



European Ombudsman

# **Annual Activity Report of the Principal Authorising Officer**

**Year 2012**

**Strasbourg  
28 February 2013**

**EN**



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## Introduction

The Annual Activity Report (AAR) of the Principal Authorising Officer of the European Ombudsman is prepared in accordance with Article 60(7) of the Financial Regulation. That provision requires the AAR to "indicate the results of the operations by reference to the objectives set, the risks associated with these operations, the use made of the resources provided and the efficiency and effectiveness of the internal control system".

The European Ombudsman seeks fair outcomes to complaints against the Union institutions, encourages transparency and promotes an administrative culture of service in the Union institutions. He aims to bring the European Union closer to its citizens by fostering the highest standards of administration and by building trust through dialogue. In pursuit of these objectives, the Ombudsman co-operates closely with the other EU institutions, bodies, offices and agencies and with ombudsmen in the Member States, particularly in providing a prompt and effective service to everyone who makes a complaint and in finding solutions to help citizens, residents and associations.

In 2012, the European Ombudsman was able to help directly more than 22 000 citizens. This includes individuals who complained to the Ombudsman (2 442 complaints), those who received a reply to their request for information (1 211), and those who obtained advice through the interactive guide on our website (19 281).

Cooperation with the European Network of Ombudsmen included the joint organisation of a seminar for regional ombudsmen in Brussels, a seminar for the liaison officers of the Network held in Strasbourg and the handling of three Queries.

The Ombudsman's Annual Report for 2012, which is submitted to the European Parliament in accordance with Article 228 of the Treaty on the Functioning of the European Union (TFEU), gives a detailed account of these activities. This AAR therefore mainly focuses on the organisational, administrative, budgetary and financial aspects of the Office's activities in 2012.

The AAR also takes into account the detailed report on budgetary and financial management for the year 2012, which was adopted by the Ombudsman on 27 February 2013. That report is attached to the present report as Annex 3.

Part I of the report explains the structure and organisation of the European Ombudsman's Office.

Part II of the report identifies the main results in each area of activity, with reference to the structure and organisation of the Office.

The report ends with the declarations of assurance (Part III) concerning the financial operations carried out under the control and responsibility of the Authorising Officers by Delegation during the relevant period.



## Part I: The structure and organisation of the European Ombudsman's office

As from January 2012, the European Ombudsman adopted a new organisational structure which consists of the Ombudsman's private office (Cabinet), the Secretariat-General and two Directorates.

### Cabinet

The **Cabinet** assists the Ombudsman to manage the workflow connected with complaint-handling, advises the Ombudsman on relations with the other EU institutions and deals with matters of protocol. Cabinet members also draft speeches and articles, represent the Ombudsman at meetings, seminars and workshops, and carry out a range of administrative tasks, including managing the Ombudsman's agenda and correspondence.

### Secretariat-General

The **Secretary-General** (SG) (a) provides policy advice to the Ombudsman on strategic management and direction and (b) ensures overall coordination.

The **Communication Unit** (COMM) reports to the Ombudsman and the SG. The Communication Unit is responsible for informing individuals and organisations throughout the Union of the role and activities of the Ombudsman. The Unit maintains and promotes relations with the media, organises the Ombudsman's information visits and events, and liaises with other EU institutions on outreach initiatives. It drafts and produces the Ombudsman's publications and promotional material, maintains and develops the Ombudsman's website, and implements the institution's visual identity.

In addition, the Unit also coordinates the European Network of Ombudsmen, provides the Network's internal and external means of communication and, more generally, is responsible for relations with ombudsman associations in Europe and beyond.

### The two Directorates

Each Directorate is responsible for three Units: two Complaints and Inquiries Units and one of the two Units providing support activities in the Ombudsman's office; that is, (1) the Personnel, Administration and Budget Unit and (2) the Registry.

The **Complaints and Inquiries Units (C&I)** analyse complaints that fall within the Ombudsman's mandate. They conduct the inquiries needed to clarify possible cases of maladministration, look for solutions, and prepare draft recommendations, decisions closing inquiries and special reports to the European Parliament. The Units also propose and carry out inquiries that are based on the Ombudsman's own-initiative power and deal with Queries sent by other members of the European Network of Ombudsmen.

The **Personnel, Administration and Budget Unit (PAB)** is responsible for all administrative matters related to the institution's personnel, human resources, budget and finance and represents the institution in a number of interinstitutional committees.



As regards personnel and human resources, the Unit deals with recruitment, management of individual rights, internal communication, and training.

As regards other administrative matters, the Unit deals with buildings, office space and equipment and coordinates translation requests. Furthermore, it is responsible for the institution's IT resources, including in-house development and maintenance of software applications specifically designed for the needs of the Ombudsman's services.

As regards budget and finance, the Unit drafts the budget estimates and ensures that the Ombudsman's Office complies with the applicable financial rules. It guarantees that available resources are used economically and efficiently, and are protected adequately. Additionally, the Unit establishes and implements the appropriate internal control mechanisms and prepares information for the various budgetary control authorities.

The **Registry (REG)** deals with the registration, distribution and transmission of all documents received or sent by the Office. It is also in charge of the Ombudsman's archives and library and the development and implementation of a public register of documents. In 2012, the Registry was also given the task of dealing with complaints that fall outside the Ombudsman's mandate.

## Part II: Policy results by activities

The Ombudsman's Annual Management Plan for 2012 ("the AMP 2012") included a series of Key Performance Indicators (KPIs) to measure the office's performance in achieving its objectives. It also identified, with reference to the Ombudsman's Strategy for the current Mandate, the 2012 priorities for each core activity, as well as the relevant indicators of results.

The scoreboard below shows, in a synthetic form, the overall results achieved by the office in light of the priorities and KPIs set out in the AMP. The following chapters and sections provide an analysis of these results.



## Scoreboard January-December 2012

|                          | Subject matter           | Measurement / Evaluation criteria   | Targets or reference figures for 2012 | Results 2012     |
|--------------------------|--------------------------|---|---------------------------------------|------------------|
| <b>KPI 1<sup>1</sup></b> | Strategy and Governance  | Assessment by the European Ombudsman's staff and external stakeholders.   | Reference figure: 76%                 | 76%              |
| <b>KPI 2</b>             | Complaints and inquiries | Number of inquiries closed in relation to the number of ongoing inquiries at the end of the previous exercise.  | 1.1                                   | 1.2              |
|                          |                          | Proportion of cases in which the admissibility decision is taken within one month.  | 90%                                   | 85% <sup>2</sup> |
| <b>KPI 3</b>             | Complaints and inquiries | Proportion of inquiries closed within (i) 12 and (ii) 18 months.  | 12-m: 70%<br>18-m: 90%                | 69%<br>79%       |
| <b>KPI 4</b>             | Complaints and inquiries | Relation between (i) the number of friendly solutions and draft recommendations and (ii) the number of decisions in which maladministration is found. | 2.5 <sup>3</sup>                      | 1.2              |
| <b>KPI 5</b>             | Complaints and inquiries | Number of systemic own-initiative inquiries launched.   | 6                                     | 12               |

<sup>1</sup> A new calculation method was adopted for this KPI. The score takes account of the results of an external stakeholders' survey in addition to an assessment by the staff, whereas the 2011 result was based only on the staff's assessment.

<sup>2</sup> Breakdown: 92% in complaints outside the mandate, 83% in cases within the mandate but inadmissible, 70% in cases where an inquiry is opened and 63% in 'no grounds' cases.

<sup>3</sup> To obtain this figure, the sum of friendly solutions and draft recommendations proposed is divided by the number of cases closed with a critical remark in which no friendly solution proposal or draft recommendation was made.



|                    | Subject matter  | Measurement / Evaluation criteria                             | Targets or reference figures for 2012  | Results 2012          |   |
|--------------------|---|---|--|-----------------------|---|
| KPI 6              | Provide our external stakeholders with timely, useful and easily accessible information | External stakeholders contacted (frequency and significance). | Press releases:  | 20                    | 18  |
|                    |   |   | Press cuttings:  | 1 300                 | 1 698   |
|                    |   |   | Events involving multipliers:  | 120                   | 135   |
|                    |   |   | Complaints within the mandate:   | +1%                   | +6%   |
|                    |   |   | Advice given through the Interactive Guide to contact a member of the European Network of Ombudsmen: | 13 000                | 11 868  |
|                    |   |   | Unique visitors to the website:  | 300 000               | 311 586   |
|                    |   |   | Queries:   | 12                    | 3   |
|                    |   |   | Contributions to discussions on the European Network of Ombudsmen Extranet:                          | 180                   | 122   |
|                    |   |   | KPI 7  | Support Services (HR) | Staffing levels, measured as a proportion of maximum full time equivalents (FTEs) |
| KPI 8 <sup>4</sup> | Support Services (HR)   | Average professional training days per person.                | 3 days   | 3.6 days              |   |
| KPI 9              | Support Services  | Degree of satisfaction of the European Ombudsman's staff.     | 80%  | 86.9% <sup>5</sup>    |   |
| KPI 10             | Support Services (finance)  | Implementation of the budget (composite indicator).           | Budget implementation: 87%   | 88.7%                 |   |
|                    |   |   | Carried-over appropriations paid: 92%  | 95.4%                 |   |
|                    |   |   | Number of payments beyond 30 days: maximum 10  | 5                     |   |

<sup>4</sup> KPI 8 is based on training days (excluding language training) for all staff (including contractual agents and trainees).

<sup>5</sup> This figure was calculated on the basis of the number of positive replies given to a question about 'overall job satisfaction' asked in the framework of a general staff survey as a proportion of the total number of replies given to this question.



## Chapter I: Strategy and Governance

One of the actions carried out by the Secretariat-General to implement the Ombudsman's priorities in 2012 was the coordination of the three projects earmarked in the AMP 2012 as 'EFQM (European Foundation for Quality Management) Actions'. In addition, the Secretariat-General was specifically involved in the implementation of one of these projects, whose aim was to clarify the role of the Secretary-General, the Directors and the Heads of Unit. The process led to the relevant job descriptions being reviewed and updated.

The outcome and the impact of EFQM's evaluation of the three projects are described in Chapter V, section 5, below.

The other actions assigned to the Secretariat-General in the AMP 2012 were all completed successfully, namely; (i) the launch of a monthly internal newsletter, (ii) ensuring coordination between the IT workflow consultant and the other internal services involved, and (iii) carrying out a survey of external stakeholders.

The survey of external stakeholders sought their views specifically on matters related to strategy and governance. A detailed report on the results of the survey is available on the Ombudsman's website<sup>6</sup>.

The reference figure score for KPI 1, which is relevant to the Secretariat-General's activities, was calculated on the basis of (i) the results of the above-mentioned external stakeholders' survey, and (ii) the replies to questions related to strategy and governance in a general staff survey conducted in December 2012.

## Chapter II: Complaints and Inquiries

### **Activities related to complaints and inquiries**

The year 2012 was a particularly busy one concerning complaints received and inquiries conducted. Record numbers of inquiries were opened and closed, despite staffing difficulties (two of the four positions of Heads of Unit remained vacant for most of the year, although intensive efforts were made to fill them). The 465 inquiries opened represent an increase of 18% compared with 2011 (396 inquiries opened). The number of inquiries closed increased by 23% compared with the previous year and reached a new peak of 390.

Thanks to the interactive guide which provides helpful advice to citizens, the number of complaints falling outside the Ombudsman's mandate went down to 1 720 in 2012, the lowest number in ten years. In 2012, the Ombudsman's Office also managed to streamline and speed up the handling of such complaints which are now being dealt with by the Registry (see section on the Registry below).

As regards the Key Performance Indicators, the targets for the number of inquiries closed in relation to the number of ongoing inquiries at the end of the previous exercise (KPI 2, first aspect) and for the number of systemic own-initiative inquiries launched (KPI 5) were exceeded. The percentage of cases in which the

<sup>6</sup> <http://www.ombudsman.europa.eu/resources/strategy/amp.faces/en/49378/html.bookmark>





admissibility decision was taken within one month (KPI 2, second aspect) increased significantly. Even though the overall result of 85% is still below the target of 90%, all indicators suggest that the target will be reached in 2013. It should be underlined that the decision to assign to the Registry the task of dealing with complaints outside the mandate resulted in considerable efficiency gains. The percentage of decisions taken within one month attained 92% for this category of complaints (see section on the Registry below).

The figure concerning the proportion of inquiries closed within 12 months (KPI 3, first aspect) also increased to 69% and nearly reached the target of 70%. The corresponding figure for the proportion of inquiries closed within 18 months (KPI 3, second aspect) is 79% and thus slightly lower than the figure achieved in 2011 (80%) and clearly below the target of 90%. It should be noted, however, that, in 2012, an effort was made to try and complete as many inquiries that had been pending for more than two years as possible. Paradoxically, the very success of this effort had a negative effect on the relevant KPI as cases that had been open for a long time were closed and thus taken into account in calculating the average length of inquiries.

KPI 4 aims to measure the extent to which the Ombudsman seeks to remedy cases of maladministration, by making either a proposal for a friendly solution, or a draft recommendation. In 2012, the figure for KPI 4 was 1.2. This was below the target of 2.5, which was achieved in 2011. Analysis shows that the low score results from efforts to speed up inquiries and close old cases. Part of this effect is likely to be a "one-off" that should not recur in 2013. The main policy conclusions of the analysis are that we should (i) strengthen our efforts to make friendly solution proposals more persuasive and (ii) seek to quantify and capture within KPI 4 the impact of our efforts to persuade institutions to resolve matters themselves at an early stage, without having to resort to a friendly solution proposal or a draft recommendation. In this regard it is worth pointing out that the Compliance Report, published for the first time in 2012, already included such cases in the 82% compliance figure.

The overall picture is in any event very positive. A record number of inquiries were opened in 2012. The number of inquiries closed was also significantly higher than in 2011. To be sure, the average length of inquiries increased to 12 months. As mentioned above, however, this is largely due to the considerable number of old cases closed in 2012.

### **The Registry**

During the first quarter of 2012, the Registry successfully took on the task of handling complaints that fall outside the Ombudsman's mandate; i.e., approximately 70% of all complaints received. The administrative handling of such complaints was rationalised and centralised, with the aim of delivering a faster service to complainants. An internal survey conducted towards the end of 2012 showed that most internal stakeholders thought the reform had had a significantly positive effect on their work. The implementation of the project was also evaluated positively by the EFQM (see chapter V, section 5, below). Its impact is reflected in the result concerning KPI 2 (second aspect) which increased significantly compared to 2011.

The Registry also successfully pursued preparatory work for (i) the Ombudsman's public register of non-complaints-related documents and (ii) the institution's first historical archives policy, making it possible for both to be implemented in 2013.



Finally, in May 2012, the Unit was assigned the leading role in a major cross-service project aimed at introducing a new case management system for the office. This work was successfully carried out and the new system is expected to become operational in 2013.

## Chapter III: Communication and outreach

The Communication Unit completed most of its priority actions identified in the AMP 2012 and achieved, or surpassed, four of its eight KPI targets. Most significantly, the carefully-targeted outreach activities were followed by an increase of 6% in the proportion of complaints within the mandate compared to the 1% increase achieved the previous year. Throughout 2012, the Communication Unit promoted, to EU staff, both the public service principles and the European Ombudsman's Guide to Complaints, through targeted dissemination of the publications, and through relevant meetings and events.

### *EFQM action*

One of the main priorities for the Unit in 2012, as identified through the European Foundation for Quality Management (EFQM) exercise, was the creation of a complainant feedback mechanism in 23 languages. Since the autumn of 2012, all complainants who submit their complaint via the online complaint form are surveyed after their case has been closed. In order to ensure the anonymity of responses to the survey, the Ombudsman's Data Protection Officer was extensively consulted throughout the development of the system. The results of this feedback exercise will be used to improve further the service provided to complainants.

### *Social Media*

In 2012, the Ombudsman decided to widen the scope and reach of his communication activities by developing his use of social media. A Social Media Officer joined the staff in July. The Ombudsman now has a LinkedIn company page, a Twitter account and a YouTube channel. The Ombudsman's first video clip, entitled "Tangled up in EU administration?", was published in 23 languages. By the end of 2012, the clip had been viewed over 19 900 times.

### *Publications*

A new edition of the *Information sheet for businesses and organisations* was finalised in 2012. The Ombudsman's regular publications, that is, the *Annual Report*, the *Overview*, and two editions of the newsletter of the European Network of Ombudsmen, were also produced and distributed as foreseen. In addition, the needs of persons with disabilities were addressed by actively publicising and providing, on-demand, large print and audio versions of Ombudsman publications.

### *Events*

In cooperation with the Research Network on EU Administrative Law (ReNEUAL), the Ombudsman organised a conference in March 2012 which explored the possibility of adopting an EU Administrative Procedure Law. The conference attracted over 100 participants. In April, the Ombudsman organised an interactive seminar entitled "Europe in crisis: the challenge of winning citizens' trust", which made it possible for citizens from anywhere in the Union



to participate in the event by using Twitter to make comments and put questions. Over 300 participants attended the event in Brussels, making it the largest such event ever organised by the European Ombudsman. The main speakers were: the President of the European Parliament, the Prime Minister of Denmark and then President of the Council of the EU, and the President of the European Commission. Finally, the Ombudsman's International Right to Know Day event, held for the third year running on 28 September, attracted over 100 participants.

#### *European Network of Ombudsmen*

Two Network meetings were organised in 2012: (i) The Eighth Regional Seminar of the European Network of Ombudsmen, held in Brussels and organised jointly by the European Ombudsman and the three regional ombudsmen of Belgium and (ii) The Eighth Liaison Seminar of the European Network of Ombudsmen, held in Strasbourg.

A new Extranet website for the Network members was put in place as planned at the end of 2011 and further developed during 2012. It is intended to expand the functionalities of the Extranet in the future, subject to resource constraints.

#### *Allocation of resources<sup>7</sup>*

| <b>Outreach activities</b> | <b>Expenditure<br/>in EUR</b> | <b>Budget line</b> |
|----------------------------|-------------------------------|--------------------|
| Publications, events, etc. | 224 791                       | 3210               |
| Translation                | 46 457                        | 2310               |
| <b>TOTAL</b>               | <b>271 248</b>                |                    |

| <b>European Network of Ombudsmen</b> | <b>Expenditure<br/>in EUR</b> | <b>Budget line</b> |
|--------------------------------------|-------------------------------|--------------------|
| Publications                         | 52 562                        | 3210               |
| Translation                          | 105 245                       | 2310               |
| Liaison Seminar                      | 20 320                        | 3030               |
| Regional Ombudsmen Seminar           | 17 292                        | 3301               |
| <b>TOTAL</b>                         | <b>195 419</b>                |                    |

<sup>7</sup> This information is included at the request of the rapporteur of the Committee on Budgetary Control made in the framework of the 2011 discharge procedure (see also Chapter V, Section 3, below).



| <b>Annual Report and Overview</b> | <b>Expenditure<br/>in EUR</b> | <b>Budget line</b> |
|-----------------------------------|-------------------------------|--------------------|
| Production <sup>8</sup>           | 8 640                         | 3210               |
| Translation <sup>9</sup>          | 171 253                       | 2310               |
| <b>TOTAL</b>                      | <b>179 893</b>                |                    |

In terms of human resources, the work of approximately eight full-time equivalents (FTEs) was devoted to outreach activities and two FTEs to the European Network of Ombudsmen.

## Chapter IV: Support services

### The Personnel, Administration and Budget Unit

#### Human resources and Administration

In December 2010, the Ombudsman adopted a new staff policy, which provides for a gradual move from temporary to permanent posts. In this framework, an action plan for launching internal competitions was put in place during 2011 and implemented in 2012.

Two internal competitions (at AD 7 and AST 3 level) were organised and successfully completed in 2012. Two further internal competitions (at AD 5 and AST 1 level) were launched in 2012 and completed in February 2013.

As regards specific actions identified in the AMP 2012, the scope of inter-institutional cooperation was expanded through the adoption of service level agreements with the Commission and Parliament. The first made possible the transition to the 'ABAC' accounting system as from July 2013 and the second the transition from the 'ARPEGE' Personnel Management IT System to 'SYSPER II'.

As regards KPIs, actual staffing levels amounted to 87.2% of the maximum theoretically possible (KPI 7). This result was slightly below the target mainly because the potential maximum figure increased after the target was calculated. Furthermore, the full effect of the recruitments made in 2012 will only be reflected in the calculation of KPI 7 in 2013. For KPI 8, the results obtained in the area of professional training largely surpassed the target, as did the score on overall job satisfaction.

The study on the feasibility of adopting a career development plan for each official was postponed, as preparatory work showed that its realisation would require more administrative time and effort than was available.

<sup>8</sup> In 2012, the production costs for the Annual Report and Overview only included the cost of the graphical design because the printing costs were frontloaded from the 2011 budget.

<sup>9</sup> This figure does not include the cost (132 234 EUR in 2012) of the translation of summaries of decisions that are only published on the website.



## Budget and Finance

The main results for 2012 are presented in detail in the Report on budgetary and financial management for the financial year 2012, which is attached to the present report as Annex 3.

The total final appropriations available in the Ombudsman's budget for 2012 amounted to EUR 9 516 500. Title 1 (Expenditure relating to persons working for the institution) amounted to EUR 7 275 000. Title 2 (Buildings, equipment and miscellaneous operating expenditure) amounted to EUR 1 656 500. Title 3 (Expenditure resulting from special functions carried out by the institution) amounted to EUR 585 000.

The following table shows expenditure in 2012 in terms of appropriations committed and paid (in Euros).

| <b>Title</b> | <b>Initial<br/>budget 2012</b> | <b>Final<br/>budget 2012<sup>10</sup></b> | <b>Committed</b> | <b>Paid</b>      |
|--------------|--------------------------------|---|------------------|------------------|
| Title 1      | 7 491 000                      | 7 275 000                                 | 7 150 750        | 6 946 015        |
| Title 2      | 1 403 500                      | 1 656 500                                 | 1 633 178        | 1 201 160        |
| Title 3      | 622 000                        | 585 000                                   | 570 823          | 293 202          |
| <b>Total</b> | <b>9 516 500</b>               | <b>9 516 500</b>                          | <b>9 354 751</b> | <b>8 440 377</b> |

Of the total appropriations, 98.30 % were committed (compared to 92.54 % in 2011) and 88.69 % paid (compared to 85.62 % in 2011). The appropriations carried over from 2012 to 2013 amounted to EUR 683 749. The utilisation rate (including appropriations carried over from 2011 to 2012) was 95.88 % (compared to 92.54 % for 2011).

Furthermore, 95.4 % of the credits carried over to 2012 from 2011 were used (compared to 90.6 % in 2011).

### Other elements of implementation

During 2012, one modification of the establishment plan and four transfers of appropriations were necessary. These modifications of the initial budget are presented in detail in the annexed 'Report on budgetary and financial management for the financial year'.

The total amount of these transfers was EUR 416 500 (4.38 % of the total appropriations for 2012).

The Ombudsman's office launched 13 procurement procedures (low-value contracts) in 2012 (compared to 16 in 2011, and 24 in 2010).

<sup>10</sup> After transfers.



## Indicators 2012

In the following table, all totals are cumulative.

| <b>Indicators</b>  | <b>Target<br/>2012</b> | <b>Q1</b> | <b>Q2</b> | <b>Q3</b> | <b>Q4</b> | <b>2011/2012</b> |
|--|------------------------|-----------|-----------|-----------|-----------|------------------|
| F1: Percentage of budget implementation                  | Total : 87 %           | 23.72 %   | 50.37 %   | 71.09 %   | 88.69 %   | + 3.07 %         |
| F2: Percentage of carryover appropriations paid          | Total : 92 %           | 45.68 %   | 65.55 %   | 87.15 %   | 95.40 %   | + 4.80 %         |
| F3: Number of operations paid over the 30-day time limit | Total : 10             | 4         | 4         | 4         | 5         | -8               |

The average time for payment concerning invoices sent by private providers of goods and services was 10.77 days (15.3 days in 2011).

## Preparation and presentation of the 2013 budget

The 2013 budget, which was prepared during 2012, provides for an establishment plan of 67 posts.

Total appropriations for 2013 are EUR 9 516 371. Title 1 (Expenditure relating to persons working with the institution) amounts to EUR 7 383 371. Title 2 (Buildings, equipment and miscellaneous operating expenditure) amounts to EUR 1 559 500. Title 3 (Expenditure resulting from general functions carried out by the institution) amounts to EUR 573 500.

The 2013 budget provides for total revenue of EUR 1 185 676.



## Chapter V: Management of internal controls

### Section 1 - Recommendations from the Internal Auditor

In 2012, the Ombudsman's Internal Auditor issued two audit reports:

- Report N°12/01: Internal auditor's annual report for 2011.

The Internal auditor's report on the 2011 audit work concluded that the Institution's internal management and control systems are effective and efficient and provide reasonable assurance of attaining its control objectives on a consistent basis.

- Report N°12/02: Transversal follow-up of open actions from internal audit reports.

This report is a follow-up to audits performed in 2010/2011 concerning (i) the institution's public procurement process (Report 10/02), (ii) a review of the internal control framework (Report 10/03) and (iii) a follow-up to the audit of the processing of payment requests (report 11/02).

In his report (12/02), the Internal Auditor concluded that the overall progress made in (i) implementation of the actions relating to the management of budgetary transactions, (ii) enhancement of the audit trail and (iii) providing timely feedback on payment dates to the Authorising officer enabled Internal Audit to close the relevant actions.

For the two actions that remain open and concern (i) the implementation of the minimum standards for internal control and (ii) the management of procurement procedures, the measures taken by the institution allowed Internal Audit to lower the residual risk to moderate.

In order to implement the Internal Auditor's recommendations, actions will be taken in 2013 (i) to identify sensitive posts and to define explicit criteria for allowing extended occupation of a sensitive post and (ii) further to improve the management of procurement procedures, in particular in relation to the definition of selection and award criteria.

### Section 2 - Observations from the Court of Auditors

In the framework of the DAS 2011, the Court of Auditors indicated in its annual report that the audit did not give rise to any significant observations as regards the European Ombudsman.

### Section 3 - Follow-up of recommendations from the Committee on Budgetary Control in the framework of the discharge procedures

#### 2010 discharge

In the framework of the 2010 discharge procedure, the Committee on Budgetary Control made four recommendations:

- It called for better financial planning ensuring more efficient budget implementation.



This was linked to Parliament's finding that the utilisation rate of the Ombudsman's appropriations was 89.65 % in 2010, which was below the average for the other institutions and two percentage points lower than the utilisation rate for 2009 (91.98 %).

The utilisation rate of 92.54% achieved as regards 2011 is considerably higher than the corresponding rates for 2010 and 2009.

The Ombudsman's office is aware of the need for constant improvement in financial planning so as to ensure the most efficient possible budget implementation. It has made further efforts in this regard in 2012 and will continue to do so in the future.

- It called for the number and proportion of cases in which decisions on admissibility are taken within one month to be further increased and noted that the proportion in 2010 was 66 %.

The percentage of cases in which the decision on admissibility was taken within one month increased to 70 % in 2011. In 2012, the relevant figure was 85 %.

- It called for the number and proportion of inquiries that are completed within less than 12 months to continue to increase and noted that the proportion in 2010 was 66 %.

The percentage of cases closed within 12 months in 2011 was identical to the corresponding rate in 2010 (66 %). In 2012, this percentage increased to 69 %. This figure is close to the target for the relevant Key Performance Indicator, which is 70%. The target has been set at 70% because it is not possible, for practical reasons, to close within 12 months cases that involve more than one round of inquiries to the institutions concerned, friendly solution proposals, or draft recommendations.

- It called for the annual report on the European Ombudsman's activities in 2011 to contain a section on any action taken in response to Parliament's discharge resolution, together with a comprehensive table of all the human resources available to the Ombudsman, broken down by category, grade and gender, participation in professional training and nationality.

It is necessary to point out that the above recommendations only came to the Ombudsman's attention after the Annual Activity Report for 2011 had already been submitted and could thus not be considered in that report. Parliament's recommendations are however taken into account in the present Annual Activity Report.

Tables comprising information on the human resources available to the Ombudsman, broken down by category, grade and gender, participation in professional training and nationality are available in Annex 1 of this report.

### **2011 discharge**

In its draft report of 25 January 2013 on the 2011 discharge, the Committee on Budgetary Control repeated the recommendations made in the framework of the 2010 discharge (see above remarks) and added the following:





- It called on the European Ombudsman to set out, in its annual report, the ways in which it addresses EU citizens and the amount of funding it draws from the budget to this end in its annual report.

The task of informing citizens of the Ombudsman's work is carried out mainly by the Communication Unit, whose role is explained in Part I of the present report. Information on the amount of funding allocated to informing Parliament and citizens of the Ombudsman's role and activities is included in Chapter III (p. 12), above.

#### **Section 4 - Management of the internal control systems**

Since 2004, the Ombudsman has been carrying out an annual self-assessment of the efficiency of the internal control framework concerning his services. Annex 2 presents a global picture of the outcome of the self-assessment exercise and a view of the progress made during recent years.

Following the adoption of a new set of internal control standards in 2011, two areas of control were upgraded significantly in 2012. The adoption of the public service principles for the EU civil service, published by the European Ombudsman on 19 June 2012, and the guidelines on ethics and good conduct drawn up by the Secretary-General and published on 12 December 2012, reinforced the ethical and organisational values of the institution (Internal Control 2). The monthly publication of an internal newsletter has increased the level and quality of internal communication (Internal Control 12).

Based on the self-assessment of the efficiency of the internal control framework, an action plan will be implemented in 2013 under the responsibility of the internal control co-ordinator.

#### **Section 5 - Quality management**

With a view to increasing the quality of our work, the Ombudsman decided to engage with the EFQM (European Foundation for Quality Management) framework in 2011.

In this context, and with a view to achieving EFQM's first level of recognition, the following three improvement projects were identified and referred to as 'EFQM actions' in the 2012 AMP:

- Create a simple complainant feedback mechanism through the website;
- Define and clarify the responsibilities of the Heads of Unit, Directors and Secretary-General; and
- Implement via the Registry the handling of complaints outside the European Ombudsman's mandate.

All three projects were implemented successfully. On the basis of its assessment of how we carried out these three projects, EFQM recognised the Ombudsman as "Committed to Excellence".

This recognition is important to the Ombudsman not only because it demonstrates our commitment continuously to increase our performance, but also because our involvement with EFQM provides us with a methodology and tools that can help us achieve a sustainable level of quality.



Further actions will be taken in 2013 to pursue this objective and to prepare for the next level of recognition, "Recognised for Excellence".



## **Part III: Declarations of the Authorising Officers by Delegation**

### **1- Declaration of the Authorising Officer by Sub-Delegation**

I, the undersigned,

Head of the Personnel, Administration and Budget Unit of the Ombudsman

In my capacity as Authorising Officer by Sub-Delegation:

- 1.** Hereby declare that the information contained in this report is provided in good faith;
- 2.** Certify that I am reasonably certain that the resources allocated to the activities described in this report have been used for the intended purposes and in accordance with the principle of sound financial management and that the control procedures established afford the requisite guarantees as to the legality and regularity of the underlying transactions. This reasonable assurance is based on my own judgment and on the information at my disposal, such as the results of self-assessment, ex-post controls and remarks by the Internal Auditor of the Ombudsman, as well as information derived from the reports of the Court of Auditors on financial years preceding that in which this declaration is made;
- 3.** Certify that I am not aware of any fact which has not been stated which could damage the interests of the institution of the Ombudsman.

Done at Strasbourg, on 28 February 2013

Loïc Julien  
Head of the Personnel, Administration, and Budget Unit



## 2- Declaration of the Authorising Officer by Delegation

I, the undersigned,

Director of Directorate B (in charge of Personnel, Administration and Budget) of the Ombudsman

In my capacity as Authorising Officer by Sub-Delegation:

1. Hereby declare that the information contained in this report is provided in good faith;
2. Certify that I am reasonably certain that the resources allocated to the activities described in this report have been used for the intended purposes and in accordance with the principle of sound financial management and that the control procedures established afford the requisite guarantees as to the legality and regularity of the underlying transactions. This reasonable assurance is based on my own judgment and on the information at my disposal, such as the results of self-assessment, ex-post controls and remarks by the Internal Auditor of the Ombudsman, as well as information derived from the reports of the Court of Auditors on financial years preceding that in which this declaration is made;
3. Certify that I am not aware of any fact which has not been stated which could damage the interests of the institution of the Ombudsman.

Done at Strasbourg, on 28 February 2013

Gerhard Grill  
Director



### 3- Declaration of the Principal Authorising Officer by Delegation

I, the undersigned,

Secretary-General of the Ombudsman

In my capacity as Principal Authorising Officer by Delegation:

- 1.** Hereby declare that the information contained in this report is provided in good faith;
- 2.** Certify that I am reasonably certain that the resources allocated to the activities described in this report have been used for the intended purposes and in accordance with the principle of sound financial management and that the control procedures established afford the requisite guarantees as to the legality and regularity of the underlying transactions. This reasonable assurance is based on my own judgment and on the information at my disposal, such as the results of self-assessment, ex-post controls and remarks by the Internal Auditor of the Ombudsman, as well as information derived from the reports of the Court of Auditors on financial years preceding that in which this declaration is made;
- 3.** Certify that I am not aware of any fact which has not been stated which could damage the interests of the institution of the Ombudsman.

Done at Strasbourg, on 28 February 2013

Ian Harden  
Secretary-General



## **Annexes**

Annex 1: Human resources and professional training charts

Annex 2: Internal control assessment chart

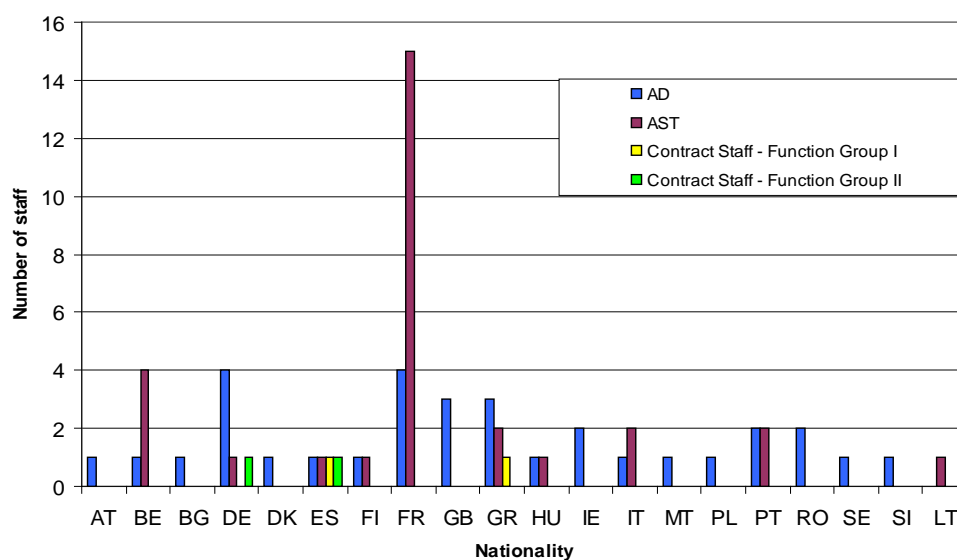
Annex 3: Report on budgetary and financial management for the financial year 2012



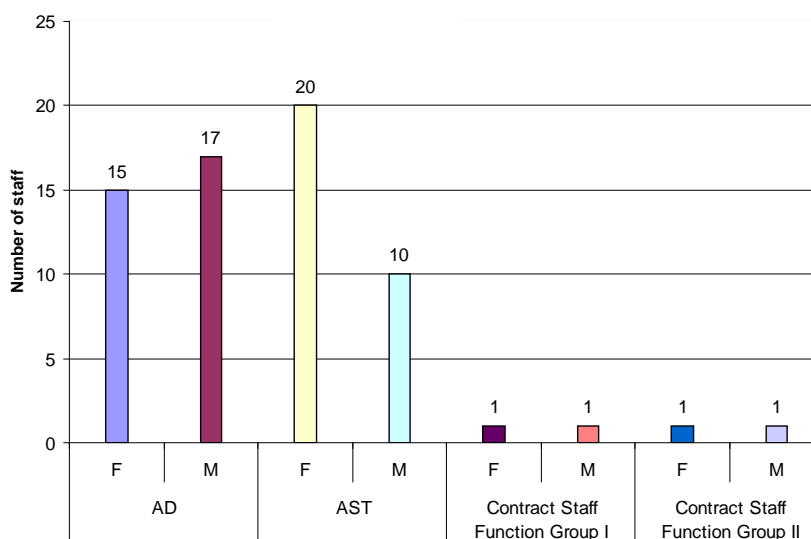
## Annex 1: Human resources and professional training charts

### A. Breakdown of human resources available to the Ombudsman

Graph 1 - Nationality per grade: Snapshot on 31 March 2012



Graph 2 - Gender per grade: Snapshot on 31 March 2012





## B. Number of days of professional training in 2012<sup>11</sup>

Graph 3: Average number of days of language training and other training per person



Graph 4: Average number of training days per person by grade

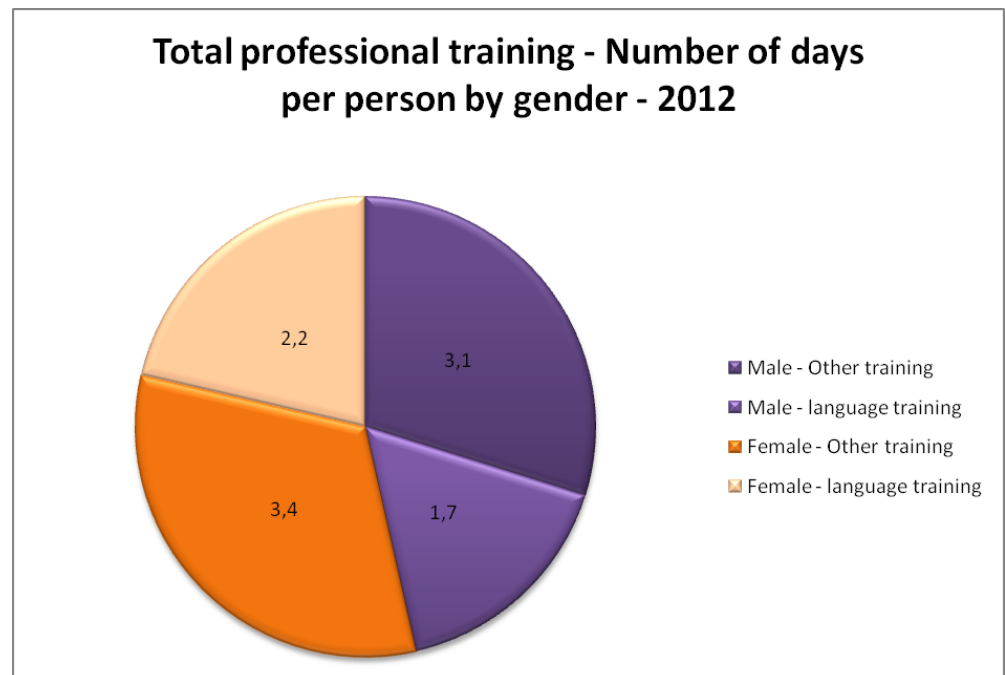


<sup>11</sup> The figures concerning professional training relate to the number of days of training of officials and temporary agents, whereas the figure in the scoreboard (KPI 8) also includes contractual staff and trainees.

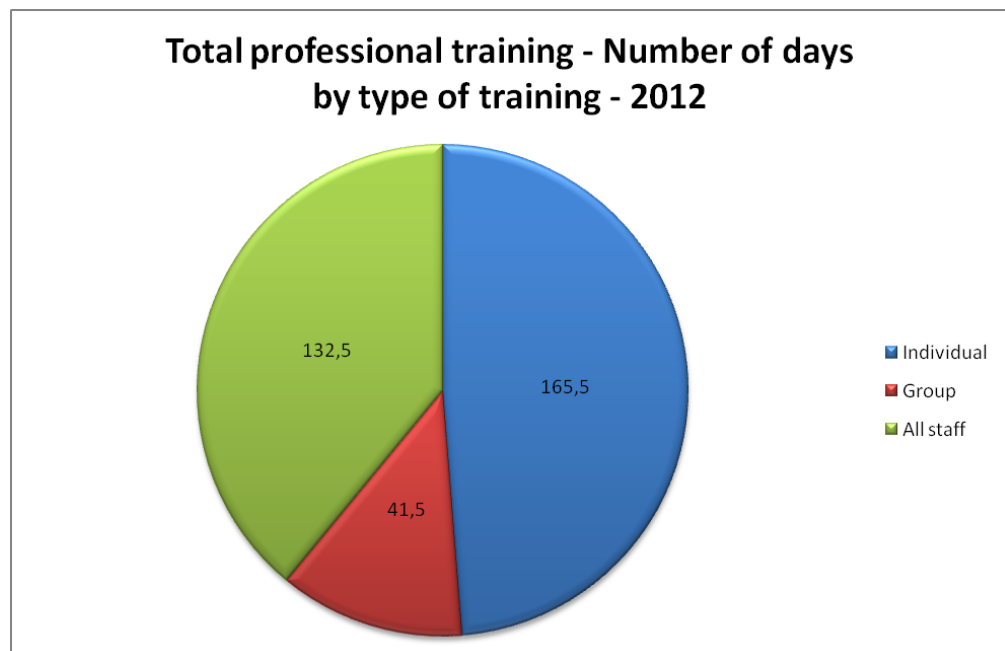




Graph 5: Average number of training days per person by gender

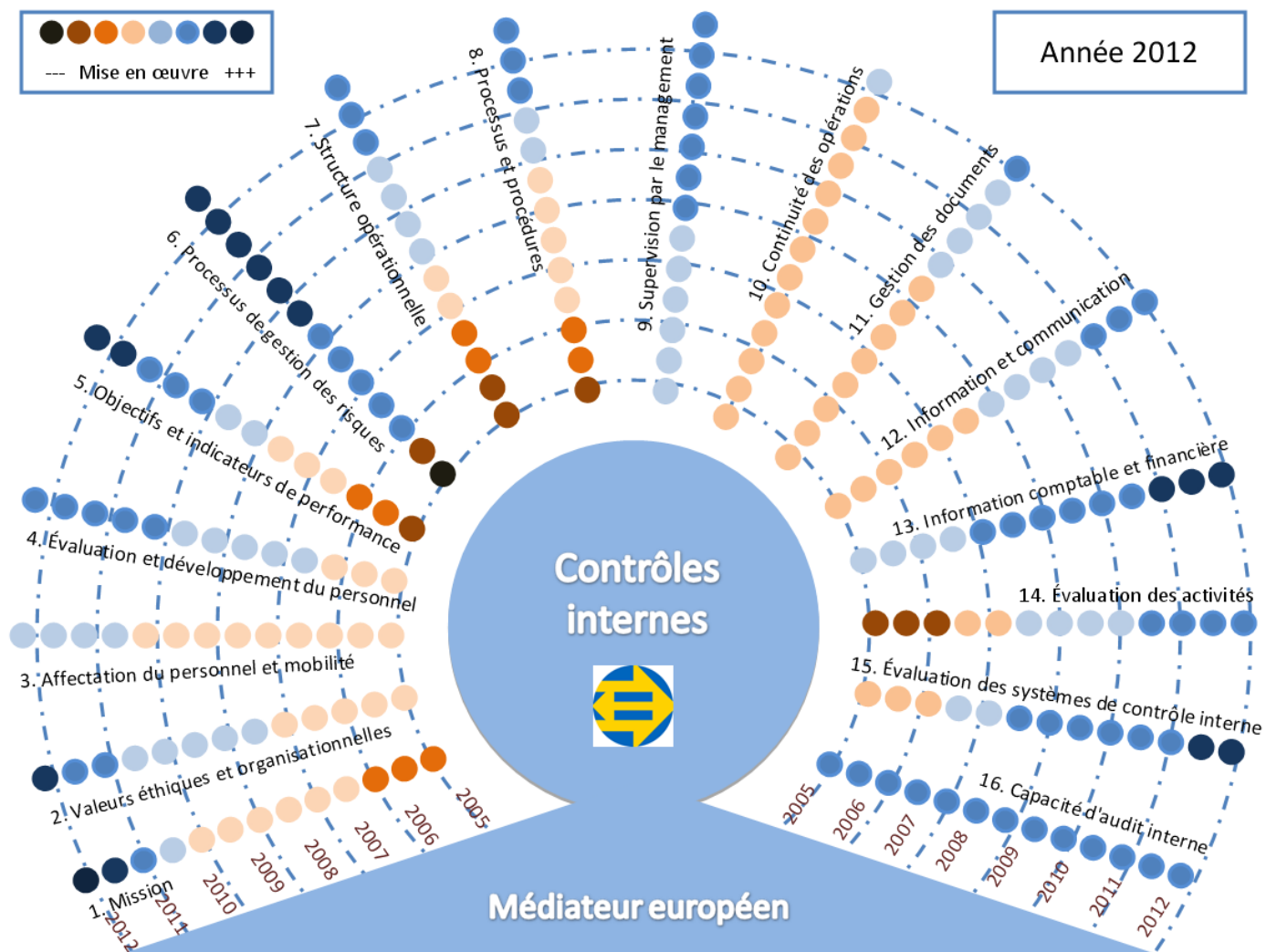


Graph 6: Total number of days of training by type of training





## Annex 2: Internal control assessment chart





### Annex 3: Report on budgetary and financial management for the financial year 2012