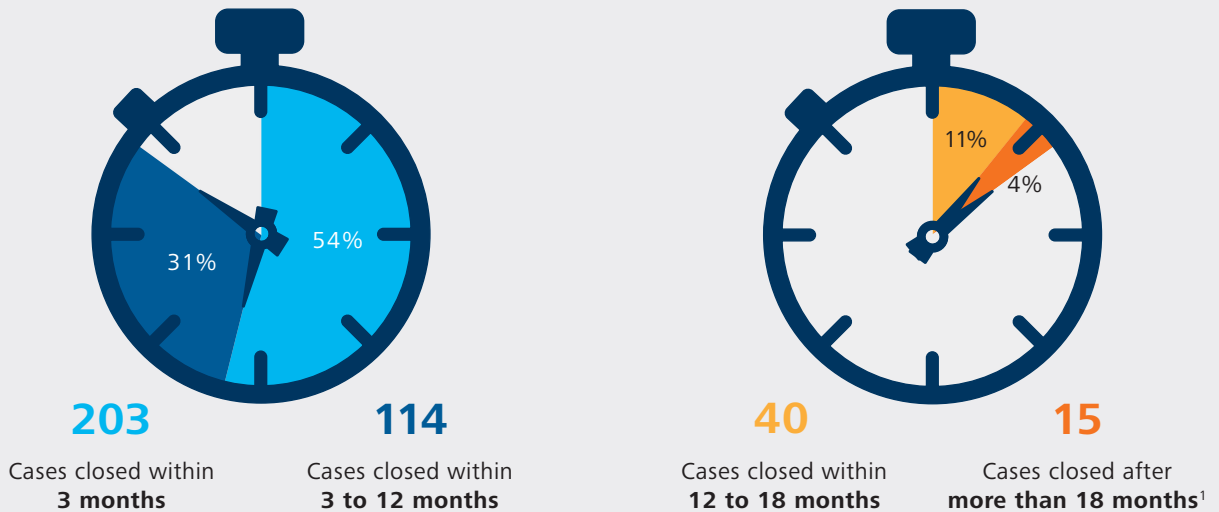
Note: In some cases, the Ombudsman closed inquiries on two or more grounds. The above percentages therefore total more than 100%.

Length of inquiries closed by the European Ombudsman

in 2013 (13 months on average)



in 2023 (less than 6 months on average)



1. Some complex cases require several rounds of consultations with the complainant and the institution concerned.

5.5. Impact and achievements

One of the overarching goals of the European Ombudsman is to achieve tangible improvements for complainants and the public in the EU administration. The Ombudsman does this by making proposals in the form of solutions, recommendations, and suggestions. The Ombudsman can also promote improvement through strategic initiatives, which are not formal inquiries. She may also prompt an institution to settle a matter even before a formal solution proposal or recommendation is made.

5.5.1. Acceptance rate

The acceptance rate is the percentage of positive replies to the total number of proposals (solutions, recommendations, and suggestions) made by the Ombudsman. As the Ombudsman gives institutions up to six months to follow up on suggestions made in her decisions closing inquiries, the acceptance rate for 2023 covers cases closed in 2022.

In 2022, the EU institutions cooperated satisfactorily with the Ombudsman in 81% of instances. Of the 83 proposals the Ombudsman made to correct or improve their administrative practices, the EU institutions reacted positively to 67 of them.



5.5.2. Broader impact

The acceptance rate captures responses from the institutions to proposals at a particular point in time and does not fully capture the long-term impact of the Ombudsman's work.

Even if institutions respond favourably to the Ombudsman's suggestions or recommendations, they often need time to put in place changes to their administrative practices. For example, the Ombudsman found maladministration in 2022 in an [inquiry](#) concerning how the European Food Safety Authority (EFSA) dealt with a public access request related to a proposal to restrict lead in ammunition. EFSA's reply to the Ombudsman's recommendations was positive and the agency said it would change its rules and practices. As a result, EFSA made improvements in 2023 to the way it handles access to documents. For example, it published a guidance document to help those who want to submit access requests, amended internal rules to help shorten the time it takes to process requests, and began piloting a new IT tool to more efficiently handle requests and meet deadlines.

In [another inquiry](#) from 2022, the Ombudsman found that the manner in which the European External Action Service (EEAS) had informed an external expert that it was terminating his contract constituted maladministration. The following year, the EEAS informed the Ombudsman that it would organise awareness raising sessions to improve its working relationships with external experts employed through a contractor.

COMMUNICATION AND COOPERATION

6.1. Communication

Communication plays an important role in promoting the role and work of the Ombudsman to the widest possible audience, in sharing important updates with stakeholders and the EU administration, and in raising awareness about topics such as transparency, ethics, and accountability.

In the course of 2023, key inquiry documents were made more easily accessible through the addition of a dynamic section on the website homepage that displays recent updates. Several improvements to the website navigation were also made to make finding content more straightforward.

To strengthen the public's knowledge of the long-term impact of the Ombudsman's work, the office published a scrollable web story explaining the work done by the Ombudsman in several areas, and the impact it has had on the EU administration. This web story was supported by a social media campaign.



Cover image of the scrollable web story



Annual press conference in Brussels

In addition, a series of videos presenting the Office's work and explaining key areas of inquiry were published on the website, including the homepage, and promoted on social media.

The Ombudsman presented the work of the Office during her annual press conference, held in April. At the press conference, the Ombudsman also presented an overview of the responses to her public consultation on transparency and participation in EU environmental decision making.

To spread the word about the winners of the biennial Award for Good Administration and to encourage the sharing of good ideas and practices, a social media campaign around the award ceremony was followed by a scrollable web story presenting the winning projects and highlights from the event.

The Ombudsman took part in the European Youth Event (EYE2023) in Strasbourg in June. In an exchange with attendees, she answered questions about the Office's work as well as the important role good administration plays in upholding EU democracy.



European Youth Event 2023 in Strasbourg: the Ombudsman and members of her staff during the Q&A session

Following allegations in late 2022 that non-EU governments had sought to buy influence in the European Parliament, the Ombudsman invited high-level speakers from the main oversight authorities as well as the European Commission and Parliament to discuss the gaps in the architecture of, and compliance with, the integrity framework. The panel debate, which took place in June, also focused on the proposal to create a new ethics body and its potential role in further improving the integrity of the EU administration.

In terms of press coverage of the Ombudsman's work in 2023, there was an increase of 35% in the total number of press articles compared to the previous year, with 56% of all coverage coming from EU countries.

In 2023, the Ombudsman's number of social media followers kept rising, with particularly high growth seen on LinkedIn and Instagram. Increased profile activity,

as well as a growing number of users looking for EU-related content on these two platforms, are important factors that influenced the positive performance. The Ombudsman's Instagram account saw 91% growth in total followers (6 578 new followers compared to the 3 472 followers gained in 2022). On LinkedIn, the number of followers increased by 65% (+ 5 825 compared to the 2 990 new followers in 2022). On X, where the Ombudsman has the largest audience among its social media channels, the number of followers reached 36 188 in December 2023, which represented a 5% increase (+ 1 757). There was also a strong improvement in the engagement rate, as well as a significant jump in mentions.

The Ombudsman and staff members also continued their outreach activities by giving interviews to the press, attending academic conferences, and speaking to visitor groups.

6.2. Relations with EU institutions

6.2.1. European Parliament



Emily O'Reilly with European Parliament President Roberta Metsola

The European Parliament elects the European Ombudsman at the beginning of each legislature, which makes the relationship between the two institutions particularly important.

In 2023, the Ombudsman met with the President of the European Parliament, Roberta Metsola, for the handover of the Office's annual report. She also discussed the integrity and transparency reforms the President launched following allegations in late 2022 that non-EU countries had paid for influence in the Parliament. These meetings, as well as the regular meetings the Ombudsman and her team had with MEPs from across the political spectrum, were key for ensuring continued trust and cooperation. The Ombudsman and staff members also presented the Office's work at several committee hearings and exchanges of views, such as at the Committee on Civil Liberties, Justice and Home Affairs (LIBE), the Committee on Foreign Interference and Disinformation (ING2), the Committee on Legal Affairs (JURI), and the Subcommittee on Human Rights (DROI).

In September, the Ombudsman sent a special report to Parliament on the European Commission's systemic delays in handling access to documents requests. Parliament subsequently initiated a procedure in the LIBE committee to support the Ombudsman's report. A plenary vote on the resolution is expected in early 2024.

6.2.2. Committee on Petitions

The Committee on Petitions (PETI) is the parliamentary committee in charge of relations with the European Ombudsman as they both work to ensure that citizens' concerns are taken into account at EU level. In 2023, they continued to collaborate in areas such as the rights of people with disabilities as well as in the framework of the European Network of Ombudsmen (ENO), of which PETI is a member.

The Ombudsman and PETI Chair Dolors Montserrat met regularly in 2023 and Ms Montserrat was also a panel participant at the European Network of Ombudsmen (ENO) annual conference during a session focused on the EU elections and the election of the European Ombudsman.

6.2.3. European Commission



The European Ombudsman and International Ombudsman Institute directors Reinier van Zutphen (Dutch Ombudsman), Andreas Pottakis (Greek Ombudsman), and Peter Svetina (Slovenian Ombudsman) meet with Commission Vice-President Margaritis Schinas in November in Brussels.

As the largest EU institution, which has a significant impact on the lives of millions of people, it is not surprising that a large percentage of complaints to the Ombudsman concern the work of the European Commission. The working relationship with the Commission remained very constructive in 2023 with the Ombudsman holding meetings with several Commissioners. At staff level, close contacts were maintained between the Ombudsman's Office and the Commission to ensure complainants' concerns could be addressed as effectively as possible.

6.2.4. Other institutions, agencies, and organisations

Relations with different parts of the EU administration are an integral part of the Ombudsman's strategy 'Towards 2024'. Only through close cooperation can a long-lasting and positive impact on the EU administration be achieved. In February, the Ombudsman held a meeting with the President of the European Court of Auditors (ECA), the European Chief Prosecutor, and the Director-General of the European Anti-Fraud Office (OLAF) in preparation for the 'Building a stronger EU integrity framework' conference she was organising. During the course of the year, the Ombudsman also met with the President of the European Central Bank (ECB) and the Executive Director of the European Border and Coast Guard Agency (Frontex).



European Ombudsman

Ombudsman and heads of @EUauditors, @EUAntiFraud, @EUProsecutor met to discuss the EU's oversight framework.

They reaffirmed the commitment to fulfilling their respective duties in promoting the integrity and accountability of the EU institutions.



Ombudsman and heads of the European Court of Auditors, the European Anti-Fraud Office (OLAF), and of the European Public Prosecutor's Office (EPPO) met to discuss the EU's oversight framework. They reaffirmed the commitment to fulfilling their respective duties in promoting the integrity and accountability of the EU institutions.

6.2.5. UN Disability Rights Convention

The European Union is a signatory to the UN Convention on the Rights of Persons with Disabilities (UN CRPD), a binding international human rights instrument to 'promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity'.

Compliance with the UN CRPD in the EU is monitored by the [EU Framework for the UN Convention on the Rights of Persons with Disabilities](#), which the European Ombudsman chaired in 2023. As a member of this framework, the Ombudsman plays close attention to the EU administration's implementation of the UN CRPD.

The Ombudsman dealt with a number of inquiries in 2023 related to the rights of persons with disabilities. In February, the Ombudsman closed her inquiry into how the European Commission applies the rule under the EU Staff Regulations concerning the granting of a double child allowance for assisting with the care of children with disabilities. The [inquiry](#) found that using thresholds on the degree of disability, which automatically excludes certain cases from consideration, is at odds with the EU administration's obligations under the UN CRPD. The Ombudsman asked the Commission to revise its approach. The Commission has since initiated a process for the whole EU administration to revise the applicable rules in order to ensure an individual substantive assessment of all applications for this type of allowance.

The Ombudsman's Office presented its work related to the rights of persons with disabilities at several events throughout the year, including at the [fifth European Parliament for Persons with Disabilities](#).

6.3. European Network of Ombudsmen



One of the panels during the European Network of Ombudsmen conference

The European Network of Ombudsmen (ENO) is an informal network coordinated by the European Ombudsman, consisting of over 95 offices from across Europe, as well as the European Parliament’s Committee on Petitions.

The theme of the 2023 ENO Annual Conference, held at the European Parliament in Brussels, was the protection of human rights. Its first session focused on migration with participants reflecting on how and why migrants come to Europe and the crucial role ombudsmen play in exposing harm, protecting people’s rights, and holding administrations accountable. The second session looked at the use of AI in public administrations with the discussions focused on the technology’s benefits and potential drawbacks.

Through the queries procedure, ENO members are able to ask questions about EU law that arise during the course of their inquiries, with the European Ombudsman obtaining expert replies for them from the EU institutions. Query topics in 2023 included the European Health Insurance Card, restrictions to the free movement of people between EU Member States, and EU insurance rules.

As EU candidate countries may become members of the Network, 2023 also saw the Institution of the Human Rights Ombudsman of Bosnia and Herzegovina join ENO.

Continuing her regular visits to the offices of national ombudsmen, the European Ombudsman travelled to Warsaw in September where she met with the Polish Deputy Commissioner for Human Rights. During her time in the Polish capital, she visited the headquarters of the European Border and Coast Guard Agency (Frontex). The Ombudsman also delivered a [keynote speech](#) at the University of Warsaw on ‘the European Ombudsman in a geopolitical age: protecting human rights and accountability.’



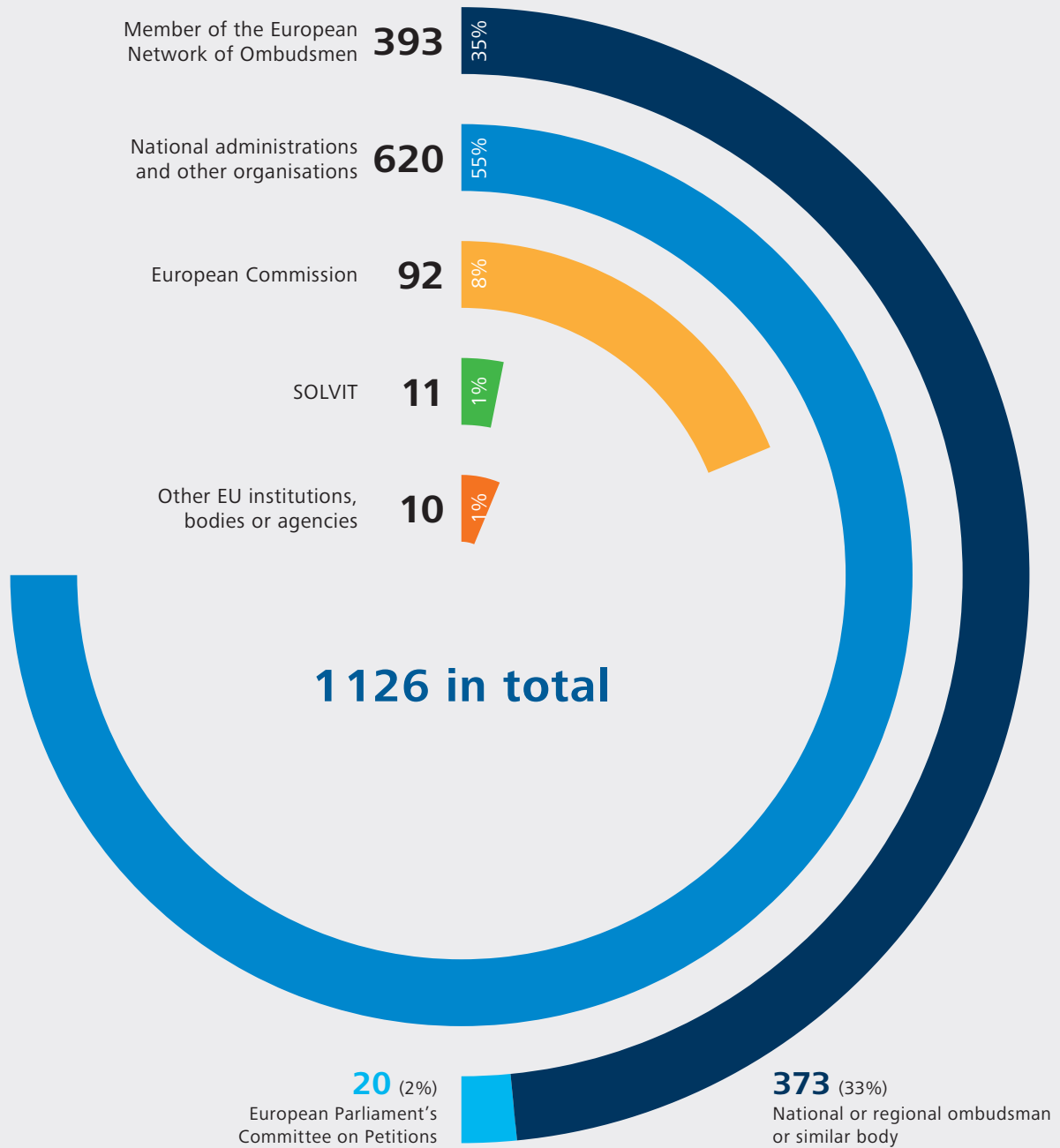
European Ombudsman

Thank you to everyone who joined us for the [#ENOnetwork 2023](#) conference! It was a great opportunity for ombudsmen across Europe to share their perspectives on some of the important issues we face today, such as [#migration](#) and [#fundamentalrights](#), [#AI](#), and [#ethics](#).



Thank you to everyone who joined us for the ENO Network 2023 conference! It was a great opportunity for ombudsmen across Europe to share their perspectives on some of the important issues we face today, such as migration and fundamental rights, AI, and ethics.

Complainants advised to contact other institutions and bodies by the European Ombudsman in 2023 and complaints transferred



RESOURCES

7.1. 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 2023, budgeted appropriations amounted to EUR 13 212 447.

To ensure the effective management of resources, the Ombudsman's internal auditor regularly checks the internal control systems and the financial operations that the Office carries out. As is the case with other institutions, the Ombudsman is also subject to the European Court of Auditors' review, which did not identify any specific issues in the context of its external audit work.

7.2. Use of resources

Every year, the Ombudsman adopts an [Annual Management Plan](#), which identifies specific actions that the office expects to take to meet the objectives and priorities of the Ombudsman's five-year strategy 'Towards 2024'. The 2023 Annual Management Plan is the third one based on this strategy.

The Ombudsman has a highly qualified multilingual staff. This ensures that the Office can deal with complaints in the 24 official EU languages and raise awareness about the Ombudsman's work throughout the EU. The Office's hybrid work policy, which is results-oriented and trust-based, supports the Ombudsman's ambition to promote a modern, digital, and flexible work environment.

In 2023, there were 75 posts in the Ombudsman's establishment plan, in addition to which, there was an average of nine contract agents working with the Office. Eighteen trainees also gained work experience at the Ombudsman's Office over the course of the year.

The Ombudsman carried out a staff survey in 2023, which showed high overall levels of employee satisfaction and engagement.

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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This *Annual Report* is published on the Internet at:

www.ombudsman.europa.eu

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Print	ISBN 978-92-9483-366-2	ISSN 1680-3809	doi:10.2869/306065	QK-AA-24-001-EN-C
HTML	ISBN 978-92-9483-369-3	ISSN 1680-3922	doi:10.2869/586423	QK-AA-24-001-EN-Q
PDF	ISBN 978-92-9483-365-5	ISSN 1680-3922	doi:10.2869/72378	QK-AA-24-001-EN-N

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