2024/2244

10.10.2024

RESOLUTION (EU) 2024/2244 OF THE EUROPEAN PARLIAMENT

of 11 April 2024

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 2022, 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 2022, 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 (A9-0084/2024),

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;

B. whereas Article 228 of the Treaty on the Functioning of the European Union provides for the election of a European Ombudsman by the European Parliament who shall be empowered to receive complaints from any citizen of the Union or any natural or legal person residing or having its registered office in a Member State concerning instances of maladministration in the activities of the Union institutions, bodies, offices or agencies, with the exception of the Court of Justice of the European Union acting in its judicial role. He or she shall examine such complaints and report on them;

C. whereas Regulation (EU, Euratom) 2021/1163 of the European Parliament ([1]) lays down the regulations and general conditions governing the performance of the Ombudsman's duties (Statute of the European Ombudsman);

D. whereas the Decision of the European Ombudsman adopting implementing provisions are currently under revision following the adoption of Regulation (EU, Euratom) 2021/1163;

1. Notes that the budget of the European Ombudsman (the 'Ombudsman') falls under MFF Heading 7 'European public administration', which amounted to a total of EUR 11,6 billion, i.e. 5,9 % of Union budget spending, in 2022; notes that the budget of the Ombudsman represented 0,1 % of MFF Heading 7 appropriations;

2. Notes that the Court of Auditors (the 'Court'), in its Annual Report for the financial year 2022 examined a sample of 60 transactions under Administration, the same number as for 2021; further notes that the Court writes that administrative expenditure comprises expenditure on human resources including pensions, which in 2022 accounted for about 70 % of the total administrative expenditure, and on buildings, equipment, energy, communications and information technology and that its work over many years indicates that, overall, this spending is low risk;

3. Notes that the Court, as part of the audit for 2022, examined the supervisory and control systems of the Ombudsman, in particular the implementation of internal control standards, risk management, and the functioning of key controls defined in Regulation (EU, Euratom) 2018/1046 (the 'Financial Regulation'), including *ex ante* and *ex post* controls on payments;

4. Notes that 14 (23 %) of the 60 transactions contained errors but that the Court, based on the five errors which were quantified, estimates the level of error to be below the materiality threshold;

5. Notes with satisfaction that the Court, in its Annual Report for the financial year 2022, states that it did not identify any specific issues concerning the Ombudsman;

([1]) Regulation (EU, Euratom) 2021/1163 of the European Parliament of 24 June 2021 laying down the regulations and general conditions governing the performance of the Ombudsman's duties (Statute of the European Ombudsman) and repealing Decision 94/262/ECSC, EC, Euratom (OJ L 253, 16.7.2021, p. 1).

Budgetary and financial management

6. Notes that the budget of the Ombudsman amounted to EUR 12 222 108 in 2022, which represents a decrease of EUR 280 000 compared to 2021; understands that this decrease is the result of a rationalisation of the budget based on actual needs;

7. Notes that the budget implementation rate was 96,97 % in 2022, which is higher compared to the previous year, when the implementation rate was 88,8 % due to restrictions related to the COVID-19 pandemic;

8. Notes that in the course of the 2022, the Ombudsman made 6 budget transfers pursuant to Article 29 of the Financial Regulation, representing a total of EUR 344 460 or 2,8 % of the appropriations for that financial year; notes further that the budget nomenclature for item '2 0 0 0' was split in four subcategories in order to increase transparency of information required for the Ombudsman's buildings in both places of work; acknowledges that the appropriations transferred from the rent budget item were unused because the Ombudsman paid all costs incurred for the fitting out works of the new Ombudsman's building through the 2021 budget instead of spreading them over six years;

9. Appreciates that, despite increasing the time for payments from 11,35 to 13 days from 2021 to 2022, the average time for payments continues to be relatively short; believes that the implementation of an electronic invoicing system as of 2023 can only improve the efficiency of the payment process;

10. Notes that the Ombudsman did not report any impact from the Russia's war of aggression against Ukraine on its 2022 budget for missions, procurement or building; recommends that the Ombudsman takes into account that the next annual revision of the rent and the lump-sum building charges by Parliament might lead to additional costs in the Ombudman's 2023 budget;

11. Notes that the budget for staff missions decreased from EUR 135 000 in 2021 to EUR 120 000 in 2022 as a result of savings based on the lessons learned from the COVID-19 pandemic and the wide use of videoconferencing facilities for internal and external meetings in both places of work;

Internal management, performance and internal control

12. Notes that the Ombudsman, in the course of 2022, continued to implement specific actions in line with the objectives and priorities of the Ombudsman's five-year strategy 'Towards 2024', as set out in its Annual Management Plan (AMP); highlights, in particular, that the Ombudsman successfully delivered the draft provisions implementing the new Statute governing the Ombudsman's duties to the Commission, Council and Parliament for consultation in accordance with the 2022 AMP;

13. Underlines that in 2022, noticing the flagrant absence of public information, the Ombudsman anticipatorily asked the European Commission how it will ensure transparency in the negotiations of national recovery plans, how it will guarantee public scrutiny of milestones reached by Member States, and how it will supervise the audits ([2]);

14. Notes that the Ombudsman received 2 223 complaints in 2022, compared to 2 192 in 2021, 35 % of which were within the Ombudsman's mandate; notes further that the Ombudsman opened 348 inquiries, including 60 inquiries of public importance, and closed 330 inquiries in 2022 compared to opening 338 inquiries in 2021 and closing 305;

15. Notes with great concern that the Ombudsman receives a lot of complaints from citizens regarding extreme delays in gaining access to requested documents; supports the Ombudsman's views that access delayed is effectively access denied and that administrative processes should be streamlined to ensure that citizens receive access to documents in a timely manner ([3]);

([2]) https://www.ombudsman.europa.eu/en/news-document/en/152993.
([3]) https://www.europarl.europa.eu/doceo/document/TA-9-2023-0295_EN.html.

16. Welcomes the development of a streamlined process for dealing with 'failure to reply' inquiries; also welcomes the rolling-out of a simplified procedure for the handling of 'outside the mandate' complaints, thus reducing the time for dealing with such requests from 15 days to 3 days; is worried, nevertheless, that the average time for dealing with a complaint within the mandate increased from 61 to 91 days and the average time for dealing with an inquiry increased from 112 to 166 days between 2021 and 2022;

17. Notes that ethics and transparency have remained important areas of work for the Ombudsman in 2022 which continued to contribute towards progress, but also faced challenges and that the number of complaints related to transparency and accountability amounted to 32 % of all cases in 2022;

18. Notes that public access to documents has continued to be a major priority for the Ombudsman in 2022, with 121 complaints received, the highest number recorded within a year, and inquiries resulted in 90 complaints; welcomes the swift handling of cases in the area of public access to documents, with an average of 46 working days until the closure of the complaint and 67 working days with respect to inquiries only; understands that, despite the increase in the number of cases, the share of fast-track inquiries represented only 28 % of all public access to documents inquiries, compared to 58 % in 2021; welcomes the findings of major inquiries concerning the Commission and other Union Agencies, such as Frontex, and institutions and bodies such as the EIB on their administrative management of requests for public access to documents;

19. Recalls that, according to the European Ombudsman, restrictions on access to documents, particularly legislative documents, should be exceptional and limited to what is absolutely necessary; also recalls that any decision denying public access to documents must be based on clearly and strictly defined legal exemptions, accompanied by a reasoned and specific justification, to enable citizens to understand the denial of access and make effective use of the legal remedies available; considers that a more proactive approach would help ensure effective transparency and prevent costly and burdensome legal disputes between citizens and institutions ([4]);

Human resources, equality and staff well-being

20. Notes that the composition of the staff in terms of status and job profiles has remained stable in recent years, with a total of 74 staff members at the end of 2022, the same number as in 2021; notes further that, in 2022, 39 officials were employed by the Ombudsman, compared to 37 and 38 in 2020 and 2021 respectively, 28 temporary staff, compared to 28 and 30 in 2020 and 2021 respectively and 7 contract agents, compared to 8 and 6 in 2020 and 2021 respectively; notes that, in 2022, an equal proportion of around 40 % of staff dealt with administration (HR, finance, process management) on the one hand and 40 % dealt with complaints and inquiries on the other hand;

21. Regrets that the post of the Secretary-General has been vacant since 1 September 2022;

22. Notes that, in 2022, the Ombudsman launched a call for expressions of interest with the aim of establishing a pool of candidates, in order to recruit temporary agents more swiftly; is interested in following up on the efficiency gains brought about by this procedure;

23. Notes that the Ombudsman has managed to have 18 nationalities represented in its staff, thanks to proactive communication and outreach to more diverse audiences, notably through social media channels; urges the Ombudsman to continue its efforts to achieve a balanced geographical distribution of nationals from all Member States within its staff;

24. Notes that, in terms of gender balance, the Ombudsman employs more women than men in all categories of staff, in particular at management level, with an overall representation of 67 % women and 33 % men, compared to 68 % women and 32 % men in 2021; encourages the Ombudsman to continue its efforts in achieving a gender-balanced representation of staff;

25. Notes that, in 2022, the Ombudsman rolled out its new policy on working time and hybrid work that was adopted in October 2021, which includes provisions, for example, on teleworking, including from abroad, provision of ergonomic equipment for working from home, part-time work, parental leave, flexitime and the right to disconnect and welcomes that it applies to all categories of staff; welcomes the overall result of a staff survey carried out in 2023 showing a general satisfaction rate of 97 % of staff towards the hybrid and flexible working arrangements;

([4]) https://www.europarl.europa.eu/doceo/document/TA-9-2023-0295_EN.html.

26. Acknowledges that managers have a good overview of the staff's workload, monitor work distribution regularly, and fine-tune it, when necessary; notes that the medical service of the European Parliament, which handles medical matters relating to the Ombudsman's staff, did not alert the Ombudsman to any long-term sickness that originated in burnout;

27. Appreciates that no harassment cases were reported in 2022; encourages the Ombudsman to continue its efforts in ensuring a working environment free from sexual and psychological harassment, notably through awareness raising and training; notes with satisfaction that a survey carried out in the context of an internal audit on the ethical framework has shown that, at the beginning of 2023, 90 % of staff were aware of the policy and guidelines regarding harassment;

28. Welcomes that the Ombudsman welcomed 18 paid trainees in 2022, compared to 16 in 2021, who enjoy a remuneration package and the same working arrangements as the rest of the staff; encourages the Ombudsman to launch, as planned for 2023, a traineeship scheme intended for young people with disabilities;

Ethical framework and transparency

29. Welcomes the continued efforts to strengthen and raise awareness about the ethical framework of the institution; notes that the Ombudsman organised, in this respect, a presentation of the Ombudsman's policy on external activities, a training on harassment and a lunchtime session on conflicts of interest for all staff; notes further that the forms for the declarations of conflicts of interest, external activities, publications and exercising an occupational activity after leaving the Union public service were revised to ensure consistent application of the Staff Regulations and the internal rules; welcomes the internal audit on the Ombudsman's ethical framework that was launched in 2022 and the results of which will be taken into account to further improve practices in that area;

30. Notes that the anti-fraud strategy of the Ombudsman is largely based on the ethical framework in place and the principle of the segregation of duties for financial functions; notes with satisfaction that no cases of conflicts of interest and no cases of whistle-blowing were reported in 2022;

31. Regrets that the Ombudsman did not formally join the EU transparency register set up by the interinstitutional agreement of 20 May 2021 between the European Parliament, the Council of the European Union and the European Commission on a mandatory transparency register but has aligned its practices on the principles of the transparency register, checking that speakers or interlocutors in events or meetings organised by the Ombudsman are registered therein; welcomes the high degree of transparency achieved by the Ombudsman by the publication on its website of information on inquiries, missions, meetings and events in which the Ombudsman takes part;

32. Calls on the Ombudsman to periodically inform the budgetary authority about the difficulties encountered in its work on the transparency and accountability of the Recovery and Resilience Facility;

33. Welcomes that the Ombudsman published a guide in 2022 for the public on the right of public access to documents, with information on how to best exercise this right;

Digitalisation, cybersecurity and data protection

34. Congratulates the Ombudsman for actively promoting digitalisation to reduce the use of paper and facilitate the exchange and storage of documents; notes that IT expenditure in 2022 decreased by 48 % compared to 2021 as no specific investment was needed to enhance digitalisation; welcomes the generalised use of videoconferencing and webstreaming, which have reduced the need for travel;

35. Notes that, in terms of IT, the Ombudsman relies on Parliament's infrastructure and cybersecurity framework and cooperates closely with the Commission concerning the integration and maintenance of the Union's corporate tools (SYSPER, ABAC, MiPS and ARES) and the use of IT framework contracts; notes that, given that its level of control over the data is limited, the Ombudsman concluded service-level agreements with the institutions concerned to ensure that the handling of personal data complies with the applicable legal framework; notes with satisfaction that the Ombudsman did not encounter any cyberattack in 2022;

36. Encourages the Ombudsman to work closely in cooperation with ENISA (European Union Agency for Cybersecurity); suggests to offer regularly updated cybersecurity-related training programmes for all staff within the Ombudsman;

37. Notes with satisfaction that, in 2022, the Ombudsman completed four actions of the five-point action plan adopted following Internal Audit Report 21/03 on the Review of the Institution's Data Protection Framework, aiming to further enhance the efficiency and effectiveness of the processing of personal data by the institution;

38. Notes that, in 2022, the European Data Protection Supervisor (the 'EDPS') provided feedback concerning a complaint by a citizen arguing that the information on data protection provided by the Ombudsman in its standard acknowledgement of receipt was insufficient; notes with satisfaction that the EDPS closed the case with no further actions after the Ombudsman introduced the suggested changes in its template;

39. Welcomes the fact that an electronic invoicing system is currently being implemented in collaboration with the European Commission (DG DIGIT); asks the Ombudsman to detail a timeline for the full implementation of the electronic invoicing system;

40. Congratulates the Ombudsman for using exclusively open-source software on its website and for prioritising the use of open-source tools for internal purposes where possible;

Buildings

41. Notes that, following the move of the Ombudsman Brussels' Office to new facilities provided by Parliament in 2021, the building was organised as a collaborative workspace with very few individual offices and flexible collaborative meeting facilities; takes positive note that the Ombudsman does not practise hot-desking and that all members of staff have their own desk with ample storage; is concerned that no staff survey was organised by the Ombudsman prior to the moving to collaborative space in Brussels office; notes that a general staff survey conducted in 2023 showed that the majority of staff replied positively to the new physical arrangements; also appreciates that the staff were kept informed regarding some decisions concerning the fitting out of the work space, such as the colour schemes, before the move;

42. Notes that the Ombudsman returned 20,5 % of the surface rented by Parliament in Strasbourg at the request of the latter and that its rent was subsequently reduced;

43. Recalls that the Ombudsman does not own its own buildings but rents a building in Brussels and office space in Strasbourg; notes with satisfaction that the Havel building in Strasbourg is fully accessible to persons with reduced mobility or other disabilities and strongly regrets that accessibility to the building rented in Brussels needs improvement; calls on Parliament to improve accessibility to the building rented to the Ombudsman in Brussels;

Environment and sustainability

44. Welcomes that, over the years, the Ombudsman has reduced its environmental footprint, notably through the digitalisation of its processes and publications such as the annual report, the removal of individual printers and measures to make events more sustainable; notes that, in terms of the environmental footprint of its buildings, the Ombudsman relies on the measures taken by the Parliament in its capacity as owner of the buildings; acknowledges that the Ombudsman to forward its request to Parliament, expressed in the 2021 discharge, to install solar panels on the roof of its buildings;

45. Notes that the Ombudsman continued to encourage sustainable mobility in 2022, notably by providing financial support for public transportation's yearly subscriptions, by limiting available car parking spaces and by improving facilities and parking for cyclists;

Interinstitutional cooperation

46. Welcomes the financial and administrative savings achieved through inter-institutional cooperation, in particular the wide-range of service-level agreements concluded with the Parliament and the Commission and the participation in interinstitutional procurement procedures; notes that, in 2022, the Ombudsman developed new synergies with other institutions and signed agreements on the provision of services for the use of the remote qualified signing certificates by the Commission and the provision of services by Parliament's Staff Front Office and Info Desk;

47. Recognises the importance of maintaining a high level of exchanges and coordination with the European Network of Ombudsmen (ENO); welcomes the organisation of the ENO annual conference and thematic webinar as important discussion fora on topical issues having an impact on the work of Ombudsmen across Europe in 2022;

48. Welcomes the cooperation that the Ombudsman maintains with the EPPO, the ECA and OLAF aiming to avoid duplication of investigations and discussing topics of mutual interest, such as the improvement of the Union's oversight framework; welcomes equally the cooperation channels put in place with the EDPS to ensure swift cross-consultation in the everyday work of both institutions and the Memorandum of Understanding delineating the respective competences of each institution aiming to avoid duplication of procedures;

49. Welcomes that the Ombudsman has a close cooperation with relevant European Parliament Committees on important inquiries either by presenting the work directly in Committee meetings or through information being sent to the Committee Chairs; highlights that the strategic initiatives and inquiries conducted by the Ombudsman are key to improving the transparency and accountability of the Union administration;

Communication

50. Notes that the overall budget for communication and promotional activities increased from EUR 92 100 to EUR 132 400, i.e. 43,8 %, between 2021 and 2022; congratulates the Ombudsman for developing a comprehensive communication strategy which has contributed to increasing outreach to specialised audiences and to the general public; notes that European media issued 60 % more press articles on the Ombudsman compared to 2021;

51. Welcomes the efforts of the Ombudsman to raise citizens' awareness about the role of the Ombudsman and the possibility of recourse to it in the event of maladministration by a Union institution; recognises the efforts undertaken to provide transparent information and publish data in an informative and user friendly format on the Ombudsman website, although such data is not available in open format; welcomes the adoption of a new logo and visual identity to increase the visibility of the Ombudsman's work and make it recognisable as a Union body;

52. Appreciates the Ombudsman's use of an automated tool for translating cases on the website and asks the Ombudsman to ensure a seamless and timely translation of their cases in all languages;

53. Notes that the Ombudsman has social media accounts on Instagram, LinkedIn, X (ex-Twitter), where the growth in followers and the engagement rates were higher in 2022 than in previous years; welcomes the participation of the Ombudsman in a pilot project led by the EDPS aiming to bring Union institutions on EU-Voice and EU-Video, which are two free, open-source social media networks, based on Mastodon software, allowing Union institutions to interact with the public by sharing texts, images, videos and podcasts.