



European Ombudsman

Secretary-General

# Annual Activity Report

## of the Principal Authorising Officer by Delegation

**Year 2015**

**Strasbourg  
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**EN**



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## Highlights of the year

Main achievements in the 20th year of the European Ombudsman:

### Relevance & Impact:

1. Compliance rate with Ombudsman solution proposals, recommendations, critical or further remarks in cases closed **reached 90%**, the highest ever;
2. Opened 261 inquiries on the basis of 2007 registered complaints; Three major strategic inquiries were opened;
3. External stakeholders evaluated Ombudsman's performance, resulting in 76% positive evaluation;
4. Exceeded ambitious internal targets for the percentage of inquiries closed within 6 months and within 18 months;

### Visibility

5. Media coverage **doubled** in comparison to 2014;
6. Organised two major strategic events on lobbying transparency and trilogue transparency;
7. Attracted 3500 new Twitter followers (13 600 in total);
8. The Annual Report is a shorter, dynamic, reader-friendly, and interactive publication;
9. Organised European Network of Ombudsmen seminar in Warsaw as well as an academic Colloquium in Brussels.

### Efficiency

10. Internal Working Groups on public access to documents and records management established;
11. Internal rules on whistleblowing adopted;
12. Implemented Article 5(3) of the WHO Framework Convention on Tobacco Control;
13. Review of Ombudsman Implementing Provisions started;
14. New organisational structure, simplifying the internal decision-making process, was implemented. An own-initiative Strategic Inquiries unit was created. An IT sector was set up as part of the overall organisational changes;
15. Weekly management meetings as well as weekly case co-ordination meetings introduced;
16. Gender balance in management and among administrators achieved;
17. New process for risk assessment exercise became operational;
18. Savings made on budget lines for translations and publications;
19. Increasing use IT applications developed by other EU institutions and thereby develop synergies.



## Introduction

The Annual Activity Report (AAR) of the Principal Authorising Officer by delegation of the European Ombudsman is prepared in accordance with Article 66(9) of the Financial Regulation.

The AAR 2015 accounts for the implementation of the Ombudsman's Annual Management Plan (AMP) for 2015, which was the first AMP based on the Strategy *Towards 2019* adopted in November 2014.

The present AAR focuses on the organisational, administrative, budgetary and financial aspects of the Office's activities in 2015. It links the allocation of human resources to the key processes through which the operations of the Ombudsman's office are carried out and which together form the Operating Framework of the office.

Outcomes of inquiries and achievements to improve good administration amongst the EU institutions, bodies and agencies are recorded in the Annual Report of the Ombudsman.

The European Ombudsman's current Secretary-General and Principal Authorising Officer by Delegation took up her duties on 1 September 2015 after the former Secretary-General retired on 31 July 2015. In August the Director of Directorate B ensured the continuity of service.

This report therefore takes account of the final report prepared by the outgoing Secretary-General in accordance with Article 5 (3)<sup>1</sup> of the Ombudsman's decision of 21 January 2014 on the Internal Rules on the Establishment and Implementation of the Budget of the European Ombudsman and the third paragraph of Article 24 (1)<sup>2</sup> of the same decision.

<sup>1</sup> When the period of delegation (...) expires, the outgoing authorising officer shall draw up a statement for the European Ombudsman and, where applicable, for his or her successor, indicating the state of existing operations. The successor may send the European Ombudsman his or her observations on this statement.

<sup>2</sup> An authorising officer by delegation (...) who (...) terminates his/her duties during a financial year shall report to the European Ombudsman, on the performance of his/her duties over the period prior to...terminating his/her duties.



## Part I: Structure and organisation

The **Cabinet (CAB)** works under the direct instruction of the Ombudsman. It advises and assists the Ombudsman to help ensure implementation of her vision, strategy and objectives.

With the arrival of the new Secretary-General in September 2015, the Ombudsman adopted a revised organisational structure<sup>3</sup>, effective from 1 November 2015, in order to simplify the decision-making process and strengthen middle management. The position of Principal Adviser was created to provide specialist and overarching legal advice and connect with key academic and legal circles. The two Director positions ceased to exist.

All Heads of Unit and the Principal Adviser report directly to the **Secretary-General**. The Secretary-General is responsible for the overall management of the office and for ensuring overall coordination and implementation of the Ombudsman's strategy.

The **Inquiries Units (IUs)**, previously called Complaints and Inquiries Units (C&I) deal with the complaints submitted to the Ombudsman. They conduct the inquiries, and prepare draft proposals for closing decisions and for reports to the European Parliament. The IUs also propose and carry out inquiries that are based on the Ombudsman's own-initiative power and deal with any queries sent by other members of the European Network of Ombudsmen (ENO).

Under the new structure, six units deal with inquiries. The following four units also have specific and/or additional responsibilities.

The **Strategic Inquiries Unit (SIU)** oversees and coordinates an annual programme of own-initiative strategic inquiries (SIs) in collaboration with the other IUs. It also engages with stakeholders in order to inform itself of relevant concerns in relation to possible maladministration. The Unit also represents the Ombudsman in the Article (33)2 framework of the UN Convention on the Rights of Persons with Disabilities.

**Inquiries Unit 1 (IU1)** also deals with the legal aspects of the Ombudsman's cooperation with the ENO and explores possibilities for synergies with the Council of Europe and the European Court of Human Rights in areas of common interest. IU 1 also oversees the **ICT Sector** which is responsible for (i) ICT equipment and support, (ii) development and maintenance of applications, (iii) technical aspects of the Website, and (iv) ICT relations with the EP and other institutions.

**Inquiries Unit 2 (IU2)** is also the Coordination Unit. Its role is to gather, share and promote best practices and relevant information in relation to the inquiry process. It is responsible for assigning complaints to the various inquiries units and for coordinating their output in order to ensure consistency in the approach to inquiries and the solutions proposed.

**Inquiries Unit 5 (PMIU5)** is also the **Process Management Unit**. In addition to dealing with inquiries, it also deals with: (i) complaints that are outside the Ombudsman's mandate, (ii) functional aspects of the Office's case management

<sup>3</sup> <http://www.ombudsman.europa.eu/en/atyourservice/team.faces>



and general records management systems, (iii) registration of all documents and data, (iv) the handling public access and information requests and (v) the management of the switchboard.

The new **Communication Unit (COMM)** combines the former Communication Unit and the Media and External Relations Unit. It supports the Ombudsman's objective of increasing the visibility of the office and coordinates the Ombudsman's relations with the European Network of Ombudsmen. The Head of the COMM Unit is the Spokesperson for the Ombudsman. The Unit is responsible for social media, media and event activities and for relations with other external stakeholders, for developing the Ombudsman's policy for reaching out to potential complainants and multipliers and for identifying messages to get across to the media and key events in which the Ombudsman should take part. It is also in charge of designing and producing the Ombudsman's publications and promotional material and for the editorial content of the Website.

The **Personnel, Administration and Budget Unit (PAB)** is responsible for all administrative matters related to the institution's personnel, human resources, and budget. It deals with recruitment, management of individual rights, internal communication and training, buildings, office space and equipment and co-ordinates translation requests. The Unit prepares the budget estimates and ensures that available resources are used economically and efficiently and in compliance with the applicable financial rules. It also establishes and implements the appropriate internal control mechanisms and prepares information for the various budgetary control authorities.



## Part II: Policy results

The table and the scoreboard below show the results achieved by the office in 2015 on the basis of the priorities, actions and Key Performance Indicator (KPI) targets set out in the AMP 2015.

The following sections provide an analysis of these results and further information on the activities carried out with reference to the main processes of the Operating Framework.

### 1. Implementation of AMP 2015 actions

The table below lists the actions under the headings used in the Strategy *Towards 2019* and the AMP 2015.

The second column indicates the state of implementation of each action.

Actions under objective 1 - "Ensure relevance"

<b>We want to add value for citizens and other stakeholders by focusing on key systemic issues that are most relevant to their interests and concerns.</b>			
<b>Action</b>	<b>State of implementation</b>	<b>Owner</b>	<b>Others directly involved</b>
Review the data, keywords and statistics needed to support, monitor and report on the implementation of the strategy	A proposal for new keywords was drawn up and will be finalised and implemented in 2016.	IU2	PMIU5
Organise a colloquium for the European Ombudsman's 20th Anniversary	The colloquium took place in Brussels on 22 June.	COMMSG	Principal Adviser
Organise one or more stakeholder events focused on our strategic work	Two events took place 1. 'Is Brussels the new Washington, D.C.? Lobbying transparency in the EU' on 11/5 in Brussels. 2. 'Trilogues and transparent law-making' in Brussels on 28/9 in the framework of the 'Right to Know' Day.	COMM	
Reach out to the European Court of Human Rights and the Council of Europe with a view to developing the Ombudsman's role in relation to fundamental rights	The head of IU1 participated in a hearing on transparency and openness in the EU institutions organised by the Council of Europe's Sub-Committee on Human Rights.	IU1	IUs SG CAB
Revise the arrangements for	A Working Group was	CAB	



public access to documents held by the Ombudsman	established on 11/2/2015. It produced an interim report on 24/3/2015. The Working Group on access to documents concluded its work in March 2016 and a draft proposal document was sent to the relevant services.		
Revise the office's rules on records management	A feasibility study for using the European Commission's central record keeping system 'Ares' was carried out. Implementation is scheduled to take place in the second semester of 2016.	PMIU5	
Explore options under Article 5(5) of the Implementing Provisions ('expert reports')	The Secretary-General produced a working paper on this subject, which is to be followed up by the Strategic Inquiries Unit.	SG CAB	Principal Adviser

#### Actions under objective 2 - **Achieve greater impact**

<b>Wa want to make a real difference to the quality of the work of the EU institutions by acting as a driver of change in key areas</b>			
<b>Action</b>	<b>State of implementation</b>	<b>Owner</b>	<b>Others directly involved</b>
Encourage the creation of, and join, the Article 15(2) committee referred to in Regulation 1049/2001	An assessment was carried out in the office on the possible options how to go about this action. Follow-up has not yet been decided yet.	PMIU5	CAB
Strengthen arrangements for managing strategic inquiries, their follow-up and compliance	A 'Strategic Inquiries unit' was created in November 2015 as part of the new organisational structure. (see Part I above).	SG	IUs CAB
Develop a process for producing thematic studies of the Ombudsman's activity and making them available on the website	The Secretary-General produced a working paper on this subject (4/5/2015). This is being followed up by the Principal Adviser on Legal Issues.	SG	Principal Adviser IUs COMM
Review the presentation of SIs and Public interest inquiries on the website	An internal audit of the website was started in 2015 with a view to presenting public interest cases more prominently. Furthermore, it was decided to use an external contractor in order to audit both the editorial	COMM	SG IU1





	and content aspects of the website.		
Develop and document a process for negotiating with services of other institutions with a view to achieving better results from inquiries	Ongoing process with the revision of the EO's implementing provisions	IUs	Principal Adviser
Produce an internal manual on strategically important inquiries	The Strategic Inquiries Unit drafted an information sheet for inclusion in the Legal Officer Handbook, the revision of which is currently ongoing.	SIU IU2	IUs, PMIU5
Evaluate and update processes to implement Article 3(2) of the Statute ('testify powers')	The Secretary-General produced a working paper on this subject (29/4/2015).	SG	Principal Adviser CAB
Strengthen support for the Open Government Partnership in the EU	Relevant initiatives towards, and engagement with, the OGP, the Commission, the regulatory agencies, the ECB and the EIB were taken and are explained in section II-3-A below.	SIU	CAB

### Actions under objective 3 - Maintain high visibility

**We want to enhance our ability to influence. Public and institutional awareness of the Ombudsman needs to be stronger and deeper**

Action	State of implementation	Owner	Others directly involved
Develop, and plan the implementation of, more user-friendly and informative ways of explaining the outcomes of inquiries	The Ombudsman's 'solutions' and 'recommendations' now include a synopsis to make it easier to grasp their contents (decisions also contain such a synopsis).	IUs	SG
Develop and implement options for increasing the presence and visibility of the Ombudsman in academia	A section on 'Administrative Law' was created on the website and contains information on ReNEUAL.	COMM	SG Principal adviser IUs
Review the structure and content of the website to better meet the needs of users, including disabled users	An internal audit of the website was started in 2015. In the third quarter of 2015, a decision was taken to use an external contractor in order to audit both the editorial and	COMM	CAB IU1



	content aspects of the website.		
Organise internal social media training	Three general media and social media training sessions took place in Brussels and Strasbourg as well as four social media workshops in Brussels.	COMM	
Improve the user experience of the ENO Extranet for ombudsmen and their staff throughout Europe	The Daily News e-mail sections are now fully automated.	COMM/ IU1	CAB
Encourage and train staff to be ambassadors of the EO in their home countries and in relevant events	Several staff members presented the work of the EO in their home University. The possibility and practicalities of further initiatives, including participation in the institutions' back to school programme will be explored in the framework of drawing up a HR Policy.	IUs	
Develop and begin MEP Assistant Workshops	The first Workshop is being prepared and scheduled to take place in 2016	CAB	
Review the MEP Newsletter design	Access to a new editing tool has been established by the relevant EP service and training of the tool will take place before the publication of the next newsletter.	CAB	COMM, IU1



#### Actions under objective 4 - Improve our efficiency

We want to use our resources to achieve the best possible results.			
Action	State of implementation	Owner	Others directly involved
Negotiate a service-level agreement with the Publications' Office	The Publications office is in the process of drafting a service agreement which it will propose to all institutions in the coming months. In view of this development and based on the current agreement, the Internal Auditor closed the relevant action.	COMM	PAB
Implement the introduction of Sysper 2	Partial implementation is due to be effective as from 1/7/2016 and full implementation on 1/1/2017.	PAB	
Update the management of traineeship applications through creation of an online form and a database	Operational requirements have been drafted. The implementation of this action is planned in 2016.	PAB	IU1
Further development of the EO Case Management System and Rodeo systems, while evaluating budget implications	A process for a technical audit of the Case Management System was launched and will be continued after the introduction of the corporate record management system "ARES" and the putting in place of new working procedures in 2016.	PMU	IU1
Develop and begin implementation of revised HR policy covering staff and management development, internal and external training, training budget, recruitment and induction processes, and equal opportunities, in particular	The implementation of this action has begun through brainstorming and discussions in the framework of the 2015 Staff Retreat held on 26/27 November. The drafting of an EO HR policy has started on this basis and the process will be completed in 2016 <sup>4</sup> .	PAB	All

<sup>4</sup> At the time of drafting this report, following decisions have been drafted: Decision of the European Ombudsman on general implementing provisions on the correspondence between types of jobs and jobs entitlements, Decision of the European Ombudsman on internal rules on the procedure for convening of the Invalidity Commission, Decision of the European Ombudsman on the exercise of occupational activity after leaving the service of the EU (article 16 SR), Decision of the European Ombudsman on internal rules concerning disclosure in the public interest, Decision of the European Ombudsman on speaking engagement policy, Decision of the European Ombudsman on the organisation of the institution's services, Decision of the European Ombudsman on internal rules governing staff access and use of the



gender equality			
Develop speaking engagements policy for the Ombudsman and staff	A speaking engagements policy was adopted.	CAB	SG PAB
Evaluate options to provide legal assistance to support C&I Units	The resources devoted to the inquiry work were increased by making the lawyer linguist available to deal with cases, providing more systematic replacements for long-term absences and assigning an administrative assistant to each inquiry unit through redeployment.	SG	CIUs
Develop IAA meetings further whereby cases are assigned a priority (e.g. Urgent, High, Normal), and integrated into the EO Case Management System.	The IAA meetings have evolved into Initial Assessment and Coordination (IAC) meetings. Public interest inquiries (PIIs) are identified and discussed in these meetings. PIIs are also identified as such in the EO Case Management System.	IUs	IUs CAB
Survey all activities to identify and assess in light of new Strategy, while evaluating resources available	A comprehensive survey was launched by the new SG. Following the adoption of a new organisational structure in November 2015, a number of improvement projects in various areas (Inquiry process, HR, ICT, Process Management) have been launched and will start being implemented in 2016.	SG	All
Extend staff mission details on Intranet	More details about missions are now available on the intranet.	PAB	All

Ombudsman's e-mail system emails policy, Decision of the European Ombudsman on internal rules governing the contribution for public transportation expenses.



## 2. Scoreboard 2015

KPI	Strategy objective	Measurement	Owner <sup>5</sup>	Targets for 2015	2015 Results (2014 results)
<b>KPI 1</b>	Relevance	Perception of our external stakeholders (rate of positive evaluation)	COMM	70%	76% (NA)
<b>KPI 2</b>	Relevance	Percentage of complaints within the mandate	PMIU5	33%	35% <sup>6</sup> (35%)
<b>KPI 3</b>	Impact	Number of inquiries opened in public interest cases [complaints & OIIs]	PMIU5/SIU	10	19 [16+3]
<b>KPI 4</b>	Impact	Compliance (previous year's results - composite indicator)	SIU/PMIU		
		4a - Overall compliance		80%	90% (80%)
		4b- Compliance in public interest cases		85%	Not available <sup>7</sup>
<b>KPI 5</b>	Visibility	Media and social media activities (composite indicator)	COMM		
		5a- Number of media articles		1 600	3 810 (1850)
		5b - Engagement on Twitter		12 000	23 396 (NA)
<b>KPI 6</b>	Visibility	Web activities (composite indicator)	COMM		
		6a- Visitors to the website		450 000	430 426 (443 315)
		6b - Advice given through the interactive guide to contact a member of the ENO		12 500	9 319 (12 822)
<b>KPI 7</b>	Efficiency	Handling of complaints and inquiries (composite indicator)	PMIU/IUs		
		7a- Proportion of cases in which the admissibility decision is taken in one month		90%	87% <sup>8</sup> (73%)
		7b- Proportion of inquiries closed within 6 months		50%	54% (53%)
		7c- Proportion of inquiries closed within 18 months		80%	82% (73%)

<sup>5</sup> Refers to the unit responsible for generating and/or checking the results

<sup>6</sup> Breakdown by category of cases : within the mandate but inadmissible 11%, no grounds 12%, inquiries 12%

<sup>7</sup> The compliance rate is based on the institutions' responses to solutions proposed and recommendations, remarks and suggestions made in the previous year (2014), the figure for public interest inquiries is not available because the classification of such cases in this category was only introduced in late 2014.

<sup>8</sup> Breakdown by category of cases: Outside the mandate 97%, within the mandate but inadmissible 72%, no grounds 58%, inquiries 67%



<b>KPI 8</b>	Efficiency	Budget implementation (composite indicator)	PAB		
		8a- Rate of budget implementation		92.5%	86.2% <sup>9</sup> (94%)
		8b- Number of payments beyond 30 days		0	2 (3)

<sup>9</sup> Explanation see p.22



### 3. Core Processes

#### A. Proactive strategic work

Strategic inquiries and initiatives constitute a key aspect of the Ombudsman's proactive work. These include own-initiative **strategic inquiries** aimed at addressing systemic issues within the EU administration and **strategic initiatives**, where the Ombudsman deals with topics of public interest but without launching an inquiry. For the first ten months of 2015, the Own-Initiative Co-ordinator was responsible for preparing, executing and/or coordinating this activity, as well as reporting on the impact of the Ombudsman's inquiries in the annual publication *Putting It Right*.<sup>10</sup> The Co-ordinator was assisted by a trainee until 15 September and then by an assistant (see below).

In June 2015, an internal competition began to create a reserve list of suitable candidates for a potential future own-initiative work unit (OMB/INT/7/2015/AD12: closing date 26 June 2015). The Strategic Inquiries Unit was established on 1 November 2015 and the successful candidate in OMB/INT/7/2015/AD12 chosen to head that Unit.

A notice of vacancy was also published to recruit a legal assistant for this area of work (OMB/6/2015: closing date 30 June 2015). The successful candidate was recruited as an official on 15 September. A further notice of vacancy was published with a view to recruiting a temporary agent own-initiative inquiries officer (OMB/8/2015: closing date 21 August 2015). The selection procedure was finalised in 2015 and the successful candidate began work on 1 January 2016.

##### (i) Strategic inquiries

In 2015, the following eight strategic inquiries were closed:

OI/10/2014/RA: Transparency and public participation in **TTIP**. The Ombudsman's decision was issued in January, while the analysis of the Commission's follow-up reply was published in May.

OI/1/2014/PMC: **Whistleblowing** rules in EU institutions (February)

OI/8/2013/OV: Establishment of a review procedure within the Executive Agency for Small and Medium Enterprises (March)

OI/6/2013/KM: Time limits for dealing with initial and confirmatory applications for public access to documents (March)

OI/9/2013/TN: **European Citizens' Initiative** (March)

OI/9/2014/MHZ : Respect for migrants' fundamental rights during **Frontex** forced returns (May)

OI/8/2014/AN: Respect for fundamental rights in **EU cohesion policy** (May)

OI/7/2014/NF: The composition of civil dialogue groups hosted by **DG Agriculture** (September)

In 2015 three strategic inquiries were launched:

OI/8/2015/JAS: Transparency of **trilogues** (May): Inspections were carried out at the premises of the institutions concerned and the reports were published

<sup>10</sup> In future, this analysis could form the basis for reporting in the Annual Activity Report on the new KPI 4.



(September – November). In December the Ombudsman launched a public consultation (deadline for submitting comments: 31 March 2016).

OI/10/2015/NF: EPSO's procedure for dealing with requests for review made by candidates in open competitions (June): the Ombudsman's inquiry team met with EPSO to inspect documents and obtain information (July) and the inspection report was published (September).

OI/11/2015/EIS: Follow up own-initiative inquiry into the **timeliness of payments by the Commission** (June).

In January, following the Ombudsman's public consultation in OI/6/2014/NF (composition of **Commission expert groups**), the Commission was asked to provide an opinion on the Ombudsman's preliminary assessment and suggestions, which it provided in May.

#### (ii) Strategic initiatives

To complement the Ombudsman's inquiries, the following six strategic initiatives were pursued to encourage EU institutions, bodies, offices and agencies to be as open, accountable, ethical and responsive to citizens as possible:

concluding correspondence with three **EU regulatory agencies** (ECHA, EFSA, EASA) on the adoption of a transparency policy (March)

letter from the Ombudsman to **ECB** President Draghi asking for information concerning an incident involving the release of market-sensitive information (May); follow-up response from the Ombudsman to the ECB President's letter outlining steps to improve ECB transparency (December)

letters from the Ombudsman to Commission President Juncker on the proactive publication of decisions on post term-of-office activities of **former Commissioners**, as well as opinions of the Ad Hoc Ethical Committee (July, November)

letter to Commissioner Malmström concerning the Commission's Future **Trade Strategy** (August)

letter from the Ombudsman to Commission President Juncker on complaints received and ongoing inquiries in relation to the Commission's Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR) (August)

letter from the Ombudsman to Commission President Juncker and the members of the European Network of Ombudsmen on the Asylum, Migration, and Integration Fund (AMIF) and the role of national Ombudsmen (December)

#### (iii) Participation in meetings and events

The following meetings and events offered useful opportunities to draw attention to the Ombudsman's efforts to promote transparency and good administration:





Open Government Partnership (OGP) staff meeting, hosted by the Ombudsman's Office in Brussels (February)<sup>11</sup>

meeting between civil society organisations and the Board of Directors of the European Investment Bank (EIB) concerning the EIB's revision of its Transparency Policy (February)

annual meeting of the Inter-Agency Legal Network on open government practices in agencies (April)

inter-service meeting with ECB staff on their rules on public access to documents and ethics framework (May)

inter-service meeting with staff from the EIB's Complaints Mechanism to discuss the upcoming review of the Complaints Mechanism (June). This was followed by a meeting between the Ombudsman and the EIB President, which also included a discussion on the Investment Fund for Europe (November)

12th AGM of the International Accountability Mechanisms (IAMs) in Paris, as well as the Interaction & Outreach event for IAMs and civil society groups (December)

#### (iv) Fundamental rights

The Ombudsman believes that good administration prioritises the observance of and respect for fundamental rights. Failure by an EU institution to respect rights guaranteed by the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union constitute maladministration. This position is accepted by the EU institutions, bodies and agencies.

The Ombudsman also plays a key role as part of the EU Article 33(2) framework under the UN Convention on the Rights of Persons with Disabilities. In order to continue the Ombudsman's proactive work in the field of disability rights on a permanent basis, a new post was included in the 2016 budget estimates. To allow for the recruitment process, the Ombudsman asked the Belgian Interfederal Centre for Equal Opportunities to extend the secondment of a seconded national expert until the end of February 2016. For the period of the extension, she was based in Brussels.

While the fundamental rights to good administration and to public access to documents (Articles 41 and 42 of the Charter) are central to the Ombudsman's activity, strategic inquiries and initiatives also deal with a larger range of fundamental rights issues.

#### (v) The European Network of Ombudsmen

Although EU law and policies are increasingly important for the everyday life of European citizens and residents, very few of them have direct contact with the EU institutions. It is primarily the public authorities of the Member States that administer EU laws and policies. These authorities are supervised by national ombudsmen and similar bodies who are members of the Network, under the European Ombudsman's chair.

The Network therefore allows the European Ombudsman to be relevant for, and have a positive impact on, the ability of large numbers of European citizens to enjoy their rights under EU law, including fundamental rights under the Charter.

<sup>11</sup> The Ombudsman also wrote to the First Vice-President of the Commission, Frans Timmermans, in February to encourage the Commission to take a leading role in relation to the OGP.



The 10th National Seminar of the European Network of Ombudsmen, held in Warsaw from 26 to 28 April 2015 was organised jointly with the Polish Human Rights Defender on the theme “Ombudsmen against discrimination”.

The European Ombudsman used the occasion of the Seminar to announce a number of proposals to reform the Network with a view to making it more relevant and visible for the European public: (i) holding future Network seminars in Brussels to allow for expertise from and interaction with EU policy makers and other EU stakeholders; (ii) developing regular contacts and smaller meetings with Network colleagues; (iii) replacing the quarterly Network Newsletter by an Annual Newsletter; (iv) automating and customising the Ombudsman Daily News service and making it accessible to the public; (v) developing the service by which Network members can submit queries about EU law; (vi) developing the use of parallel investigations; (vii) increasing the involvement of national ombudsmen in the Open Government Partnership.

## **B. Complaints handling**

In 2015, the Ombudsman opened a total of 249 inquiries on the basis of complaints and closed 261 such inquiries.

The overall number of complaints registered in 2015 was 2007, of which 707 were within the mandate, compared to 2079 complaints registered in 2014 and 736 within the mandate. The further - albeit little - reduction in the number and proportion of complaints outside the mandate is matched by the continued effectiveness of the website interactive guide in directing citizens to the body best able to help them (see the section on the website below for statistics on use of the guide).

As regards the Key Performance Indicators, the result for KPI 2 (relevance: percentage of complaints within the mandate) is beyond target.

The target for KPI 3 (impact: number of inquiries opened in public interest cases) was also exceeded (target: 10, result: 19).

The results for the three components of KPI 7 (efficiency: composite indicator for handling of complaints and inquiries) are all above the target. The proportions of inquiries closed within six months and 18 months are 52% and 83% respectively (targets: 50% and 80%). Only the proportion of admissibility decisions taken within one month was, at 87%, below the target of 90%. More detailed analysis shows that a high proportion of so-called “no grounds” cases (that is, cases where the Ombudsman decides, after analysis, not to open an inquiry) are delayed. The report of the working group mentioned in the following paragraph and further discussions lead to a re-conceptualisation that will better reflect the real nature of the work undertaken on “no grounds” cases by treating the analysis of grounds as constituting an inquiry finding no maladministration.

The internal working group examining the different kinds of processes used for inquiries into complaints submitted its final report and proposals on 16 June 2015.

As explained in the AAR 2014, a process was put in place towards the end of 2014, to identify, monitor and give visibility to complaint-based inquiries into matters of public interest. In 2015, this process was developed and consolidated



around weekly **Initial Assessment and Coordination Meetings** and an overview of **Public Interest Inquiries**<sup>12</sup>.

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 solutions, recommendations, and critical and further remarks. The compliance rate is key to measuring the impact and relevance of the Ombudsman's work. The report *Putting it Right? – How the EU institutions responded to the Ombudsman in 2014* reveals that the EU institutions complied with the Ombudsman's proposals at a rate of 90%. This is by far **the highest figure achieved to date**. Since the office started recording compliance statistics in 2011 the institutions have on average been complying at a rate of 80%. As the report shows, the rate of compliance can vary significantly from one institution to another – from 100% in some cases, to 0% in the worst case. The Commission, for instance, complied at the rate of 86% (up from 73% in 2013). Given its size in the EU administration, the Commission accounts for the highest proportion of inquiries conducted by the Ombudsman.

On 29 April 2015, the General Court gave judgment in an action for damages brought by a complainant who was dissatisfied with the Ombudsman's handling of her case<sup>13</sup>. The judgment found against the Ombudsman on certain points and awarded the applicant EUR 7 000 in respect of non-material damage. It also ruled that both parties should bear half of their own and half of the other party's costs. The Ombudsman decided to appeal against certain aspects of the judgment. The complainant also brought an appeal. The Principal Adviser on Legal Issues, Mr Gerhard Grill, acts for the Ombudsman in the appeal.

### **C. Communication and outreach**

In March 2015, as foreseen in the action plan agreed with the Internal Auditor following the audit of communication activities in 2014, the Ombudsman adopted a communication strategy linking the Ombudsman's objectives for the mandate to the planning of communication activities.

The action plan agreed with the internal auditor also foresaw the adoption of an annual activity plan for the Communication Unit.

Following the decision to split the Communication Unit into two units from 1 January 2015, two annual activity plans were prepared, one for each unit. These plans were also adopted in March 2015. The two units were again merged as part of the adoption of a new organisational structure in November 2015.

#### **(i) Media and social media activities**

The results for both components of KPI 5 (visibility: composite indicator for media and social media activities) by far exceeded the targets. It is particularly noteworthy that the Ombudsman's media coverage doubled in 2015 in comparison to the previous year.

#### **(ii) Outreach activities and events**

The Communication Unit organised two very successful events linked to the Ombudsman's strategic work. The first took place on 11 May and was entitled *Is*

<sup>12</sup> Deems to be in public interest

<sup>13</sup> Case T-217/11, *Staelen v European Ombudsman*.



*Brussels the new Washington, D.C.? Lobbying transparency in the EU 2015.* One of the keynote speakers was Frans Timmermans, First Vice-President of the European Commission. On 29 September, the second event took place in the European Parliament on the issue of trilogue transparency with more than 300 participants.

The Communication Unit also organised two events to celebrate the 20th anniversary of the European Ombudsman. On 22 June, an academic colloquium took place in Brussels. On 25 November, a reception was organised for the office's institutional contacts, former colleagues, and other stakeholders.

#### (iii) Publications

The Ombudsman presented the Annual Report 2014 to the President of the European Parliament on 26 May. It was a shorter, more modern Report with an emphasis on the Ombudsman's key areas of work. It was also a very interactive Report, with the use of infographics, tweets, and links directly clickable from within the Report itself. The HTML version was fully machine-readable, in accordance with best practices for accessibility for persons with disabilities.

#### (iv) Website

KPI 6 (visibility: composite indicator for Web activities) has two components. The result for the number of visitors to the website is close to the annual target. However, the number of persons who had received advice through the interactive guide to contact a member of the European Network of Ombudsmen was below the annual target.

## 4. Management Processes

On 30 January, the Ombudsman issued the 2015 Annual Management Plan (AMP). It was the first AMP to be based on the Strategy *Towards 2019*, which the Ombudsman adopted in November 2014. The AMP also included an updated version of the Operating Framework of the Office.

The first phase of further development of the **business continuity plan** for the Ombudsman's Office was completed and a handbook containing key information and alternative procedures for coping with a range of possible incidents is in the process of being finalised.

The **annual risk assessment** exercise was carried out on the basis of a note of 27 October 2014 by the Secretary-General which sets out the process for the risk assessment exercise as from 2015. The first step of this exercise (input from staff) was carried out in June 2015 through an online survey that invited staff to give their perception of the 'effectiveness' of our processes. A report on the results of the survey was drawn up. The Secretary-General made on 6 November 2015 her final assessment based on the above and further feedback from managers.

The new Secretary-General has put in place a weekly management meeting with the Principal Adviser and the Heads of Unit. A second weekly initial assessment and coordination meeting, with the same participants as well as the Ombudsman's Cabinet, deals with inquiry-related matters focusing on strategic and public interest inquiries.



The Ombudsman is a member of the European Foundation for Quality Management (EFQM), which provides a methodology and a toolkit that can help achieve a sustainable level of quality. The European Parliament's budget discharge resolution for 2013 (adopted 29 April 2015) refers positively to the Ombudsman's engagement with EFQM (see further Part III.2 section 3, below).

## 5. Supporting processes

### A. Information management

Information management is a collaborative task.

Information management related to overall management objectives and audits (such as for the annual management plan, including key performance indicators) are initiated by the Secretary General.

Information management related to the objective of ensuring consistent and well-managed assessments in the Ombudsman's case handling is supervised by the Secretary General and coordinated by the Coordination Unit.

Information management relating to administration, human resources and finance are under the responsibility of the Personnel, Administration and Budget Unit.

Data management and data extraction from the case management system is taken care of by the Process Management and Inquiries Unit, which moreover has the overall task of promoting good records management keeping and practices within the Office and serves as first entry point for access to documents requests.

The Ombudsman's **Data Protection Officer (DPO)** reports to the Secretary-General in relation to his function.<sup>14</sup>

On 15 March 2015, the DPO stepped down at her own request after completing three years in the role. Following an internal call for expression of interest, a new DPO was appointed from that date and the European Data Protection Supervisor (EDPS) was informed, in accordance with Article 24 (5) of Regulation 45/2001. The newly-appointed DPO subsequently announced her intention to request a transfer to OLAF from 1 September 2015. Following a further call for expression of interest, a new DPO was appointed from 10 July 2015. At the date of the present report, the EDPS is dealing with two complaints against the Ombudsman<sup>15</sup>.

### B. ICT

An ICT sector was created as part of the new organisational structure that came into effect on 1 November. This sector is part of Inquiry Unit 1 and deals with all ICT matters previously coordinated by the Information Technology Management Group (ITMG) including (i) ICT equipment and support, (ii)

<sup>14</sup> Decision of the European Ombudsman on the administrative assignment of the Data Protection Officer, 26 April 2013.

<sup>15</sup> The first concerns access to the complainant's personal data relating to complaint 1855/2012/MMN. The second concerns the own-initiative inquiry OI/2/2014/PD.



development and maintenance of applications, (iii) technical aspects of the Website, and (iv) ICT relations with the EP and other institutions.

### **C. Human resources and Administration**

#### **Departures**

Four officials were transferred to other institutions;  
Three staff members retired, two of which were temporary agents;  
One temporary agent left the office at the end of her contract and two temporary agents interrupted their contract before the end to take up another employment.  
One contract agent left the office at the end of her contract.

#### **Arrivals**

One official was transferred from another institution and one official was seconded to the Ombudsman's Office from the European Commission;  
Five officials were recruited from EPSO reserve lists;  
Two temporary agents were recruited by the Ombudsman to serve in her cabinet, replacing two outgoing members;  
Two temporary agents were recruited after open selection procedures organised by the Office;  
One temporary agent was recruited by way of urgency<sup>16</sup> for a three-month contract subsequently renewed for a further period of five months in order to bridge the gap between the unanticipated departure of a colleague and the finalisation of a selection procedure.  
Three agents were recruited as contract agents from reserve lists.

#### **Recruitment procedures in 2015**

In addition to the notices of vacancies published for the vacant positions in the office, the Ombudsman organised four open selection procedures to select staff for temporary positions for the Secretary General, a Press Officer, Legal Officers and an Own Initiative Inquiries Officer. The Ombudsman also organised an internal competition to fill the position of Head of the Strategic Inquiries Unit.

#### **Migration to the staff management tool SYSPER 2**

The European Ombudsman applied for the use of SYSPER 2, the European Commission's staff management tool, in 2011 and was informed of the Commission's (DG HR) acceptance in 2012. A number of difficulties, among which the workload required for the migration of existing data between the European Parliament and the European Commission servers and the changes brought about by the 2014 Staff Regulations delayed the process which was

<sup>16</sup> Recruitments by way of urgency are organised in order to bridge the gap between the departure of a colleague at short notice and the filling of a position on a more permanent basis following the publication of a vacancy and the organisation of a selection. Such recruitments are also organised when posts are vacant for a short period of time because the official occupying it is seconded in the interest of the service to another EU institution and could ask to return every six months. Recruitments by way of urgency are foreseen by a decision of the European Ombudsman to fill temporary positions, they correspond to a selection among candidates who spontaneously applied for an employment in the Ombudsman's Office and shall only be used for very short contracts. Using such urgency procedures maximises the use of resources to better streamline the workflow.



ultimately actively started in the fall of 2015 and will be finalised in two stages in July 2016 and January 2017.

#### Signature of a new cooperation agreement for the rent

On 10 August 2015, the European Parliament and the European Ombudsman signed an agreement simplifying the calculation of the rent and rental charges paid by the European Ombudsman for the premises used in Strasbourg and in Brussels. This agreement will be updated in 2016 once the Ombudsman moves to new premises made available in Strasbourg.

### **D. Budget and Finance**

#### (i) Execution of the 2015 budget

The appropriations available in the Ombudsman's budget for 2015 amount to EUR 10 346 105. Title 1 (Expenditure relating to persons working for the institution) amounts to EUR 8 256 305. Title 2 (Buildings, equipment and miscellaneous operating expenditure) amounted to EUR 1 512 500. Title 3 (Expenditure resulting from special functions carried out by the institution) amounts to EUR 577 300.

The detailed report on the implementation of the budget is attached to the present report as Annex 2.

The following table shows expenditure in 2015 in terms of appropriations committed and paid (in Euros).





<b>Title</b>	<b>Initial budget 2015</b>	<b>Final budget 2015<sup>17</sup></b>	<b>Committed</b>	<b>Paid</b>
Title 1	8.256.305	8.280.305	7.728.723	7.633.043
Title 2	1.512.500	1.534.000	1.340.388	1.079.867
Title 3	577.300	531.800	482.591	204.712
<b>Total</b>	<b>10.346.105</b>	<b>10.346.105</b>	<b>9.551.702</b>	<b>8.917.622</b>

Of the total appropriations, 92.32 % were committed (compared to 97.87 % in 2014) and 86.19 % paid (compared to 93.96 % in 2014).

Changes in the organisation and in the top management resulted in the Ombudsman postponing some more strategic aspects of the budgetary execution until the last quarter of 2015, when the new Secretary General was in place, hence an unusually low payment rate by the end of 2016 and an increase in appropriations carried over to 2016 in order to ensure the payment of projects started later in 2015. The appropriations carried over from 2015 to 2016 (EUR 633.759) are well above the ones carried over from 2014 to 2015 (EUR 385.875).

The utilisation rate (including appropriations carried over from 2015 to 2016) is 92.32 % (compared to 97.87 % for 2014). The high rate noticed in 2014 followed from exceptional circumstances, namely the need to pay outstanding salary increases for 2012 decided in 2014. The relatively lower rate in 2015 in turn followed from a lower execution of the budget lines for salaries of officials and member as well as from a **decision of the Ombudsman to reduce several budget lines** such as representation expenses, missions of the Ombudsman as well as publications and translation expenses. The latter was achieved by increasingly using online publications and by adapting the documents send for translation to make them shorter and more reader-friendly. By doing so, the Ombudsman anticipated budget cuts she decided to put forward in her Estimates for 2016.

Furthermore, 91.2 % of the appropriations carried over to 2015 from 2014 were used (compared to 89.6 % in 2014).

In the following table, all totals are cumulative.

<b>Indicators</b>	<b>Target 2015</b>	<b>Q1 Q1+Q2</b>	<b>Q1-Q3</b>	<b>2015</b>	<b>(2014)</b>
F1: Percentage of budget implementation	Total : 92.5 %	19.15 % 45.48 %	57.29 %	86.19 %	(93.96 %)
F2: Number of operations paid over the 30-day time limit	Total : 0	0 1	1	2	(3)

<sup>17</sup> After transfers.





The average time for payment of invoices from private providers of goods and services was 11.73 days (15.64 days in 2014).

#### (ii) Transfers

During 2015, four transfers between budget lines 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 transferred was EUR 350.000 (3.38 % of total appropriations for 2015).

#### (iii) Procurement

Five low-value contracts not exceeding EUR 15.000 were awarded following procurement procedures launched in 2015.

On 23 April 2015, a new section of the website<sup>18</sup> was put in place, in 24 languages, containing information concerning calls for tenders issued, the planning of low-value contracts (with a value greater than EUR 15 000 and less than EUR 60 000), the annual list of contracts and the general conditions applicable to all low-value contracts. Anyone visiting this section of the website has the possibility to subscribe to a public procurement RSS feed and/or a newsletter.

#### (iv) The 2016 Estimates

Estimates for the year 2016 were sent to the Commission, Parliament and the Council on 27 March 2015.

In accordance with the interinstitutional agreement to reduce staff by 5% over a period of five years, **the Ombudsman agreed to cut one post in each of the years 2015, 2016 and 2017**. One post was indeed cut in 2015. The Estimates for 2016 foresee the suppression of the second of these three posts, as well as the creation of five new posts to meet new needs. In the consolidated Estimates, the Commission however, limited the creation to one new post and a total amount of EUR 10 658 951; i.e., an increase of EUR 312 846 or 3.02 % compared to the budget for 2015.

## PART III. Efficiency, economy and internal control measures

### 1. Efficiency and economy

The 2016 Estimates make thorough reductions in discretionary expenditure under Titles II and III of the Ombudsman's budget. Notwithstanding a substantial increase in rent payable to the European Parliament, expenditure under Titles II and III of the Ombudsman's budget is planned to be EUR 52 500 below the corresponding amount for 2015.

<sup>18</sup> <http://www.ombudsman.europa.eu/en/resources/publicprocurements/home.faces>



The following table shows the budget lines where reductions were made:

<b>Title II</b>	<b>Budget 2015</b>	<b>APB 2016</b>	<b>+/- in €2015</b>	<b>+/- in %/2015</b>
A-2 3 0 0 Stationery, office supplies and miscellaneous	18.000	12.000	-6.000	-33,33%
A-2 3 0 1 Postage on correspondence and delivery charges	12.000	7.000	-5.000	-41,67%
A-2 3 0 2 Telecommunications	7.000	6.000	-1.000	-14,29%
A-2 3 0 4 Other expenditures	4.000	3.500	-500	-12,50%
A-2 3 0 5 Legal costs and damages	15.000	5.000	-10.000	-66,67%
A-2 3 1 Translation and interpretation	445.000	315.000	-130.000	-29,21%
<b>Total A-2</b>	<b>501.000</b>	<b>348.500</b>	<b>-152.500</b>	<b>-30,44%</b>

<b>Title III</b>	<b>Budget 2015</b>	<b>APB 2016</b>	<b>+/- in €2015</b>	<b>+/- in %/2015</b>
A-3 0 2 Reception and representation expenses	10.000	7.000	-3.000	-30,00%
A-3 0 4 Internal meetings	35.000	27.000	-8.000	-22,86%
A-3 2 0 0 Documentation and library expenditure	10.000	8.000	-2.000	-20,00%
A-3 2 1 0 Communication & publications	310.000	219.000	-91.000	-29,35%
<b>Total A-3</b>	<b>365.000</b>	<b>261.000</b>	<b>-104.000</b>	<b>-28,49%</b>

## 2. Management of internal controls

### (i) Recommendations from the Internal Auditor

#### **Internal Audit Report 15/01 - The Internal Auditor's Annual Report for 2014**

The Internal Auditor's report for 2014 audit concluded that, subject to full implementation of two agreed actions, 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.

The two agreed actions were:

1. To clarify the circumstances and recover a portion of the payment for services that was unduly invoiced by another institution in 2013. The report notes that the Ombudsman has since recovered that amount.
2. To conclude/review a Service Level Agreement (SLA) with the Publication Office to clarify the modalities of the cooperation in the publishing area, in order to maximise its effectiveness. The internal auditor closed this action in November 2015 after the Ombudsman reviewing the existing SLA and taking into account that the Publications Office is currently preparing revised SLAs for all institutions.

#### **Internal Audit Report 15/02 - Transversal follow-up of open actions from Internal Audit Reports**

The Internal Auditor's report 15/02 concludes that all open actions have been closed.



The Internal Auditor's work programme for 2015 included an audit of business continuity management. The first phase of the audit was concluded in 2015.

## (ii) Observations from the Court of Auditors

In the framework of the Declaration of Assurance (DAS) 2014, 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.

## (iii) Follow-up of recommendations from the Committee on Budgetary Control in the framework of the discharge procedures.

### 2013 discharge

On 29 April 2015, Parliament adopted the discharge decision for the 2013 budget<sup>19</sup>. The relevant observations it contained are set out below in *italics*. Comments on certain of them are included in normal text.

*10. Notes with concern the enormous disparities in translation costs among the various Union institutions; calls, therefore, on the Interinstitutional Working Party on Translation to identify the causes of those disparities and to put forward solutions that will put an end to the imbalance and harmonise translation costs while also ensuring full respect for quality and linguistic diversity; notes, with this in mind, that the working party should relaunch cooperation among the institutions in order to share best practices and outcomes and to identify areas in which cooperation or agreements between institutions can be strengthened; notes that the working party should also aim to establish a unified methodology of presenting the translation costs which all the institutions can use in order to simplify the analysis and comparison of the costs; notes that the working party should present those findings before the end of 2015; calls on all the institutions to play an active role in the work of the Interinstitutional Working Party; recalls in this regard the fundamental importance of respect for multilingualism in the Union institutions in order to guarantee equal treatment and equal opportunities for all Union citizens;*

Comment: The Ombudsman does not have a translation service. Translation is provided by the translation services of Parliament and the Translation Centre. The Ombudsman is charged a fixed cost per page decided by these two service providers.

The head of the Personnel, Administration and Budget Unit contacted the Interinstitutional Working Party on Translation, which has agreed to share the results of its discussions with the Ombudsman. The Ombudsman will follow up on any of those results that could lead to the more efficient use of budgetary resources, or the more accurate reporting of translation costs.

*12. Welcomes the fact that the aim of closing 70 % of cases in less than a year was surpassed in 2013; notes, however, that the proportion of inquiries closed within 18 months is still below the target set by the Ombudsman, even though it has increased from 79 % to 81 %; believes that the 90 % target is realistic and can be achieved; expects that this target will be reached in 2014 and that this result be detailed in the*

<sup>19</sup> European Parliament resolution of 29 April 2015 with observations forming an integral part of the decision on discharge in respect of the implementation of the general budget of the European Union for the financial year 2013, Section VIII – European Ombudsman (2014/2084(DEC))



*annual activity report; welcomes the launch of specific own-initiative inquiries and asks to be informed about the initial outcomes of those inquiries;*

Comment: The percentage of cases closed after 18 months was 73%, i.e. below the target of 90%. The Ombudsman is acutely aware of this. It is due to - on the one hand - the fact that, for the third year running, efforts were made in 2014 to complete as many as possible of the inquiries that had been ongoing for more than two years. Paradoxically, however, the very success of this effort had a negative effect on the relevant result as cases that had been open for a long time were closed and thus taken into account in the calculation of this KPI.

On the other hand it is sometimes not within the Ombudsman office control to continue a case since it has to wait for replies of the institutions concerned or the complainant. With the very limited resources available, the Office continues to make every effort to close old cases while ensuring that no backlog is created.

In line with the Strategy Towards 2019, the office has developed new KPIs and set itself the ambitious target of closing 50% of its inquiries within 6 months and 80% within 18 months. At the end of the third quarter of 2015, both targets were exceeded, i.e. respectively 52% and 82%.

The Ombudsman has made significant efforts to address shortcomings in the EU administration more on a systemic basis, through increasing use of own-initiative strategic inquiries. In order to pre-empt complaints in areas of significant interest and, indeed, concerns from citizens and organisations, the Ombudsman opened own-initiative strategic inquiries into topics such as TTIP (the Transatlantic Trade and Investment Partnership negotiations), the functioning of the European Citizens' Initiative (ECI) and the transparency and composition of expert groups. In the context of the Ombudsman's inquiry into the transparency of the TTIP negotiations, 350 responses were received to the public consultation launched by the office, in addition to 6,000 emails from concerned citizens. The Commission made real progress in enhancing the transparency of these negotiations, also in response to pressure from the Ombudsman.

The Office received 18 detailed responses to the strategic inquiry on the European Citizens' Initiative, in which interested organisations outlined shortcomings they have faced in making use of this new instrument of participatory democracy. These responses allowed the Ombudsman to deal with problems in a proactive way.

Finally, the Ombudsman received 60 responses to her public consultation on the transparency and composition of Commission expert groups, in which individuals and organisations voiced the shortcomings they identified. On the basis of these responses, the Ombudsman made over 20 suggestions to the Commission to enhance the working arrangements for these groups.

*14. Draws attention to the high level of spending on away days, conferences and similar events for staff at the Ombudsman's office in 2013, which was noticeably higher than it was in the other institutions; considers that at a time of crisis and budgetary cuts in general, the cost of away days for staff of the Union institutions has to be reduced and that they should take place, where possible, on the institutions' own premises, as the added value derived from away days does not justify such high costs;*

Comment: The Ombudsman considers that organising an away day every year is essential in improving how the institution operates and in reinforcing and



maintaining the cohesion in an Office of eighty staff members split over **two working places, Strasbourg and Brussels**. The away days organised by the office always involve a very intense participation of the staff. Team building is only one of the aspects; the most important part however is internal communication and improvement of processes. The away day is a unique opportunity to create a bottom-up input from all the staff members in order to regularly improve the functioning of the institution. A great variety of topics, such as quality management, human resources strategies or complaint processes are discussed and significantly improved after the yearly away day.

The Ombudsman is acutely aware of the budgetary constraints and therefore changed the format of the yearly away day by making it shorter and more efficient. This also helped maximise participation. Since 2012, the cost per participant of the away days has been cut by approximately 40%. As from 2015, the Ombudsman also reduced the number of staff meetings.

*15. Welcomes the fact that a woman has been elected as European Ombudsman; is concerned, nevertheless, about the lack of women in management posts at the Ombudsman's office; calls for the introduction of an equal opportunities plan specifically geared towards management posts with a view to correcting this imbalance as soon as possible;*

Comment: The Ombudsman is happy to report that gender balance in management and for administrators has improved fundamentally since the Ombudsman was elected in 2013. **Gender balance was achieved in 2015** at management level with 50% being women (not counting the Ombudsman). Female Administrators are at 50%. For future recruitments the Ombudsman will systematically encourage applications of the underrepresented gender, and, at equal merit, give priority to the underrepresented gender.

*16. Considers that the Ombudsman should continue to strive for consistent quality in the annual activity report and provide a comprehensive annual impact report which is an important tool for the assessment of its work;*

Comment: The “annual activity report” referred to is presumably the Ombudsman’s Annual Report to Parliament (see annex 5 below). As regards the comprehensive annual impact report”, the relevant publication is the annual *Putting it Right* report.

*17. Demands that the Ombudsman's building policy be attached to its annual activity report, especially given that it is important that the costs of such a policy are properly rationalised and that such costs are not excessive;*

Comment: The central element of the Ombudsman’s buildings policy is to obtain the office space needed through interinstitutional cooperation with the European Parliament. This policy produces significant administrative savings by avoiding the need for the Ombudsman to make separate provision for cleaning, security, insurance etc. The Ombudsman’s Internal Auditor conducted an audit of interinstitutional cooperation in 2014 (internal audit report no. 14/02). A key finding of the audit is that, overall, the European Ombudsman's interinstitutional cooperation is based on adequate agreements with the other institutions and bodies concerned, is cost-effective and is implemented in all areas where it is relevant.

The Ombudsman intends to adopt a building policy in 2016 before moving her staff in Strasbourg to new premises nearby made available by Parliament. The



future building policy will aim at rationalising the use of office space with an eye at improving synergies and reducing costs. The Ombudsman has already informed Parliament of her intention to reduce the space used in the new Strasbourg premises by 20%.

*18. Calls on the Ombudsman to include in its annual activity reports, in compliance with the existing rules on confidentiality and data protection, the results and consequences of closed OLAF cases, where the institution or any of the individuals working for it were the subject of the investigation;*

Comment: the AAR 2014 included the information that there were no such cases in 2014.

*19. Agrees wholeheartedly with the transparency policy advocated by the Ombudsman's office and calls for the introduction of a procedure to assess the possible impact of certain publications in advance, with a view to publishing them, along with an explanatory report, so as to avoid them being used in a biased way; points out that this procedure should be launched by the Ombudsman in cooperation with the European Data Protection Supervisor, the Commission and the institution to which the publication refers;*

Comment: It is not clear what this observation refers to. Apparently there was a case where OLAF informed the Budgetary Control Committee that it had released a certain document at the suggestion of the Ombudsman at a certain time. However, the Ombudsman never inquired into the issue concerned and made no such suggestion to OLAF.

## 2014 discharge

At the time of the drafting of this report, the European Parliament's decision on discharge in respect of the implementation of the European Union general budget for the financial year 2014, Section VIII - European Ombudsman, was not yet available.

### (iv) Management of the internal control systems

A comprehensive assessment of the internal controls in the form of a visual representation is attached to this report (Annex 3). The following actions taken in 2015 are relevant for internal control systems:

Internal control 2 - Ethics and organisational values: On 20 February 2015, the Ombudsman adopted internal rules on whistleblowing, in accordance with Article 22(c) of the Staff Regulations.

Internal control 5 - Objectives and performance indicators: The new KPIs adopted in the framework of the Strategy *Towards 2019* have been in use since January 2015. The relevant results are compiled in the scoreboard available in Section II.2 above.

Internal control 6 - Risk management process: A new process for the risk assessment exercise was put into operation for the year 2015 (see the Secretary-General's note of 27 October 2014: RODEO INT-2014-000398).

Internal control 8 - Processes and procedures: The working group on inquiry processes produced its final report. Many of its recommendations are already being implemented.



Internal control 10 - Business continuity: The members of the 'Crisis Management Group' provided for in the Business Continuity Plan (BCP) were appointed. A handbook on the implementation of the BCP was drawn up. It is in the process of being finalised and will include alternative procedures to ensure continuity of essential functions in case of disruption.

Internal control 11 - Document management: two working groups were established in 2015 on (i) public access to documents and (ii) records management. Their work is ongoing.



### 3. Whistleblowing and investigations by OLAF

The Secretary-General is not aware of:

- any member of staff of the Ombudsman providing information under Article 22(a) of the Staff Regulations
- any OLAF investigation concerning the Ombudsman, or any person working in the Ombudsman's Office in 2015.





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

### **1. Declaration of the Authorising Officer by Delegation**

I, the undersigned,

Head of the Personnel, Administration and Budget Unit,

In my capacity as Authorising Officer by Delegation hereby declare that I have reasonable assurance that:

1. The information contained in the report presents a true and fair view;
2. The resources assigned to the activities described in the report have been used for their intended purpose and in accordance with the principle of sound financial management;
3. The control procedures put in place give the necessary guarantees concerning 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.

I 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 8 April 2016

Alessandro Del Bon  
Head of the Personnel, Administration, and Budget Unit



## 2. Declaration of the Authorising Officer by Delegation

I, the undersigned,

Director in charge of Personnel, Administration and Budget of the Ombudsman from 1 January to 31 October 2015 and Principal Advisor on legal issues from 1 November 2015,

In my capacity as Authorising Officer by Delegation hereby declare that I have reasonable assurance that:

1. The information contained in the report presents a true and fair view;
2. The resources assigned to the activities described in the report have been used for their intended purpose and in accordance with the principle of sound financial management;
3. The control procedures put in place give the necessary guarantees concerning 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.

I 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 11 April 2016

Gerhard Grill  
Principal Adviser



## 2. Declaration of the Authorising Officer by Delegation

I, the undersigned,

Director in charge of Personnel, Administration and Budget of the Ombudsman from 1 January to 31 October 2015 and Principal Advisor on legal issues from 1 November 2015,

In my capacity as Authorising Officer by Delegation hereby declare that I have reasonable assurance that:

1. The information contained in the report presents a true and fair view;
2. The resources assigned to the activities described in the report have been used for their intended purpose and in accordance with the principle of sound financial management;
3. The control procedures put in place give the necessary guarantees concerning 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.

I 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 11 April 2016

Gerhard Grill  
Principal Adviser



### 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 hereby declare that I have reasonable assurance that:

1. The information contained in the report presents a true and fair view;
2. The resources assigned to the activities described in the report have been used for their intended purpose and in accordance with the principle of sound financial management;
3. The control procedures put in place give the necessary guarantees concerning 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.

I 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 8 April 2016

Beate Gminder  
Secretary-General



Annexes:

Annex 1: The European Ombudsman's Operating Framework

Annex 2: Human resources and professional training charts

Annex 3: Internal control assessment chart

Annex 4: Report on budgetary and financial management for the financial year 2015



## **Annexes**

Annex 1: The Ombudsman's Operating Framework  
(PowerPoint Presentation)



## Annex 2: Human resources and professional training charts

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

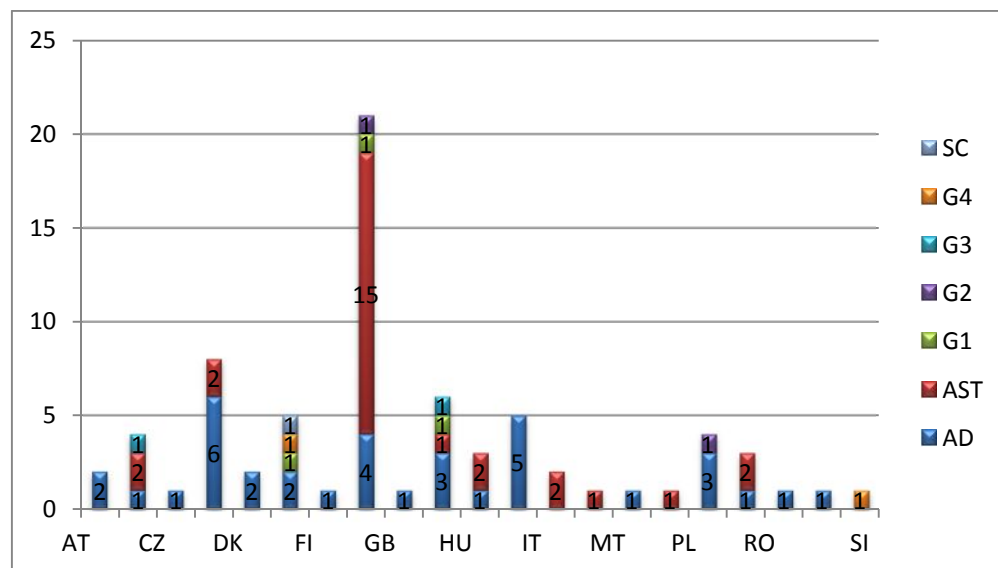
The table below shows the allocation of human resources among the operational entities of the office in December 2015 and the category of process(es) of the Operating Framework that each of these entities predominantly delivered.

	Allocation of resources	Management processes	Core processes	Supporting processes
<b>Ombudsman Cabinet</b>	AD: 3 AST: 2		X	
<b>Secretariat-General</b>	AD: 3 AST: 1	X	X	
<b>Complaints and inquiries</b>	AD: 22 AST: 5 Contract agent: 3 Trainees: 4 SNO: 1		X	
<b>Communication</b>	AD: 2 AST: 5 Contract agent: 3		X	
<b>Process Management</b>	AD: 1 AST: 6 AST/SC : 1 Contract agent: 1		X	X
<b>Personnel, Administration and Budget</b>	AD: 3 AST: 7 Contract agents: 3		X	X
<b>ICT</b>	AD: 1 AST: 2 Contract agent: 1 Trainee: 1			X



Graphs 1 and 2 below show the breakdown of the various categories of staff by nationality and by gender.

Graph 1 - Nationality per grade: Snapshot on 31 December 2015



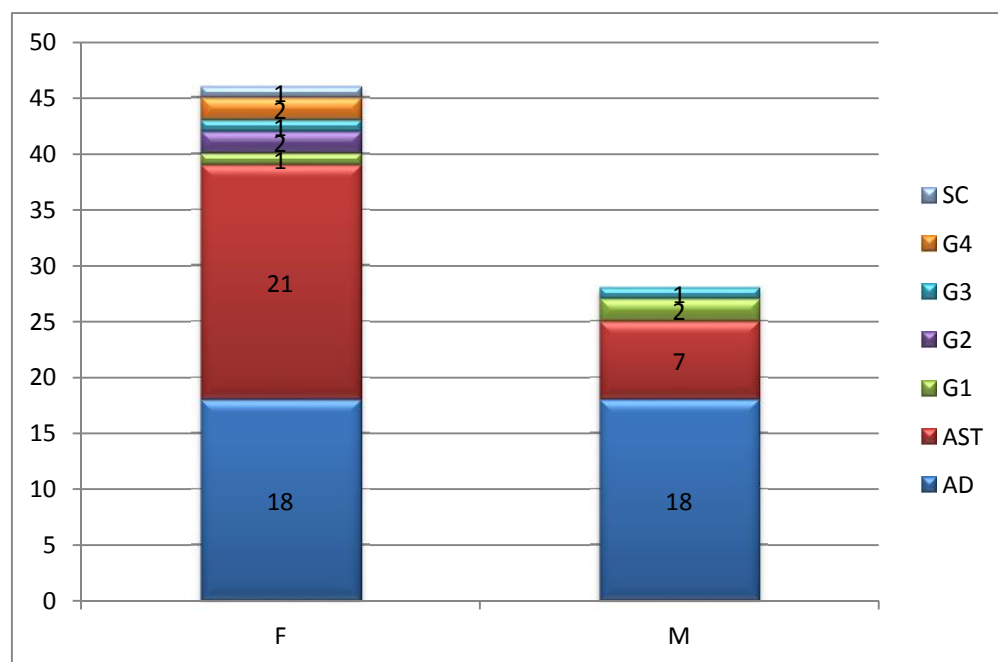
The distribution of nationalities by grade is as follows:

Nat	AD	AST	G1	G2	G3	G4	SC	Total
AT	2							2
BE	1	2			1			4
CZ	1							1
DE	6	2						8
DK	2							2
ES	2		1			1	1	5
FI	1							1
FR	4	15	1	1				21
GB	1							1
GR	3	1	1		1			6
HU	1	2						3
IE	5							6
IT		2						2
LT		1						1
MT	1							1
NL		1						1
PL	3			1				4
PT	1	2						3
RO	1							1
SE	1							1
SI						1		1
Total	36	28	3	2	2	2	1	74





Graph 2 - Gender per grade: Snapshot on 31 December 2015



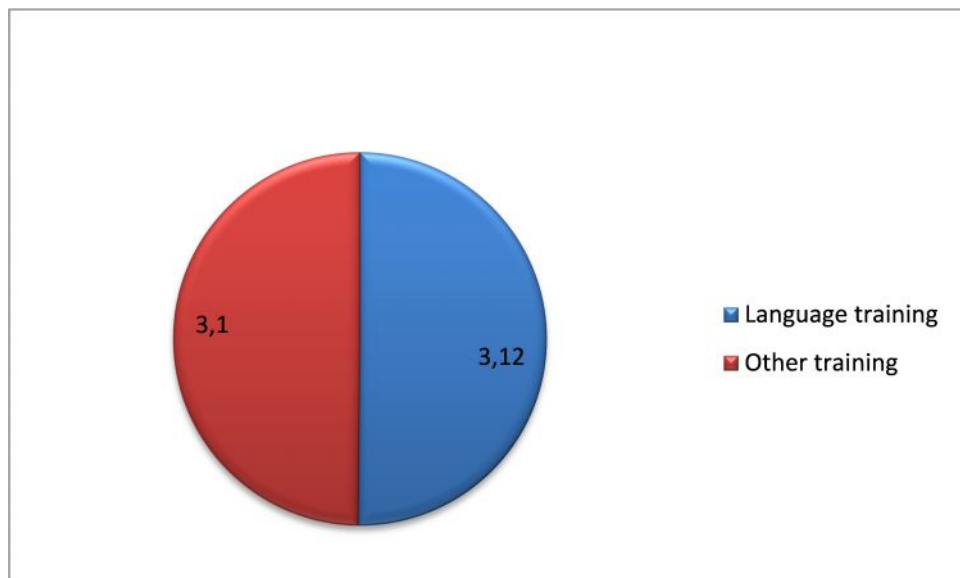
The distribution of gender by grade is as follows:

Gender	AD	AST	G1	G2	G3	G4	SC	Total
Female	18	21	1	2	1	2	1	46
Male	18	7	2		1			28
Total	36	28	3	2	2	2	1	74

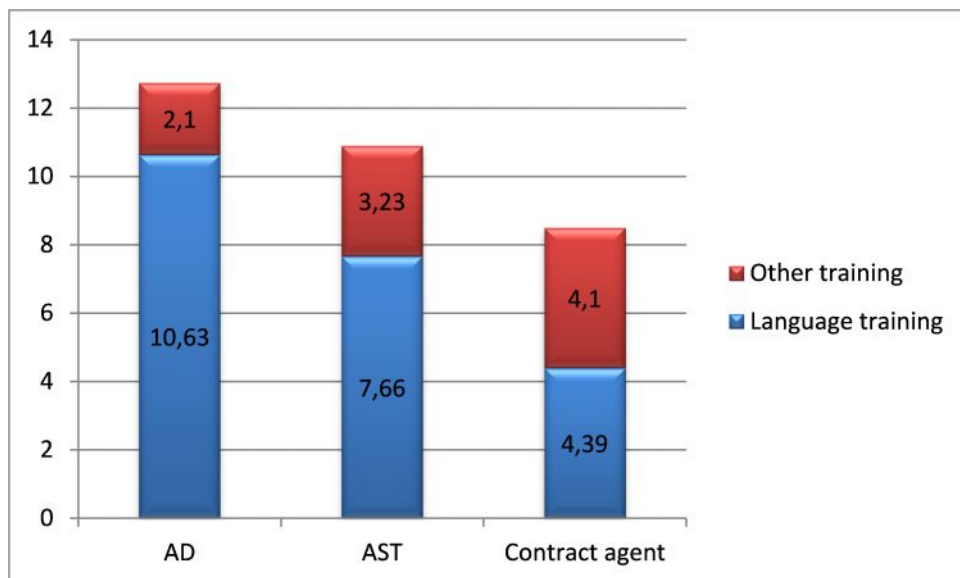


## B. Number of days of professional training in 2015

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

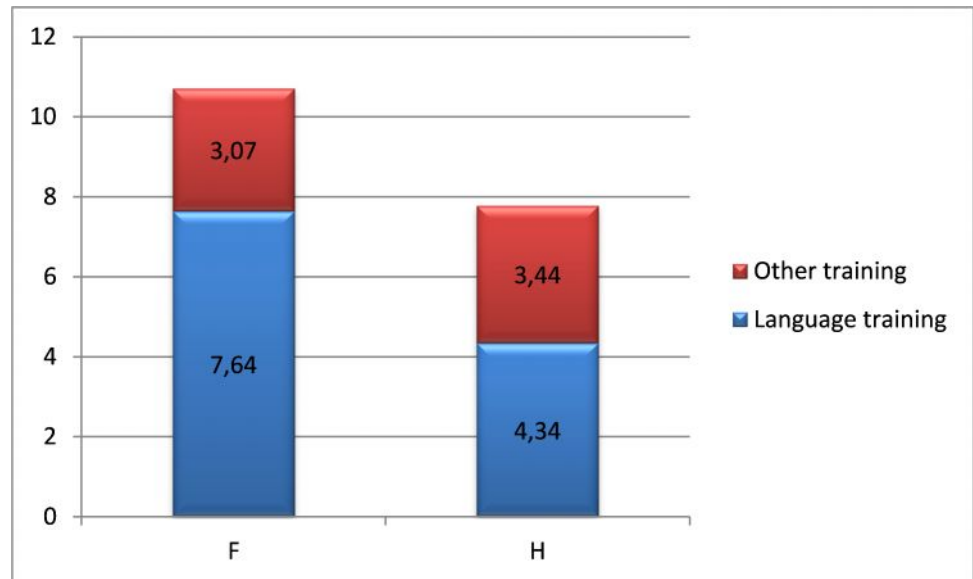


Graph 4 - Average number of training days per person by grade





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





## Annex 3: Internal control assessment chart





## Annex 4: Report on budgetary and financial management for the financial year 2015



## Annex 5: Annual Report of the European Ombudsman

The Ombudsman shall submit to the European Parliament a report on the outcome of his inquiries every year. The Annual Report of the European Ombudsman for 2015 is scheduled to be officially presented to the European Parliament in May 2016. The document will subsequently be made available on the following website in all languages:

<http://www.ombudsman.europa.eu/en/activities/annualreports.faces>



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