RESOLUTION (EU) 2020/1884 OF THE EUROPEAN PARLIAMENT

of 14 May 2020

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 2018, 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 2018, 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 (A9-0028/2020),

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 the Union institutions by improving transparency and accountability, and implementing the concept of performance-based budgeting and good governance of human resources;

1. Notes with satisfaction that the Court of Auditors (the 'Court'), in its report on the European Ombudsman's (the 'Ombudsman') annual accounts for the financial year 2018, observed no significant weaknesses with respect to the audited topics related to human resources and procurement;

2. Notes the conclusion of the Court that the payments as a whole for the year ended 31 December 2018 in relation to administrative expenditure of the Ombudsman were free from material error and that the supervisory and control systems examined were effective;

3. Regrets, as a general observation, that chapter 10 'Administration' of the Court's Annual Report has a rather limited scope and conclusions, notwithstanding the fact that the Multiannual Financial Framework Heading 5 'Administration' is considered to be low risk;

4. Notes that the Court selected a sample of 45 transactions for the Multiannual Financial Framework Heading 5 'Administration' for all Union institutions and bodies; notes that the sample was designed to be representative of the range of spending under Heading 5, which represents 6,3 % of the Union budget; notes that the Court's work indicates administrative expenditure as low risk; considers, however, that the number of transactions selected in relation to the 'other institutions' is not sufficient and asks the Court to increase the number of transactions to be examined by at least 10 %;

5. Welcomes the fact that the Ombudsman respects the best practice of setting a deadline for the submission of the annual activity report on 31 March of the year following the accounting year; welcomes, therefore, the fact that the Ombudsman adopted its annual activity report by 28 March, which provides the discharge authoritywith more time to go into the report in depth and to better conduct the discharge procedure;

6. Stresses that the Ombudsman's budget is purely administrative and amounted in 2018 to EUR 10 837 545 (compared to EUR 10 905 441 in 2017), resulting in a reduction of EUR 67 896 (0,62 %); welcomes the overall prudent and sound financial management of the Ombudsman in the 2018 budget period; notes that of the total appropriations 95,33 % were committed (compared to 93,91 % in 2017) and 91,33 % paid (compared to 86,20 % in 2017);

7. Notes the improvements related to the appropriations carried forward from 2018 to 2019 representing EUR 433 865,17 (4 % of the 2018 budget) compared to EUR 841 340,68 (7,71 % of the 2017 budget) from 2017 to 2018;

8. Observes, however, that there were unused appropriations in respect of several budget lines such as 'external meetings' (budget line B3-030) with EUR 13 514,61 unused out of EUR 45 000, 'publications' (budget line B3-210) with EUR 47 530,48 unused out of EUR 161 100, etc.; recalls the necessity for measures in order to minimize the budget over-estimates;

9. Takes note of the limited resources of the Ombudsman to deal with an ever increasing workload; supports the Ombudsman's request to align the establishment plan with the actual needs and workload by identifying functions of a permanent nature which should be carried out by permanent staff; takes note of the establishment plan comprising 82 posts in 2018 (compared to 77 posts in 2013); asks the Ombudsman to report back on potential efficiency gains due to the sole fact of reorganisation and reallocation of tasks;

10. Encourages the cooperation of the Ombudsman's Office with other Union institutions in order to limit expenses; observes that, concerning translation, the Ombudsman does not have in-house translators and, therefore, relies on Parliament and the Translation Centre For the Bodies of the European Union; takes note, however, of the fact that the cost for translation increased in 2018, as the Ombudsman spent EUR 343 771 on translation (compared to EUR 262 631 in 2017);

11. Welcomes the exemplary gender balance in management positions, with 4 women and 4 men; notes however that overall 65 % of the staff are female, while only 35 % are male; encourages a more gender-equal working environment in the Ombudsman's Office;

12. Notes in relation to the geographical balance in management positions that the Ombudsman had six different nationalities (German, Greek, Irish, Italian, Polish and Swedish) represented in 2018 compared to eight in 2013 (Austrian, German, Danish, Greek, Irish, Polish, Portuguese and British); takes into account the fact that the overall number of managers was reduced from eleven to eight between 2013 and 2018; calls on the Ombudsman to continue its efforts to achieve geographical balance, taking into account, however, the small size of the Ombudsman's Office and its specific core-business activities;

13. Welcomes the Ombusdman's efforts in relation to the new gender policy but regrets the disparity between the average training days per gender: 6,80 for men compared to 5,90 for women;

14. Acknowledges the ongoing implementation of the 2017 human resources policy framework through the adoption of new rules on the recruitment of temporary agents, through a decision on part-time work and credit hours, and through an anti-discrimination & equal treatment policy; takes note of further initiatives to improve the recruitment procedures, and actions such as study visits for staff and staff exchange programmes;

15. Encourages the Ombudsman to continue to develop a long-term human resources policy framework which addresses the work-life balance, lifelong guidance and career development, gender balance, non-discrimination, teleworking, geographical balance and recruitment of its staff, as well as the integration of disabled people in its staff;

16. Notes with interest that the Ombudsman, with regard to its internal activities, invited the European Disability Forum to disseminate the Ombudsman's traineeship call through its channels to encourage persons with disabilities to apply; takes note of the revision of the application form in order to include a question about reasonable accommodation needed during selection procedures;

17. Welcomes, in the frame of the Ombudsman's internal control standards, the fact that actions were taken to implement the harassment prevention decision including the designation of ethics officers (one in Brussels and one in Strasbourg) and members of the conciliation committee; takes note of the fact that all staff participated in a compulsory training course on ethical conduct (including harassment prevention) in September 2018 and a specific session for heads of unit took place in November 2018;

18. Welcomes the implementation of the guide on ethics and good conduct for the Ombudsman's staff adopted in 2017, which requires new members of staff to fill in a declaration of interest form and which provides staff leaving the office with information on their obligations.

19. Regrets that the Ombudsman's follow-up to the 2017 discharge resolution only provides acknowledgement of Parliament's remarks in relation to the majority of points mentioned without providing further details; stresses that the follow-up report is essential for Parliament's Committee on Budgetary Control and calls on the Ombudsman to include necessary answers and explanations in relation to points raised in their next follow-up report;

20. Notes that the Ombudsman's key performance indicator for overall compliance, with the ambitious target of 90 %, could not be reached in 2018; notes that the rate achieved was 81 % (compared to 85 % in 2017), while the compliance rate for inquiries in the public interest reached 85 % (compared to 79 % in 2017); recognises that the latter rate is significant given that the effect of compliance will likely benefit a larger audience;

21. Supports the Ombudsman's intention to cooperate even more closely with Parliament to ensure that it is made aware of failures, in particular with regard to instances of maladministration found in inquiries or institutions' negative replies to recommendations made by the Ombudsman; believes that such information, provided in a summarised and organised format, would be extremely valuable for Parliament's Committee on Budgetary Control; notes, however, the Ombudsman's confirmation that overall the institutions tend to engage constructively with the Ombudsman;

22. Highlights the fact that the results for all three components of key performance indicator 7 (efficiency: composite indicator for the handling of complaints and inquiries) are all on or above target; notes that the proportions of inquiries closed within six months and eighteen months are 57 % and 88 % respectively (for which the targets were 50 % and 80 % respectively) and that the third component, 'proportion of admissibility decisions' taken within one month, has increased significantly from 69 % in 2016 to 86 % in 2017, and reached the target of 90 % in 2018;

23. Notes that the average time for dealing with all categories of complaints increased to 79 days in 2018 (compared to 64 days in 2017), while the average time for dealing with inquiries decreased to 255 days in 2018 (compared to 266 days in 2017 and 369 in 2013); notes, however, the 53 % increase in the number of inquiries on the basis of complaints which were closed (which explains the increase in the average time for dealing with all categories of complaints);

24. Notes that the number of complaints within the mandate (880, compared to 751 in 2017) has continued to increase significantly in 2018 (+ 17 %) after an increase of 5,5 % in 2017; notes that the number of inquiries opened on the basis of complaints was 482 compared to 433 in 2017 (+ 11 %) and the number of inquiries closed on the basis of complaints was 534 compared to 348 in 2017 (+ 53 %); notes that the increase in inquires opened and closed partly reflects the fact that, due to a reclassification, a number of cases which would have previously been classified as 'no grounds for an inquiry', are now closed as 'inquires in which no maladministration was found';

25. Takes note of the results of inquiries closed by the Ombudsman in 2018 such as (a) 'no maladministration found' for 254 cases (46,6 %), (b) 'settled by the concerned institution - suggestions accepted - solutions achieved' for 221 cases (40,6 %), (c) 'no further inquiries justified' for 56 cases (10,3 %), (d) 'maladministration found' for 29 cases (5,3 %) and (e) 'other' for 10 cases (1,8 %); recognises that the fundamental mission of the Ombudsman is to ensure that the Union's administration serves the public interest, and to assist all those encountering problems with Union institutions;

26. Notes that since 2013, details concerning the Ombudsman's missions, including costs, purpose and duration, have been published on the Ombudsman website; notes that the mission expenses amounted to EUR 27 206,79 in 2018 (compared to EUR 30 592 in 2017); reiterates that, for transparency reasons, a related list concerning the yearly mission situation should be included in the annual activity report;

27. Recognises the initiative 'Award for Good Administration', which is of benefit by formally recognising good work, which promotes the sharing of best practices across the institutions, and which serves as inspiration for future projects; welcomes the cooperation with the European Network of Ombudsmen, other Member States' bodies and international networks and organisations to identify and promote the highest standards;

28. Welcomes the actions taken by the Ombudsman to improve cybersecurity and data protection, such as through information and communications technology security training courses, the development of procedures on the handling of data breaches, the holding of timely consultation with the data protection officer and the European Data Protection Supervisor to ensure privacy in the design of projects; asks the Ombudsman to further report on the implementation of the action points in progress, including on the establishment of a template for the data privacy impact assessments and a central register of records of processing operations;

29. Recognises the added value that free and open source software can bring to the Ombudsman; underlines in particular their role in increasing transparency and avoiding vendor lock-in effects; recognises also their potential in the improvement of security as they allow identification and fixing of weaknesses; strongly recommends any software developed for the institution be made publicly available under free and open-source software licence;

30. Underlines the importance of making Union citizens aware of the possibility of having recourse to the Ombudsman in the event of maladministration; takes note of the ongoing efforts of the Ombudsman's Office to raise its visibility with tools such as the new website, launched in 2018, which includes a revised interface for potential complaints and a user-friendly search function; notes the new video highlighting topics such as access to information, problems with Union funding, and transparency in lobbying; notes that platforms such as the Ombudsman's Twitter account saw a 17 % rise in followers, that the LinkedIn account increased by 13 % and that Instagram saw a substantial increase of 61 % in followers; further encourages the use of free open-source self-hosted social network platforms having special regard to users' data protection;

31. Encourages the Ombudsman to make progress on a coherent policy for the digitalisation of its services;

32. Welcomes the development of social media guidelines, in cooperation with other Union institutions, and the exchange of best practises to deal with the challenges Union institutions are facing in terms of the increasing use of, and exposure to, social media;

33. Encourages the Ombudsman's Office to continue its efforts to reduce its environmental footprint, such as promoting digitalisation to reduce the use of paper, limiting staff missions by promoting the use of video-conference facilities, and promoting the use of collective transportation; asks for more information on the implementation of such activities in the 2019 discharge;

34. Underlines the repeated request of Parliament to revise the Ombudsman's statute in view of new realities and challenges; notes that the last revision was carried out in 2008 and that a resolution on a draft regulation of Parliament laying down regulations and general conditions governing the performance of the Ombudsman's duties (Statute of the European Ombudsman) was finally voted in February 2019; notes that it is for the Ombudsman to adopt the implementation provisions for this regulation; asks the Ombudsman's Office to report in relation to these matters in its next annual activity report;

35. Welcomes the fact that the Ombudsman carried out an inquiry regarding the handling of 'revolving door situations' and examined how 15 Union institutions and bodies (including the Parliament, the Council, and the Court) publish information when senior members of their staff request approval to take up external employment,(including an examination of how often such information is published and the scope and content of the information); notes that the Ombudsman found a high level of awareness of the importance of robust implementation of rules in this area, but that, nevertheless, some suggestions for improvement have been issued; welcomes the Ombudsman's intention to carry out a follow-up inquiry in 2020;

36. Congratulates the Ombudsman on the new internal FAST-Track procedure to deal with complaints regarding access to documents; takes note that under the new system, decisions on complaints are taken three times faster than under the standard procedure; asks the Ombudsman to share with other Union institutions and bodies the outcome of its evaluation on the effectiveness of this new procedure;

37. Welcomes the Ombudsman's cooperation with the European Anti-Fraud Office in respect of cases submitted to both organisations; notes the direct channel of contact in order to avoid duplication of investigations, which bore its first fruits in 2018;

38. Highlights all the work achieved in the past few years, in areas such as performance-based budgeting, the ethical framework with all its related rules and procedures, enhanced communication activities and the increasing number of measures to improve transparency; welcomes the significant amount of interinstitutional service and cooperation agreements; underlines the importance of the collaboration and sharing of experience among the Union institutions and bodies; suggests that the possibility of formalised networking activities in different domains be analysed, with a view to sharing best practises and developing common solutions.