RESOLUTION (EU) 2021/1557 OF THE EUROPEAN PARLIAMENT

of 29 April 2021

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 2019, Section VIII – European Ombudsman

THE EUROPEAN PARLIAMENT,

— having regard to its decision on discharge in respect of the implementation of the general budget of the European Union for the financial year 2019, Section VIII – European Ombudsman,

— having regard to Rule 100 of and Annex V to its Rules of Procedure,

— having regard to the report of the Committee on Budgetary Control (A9-0065/2021),

A. whereas in the context of the discharge procedure, the discharge authority wishes to stress the particular importance of further strengthening the democratic legitimacy of Union institutions by improving transparency and accountability, and implementing the concept of performance-based budgeting (PBB) and good governance of human resources,

1. Notes with satisfaction that the Court of Auditors (the 'Court') identified no significant weaknesses in respect of the audited topics relating to human resources and procurement for the European Ombudsman (the 'Ombudsman');

2. Emphasises the fact that on the basis of its audit work, the Court concluded that the payments as a whole for the year ended on 31 December 2019 for administrative expenditure of the Ombudsman were free from material error;

3. Regrets, as an overall remark, that Chapter 9 'Administration' of the Annual Report of the Court has a rather limited scope and conclusions, even if Heading 5 'Administration' of the Multiannual Financial Framework is considered low risk; requests that the audit work for the chapter on Administration be more focused on issues which are of high relevance, or even on issues which are critical, for the Ombudsman;

4. Notes that 2019 was a transition year for the Ombudsman given that it coincided with the end of her first mandate and her re-election for the 2019-2024 parliamentary term; fully supports the objectives identified by the Ombudsman for her strategy 'Towards 2024' covering her second mandate;

Budgetary and financial management

5. Notes that the Ombudsman's budget is mostly administrative, with a large amount being used for expenditure related to persons, buildings, furniture, equipment and miscellaneous running costs; notes that it amounted in 2019 to EUR 11 496 261 (compared to EUR 10 837 545 in 2018 and EUR 10 905 441 in 2017);

6. Notes that the implementation rate in terms of commitments (including appropriations carried over from 2019 to 2020) is 92,3 % (compared to 95,3 % in 2018 and 93,91 % in 2017) and that of the total appropriations, 89,5 % were paid in 2019 (compared to 91,3 % in 2018 and 86,2 % in 2017);

7. Welcomes the improvements in carry-overs, such as the fact that the amount of appropriations carried over from 2019 to 2020 is EUR 323 410 representing 2,8 % of the 2019 budget (compared to EUR 433 866 carried over from 2018 to 2019, representing 4 % of the 2018 budget); notes furthermore that 90,36 % of the appropriations carried over to 2019 from 2018 were used (compared to 82,64 % in 2017);

8. Recognises the sound financial management of the Ombudsman; for example, whenever the underspending for certain budget lines appears to be systemic, the Ombudsman reduces the related appropriations in subsequent years, such as the budget line for publications, which was reduced proactively and progressively from EUR 219 000 in 2017 to EUR 123 000 in the 2021 draft budget;

9. Recalls that according to Article 228(1) of the Treaty on the Functioning of the European Union (TFEU) the Ombudsman 'shall be empowered to receive complaints (…) concerning instances of maladministration in the activities of the Union institutions, bodies, offices or agencies' except the Court of Justice of the European Union acting in its judicial role; acknowledges that the Ombudsman may conduct inquiries 'on his own initiative or following a complaint' (Article 3(1) of the Statute of the European Ombudsman) or 'through a Member of the European Parliament' (Article 228(1) TFEU); welcomes that the Ombudsman performs her duties in accordance with the Treaties and her mandate;

Inter-institutional cooperation

10. Is aware of an ever increasing workload and supports the strategy to adopt corporate solutions where possible, for example in the collaboration on administrative matters with the Commission and with the Paymaster Office (the 'PMO'), with a view to reallocating staff to handling of complaints; notes that the number of staff was smaller on 31 December 2019 than on 31 December 2018 with 74 posts compared to 78 posts; notes that this is due to vacant posts not filled on that date and a decrease in the number of contract agents;

11. Reiterates its support for the Ombudsman's request to raise the number of staff to address the increasing workload;

12. Welcomes the service agreements such as the implementation of a corporate tool (SYSPER personal file module) for the management of the personal files of members of staff and the delegation of the management of entitlements of individual members of staff to the PMO, signifying gains in administrative efficiency for smaller institutions in particular; notes that the information technology (IT) sector collaborates closely with Parliament and the Commission for the integration and maintenance of all Union corporate tools and for the use of inter-institutional IT framework contracts;

13. Encourages the Ombudsman to maintain and expand contacts with bodies at Union and national level, which serve the purpose of exchanging information and best practice and adopting common approaches (such as in relation to the guidelines developed via the Inter-institutional Online Communication Committee), where possible, on general administrative, financial, personnel and IT matters as well as on ethics, transparency and public integrity; welcomes the intense exchange with the offices of national ombudsmen, and the organising of meetings between the offices of national ombudsmen in order to identify topics for possible parallel inquiries;

14. Reiterates its call on the Ombudsman for closer cooperation with Parliament's Committee on Budgetary Control by making that Committee aware of relevant failures, in form of maladministration and/or institutions' negative replies to recommendations made by the Ombudsman in a concise and time-relevant format; appreciates however the fact that the Ombudsman includes a detailed account in its annual 'Putting it Right' report on how the institutions comply with her recommendations, and the Ombudman's confirmation that she will share her recommendations in individual cases directly with the responsible committee;

Human Resources

15. Repeats the need for gender balance at all hierarchical levels; acknowledges, in that regard, that the Ombudsman takes a proactive approach to maintaining a balance between male and female recruitments and that the Ombudsman has a highly qualified staff with gender balance in management positions;

16. Is aware of the difficulty posed for a small institution in striving for geographical balance but nevertheless notes that in 2019 the Ombudsman's staff represented 20 out of the 27 nationalities of the Member states; notes that the number of managers was seven, and that they were composed of five different nationalities (German, Irish, Italian, Polish and Swedish) compared to six different nationalities among managers in 2018; acknowledges plans for a reorganisation in 2020 to increase the Ombudsman's efficiency resulting in a reduction in the number of managers, while taking into account geographical balance, to the extent possible;

17. Notes that the Ombudsman updated its diversity policy, which addresses disability and gender balance; acknowledges that the guidelines for the implementation of the anti-harassment policy were finalised in 2019; notes that several other human resources policies and decisions were also finalised in 2019, such as those relating to 'back to school', reimbursement of removal expenses, part time work, return to work after sick leave of long duration, while the drafting of other policies, including on external activities, is ongoing;

18. Invites the Ombudsman to tackle personnel-related issues and look into ways of improving recruitment processes, so that vacant posts do not remain unfilled for an excessive period of time, which has a direct negative impact on the workload distribution and could - combined with the decrease in the number of contract agents - harm the efficiency of the institution;

19. Notes the flexible working arrangement offered to staff (flexitime, telework and part-time work) as well as training on team cohesion; encourages the Ombudsman to further enhance the staff well-being and to carry out satisfaction surveys to identify possible proposals for improvement proposals and to complete the flexible working arrangements with a protection of the staff members' right to disconnect;

20. Asks the Ombudsman to report on the concrete achievements of the updated diversity policy, the results of actions taken in regard to strengthening diversity and making the Ombudsman a more inclusive workplace for persons with disabilities;

Conflict of interest, harassment, whistleblowing

21. Recalls the Ombudsman's strategic initiative SI/2/2018/AMF on dignity at work in the Union institutions and agencies from 2018, as an example of best practice in the prevention of harassment; notes that raising staff awareness on harassment issues has become a priority for the Ombudsman by offering mandatory trainings to all staff on 'dignity and respect at work'; notes the training organised for ethics correspondents and conciliation committee members in order to prepare them for carrying out their functions in the context of the Ombudsman's anti-harassment policy; appreciates that information sessions on ethics covering matters such as ethical conduct and behaviour, harassment, whistleblowing, conflicts of interest, and external activities have become an integral part of the Ombudsman's induction training for new members of staff as well as trainees;

22. Congratulates the Ombudsman on its user-friendly website which contains a chapter on ethics in addition to all the information on its core business; appreciates the detailed list of missions undertaken by the Ombudsman in 2019, as published on the website for transparency reasons including information on destination, purpose and related costs, information which is also available in its annual activity report;

23. Notes that a complex approach is needed in order to make the European institutions' home pages accessible to persons with all kind of disabilities, including the availability of national sign languages; suggests that disability-related organisations be involved in this process;

24. Appreciates the Ombudsman's work on conflict of interest issues, especially its cooperation with the 'High Authority for Transparency in Public life' (HATVP) in France and its participation at events in the Parliament and the European Central Bank on this important topic;

Internal management, performance, internal control

25. Recognises the Ombudsman's clearly formulated set of key performance indicators (KPI); welcomes the reported efficiency gains such as in the case-handling processes, which surpassed the previous year's results, such as 'Decision on admissibility' taken within one month in 91 % of cases (compared to 90 % in 2018), 'Inquiry closed within 6 months' in 63 % of cases (compared to 57 % in 2018) and 'Inquiry closed within 18 months' in 90 % of cases (compared to 88 % in 2018);

26. Calls on the Ombudsman to examine how to measure the broader impact of the Ombudsman's inquiries and related recommendations on the Union institutions; is very well aware that the compliance with proposals is recorded at a particular point in time and does not capture change that occurs more slowly and which is often the result of wider investigations; notes an overall compliance rate of 77 % (compared to 81 % in 2018); requests finally that relevant data be presented as a specific KPI;

27. Welcomes the fact that the institutions reacted positively to 90 out of the 117 proposals for improvement made by the Ombudsman; notes that proposals were made in 69 cases, with 52 of these cases leading to the institutions taking steps to improve how they work; welcomes the fact that eleven institutions had a 100 % rate of compliance with proposals for improvement, while the Commission, which accounts for most cases, had a compliance rate of 70,9 %;

28. Observes that in 2019, the number of complaints registered was 2 171 (compared to 2 160 in 2018), that the number of new cases processed was 2 201 (compared to 2 180 in 2018) and that the number of cases within the Ombudsman's mandate was 871 (compared to 880 in 2018); notes that the Ombudsman opened 456 new inquiries based on complaints (compared to 482 in 2018) and closed a record number of 552 complaint-based inquiries (compared to 534 in 2018) and as a result of the high turnover of cases, only 117 inquiries were carried over to 2020 (compared to (222 carried over to 2019);

29. Notes that the categories of complaints that saw the biggest increase are: respect for fundamental rights, proper use of discretion (including infringement procedures), culture of service, transparency and respect for procedural rights; encourages the Ombudsman to continue reporting to the Parliament on the recommendations made to Union institutions in this regard;

30. States that the following are the results of inquiries closed by the Ombudsman in 2019: no maladministration found in 56 % of cases, settled by the institution, solutions achieved or solutions partly achieved in 33 % of cases, no further inquiries justified in 5 % of cases, maladministration found, recommendation agreed or partly agreed in 5 % of cases and 'other' in 0,9 % of cases;

31. Notes that the internal auditor's annual report for 2018 concluded that, subject to closure of the remaining action on business continuity management, the Ombudsman's risk management, control and governance systems were effective and efficient and provided reasonable assurance that it will attain its control objectives on a consistent basis; notes that the Ombudsman developed synergies with the Commission in order to use corporate tools and/or services for staff management, financial management and accounting, public procurement, management of missions and recruitment; asks the Ombudsman to inform it on any follow-up in relation to the actions carried over in respect of business continuity management;

32. Notes that the Ombudsman's response in her report on the follow-up to the discharge for the financial year 2018 related to the process for the revision of the Statute of the European Ombudsman; notes that once a new regulation governing the performance of the Ombudsman's duties has been adopted, the Ombudsman will review its implementing provisions accordingly and will include any developments in this regard in the future annual activity reports;

Transparency

33. Highlights the complaint-based inquiry in which the Ombudsman asked the general secretariat of the Council to keep a full record of any meetings held between lobbyists and the President of the European Council and/or members of his cabinet; agrees with the Ombudsman's statement that members of the President's cabinet should only meet with, or only attend events organised by, representatives of interests who are registered in the transparency register;

34. Takes the opportunity to congratulate the Ombudsman on the opening of an investigation (OI/2/2017) on the transparency of the Council's legislative work in 2017 in order to allow citizens to more easily follow the legislative process of the Union; welcomes the recent positive echoing by the Ombudsman of the new transparency steps taken by the Council, for example by proactively publishing progress reports on negotiations on draft laws, a development which is in line with proposals made by the Ombudsman as a result of her inquiries; nevertheless, recalls the Ombudsman's opinion that the Council should further step up its transparency efforts by, *inter alia*, publishing Member States' positions, Council legislative documents including minutes of Working Group meetings, trilogue and other milestone working documents; appreciates the Ombudsman's proposals to ensure a more systematic and effective approach to dealing with former members of staff moving to the private sector or people moving from the private sector to the Commission;

35. Acknowledges another good example such as the report on the fast-track procedure for public access cases and its implementation; welcomes the evaluation which was carried out indicating that the fast-track procedure had given rise to a three-fold decrease in the time taken to deal with access to documents cases;

36. Appreciates the finalisation of its user-friendly case handler handbook, combining all case-handling procedures in a dynamic and concise yet comprehensive way;

37. Welcomes the fact that the Ombudsman automatically publishes inquiries on its website unless a complainant has specifically requested confidentiality or a case contains personal data;

Digitalisation, cybersecurity, data protection

38. Asks the Ombudsman in the context of its policy for digitalisation to further develop the interaction between the website and the case management system by ensuring an automatic importation of information from the website to the complaint management system, enabling the complainant to add further correspondence to a complaint submitted online, and asks that the online account be used when interacting with the complainant throughout the process;

39. Welcomes the fact that the Ombudsman supports the importance of data protection, and commits to enhancing further the awareness of users of the importance of online data protection; congratulates the Ombudsman on her Action Plan for the European Union Data Protection Regulation produced in 2018 aimed at enabling the institutions to adapt to the new legislation, as well as the progress achieved implementing the 24 actions identified in the plan throughout 2019; appreciates the creation of the Register of records of processing operations of the European Ombudsman and the cooperation with the European Parliament;

40. Welcomes that the Ombudsman uses free and open-source software for external and internal communication; appreciates that the Ombudsman recognizes the added value of open-source software in order to increase transparency;

41. Encourages the Ombudsman to follow the European Data Protection Supervisor's recommendation to renegotiate the Inter-Institutional Licensing Agreement and implementation contract, signed between the Union institutions and Microsoft in 2018, with the objective of achieving digital sovereignty, avoiding vendor lock-in and lack of control, as well as of ensuring the protection of personal data;

Communication

42. Welcomes the fact that the Ombudsman exceeded the targets set for social media in 2019; notes that the Ombudsman reached 36 717 mentions on Twitter (the target was 20 000) and that the number of Twitter followers went from 22 600 at the end of 2018 to 26 300 in December 2019, which represents a 16 % increase; notes that the fastest-growing channel was Instagram, where the audience grew by 47 % during the year and that on LinkedIn, the number of followers increased by 21 %;

43. Congratulates the Ombudsman on the fact that the new intranet, SISTEO, went on line in December 2019, for which a review project started in 2018 aiming to facilitate the circulation of information and to facilitate access to internal processes and tools and to inter-institutional applications and platforms; welcomes also the fact that the European Network of Ombudsman (ENO) extranet project was completed in December 2019;

44. Underlines the importance of a good functioning collaboration among the ENO as Union law and policies are increasingly important for the everyday life of citizens of the member states;

45. Highlights the second edition of the award for good administration launched by the Ombudsman, which dealt with 54 inspiring projects originating from the main Union institutions, as well as many agencies and other bodies, which shows the high level of interest in the award; notes that the overall award for good administration went to the teams from the Commission that worked on the Union initiative to reduce plastic pollution and raise awareness about the problem;

Environmental dimension

46. Welcomes the Ombudsman's commitment to reducing its environmental footprint via concrete actions such as the extensive use of videoconference facilities for internal and inter-institutional meetings, and which have made it possible to reduce missions; notes the teleworking policy, which is used by many members of staff (and by all staff during the COVID-19 crisis), which limits individual transportation; encourages the Ombudsman to continue undertaking actions aiming at reducing the carbon footprint as well as to pay close attention to the energy mix used by the institution, with an emphasis on promoting clean and renewable sources;

47. Welcomes the initiatives taken by the Ombudsman's office to encourage the use of public transportation by providing financial support for yearly subscriptions and by limiting available car parking spaces.