RESOLUTION (EU) 2022/1708 OF THE EUROPEAN PARLIAMENT

of 4 May 2022

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 2020, 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 2020, 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 (A9-0068/2022),

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 administrative expenditure of the institutions, including that of the Ombudsman were free from material error for the financial year 2020;

3. Welcomes the fact that no specific issue was detected by the Court on the regularity of the transactions and that no significant issue was detected following examination of the supervisory and control system of the Ombudsman;

4. Is aware that Chapter 9 'Administration' of the Annual Report of the Court is focused on expenditure on human resources, buildings, equipment, energy, communication and information technology and that the Court indicates that this spending is low-risk;

Budgetary and financial management

5. Notes that the Ombudsman's budget is mostly administrative, with a large amount being used for expenditure related to human resources, buildings and furniture, equipment and miscellaneous running costs; notes that it amounted to EUR 12 348 231 in 2020 (compared to EUR 11 496 261 in 2019 and EUR 10 837 545 in 2018);

6. Notes that the implementation rate in terms of commitments (including appropriations carried over from 2020 to 2021) is 94,91 % in 2020 (compared to 92,33 % in 2019) and that 93,16 % of the total appropriations were paid in 2020 (compared to 89,5 % in 2019 and 91,3 % in 2018); welcomes the increase in the implementation of the Ombudsman's annual budget despite the difficulties faced in 2020 due to the COVID-19 pandemic;

7. Notes that the Ombudsman reallocated approximately EUR 44 500 (or 0,4 % of its budget) through an internal transfer of appropriations not involving the budgetary authority and EUR 1,37 million (or 11,1 % of its budget) through two external transfers of appropriations involving the budgetary authority; notes furthermore that these reallocations were made possible by savings resulting from a decrease in expenditure as a result of the COVID-19 pandemic and reforms made to the Ombudsman's organisation chart;

8. Notes total payments of EUR 11 503 768,06 corresponding to 93,16 % of the 2020 budget (compared to 89,51 % in 2019); notes with satisfaction that in 2020, out of a total of 537 payments made, 99,4 % were executed on time, with an average payment time of 11,9 days, thus significantly below the maximum of 30 days allowed;

9. Notes the reduction in the appropriations carried over from 2020 to 2021 which amounted to EUR 215 895,65, representing 1,7 % of the 2020 budget, compared to those carried over from 2019 to 2020 (which amounted to EUR 323 410, representing 2,8 % of the 2019 budget); notes furthermore that 74,31 % of the appropriations carried over from 2019 to 2020 were used (compared to 90,36 % in 2018);

10. Acknowledges that, during 2020, the COVID-19 pandemic had an impact on the Ombudsman's budget by reducing foreseen expenses in relation to conferences (-109 % in comparison to 2019), missions (89 % less than was spent in 2019) and training for staff (59% less than was spent in 2019); is aware that the decrease in expenditure has made resources available that were reallocated to finance part of the costs associated with relocating the Brussels office (to be finalised in 2021); welcomes the demonstration of efficient and optimised use of the Ombudsman's resources;

11. Notes that the Ombudsman organised three calls for tender in 2020, two very low value contracts (up to EUR 15 000) and one low value contract (up to EUR 60 000), which had only one candidate due to the specific nature of the training offered by the tenderer;

Internal management, performance, internal control

12. Welcomes the adoption in December 2020 of the strategy 'Towards 2024' outlining the approach that the Ombudsman will take during the 2020-2024 mandate to help create, to the greatest extent possible, a more accountable, transparent, ethical and efficient Union administration in order to face challenges such as Union scepticism, policy challenges and the COVID-19 recovery plan; considers this approach essential in order to ensure continued effectiveness and to increase public trust in the institution;

13. Observes that in 2020, in order to support the strategy 'Towards 2024', the Ombudsman reviewed its organisational chart, a procedure completed in June 2021 with the recruitment of the Director of Administration; calls on the Ombudsman to monitor and report on the outcome of the changes in its organisational structure in the long-term; notes with satisfaction the positive results of the new organisational structure which relies to a large extent on a system based on trusting staff and includes elements such as enhancing the impact and the efficiency of the inquiry process through the elimination of excessive hierarchy; facilitating internal communication, coordination and collaborative work between teams; empowering staff to acquire managerial experience as team leaders; and ensuring a versatile and flexible workforce; believes that the establishment of peer review teams will facilitate consistency and a uniform approach and will improve the quality of case work;

14. Is aware that the new context aims to allocate the workload more efficiently by assigning assistants to the handling of complaints outside the Ombudsman's mandate, for example by advising complainants to contact the authority best placed to deal with them; welcomes that this policy decision allowed assistants to handle 22 % of all outside-the-mandate complaints received, thus freeing time for case handlers to focus on inquiries; calls on the Ombudsman to provide the discharge authority with a list of such complaints;

15. Observes that the Ombudsman also developed a new set of Key Performance Indicators (KPIs), together with the actions organised under six themes in the Annual Management Plan (AMP) 2020, on which the Ombudsman will focus in 2021, to help measure the implementation of the objectives of the strategy 'Towards 2024'; takes note that the KPIs were included for the first time in the annual management plan for 2021 and the results will be included in the 2021 annual activity report; welcomes the accomplishment of relevant performance results, even during the pandemic, notably KPIs that exceeded internal targets;

16. Acknowledges that although the COVID-19 pandemic had an impact on the number of complaints submitted to the Ombudsman, it was impacted not to a large extent as there was only a slight decrease in both the overall number of complaints submitted (2 107 in 2020 compared to 2 171 in 2019 and 2 180 in 2018), and the overall number of complaints handled (2 148 in 2020 compared to 2 201 in 2019);

17. Congratulates the Ombudsman for having been able to improve the efficiency level in the handling of complaints and inquiries by taking an admissibility decision in one month in 98 % of cases (compared to 91 % in 2019), by closing inquiries within six months in 76 % of cases (compared to 63 % in 2019) or within 18 months in 97 % of cases (compared to 90 % in 2019);

18. Takes note of the positive trend in the efficiency rate in the time take to handle complaints, with an average time of 36 days in 2020 (compared to 64 in 2019 and 78 in 2018), while the average time to conclude an inquiry was 133 days in 2020 (compared to 208 in 2019 and 254 in 2018); notes that the ratio of cases closed (392) and inquiries opened (365) is still above par, and it confirms the efforts of the Ombudsman in terms of efficiency;

19. Welcomes the increased proportion of inquiries opened in public interest cases, with 65 inquiries opened in 2020, in respect of the target of 50, and compared to 45 opened in 2019; notes that public interest cases that are relevant to a much wider group of people than just the complainant and that can lead to improvements in administration, which is a key objective of the Ombudsman's strategy;

20. Welcomes the positive results of the Fast-Track procedure which makes it possible to deal with complaints concerning public access to documents much faster as the average time is now one third of what it was before that procedure was introduced;

21. Highlights that in 2020 the percentage of complaints within the Ombudsman's mandate was 34 %, which is above the target (33 %) but below 2019 (39 %); notes with satisfaction that the efficient turnaround of cases made it possible to carry over a record low number of inquiries (92) from 2020 to 2021 (compared to 117 inquiries carried over from 2019 to 2020);

22. Observes that the acceptance rate of the Ombudsman's recommendations has improved (79 % in 2020 compared to 77 % in 2019 in overall acceptance) but remains below the target of 90 %; notes the acceptance rate is calculated at a certain point in time and does not capture all the subsequent actions carried out to address the Ombudsman's recommendations;

23. Takes note of the finalisation of the new manual on complaint handling procedures and the appointment of knowledge management coordinators under the new organisational chart whose action proposals are being implemented;

24. Notes with satisfaction the lack of remarks following verification by the Court of the supervisory and control systems of the Ombudsman, including internal control standards, risk management, *ex ante* and *ex post* controls, registers of exceptions, management supervision, internal audit reports and anti-fraud measures;

25. Notes with satisfaction that the Ombudsman, following a suggestion by the Court, has put in place a backup and mitigation measure whereby operations that cannot be verified by the *ex ante* controller are verified *ex post*;

Human resources, staff well-being and gender equality

26. Notes that in 2020 the profile and composition of the staff was very similar to that of 2019 with a total of 73 members of staff, made up of 37 officials, 8 contract agents and 28 temporary agents; observes the decrease in the number of contract agents (from 11 in 2019 to 8 in 2020) and is aware of the Ombudsman's decision to employ contract agents mainly to cover staff absences;

27. Observes that the Ombudsman adopted policies on parental leave in 2004, on telework in 2016, on part-time work in 2019; believes that, building on the experience of the COVID-19 pandemic, policies on hybrid working arrangements should be reviewed where appropriate aiming to increase the resilience and efficiency of the institution while protecting the well-being and satisfaction of members of staff; is aware in this respect that the Ombudsman has reviewed both its flexitime and telework policies, and the new telework decision has already been adopted in 2021 following consultation with the staff representatives;

28. Welcomes the Ombudsman's quick reaction to the limitations imposed by the COVID-19 pandemic and the adoption of teleworking as the standard working regime, flexibility of working hours, and a return to office on a voluntary basis and in compliance with both safety measures taken by the Union institutions and the respective national rules; notes that the institution temporarily lifted the limitation of 15 days per year for teleworking from abroad and extended this possibility to trainees;

29. Notes that the Ombudsman's ability to adapt quickly to the COVID-19 pandemic is largely due to its business continuity preparedness; notes that the IT environment allowing staff to work fully remotely was already in place and tested before the outbreak of the pandemic, which greatly facilitated the swift transition to teleworking and minimised disruptions in the work of the Ombudsman;

30. Is aware that the Ombudsman redesigned its awareness raising actions on well-being in light of the COVID-19 pandemic; welcomes in that respect the Ombudsman's approach to prioritising training courses focused on issues related to dealing with extensive teleworking, improving communication and collaboration among members of staff and managers, and striking a balance between private life and work while working remotely; appreciates creative initiatives such as virtual coffee-breaks and lunch sessions, together with the collaboration of Parliament's Medical Service to offer psychological support; encourages the Ombudsman to continue to develop its strategy aiming to achieve a good balance between the private obligations of members of staff and the interests of the service;

31. Welcomes the adoption in 2020 of the 'return to work policy' aiming to facilitate the re-integration of staff after a long period sick leave, irrespective of whether or not the sick leave is linked to burnout;

32. Notes that tailor-made support was offered to members of staff under stress and that the normal mandatory training on 'dignity and respect at work' will resume for all members staff in 2021;

33. Notes that a report on alleged harassment arising from the handling of a case in 2018 was submitted by a member of staff in late 2020, was sent to OLAF and is being investigated; expects that, in the meantime, the Ombudsman has taken any measure necessary to protect the alleged victim; recalls the importance of compulsory training in the zero-harassment policy for staff;

34. Acknowledges that the unforeseen consequences of the COVID-19 pandemic have obliged the Ombudsman to postpone the update of the diversity and inclusion policy; is aware that diversity and inclusion policy is present in the activities of the offices, including training, the composition of selection panels and the targeted dissemination of the calls for traineeships; encourages the Ombudsman to resume the process with a view to strengthening diversity and making the Ombudsman a more inclusive workplace, notably for persons with disabilities;

35. Notes that on 31 December 2020, the overall gender distribution was 66 % women and 34 % men without any change compared to 2019; notes that out of a total of six management posts, four are held by women, who also hold the top two senior management posts;

36. Recognises that the efforts made to achieve gender balance in training activities had a positive impact and that the average number of training days per person in 2020 is 2,4 per woman and 2,5 per man;

37. Observes that in 2020 the Ombudsman's staff represented 18 nationalities, which means a slight decrease compared to 2019, and that management posts are distributed across only 4 nationalities (compared to 6 in 2018 and 5 in 2019); calls on the Ombudsman to continue its efforts to achieve an acceptable geographical distribution, however taking into account the small size of the office;

38. Notes that despite the COVID-19 pandemic, the Ombudsman welcomed 13 trainees in 2020; welcomes that the Ombudsman aimed to ensure the best possible traineeship conditions by slightly reducing and staggering the new arrivals and organising only one rather than two annual selections; welcomes that the Ombudsman provides all the trainees with a decent remuneration to cover living costs;

39. Highlights the timely measures adopted to support trainees during the COVID-19 pandemic working restrictions providing IT tools and other infrastructure material, as well as an additional lump-sum amount of EUR 40 per month to ensure that trainees had the means to get a high-quality internet connection;

Ethical framework and transparency

40. Welcomes the creation of a special page on the Ombudsman's intranet dedicated to ethics and good conduct, in particular the inclusion of the guidelines for implementing the anti-harassment policy adopted in 2019, as well as the fact that the induction training for new members of staff and trainees contains a session on ethical conduct; is aware that two ethics correspondents serve as a point of information and assistance on issues related to ethics;

41. Congratulates the Ombudsman for publishing its schedule on its website and consistently using the Transparency Register to check that speakers or interlocutors in events or meetings organised by the Ombudsman are registered therein; strongly encourages the Ombudsman to continue this effort and to link the host of the events and the participants of the meetings published on its website to their entries in the Transparency Register;

42. Suggests a survey is conducted in order to assess the awareness of members of staff of the ethical framework of the Ombudsman, as the Court recommends to the audited institutions in its 'Special Report No 13/2019: The ethical frameworks of the audited EU institutions: scope for improvement';

43. Welcomes the Conference organised on the future of Regulation (EC) No 1049/2001 of the European Parliament and of the Council [1] on public access to documents of Union institutions, where the Ombudsman emphasised the importance of the law for enabling the public to hold the Union to account, and called for its modernisation; shares her view that it should be more aligned with citizens' rights, encourage more transparency and take into account existing case law on transparency in decision-making; in this regard, notes that transparency issues account for around one quarter of Ombudsman inquiries each year;

Digitalisation, cybersecurity, data protection

44. Welcomes that the Ombudsman automatically publishes inquiries on its website unless a complainant specifically requests confidentiality or a case contains personal data;

45. Notes the main IT activities in 2020 were aimed at facilitating the business continuity of the Ombudsman in the context of the COVID-19 pandemic, including a smooth and effective transition to remote work for all members of staff and new solutions for online meetings and conferences; observes the resulting notable increase in expenditure on mobile equipment from EUR 31 000 in 2019 to EUR 108 000 in 2020;

46. Welcomes the progress made in the use of IT tools as requested by Parliament, having specific regard to the automatic import of information from the Ombudsman's website to its Complaint Management System (CMSEO), and to the development in interaction with the complainant through the online account throughout the lifecycle of the complaint; acknowledges that both actions will result in significant improvement in terms of data security and efficiency;

47. Welcomes the fact that all the actions included in the 2018 Action Plan for the EU DPR have now been implemented, including (i) a central Register of Records of processing operations was developed and published on the Ombudsman's website; (ii) a template for Data Protection Impact Assessments ('DPIAs') was developed; (iii) the Ombudsman adopted a Decision on internal rules to restrict certain data subject rights in the processing of personal data, which was published in the *Official Journal of the European Union*;

[1] Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

48. Notes that the European Data Protector Supervisor (EDPS) conducted an investigation on the processing of personal data by the Ombudsman in 2019 and subsequently sent its recommendations to the Ombudsman in November 2020; is aware that the Ombudsman has accepted all recommendations in their entirety and that the EDPS has closed the case; asks the Ombudsman to inform the budgetary authority about the finalisation of the process in its annual report; is also aware that the EDPS asked the Ombudsman and other Union institutions to provide information concerning transfers of data to third countries and international organisations and asks the Ombudsman to follow the EDPS recommendations in this regard;

49. Welcomes that the Ombudsman uses and promotes the use of free and open source software whenever possible for external and internal communication; appreciates that the Ombudsman recognises the added value of open source software to increase transparency and gives it priority when developing new IT projects;

Buildings and security

50. Is aware of the challenges faced by the Ombudsman concerning the relocation of the Brussels office during the COVID-19 pandemic; notes the market prospection and the ensuing tender procedure that allowed Parliament to identify a suitable building to relocate the Ombudsman's premises in Brussels, due to the expansion of the EDPS;

51. Takes note of the decision to finance part of the Ombudsman's relocation project, as well as to cover the cost of new furniture, using the savings resulting from the COVID-19 pandemic and those generated by the review of the Ombudsman's organisational chart and recruitment policy; notes the budget transfer request to the budgetary authority submitted in September 2020;

52. Highlights that in the new workspaces, priority has been given to flexible collaborative meeting facilities and therefore there are very few individual offices; is aware that the staff representatives have been consulted on the workspace arrangements; calls on the Ombudsman to assess the adequacy of the new premises in terms of both carrying out confidential work and the satisfaction of members of staff following an appropriate testing period;

53. Notes that the Ombudsman's new premises will have no car parking facilities on site but that steps are being considered to supply parking facilities for bicycles; welcomes the facilitation of sustainable mobility options for members of staff;

Environment and sustainability

54. Encourages the Ombudsman to continue its efforts to reduce its environmental footprint by boosting digitalisation, reducing the use of paper and, where possible and appropriate, using video conference systems instead of missions;

55. Notes the reduction in the use of paper in recent years, illustrated by the fact that the order for paper in 2020 represented 55 % of the 2017 requirements; notes furthermore that the Ombudsman's publications are now mostly distributed electronically; recommends putting in place a concrete 'Zero paper' strategy;

56. Calls on the Ombudsman to integrate in its management decisions adequate considerations for a sustainable development strategy and to include this strategy in the carrying out of its inquiries;

Communication and multilingualism

57. Welcomes the use of online news articles to explain topical inquiries and the section on the Ombudsman's website dedicated to public access to documents;

58. Underlines the importance of making Union citizens aware of the possibility of appealing to the Ombudsman in the event of possible maladministration by Union institutions; takes note in that regard of the ongoing efforts of the Ombudsman to increase its visibility by combining standard communication tools with a more extensive use of social media platforms;

59. Takes note of the Ombudsman's interest in joining some Union institutions in a public pilot on alternative social media platforms aiming to mitigate the privacy risks associated with mainstream social media channels;

60. Takes note of the conference organised to celebrate 25 years of the Ombudsman and the related activities to enhance the knowledge and awareness of its role and potential impact on the life of Union citizens;

61. Considers the internal communication, the newsletter '*EOExpress*' accessible via the Ombudsman's intranet to be positive, having particular regard to the need to increase the dissemination of information to members of staff during the COVID-19 confinement period;

Interinstitutional cooperation

62. Underlines the importance for the Ombudsman of maintaining a high level of exchange and cooperation with the European Network of Ombudsmen (ENO); encourages the Ombudsman to maintain an advisory role for complainants and for members of the ENO, also by using the tools for remote distance cooperation successfully deployed in 2020; suggests exploring new ways to develop networking activities in different domains, sharing best practices and developing common solutions;

63. Highlights the several interinstitutional agreements signed in 2020 with the Commission's services (Directorate-General for Budget, Directorate-General for Human Resources, Paymaster Office and the Secretariat-General) in order to have access to the relevant corporate tools (ABAC, Hermes, ARES, Sysper) and the negotiation with Parliament regarding an administrative arrangement on crisis management and business continuity (also as a follow-up to its Internal Auditor's recommendation); welcomes the use of interinstitutional IT framework contracts; asks the Ombudsman to keep developing synergies and resources with other Union institutions and bodies;

64. Is aware of the Ombudsman's commitment to report on how the institutions comply with her recommendations, notably by way of its annual 'Putting it Right' report; welcomes the readiness of the Ombudsman to proactively share its cases with Parliament's committees; considers it useful and thus, calls on the Ombudsman to keep sharing her recommendations in strategic investigations directly with Parliament's relevant committees;

COVID-19 pandemic

65. Notes that 170, out of the overall 2 148 new complaints dealt with in 2020, were COVID-19 related, but only 34 fell within the Ombudsman's mandate; welcomes the Ombudsman's recommendations to the Commission and the Council regarding how to maintain high transparency and accountability standards for decisions during the COVID-19 pandemic; congratulates the Ombudsman on the series of inquiries and initiatives carried out regarding the COVID-19 response in the Union institutions and agencies in 2020, which assisted the Union administration to keep the highest standards of good administration even during challenging times and thus, contributed positively to the citizens' trust in the Union;

66. Notes with satisfaction that the Ombudsman has increased the efficiency of the handling of inquiries by making the most of digitalisation actions and new working methods, particularly teleworking, fostered by the COVID-19 pandemic; acknowledges, nevertheless, that some aspects of its work will still require missions, namely understanding the context of the enquiry and facilitating collective thinking; encourages the Ombudsman to carry out a comprehensive reflection on digitalisation with respect to the future of the institution;

67. Encourages the Ombudsman to fully integrate in its internal management strategy the lessons drawn from the COVID-19 pandemic in terms of business continuity and crisis management plans, IT responsiveness and resilience of the organisation, duty of care towards its staff, effectiveness of internal communication, and flexibility of working processes.