



European Ombudsman

# Annual Report 2014







**European Ombudsman**

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# Table of contents

<b>Introduction</b>	<b>4</b>
<b>1 2014 at a glance</b>	<b>6</b>
<b>2 Key topics</b>	<b>7</b>
2.1 Transparency	7
2.2 Lobbying transparency	8
2.3 Clinical trials data transparency	10
2.4 Fundamental rights	11
2.5 Ethical issues	12
2.6 Participation of citizens in EU decision-making	13
2.7 EU-funded programmes and projects	14
2.8 EU competition policy	15
<b>3 How many complaints?</b>	<b>16</b>
<b>4 Against whom?</b>	<b>19</b>
<b>5 About what?</b>	<b>20</b>
<b>6 Results achieved</b>	<b>21</b>
<b>7 How we handle cases</b>	<b>23</b>
<b>8 Compliance with the Ombudsman's proposals</b>	<b>25</b>
<b>9 Relations with EU institutions</b>	<b>26</b>
9.1 European Parliament	26
9.2 Committee on Petitions	26
9.3 European Commission	27
9.4 Other EU institutions and agencies	27
9.5 The UN Disability Rights Convention	27
<b>10 Relations with networks</b>	<b>29</b>
<b>11 Resources</b>	<b>32</b>
11.1 The budget	32
11.2 Use of resources	32
11.3 The team behind the Ombudsman	33
<b>How to contact the European Ombudsman</b>	<b>34</b>



# Introduction



Emily O'Reilly  
European Ombudsman

I am delighted to present you with our Annual Report 2014.

This was an extremely productive year for the European Ombudsman as we began the implementation of our new strategy, *Towards 2019*, with a greater focus on the strategic issues of EU public administration, which affect millions of Europeans.

In raising the visibility of the office and increasing its relevance, we hope to achieve greater positive impact on the transparency and accountability of the institutions and agencies of the European Union to the benefit of all EU citizens and residents.



#1



## EU Parliament Photo

#EPhoto: Emily O'Reilly was today re-elected by the @Europarl\_EN as @EUombudsman #EPlenary ombudsman.europa.eu/home.faces



Emily O'Reilly was today re-elected by the European Parliament as European Ombudsman.

In 2014, we contributed to key debates at the EU level, by making greater use of our power to conduct strategic investigations on our own initiative. We saw good results in our investigation into the transparency of the Transatlantic Trade and Investment Partnership (TTIP) negotiations. The Ombudsman was also part of the joint effort towards increasing lobbying transparency in the EU. We conducted several investigations into this broad issue, including the composition and transparency of the European Commission's expert groups and the "revolving door" phenomenon.

We also continued to resolve significant numbers of complaints from individuals, members of civil society organisations, businesses and other interests, and assisted many more in seeking solutions to their difficulties.

At the end of the year, I was honoured to be re-elected unopposed by the European Parliament with support across all main political groups. I renew my pledge to work independently and energetically on behalf of the citizens of the EU and to assist the EU institutions in their drive to provide the best possible service to the citizens and residents of Europe. ▶ #1  #1  #2

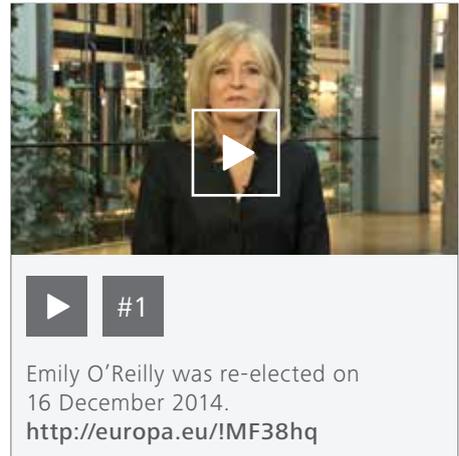
I will also continue to closely collaborate with the European Parliament, with the national and regional ombudsmen, and with the entire ombudsman family.

Please enjoy my second Annual Report.

Strasbourg, 16 February 2015



Emily O'Reilly



Congratulations to Emily O'Reilly for @EUOmbudsman re-election by @Europarl\_EN! Big majority is testament to her commendable work done

Congratulations to Emily O'Reilly for her re-election as European Ombudsman by the European Parliament! Her big majority is testament to her commendable work done.



## Chapter 1 2014 at a glance

The year 2014 was an eventful one for the ombudsman institution, as the Ombudsman embarked on implementing her new strategy for greater impact, visibility, and relevance. Here are some of the key highlights from the year:





When Emily O'Reilly took office as European Ombudsman in October 2013, she announced that she would use her own-initiative power to investigate systemic problems in the EU administration more strategically. The Ombudsman wants to ensure that her office's work becomes more relevant to the major concerns of ordinary European citizens and residents. To that end, she appointed an Own-Initiative Investigation Co-ordinator to steer the strategic own-initiative investigations, in collaboration with colleagues, for speedy and effective delivery. Many of the cases used in this section as examples were opened on the Ombudsman's initiative.

## 2.1 Transparency

Complaints relating to lack of transparency within the EU institutions continue to top the list of complaints to the European Ombudsman. For several years now, 20% to 30% of the complaints that the Ombudsman's office investigates have concerned transparency. The most common transparency issues raised are the institutions' refusal to grant access to documents and/or information. The [Charter of Fundamental Rights of the EU](#) guarantees citizens the right to access public documents.

In 2014, the Ombudsman opened a number of investigations into institutions' refusal to grant access to key EU documents, with positive outcomes. As a result, the [European Commission](#) published documents on Greece's entry into the Eurozone, the [European Central Bank](#) (ECB) disclosed a letter it had sent to the Irish government at the height of the financial crisis, and the Commission released internal documents on the EU's Common Fisheries Policy.

The Greek case, submitted by a German journalist, concerned papers on Greece's conversion reports and correspondence between Commission services, with the Greek authorities, and with the authorities of other EU Member States. [#3](#)

After the Ombudsman's intervention, the Secretariat-General identified 140 documents and released them all to the journalist. [The Ombudsman commended this action](#), pointing out how vital it is that European citizens understand how important decisions affecting their lives come about, especially in times of crisis.

   **AsktheEU**

@EUombudsman commends @EU\_Commission for publishing 140 documents on Greece's 2001 entry into the Eurozone. #EU #rti [ombudsman.europa.eu/en/press/release.faces/en/53411/html.bookmark ...](https://ombudsman.europa.eu/en/press/release.faces/en/53411/html.bookmark...)

The European Ombudsman commends the European Commission for publishing 140 documents on Greece's 2001 entry into the Eurozone.

   **Suzanne Lynch**

@EUombudsman Emily O'Reilly welcomes release of #ECB letter. "The letter should clearly have been released much earlier." #Trichetletter

The European Ombudsman Emily O'Reilly welcomes the release of the European Central Bank letter. "The letter should clearly have been released much earlier."



The European Ombudsman's Irish ECB letter case 2014.  
<http://europa.eu/!vQ44Jq>

   **European Movement**

.@EUombudsman: @EU\_Commission releases internal documents on Common Fisheries Policy: [ombudsman.europa.eu/en/press/release.faces/en/54519/html.bookmark](http://ombudsman.europa.eu/en/press/release.faces/en/54519/html.bookmark) ... #EurMove

European Ombudsman: The European Commission releases internal documents on the Common Fisheries Policy.

In a letter to the Irish Finance Minister in 2010, Jean-Claude Trichet, the then ECB President, called on Ireland to act swiftly in order to protect its financial stability. When an Irish journalist asked to see the letter in 2011, the ECB refused to disclose it. The ECB argued that it needed to protect Ireland's financial stability in the context of significant market pressure and extreme uncertainty.  #4

The Ombudsman concluded that the ECB had been right not to disclose the letter in 2011, when the journalist requested to see it. At the time, the EU was in the throes of a financial crisis. However, more than three years had passed since the Bank had sent the letter. In the end, [the ECB abided by the Ombudsman's recommendation](#) to disclose the letter. The Ombudsman emphasised that the economic crisis caused great hardship for the Irish people, and that citizens have a right to be told the truth, no matter how unpalatable. She continues to work with the ECB to improve its policies and practices in the areas of transparency and ethics. ▶ #2

In another transparency case, a German researcher complained to the Ombudsman after the Commission refused to grant him full access to a proposal for a new regulation on the Common Fisheries Policy. The Commission argued that full disclosure would undermine its decision-making process.  #5

In the end, [the Commission followed the Ombudsman's recommendation](#) to release the documents, albeit only after an agreement on reform of the Policy had been reached. The Ombudsman welcomed this outcome while making it clear that in future cases, she expects the Commission to give access to similar documents immediately.

## 2.2 Lobbying transparency

Brussels is fast becoming the second most important lobbying hub in the world, after Washington. So, not surprisingly, the Ombudsman's work in 2014 increasingly focused on transparency in lobbying activities.

In this context, the Ombudsman opened three strategic investigations on her own initiative, two of them in connection with the ongoing negotiations on the [Transatlantic Trade and Investment Partnership](#) (TTIP). The European Commission is negotiating the agreement on behalf of the Union, on a mandate granted by the [Council of the EU](#). If concluded, the EU-US agreement will create the largest free trade area in history. TTIP will shape future rules and standards in areas such as food safety, cars, chemicals, pharmaceuticals, energy, the environment, and the workplace.

In July, the Ombudsman began investigating the refusal by the Council of the EU to release the directives that the EU is using to negotiate the TTIP. She also started inquiring into the steps that the Commission was taking to ensure transparent and public participation in TTIP negotiations. Earlier, the Ombudsman had put forward, to the European Commission, measures it could take to enable timely public access to TTIP documents, and details of meetings with stakeholders. There were concerns over refusal to disclose documents, unauthorised disclosure of documents, delays, and certain stakeholders apparently receiving privileged access to TTIP documents. [#6](#) [#7](#)

In October, [the Council published the directives](#) in question. Shortly after, [the Commission announced its plans to increase transparency](#) in lobbying, promising to grant broader access to other TTIP documents. The Ombudsman welcomed these steps and announced proposals on how to further enhance the transparency of the TTIP negotiations. [#3](#)



The third investigation concerns the [composition and transparency of hundreds of expert groups](#), on whose advice the Commission relies to draft legislation and policy, covering areas ranging from tax and banking services, to road safety and pharmaceuticals. The Ombudsman first carried out a public consultation to identify how balanced the representation of relevant areas of expertise and interest is in different groups, whether the appointment of members “in a personal capacity” is problematic, and whether the groups work as transparently as possible. [#8](#)

Of particular interest is the Commission’s Directorate-General for Agriculture (DG AGRI). It is setting up 14 civil dialogue groups to serve as advisory bodies for the Common Agricultural Policy. The EU spends more than a third of its budget on this crucial policy area. The Ombudsman is therefore looking into the composition of these groups, to guarantee a balanced representation of this wide range of economic and non-economic interest groups.



#6

**The Consumer Voice**

One step closer to transparency in #TTIP: @EUombudsman asks Council and Commission to publish more #TTIP documents [bit.ly/1xDudD8](http://bit.ly/1xDudD8)

One step closer to transparency in TTIP: The European Ombudsman asks the Council and the Commission to publish more TTIP documents.



#7

**EU TTIP Team**

@YiorgosVa @EUombudsman @foeeurope we agree that the mandate should be published, too. Thx to @EUombudsman to recognise our hitherto effort

We agree that the mandate should be published too. Thanks to the European Ombudsman for recognising our hitherto effort.



#8

**TI EU Office**

.TI\_EU input published on @EUombudsman consultation on expert groups [bit.ly/1o5OAVd](http://bit.ly/1o5OAVd)

Transparency International EU’s input published on the European Ombudsman consultation on expert groups.



Frans Timmermans  
First Vice-President of the Commission responsible for Better Regulation, Inter-Institutional Relations, the Rule of Law and the Charter of Fundamental Rights of the EU.

The Ombudsman is also involved in the debate about the EU [Transparency Register](#), set up to make EU decision-making more transparent, and to enable citizens to know who is trying to influence EU decision-makers. The Parliament and Commission jointly run the Register. Companies, professional consultancies, self-employed consultants, trade associations, academic institutions, NGOs, organisations representing religious communities, organisations representing local, regional, and municipal authorities, and others lobbying the EU institutions, may voluntarily register. Over 7 000 organisations are listed in the Register.

The Ombudsman praised Frans Timmermans, First Vice-President of the Commission responsible for Better Regulation, Inter-Institutional Relations, the Rule of Law and the Charter of Fundamental Rights of the EU, for his plans to work towards a mandatory Register. She also welcomed the Commission’s decision of 1 December 2014, obliging all Members of the Commission and senior staff to publish all contacts and meetings with stakeholders and lobbyists on the Commission’s website. The Ombudsman, however, wants to see the Transparency Register ultimately set in law, and not remain a mere inter-institutional agreement. She also [urged the Council to participate in the Register](#), and encouraged the Commission to introduce much stronger incentives for lobbyists to register, in line with Parliament practice.

### 2.3 Clinical trials data transparency

In 2014, the Ombudsman played a key role in the area of clinical trials data transparency by helping to shape the proactive transparency policy of the [European Medicines Agency \(EMA\)](#), which it adopted in October.

In the last five years, the Ombudsman has conducted over a dozen inquiries into EMA’s refusal to disclose documents on how it regulates medicines and authorises their marketing, including those for treating multiple sclerosis, acne, bacterial infections, and obesity. In response to the Ombudsman’s intervention, EMA appeared ready to adopt a proactive approach towards transparency, and in 2012, announced a new policy, giving the broadest possible public access to clinical trials data.

However, in 2014, [the Ombudsman voiced her concern](#) when the Agency seemed to backtrack by planning to impose strict confidentiality requirements, limit access to “screen only” viewing, and widely restrict use of clinical trials data. EMA eventually abandoned the “screen only” policy. So, albeit with

 #9  **Ben Goldacre**

#AllTrials @EUombudsman asks European Medicines Agency to explain bizarre redactions in trial reports. Vital battle. [ombudsman.europa.eu/en/cases/correspondence.faces/en/58319/html.bookmark](https://ombudsman.europa.eu/en/cases/correspondence.faces/en/58319/html.bookmark) ...

The European Ombudsman asks the European Medicines Agency to explain bizarre redactions in trial reports. Vital battle.

some reservations, the Ombudsman welcomed the Agency's decision in October 2014 to proactively publish the clinical study reports that underpin decisions made on medicines from January 2015. The Ombudsman will continue to closely monitor how EMA makes clinical trials data available, and to ensure that it meets the highest standards of transparency.

 #9

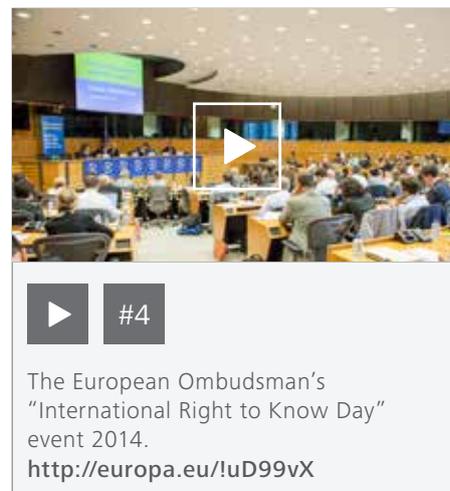
The Ombudsman also [welcomed the new EU Clinical Trials Regulation](#), which requires information on clinical trials to be made available, and eventually accessible online. She congratulated the Parliament, in particular, Glenis Willmott, MEP, and the shadow rapporteurs, for successfully steering the legislation to a very positive outcome.

The Ombudsman devoted her traditional "International Right to Know Day" event to clinical trials data transparency. It was entitled: "[Transparency and public health – how accessible is scientific data?](#)" The event took place on 29 September at the Parliament in Brussels. It brought together representatives of EMA, the Commission, Parliament, public affairs consultancies, legal professionals, industry, NGOs, journalists, researchers, and activists, attracting in total around 150 participants.  #4  #1

## 2.4 Fundamental rights

In the area of the EU administration's fundamental rights obligations, the Ombudsman opened two key strategic investigations on her own initiative in 2014. [One concerns the protection of fundamental rights in EU cohesion policy](#). The Union set up this policy to create growth and jobs, tackle climate change and energy dependence, and reduce poverty and social exclusion in the less developed regions in the EU. The [European Structural and Investment Funds \(ESIF\)](#), which the Commission and the Member States jointly manage, co-finance the policy. The more than EUR 350 billion 2014-2020 ESIF allocation makes up over one third of the EU's budget for that period.

Some of these funds are supposed to help the most vulnerable members of society, but questions have been raised about respect for fundamental rights in the implementation of the policy. For instance, is money being used to 'institutionalise' persons with disabilities instead of helping to integrate them? In this investigation, the Ombudsman has asked: how is the Charter being applied to the implementation; can the Commission impose sanctions on Member States that fail to comply with fundamental rights; and can the Commission suspend funding or recover funds spent in breach of such





Own-initiative investigation by the European Ombudsman into respect for fundamental rights in EU cohesion policy 2014.  
<http://europa.eu/!VB38mX>



**ERA Campaign**

Excellent initiative by [@EUombudsman](#) to investigate EU cohesion funds spend via a vis respect for fundamental rights [ombudsman.europa.eu/en/press/release/faces/en/54420/html.bookmark ...](http://ombudsman.europa.eu/en/press/release/faces/en/54420/html.bookmark...)

Excellent initiative by the European Ombudsman to investigate EU cohesion funds spending vis-à-vis respect for fundamental rights.



**CEO**

NGOs welcome [@EUombudsman](#) ruling: [#EU](#) Commission should introduce [#transparency](#) about senior [#revolvingdoors](#) cases [tinyurl.com/ohkx37j](http://tinyurl.com/ohkx37j)

NGOs welcome European Ombudsman ruling: The European Commission should introduce transparency about senior “revolving door” cases.

rights? The Ombudsman has also invited her colleagues in the [European Network of Ombudsmen](#) and other rights protection bodies to make observations on the subject. ▶ #5 #10

Between 2006 and 2014, the EU forced close to 13 000 non-EU migrants without leave to remain on EU territory to return to their countries of origin. The [Agency for the Management of Operational Co-operation at the External Borders of the Member States of the EU](#) (Frontex) co-ordinates and finances joint return operations (JROs) in co-operation with Member States. In 2013, the Ombudsman called on the agency to establish a complaints mechanism for potential fundamental rights infringements arising from its work.

The Ombudsman pursued her work in this important area in 2014 by looking into [how Frontex ensures respect for the welfare of returnees during flights](#), for example those who are sick or in advanced pregnancy. She also wants to know how independent monitoring can be guaranteed during flights, and how Frontex’s Code of Conduct for JROs is implemented. As ombudsmen are among the national monitoring bodies co-operating with Frontex in JROs, the Ombudsman has also asked them for information from their experience.

## 2.5 Ethical issues

In 2014, the Ombudsman dealt with a substantial number of complaints relating to ethical issues, such as conflict of interest and the practice of “revolving doors” within EU institutions. The term “revolving doors” denotes a move by public sector staff to closely linked jobs in the private sector, or vice versa.

The Ombudsman repeatedly stressed that the EU administration should adhere to “gold standards” when it comes to ethical behaviour. In this connection, the Ombudsman conducted two strategic investigations.

The first [concerns the way the Commission handles “revolving door” cases](#). The Ombudsman investigated complaints from five NGOs and inspected 54 Commission “revolving door” files. She found several deficiencies. It was not always clear whether outgoing officials provided the Commission with sufficient detail to fully inform its decisions, nor how the Commission took comments from its services into account. In particular, the Ombudsman advised the Commission to review the way it handles “revolving door” cases to avoid conflict of interest and erosion of public trust. She also called on the Commission to publish “revolving door” cases of senior EU officials on its website. #11

The Ombudsman asked nine EU institutions, including the Commission, Parliament, and Council, [about their rules to protect whistleblowers](#). At the time, only the Commission had guidelines on whistleblowing, but no internal rules. As from January 2014, the Staff Regulations require the EU institutions to introduce internal rules on whistleblowing. The Ombudsman wants to know to what extent the institutions have consulted staff and the public about these rules, and how they protect external whistleblowers such as contractors or sub-contractors in EU-funded programmes and projects. Leading by example, the Ombudsman drafted internal whistleblowing rules, in co-operation with her office's staff committee and data protection officer. She published them, inviting all interested parties to send feedback.  #12

## 2.6 Participation of citizens in EU decision-making

The Ombudsman has received an increasing number of complaints in the area of citizens' rights, especially the right to participate in the EU decision-making process. These include the [Commission's public consultations](#), and the [European Citizens' Initiative \(ECI\)](#). One million citizens from at least seven Member States can request that the [Commission](#) initiate EU legislation through the ECI. Additionally, the Treaty of Lisbon requires that the institutions maintain an "open and regular dialogue with civil society".

The ECI started operating in 2012, and in 2013 the first initiative, known as Right2Water, was submitted to the Commission. The initiative proposed new EU legislation to require national authorities to provide their citizens with sufficient and clean drinking water and sanitation.

The Ombudsman, in 2014, [invited ECI organisers, civil society organisations, and other interested persons](#) to give feedback on the ECI. The Ombudsman specifically wants to gauge the effectiveness of the Commission's software for collecting signatures online to determine whether contacts between ECI organisers and national authorities are sufficient, and whether the process takes privacy concerns into consideration. The Ombudsman has also invited ideas for possible future changes to the ECI Regulation.

 #13  #14

In March, in the run-up to Parliament elections, the Ombudsman [invited citizens to the interactive event](#) "Your wish list for Europe". She was joined by Martin Schulz, President of the European Parliament, and José Manuel Barroso, then President of the European Commission, to listen to and engage with citizens. As the EU watchdog elected to ensure good administration in Europe, the Ombudsman wants to make sure that Europe lives up to its claim of putting citizens at the heart of decision-making.



**EurActiv**

"Whistleblowers play a key role in uncovering serious irregularities," [@EUombudsman](#) says: [ow.ly/zH1yC](http://ow.ly/zH1yC) - #corruption #fraud #EU

"Whistleblowers play a key role in uncovering serious irregularities", the European Ombudsman says.



**Philippe Wagner**

great initiative from [@EUombudsman](#), opening an inquiry into the functioning of the #ECI procedure & [@EU\\_Commission's](#) role/responsibility

Great initiative from the European Ombudsman, opening an inquiry into the functioning of the European Citizens' Initiative procedure and the European Commission's role/responsibility.



**ECI Campaign**

Strong words on the future of #ECI from [@EUombudsman](#): [ombudsman.europa.eu/en/activities/speech.faces/en/58542/html.bookmark...](http://ombudsman.europa.eu/en/activities/speech.faces/en/58542/html.bookmark...)

Strong words on the future of the European Citizens' Initiative from the European Ombudsman.



 #6

The European Ombudsman's "Your wish list for Europe" event 2014. <http://europa.eu/!yr74hu>

More than 300 people turned up for the event, which was webstreamed live. The questions and suggestions that participants put to the panel, either directly or by tweeting, culminated in a "wish list for Europe". ▶ #6

## 2.7 EU-funded programmes and projects

Every year, the Ombudsman receives a high number of complaints from companies, NGOs, universities, municipalities, and other legal entities involved in EU-funded projects and programmes. These complaints mainly concern late payment, contractual disputes, problems with calls for tender, and lack of transparency, mostly due to the EU institutions' refusal to grant access to documents or information.

The Ombudsman, for example, criticised the European Investment Bank (EIB) for endorsing the exclusion of an Italian company from a public tender for the construction of a bridge over River Sava in Bosnia and Herzegovina. The construction is part of a larger motorway project that connects Croatia with Bosnia and Herzegovina. Despite submitting the lowest bid, the local project promoter excluded the company on the grounds that its bid did not match the tender specifications. [g+ #1](#)

The company challenged this decision before the EIB's complaints mechanism, which agreed with the company's arguments, and recommended that the EIB withdraw its support to the project. However, the Bank's management disregarded its complaints mechanism's findings. The Ombudsman found that the EIB's management had based its decision on an incorrect interpretation of the tender documents. [She criticised the Bank for this maladministration](#), warning that the case could call the EU's commitment to strengthening the rule of law in Bosnia and Herzegovina into question.

In another case, an Italian company obtained a EUR 4 million grant from the [Executive Agency for Competitiveness and Innovation \(EACI\)](#) to transport ceramics from Italy to Spain, in a more environmentally-friendly manner than by road. However, due to the global economic crisis and the ensuing sudden decline in the Spanish housing market, demand for Italian ceramics dropped dramatically. The company asked to suspend the project, and the EACI accepted. Because the company delayed in handing in its final request for payment, the Agency initially refused to pay. Following the Ombudsman's intervention, whose findings underlined how adversely the economic crisis had affected the complainant's project, the Agency finally [paid the company EUR 2 million](#).

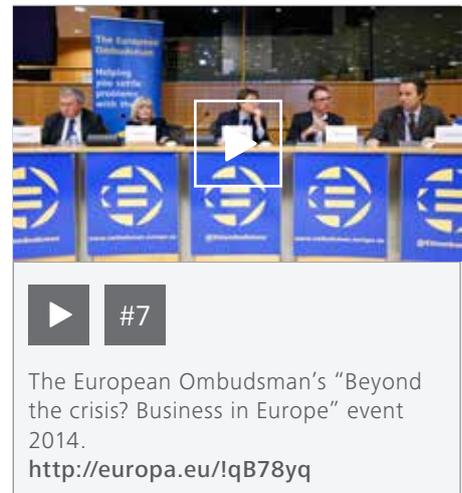
 #1 **European Ombudsman**

**[Press Release] The European Ombudsman**, Emily O'Reilly, has criticised the **European Investment Bank (EIB)** for endorsing the exclusion of an Italian company from a public tender for the construction of a bridge in Bosnia and Herzegovina. The EIB, which is financing the project, based its decision on a legal error and ignored the findings of its own complaints mechanism that the exclusion of the company was unlawful.



During the year, the Ombudsman also [helped resolve a dispute](#) between a British charitable organisation and the [Education, Audiovisual and Culture Executive Agency](#) (EACEA). The charity implemented a project that EACEA co-funded, in the context of the Youth in Action Programme. The Agency refused to approve the charity's final report of the project, claiming that the results did not correspond to the initial project, and went on to recover pre-financing payments totalling nearly EUR 74 000. The charity complained to the Ombudsman that it was unlawful and unfair of the EACEA to recover the funds. The Ombudsman concluded that the recovery was indeed unlawful because the Agency did not disallow the project in time. The Agency ultimately accepted the Ombudsman's proposals and undertook to pay the complainant around EUR 50 000, and interest for late payment.

The Ombudsman regularly consults the business community about the difficulties they encounter in their dealings with the EU institutions. One such consultation, entitled: ["Beyond the crisis? Business in Europe"](#), discussed what is being done at EU level to help small, medium and large businesses. The event took place in February at the Parliament in Brussels, and brought together high-level experts, attracting in total around 100 participants. *The European Ombudsman good for business* brochure, which the participants received, concisely presents a selection of significant cases that the Ombudsman has handled, with positive results. ▶ #7



## 2.8 EU competition policy

In 2014, the Ombudsman also dealt with complaints from companies and other legal entities concerning anti-trust investigations and other cases related to the Commission's competition policy.

The German company [Infineon](#) made one such complaint. The Commission was investigating it in the "smart card chips" cartel inquiry, along with [Philips](#), [Samsung](#), and [Renesas](#), and eventually fined them for belonging to the cartel. The Commission had an electronic copy of an internal e-mail of a competitor that it claimed was crucial evidence in the Infineon case. The company asked to see the document, because it doubted its authenticity. The Commission did not release the e-mail until just over a month before fining the cartel, and yet it had had the e-mail for six months. Infineon complained to the Ombudsman that this delay left it only one week to carry out the complex task of analysing the e-mail for authenticity. The Commission's explanation about the delay did not convince the Ombudsman, and she [criticised the Commission's conduct](#). 🐦 #15

#15

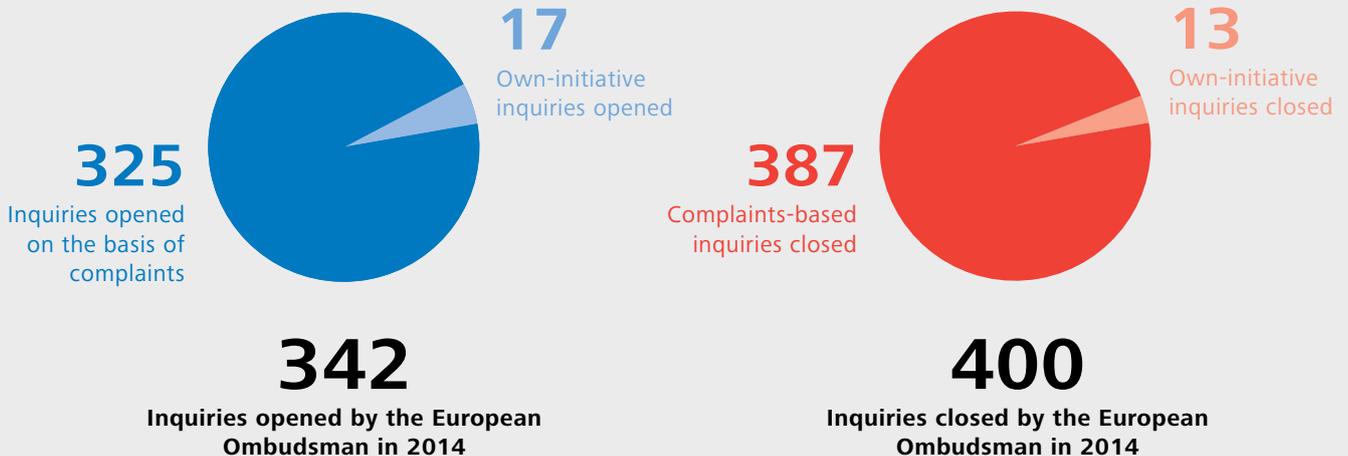
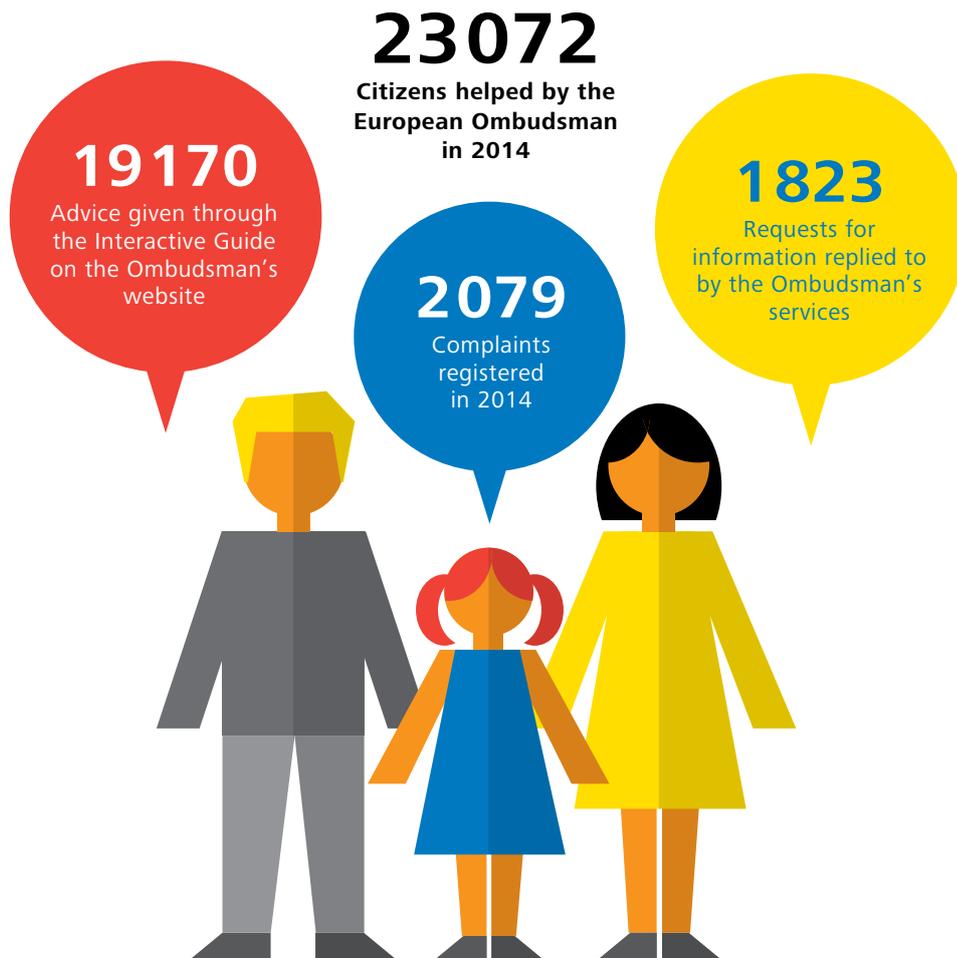
**A&O Antitrust Group**

Infineon's access to rival's email in smart card chips [#cartel](#) probe: [@EUombudsman](#) criticises [@EU\\_Commission](#) delay [goo.gl/k5NC7K](http://goo.gl/k5NC7K)

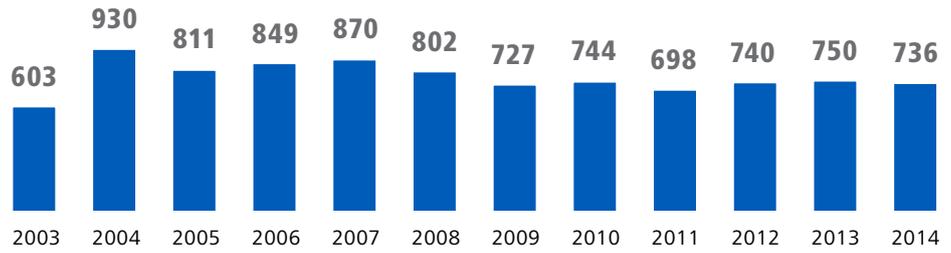
Infineon's access to rival's e-mail in smart card chips cartel probe: The European Ombudsman criticises the European Commission delay.



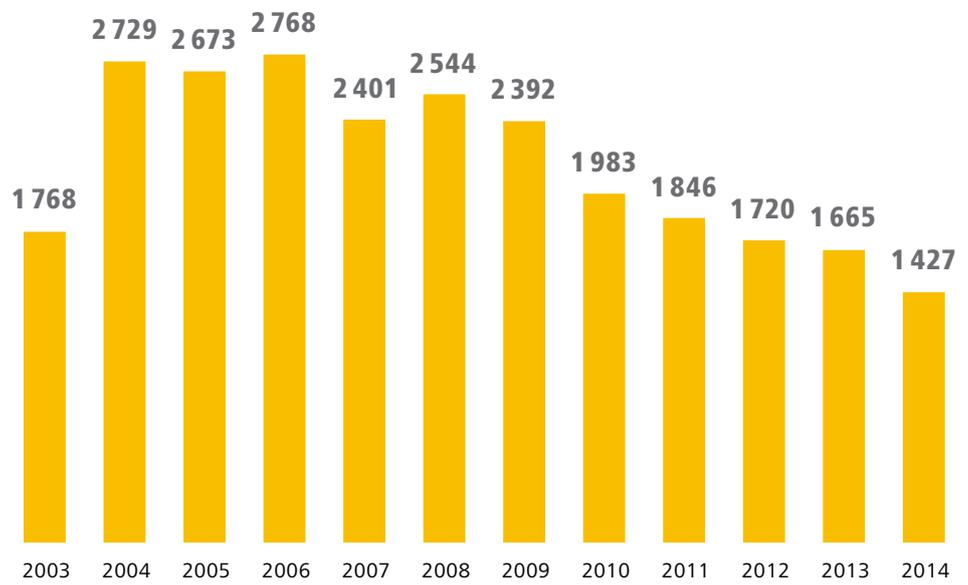
## How many complaints?



Number of complaints inside the mandate of the European Ombudsman 2003-2014



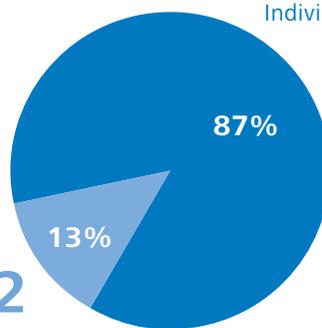
Number of complaints outside the mandate of the European Ombudsman 2003-2014



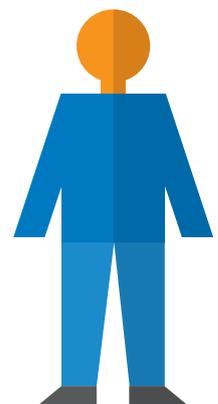
Source of complaints in inquiries closed by the European Ombudsman in 2014



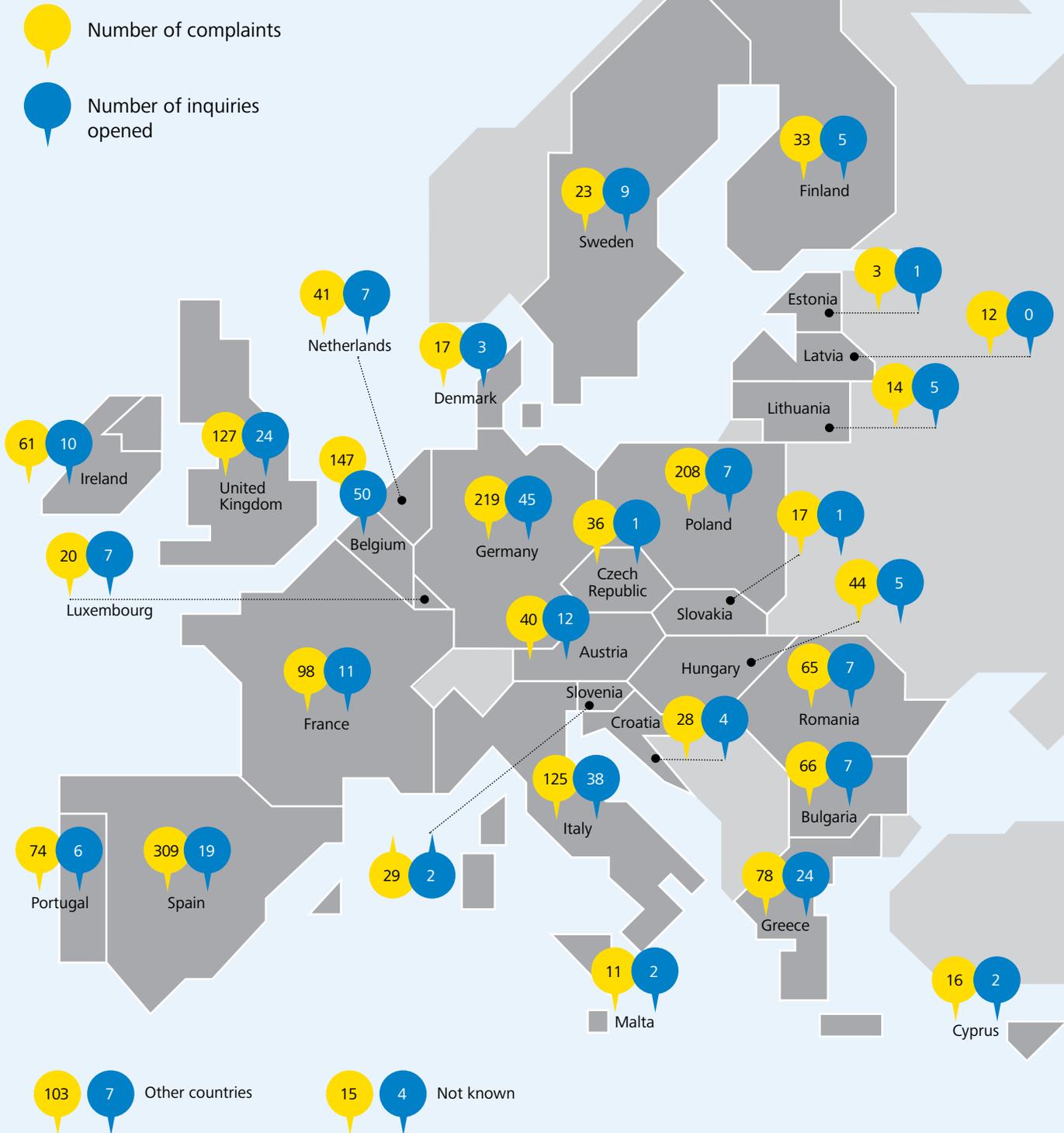
**52**  
Companies, associations, and other legal entities



**335**  
Individual citizens



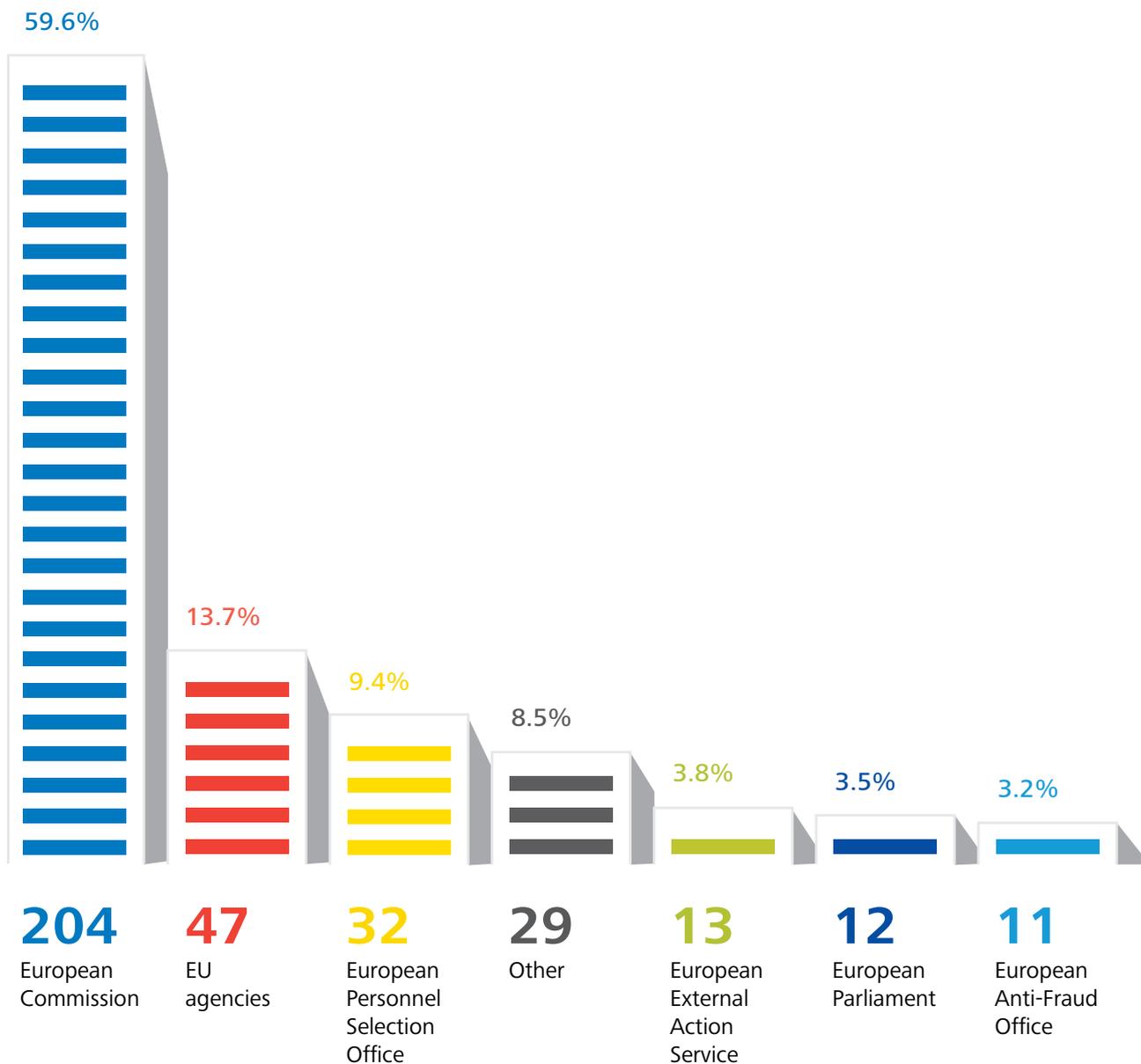
**National origin of complaints registered and inquiries opened by the European Ombudsman in 2014**





## Chapter 4 Against whom?

### Inquiries conducted by the European Ombudsman in 2014 concerned the following institutions



Note: The Ombudsman opened one inquiry in 2014 on her own initiative in connection with more than one institution. The above percentages therefore total more than 100%.



## Chapter 5 About what?

### Subject matter of inquiries closed by the European Ombudsman in 2014

Requests for information and access to documents (Transparency)

**86** 21.5%

The Commission as guardian of the Treaties <sup>(1)</sup>

**77** 19.3%

Competition and selection procedures (including trainees)

**77** 19.3%

Institutional and policy matters <sup>(2)</sup>

**64** 16.0%

Administration and Staff Regulations

**45** 11.3%

Award of tenders or grants

**33** 8.3%

Execution of contracts

**24** 6.0%

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

<sup>(1)</sup> Article 17 of the Treaty on European Union (TEU) requires that the Commission “ensures the application of the Treaties, and of measures adopted by the institutions pursuant to them”.

<sup>(2)</sup> This heading covers a range of complaints made against the institutions with regard to their policy-making activities or their general operation.



## Action taken by the European Ombudsman on complaints received in 2014



## Results of inquiries closed by the European Ombudsman in 2014

Settled by the institution or friendly solution agreed



No further inquiries justified



No maladministration found



Maladministration found



Other



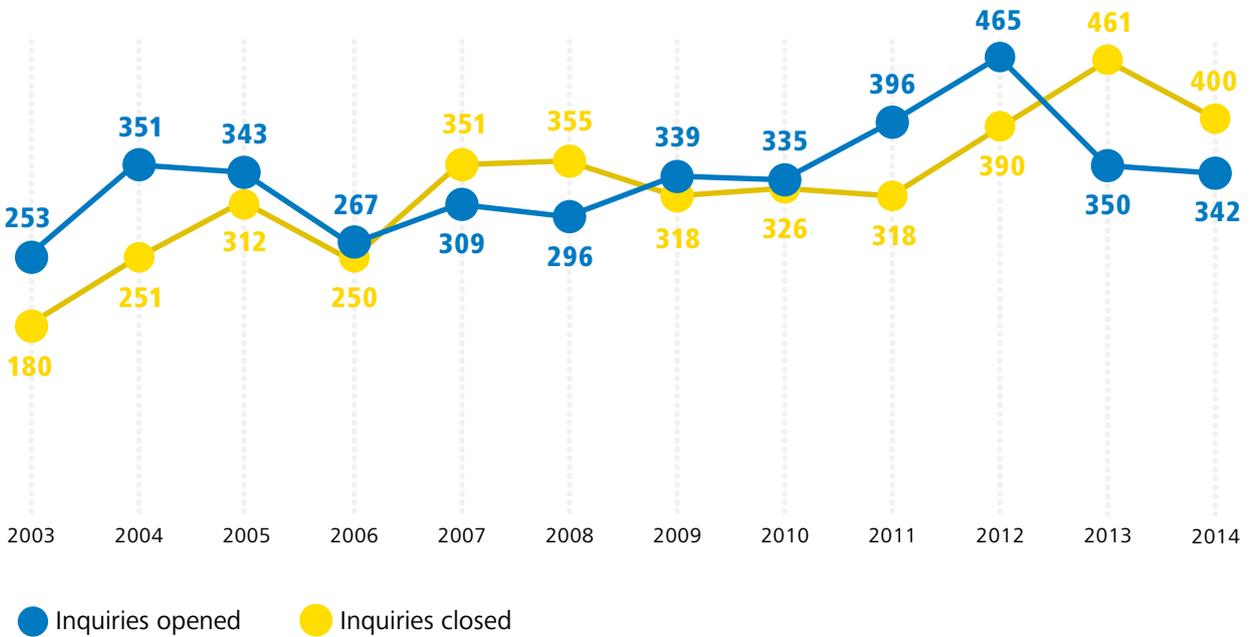
Note: In some cases, the Ombudsman closed inquiries on two or more grounds. The above percentages therefore total more than 100%.



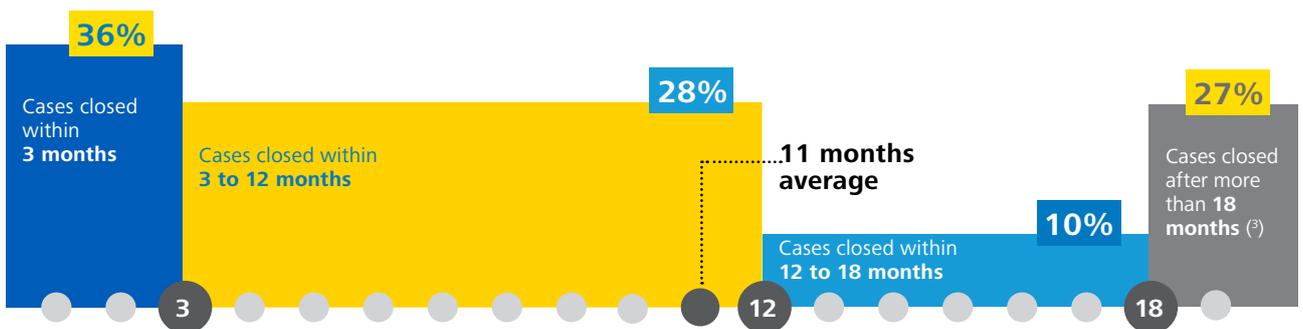
### Inquiries where maladministration was found by the European Ombudsman in 2014



### Evolution in the number of inquiries by the European Ombudsman



### Length of inquiry of cases closed by the European Ombudsman in 2014



<sup>(3)</sup> Some complex cases require several rounds of consultations with the complainant and the institution concerned. In this way, the office of the European Ombudsman not only fully establishes the facts, but also tries to reach a solution that is acceptable to both parties.



Both the [Treaty on the Functioning of the European Union \(TFEU\)](#) and the [Charter of Fundamental Rights of the EU](#) provide for the right to complain to the European Ombudsman. The TFEU empowers the Ombudsman to receive complaints from any citizen of the Union, or any natural or legal person residing or having its registered office in a Member State of the Union.

The Ombudsman ensures that the free complaint service is as fair, transparent, and straightforward as possible. Complainants can submit their complaint to the Ombudsman by any means of written correspondence, including through a secure complaint form on the Ombudsman's website. The Ombudsman seeks to provide a rapid first response by informing complainants within four weeks about what she will do with their complaint.

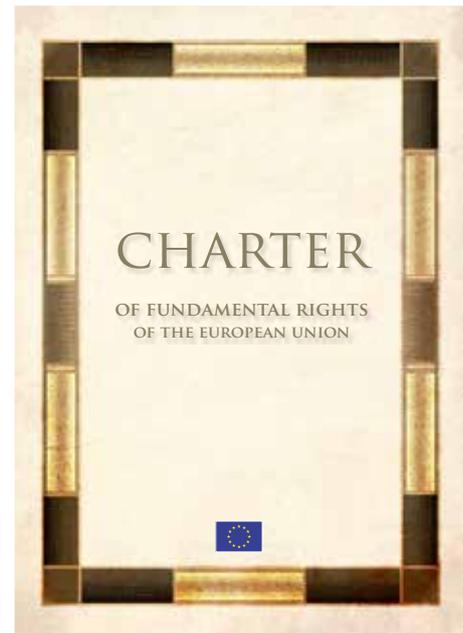
The Ombudsman examines each complaint on its own merits. This includes complaints that she has to reject because they are outside her mandate. When this happens, the complainants receive an individualised response, which in most cases includes advice about other bodies that might be able to help the complainant. The Ombudsman may also decide to transfer complaints to other such bodies.

Complaints that are within the Ombudsman's mandate are in the first place handled by her specialised legal staff. Every complainant is assigned a specific case-handler as a contact person.

If a new complaint does not fulfil the admissibility criteria, or if the grounds for opening an inquiry into an otherwise admissible complaint are not sufficient, the Ombudsman explains her decision and provides advice whenever possible and appropriate.

When the Ombudsman decides to open an inquiry, she carefully examines the complaint's grievances, to determine whether they could be resolved through a simplified procedure, such as a telephone inquiry. She may also decide to open an inspection inquiry for a rapid inspection of files and a similar prompt conclusion on the merits of the case.

Full-scale inquiries are necessary when the complaint is complex, or clearly requires the input of various specialised services of the institution concerned.





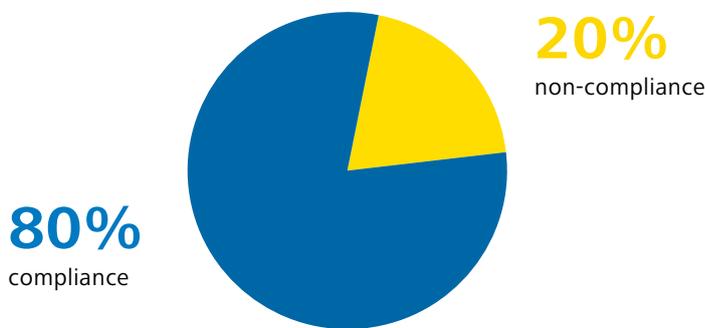
Several options are available to the Ombudsman, if she finds in favour of the complainant. She may propose a friendly solution that will satisfy the complainant, or issue a draft recommendation in which she asks the institution to correct the maladministration. If it is not possible to seek a solution, the Ombudsman may decide to issue critical remarks. The Ombudsman also has the power to open inquiries on her own initiative. Using this power, the Ombudsman may investigate what appear to be systemic problems in the EU institutions. Furthermore, she may use this power to look into a possible case of maladministration that persons from outside the European Union bring to her attention. Every year, the European Ombudsman receives thousands of complaints from citizens, NGOs, businesses, and other organisations. The Ombudsman's staff ensures that every complaint is handled rapidly, diligently, and in a service-minded way.



## Chapter 8

# Compliance with the Ombudsman's proposals

Every year, the Ombudsman publishes a comprehensive account of how EU institutions respond to the Ombudsman's proposals to improve the EU administration. These proposals take the form of friendly solutions, draft recommendations, further remarks, critical remarks, and suggestions.



### Compliance with the European Ombudsman's proposals in 2013

To date, the institutions have been complying with 80% of the Ombudsman's proposals. In four out of every five cases, the institutions follow what the Ombudsman asks them to do. The report *Putting it Right? – How the EU institutions responded to the Ombudsman in 2013* confirms this trend. As the report shows, the rate of compliance can vary significantly from one institution to another – from 100% in some cases, to 25% in the worst case. The Commission, given its size in the EU administration, accounts for the highest proportion of investigations that the Ombudsman conducts. In 2013, its compliance rate dropped to 73%, from 84% in 2012.

The report reveals that the institutions have made some real improvements in areas ranging from ethics to the environment, and from tenders to transparency, for the benefit of citizens. The Ombudsman is determined to ensure, in co-operation with all EU institutions, that the compliance rate increases even further.

The report for 2014 will be available in the autumn of 2015.



## 9.1 European Parliament



Emily O'Reilly presented her Annual Report for 2013 to Martin Schulz on 15 September 2014.

The European Ombudsman places a great deal of importance on relations with the [European Parliament](#). During 2014, the Ombudsman met with over 50 MEPs across all main groups on a one-to-one basis on various issues of mutual concern. In addition, she met with various political and national delegations, such as from the European Parliament's [Committee on Petitions](#). She appeared before the Committee on Civil Liberties, Justice and Home Affairs, the Committee on Budgetary Control, the Subcommittee on Human Rights and the Committee on Petitions.



#16



**Beatriz Becerra**

#Transparency, efficiency, EU institutions legitimacy: "The strength of @EUombudsman depends on relationship with @Europarl\_EN @EP\_Petitions"

Transparency, efficiency, EU institutions' legitimacy: "The strength of the European Ombudsman depends on the relationship with the European Parliament and the Committee on Petitions."

## 9.2 Committee on Petitions

The Ombudsman has a close working relationship with the Committee on Petitions, to help the EU respond in the best possible way to the concerns of citizens and residents. Whereas the Ombudsman deals with complaints against EU institutions, bodies and agencies, the Committee on Petitions deals with petitions as regards the EU's areas of activity across Europe. In 2014, the Ombudsman worked with the new Chair, Cecilia Wikström, MEP, and all political groups, to help the EU become more service-minded and accessible to ordinary European citizens and residents. #16

### 9.3 European Commission

The Ombudsman's relationship with the [European Commission](#) is key, given its size in the EU administration and that it is the subject of the greatest number of complaints. She praised the new Commission for its efforts to improve the transparency of its work, especially in the context of lobbying transparency. Relationship-building is one of the Ombudsman's priorities at all levels of the Commission. During 2014, the Ombudsman met with several relevant Directors and Heads of Unit of the Commission. The regular monthly meetings at director level also continued during the year. The Ombudsman looks forward to meetings with the new Commission President in early 2015.

### 9.4 Other EU institutions and agencies

Institutional and administrative cultures can vary across the different EU institutions and agencies, and it is important that strong working relationships are developed and maintained between them and the Ombudsman. In 2014, the Ombudsman met the Chief Operating Officer of the [European External Action Service](#), the [European Data Protection Supervisor](#), the President of the [European Central Bank](#), the Director of the [European Union Agency for Fundamental Rights](#), and the President of the [European Investment Bank](#), among others. The Ombudsman uses these meetings to advance her strategic objectives of increasing relevance, impact and visibility, and also to ensure that the various EU institutions and agencies live up to the gold standard of public administration.

### 9.5 The UN Disability Rights Convention

The Ombudsman co-operates with international organisations such as the [United Nations](#), particularly in the area of human rights, through the [UN Convention on the Rights of Persons with Disabilities](#). The Convention's EU framework came into force in January 2011. The Ombudsman protects, promotes, and monitors the implementation of the Convention at the level of the EU institutions, alongside the [European Parliament](#), the [European Commission](#), the [European Union Agency for Fundamental Rights](#), and the [European Disability Forum](#). In 2014, the EU framework met once and organised a gathering with monitoring bodies from the Member States. Since March, a seconded national official has been supporting and reinforcing the Ombudsman's team in disability matters.



The EU institutions are required to ensure that: their services are accessible to persons with disabilities; persons with disabilities have access to information from, and means of communication with, the institutions; the work environment of the EU institutions is open, inclusive, and accessible to persons with disabilities; and that persons with disabilities can effectively and fully participate in political and public life.

In 2014, the Ombudsman dealt with a complaint that the [Europass CV](#) web portal is inaccessible to persons with visual impairments. The [European Centre for the Development of Vocational Training](#) operates the portal and it has now established an action plan to improve the portal's accessibility. The Ombudsman welcomed the move, and will continue monitoring the matter. She sent the complainant an audio version of her decision, and published it on her website.

To ensure that persons with visual impairments and others can access documents on her own website, the Ombudsman developed a public document register in 2014. She has also focused on communicating in plain language, and making decisions available in large print or audio versions.



### Complaints transferred to other institutions and bodies; Complainants advised to contact other institutions and bodies by the European Ombudsman in 2014

A member of the European Network of Ombudsmen of which:



The European Commission



Other institutions and bodies



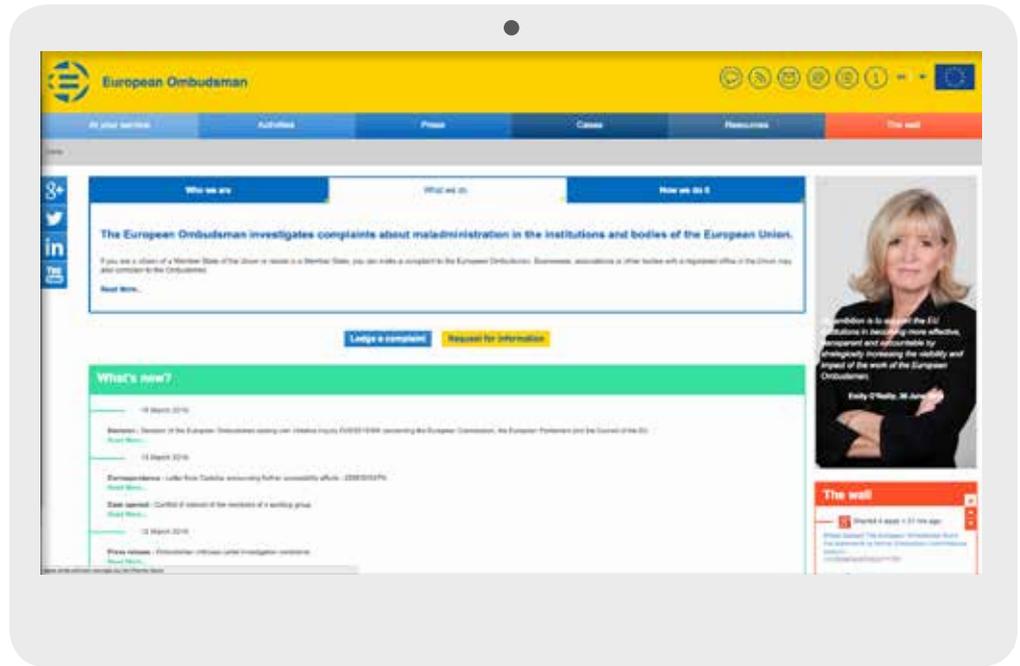
Note: As in some cases the Ombudsman gave the complainant more than one type of advice, the above percentages total more than 100%.

The European Ombudsman co-operates closely with various networks to ensure that citizens' complaints about EU law issues are dealt with promptly and effectively.

Many complainants contact the Ombudsman when they have problems with a national, regional, or local administration. These fall outside the Ombudsman's mandate, and often concern alleged infringements of EU law by Member States. National or regional ombudsmen within the [European Network of Ombudsmen](#) are best placed to handle many such cases. The [European Parliament's Committee on Petitions](#) is also a full member of the Network. One of the purposes of the Network is to facilitate the rapid transfer of complaints to the competent member of the Network, be it a national or regional ombudsman, a similar body, or the European Parliament's Committee on Petitions.

The Network now comprises almost 100 offices in 36 European countries. It includes the national and regional ombudsmen and similar bodies of the Member States of the EU, the candidate countries for EU membership, and other countries in the European Economic Area, as well as the European Ombudsman and the European Parliament's Committee on Petitions.

The European Ombudsman’s Interactive Guide helps 20 000 citizens a year find the right problem-solving body to contact.



The Network serves as a useful mechanism for exchanging information on EU law and best practice through seminars, a biannual (now quarterly electronic) newsletter, and a discussion and document-sharing Extranet forum.

The 2014 discussions mainly centred on the role of ombudsmen in the investigation of complaints from military staff; lawsuits brought against ombudsman institutions by citizens, in the event they were dissatisfied with those institutions’ response to their complaints; and bilingual education for children from national minorities.  #17



#17



**Alison Moulds**

Thanks [@EUombudsman](#) for a fantastic Liaison Seminar for the European Network of Ombudsmen. Was great to take part & represent [@PHSOmbudsman](#)

Thanks to the European Ombudsman for a fantastic Liaison Seminar for the European Network of Ombudsmen. It was great to take part and represent the Parliamentary and Health Service Ombudsman.

The Network held two seminars during the year. In June, the European Ombudsman and the [Public Services Ombudsman for Wales](#) (UK) jointly organised the [Network’s Ninth Regional Seminar](#). It took place in Cardiff and discussed: “Ombudsmen and committees on petitions: voices of the voiceless”. The main areas examined were: promoting the rights of younger people; an ageing population; persons with disabilities; and the right to high quality health and social care. Two months earlier, the European Ombudsman had organised the [Network’s Ninth Liaison Seminar](#) in Strasbourg. It examined ways to improve the services that the European Ombudsman’s office provides to the Network; how to increase the Network’s visibility, impact, and relevance; social media’s role in increasing the Network’s visibility; and the role of ombudsmen as guardians of transparency and access to information.

In some cases, the Ombudsman may consider it appropriate to transfer a complaint to the [European Commission](#), to [SOLVIT](#), or to [Your Europe Advice](#). SOLVIT is a network set up by the Commission to help people who face obstacles when trying to exercise their rights in the Union's internal market. Your Europe Advice is another EU-wide network that the Commission established to advise citizens on their life, work, and travel in the EU. Before transferring a complaint or advising the complainant, the Ombudsman's services make every effort to determine which other office is best suited to help.

The Ombudsman's *Problems with the EU? Who can help you?* publication contains more information on alternative means of redress.





## 11.1 The budget

The Ombudsman's budget is an independent section of the EU budget. It is divided into three titles. Title 1 contains salaries, allowances, and other expenditure related to staff. Title 2 covers buildings, furniture, equipment, and miscellaneous operating expenditure. Title 3 contains the expenditure resulting from general functions that the institution carries out. In 2014, budgeted appropriations amounted to EUR 9 857 002.

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

## 11.2 Use of resources

Every year, the Ombudsman adopts an [Annual Management Plan](#) (AMP), which identifies concrete actions that the office needs to take in order to implement the institution's objectives and priorities. The AMP for 2014 was the last to be based on the Ombudsman's [Strategy for the mandate 2009-2014](#).



The European Ombudsman's team.

### 11.3 The team behind the Ombudsman

The institution has a highly qualified, multilingual staff. This ensures that it can deal with complaints about maladministration in the 24 official EU languages and raise awareness about the Ombudsman's work. In 2014, the European Ombudsman's establishment plan contained 67 posts.

A full and regularly updated staff list, including detailed information on the structure of the Ombudsman's office and the tasks of each section, is available on the Ombudsman's website ([www.ombudsman.europa.eu](http://www.ombudsman.europa.eu)) in the 24 official EU languages. ► #8

▶ #8 Meet the European Ombudsman's team.  
<http://europa.eu/IJm44NT>



# How to contact the European Ombudsman

## By post

European Ombudsman  
1 avenue du Président Robert Schuman  
CS 30403  
F - 67001 Strasbourg Cedex

## By telephone

+33 (0)3 88 17 23 13

## By fax

+33 (0)3 88 17 90 62

## By e-mail

[eo@ombudsman.europa.eu](mailto:eo@ombudsman.europa.eu)

## Online

**Website:** [www.ombudsman.europa.eu](http://www.ombudsman.europa.eu)

**Twitter:** [twitter.com/EUombudsman](https://twitter.com/EUombudsman)

**Google+:** [plus.google.com/101520878267293271723](https://plus.google.com/101520878267293271723)

**LinkedIn:** [www.linkedin.com/company/272026](https://www.linkedin.com/company/272026)

**YouTube:** [www.youtube.com/eotubes](https://www.youtube.com/eotubes)

## Visit

If you wish to visit the European Ombudsman's offices in Brussels or Strasbourg, please contact us in advance.

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[www.ombudsman.europa.eu](http://www.ombudsman.europa.eu)

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