

2004 Discharge: Section VIII A - European Ombudsman

1. European Parliament decision on the discharge for implementation of the European Union general budget for the financial year 2004, Section VIII A - European Ombudsman (N6-0027/2005 - C6-0364/2005 - 2005/2042(DEC))

The European Parliament,

- having regard to the general budget of the European Union for the financial year 2004¹,
 - having regard to the final annual accounts of the European Communities for the financial year 2004, Volume III (N6-0027/2005 - C6-0364/2005),
 - having regard to the Court of Auditors' annual report for the financial year 2004, accompanied by the replies of the institutions audited²,
 - having regard to the statement of assurance as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors pursuant to Article 248 of the EC Treaty³,
 - having regard to the Council's recommendation of 14 March 2006 (5971/2006 - C6-0092/2006),
 - having regard to Articles 272(10), 275 and 276 of the EC Treaty,
 - having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities⁴, and in particular Articles 50, 86, 145, 146 and 147 thereof,
 - having regard to the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities⁵,
 - having regard to Rule 71 of and Annex V to its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control (A6-0116/2006),
1. Grants the European Ombudsman discharge in respect of the implementation of the budget for the financial year 2004;
 2. Sets out its comments in the resolution below;
 3. Instructs its President to forward this decision and the resolution that forms an integral part of it to the Council, the Commission, the Court of Justice, the Court of Auditors, the

¹ OJ L 53, 23.2.2004.

² OJ C 301, 30.11.2005, p. 1.

³ OJ C 301, 30.11.2005, p. 9.

⁴ OJ L 248, 16.9.2002, p. 1.

⁵ OJ L 356, 31.12.1977, p. 1.

European Economic and Social Committee, the Committee of the Regions, the European Ombudsman and the European Data Protection Supervisor and to have them published in the Official Journal of the European Union (L series).

2. European Parliament resolution with comments forming an integral part of the decision on the discharge for implementation of the European Union general budget for the financial year 2004, Section VIII A - European Ombudsman (N6-0027/2005 - C6-0364/2005 - 2005/2042(DEC))

The European Parliament,

- having regard to the general budget of the European Union for the financial year 2004⁶,
 - having regard to the final annual accounts of the European Communities for the financial year 2004, Volume III (N6-0027/2005 - C6-0364/2005),
 - having regard to the Court of Auditors' annual report for the financial year 2004, accompanied by the replies of the institutions audited⁷,
 - having regard to the statement of assurance as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors pursuant to Article 248 of the EC Treaty⁸,
 - having regard to the Council's recommendation of 14 March 2006 (5971/2006 - C6-0092/2006),
 - having regard to Articles 272(10), 275 and 276 of the EC Treaty,
 - having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities⁹, and in particular Articles 50, 86, 145, 146 and 147 thereof,
 - having regard to the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities¹⁰,
 - having regard to Rule 71 of and Annex V to its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control (A6-0116/2006),
1. Notes that in 2004 the European Ombudsman (the Ombudsman) administered a budget of EUR 5 782 988 with a utilisation rate of 88,05 %; notes further that 2004 was the first year in which the Ombudsman's office experienced full autonomy and therefore had full responsibility in financial matters;
 2. Points out that the Court of Auditors in its annual report for the financial year 2004 indicates that the audit did not give rise to any observations as regards the Ombudsman;
 3. Remarks that the statement of assurance signed by the Ombudsman and attached to his annual activity report contains no reservations or observations concerning management or

⁶ OJ L 53, 23.2.2004.

⁷ OJ C 301, 30.11.2005, p. 1.

⁸ OJ C 301, 30.11.2005, p. 9.

⁹ OJ L 248, 16.9.2002, p. 1.

¹⁰ OJ L 356, 31.12.1977, p. 1.

control issues;

4. Notes that following the entry into force in 2003 of the new Financial Regulation the Ombudsman as an institution with an independent budget had to comply with the rules concerning the separation and independence between the various actors involved in financial operations, to guarantee the economic effectiveness and efficiency of operations and to establish appropriate internal control mechanisms;
5. Recalls that the Ombudsman, therefore, asked for and received authorisation from the budgetary authority to increase in the year 2004 the number of administrative staff dealing with financial and administrative matters; recalls furthermore that these new members of staff enabled the Ombudsman's office to perform during 2004 all the financial tasks that, until the end of 2003, had been provided by Parliament's services under the co-operation agreements; notes that these tasks included, *inter alia*, the management, calculation and processing of missions and the preparation of payment orders concerning staff salaries and also the Ombudsman's emoluments;
6. Notes that in 2004 the Ombudsman had full control over the financial transactions relating to his section of the budget;
7. Notes that the internal auditor's appraisal of the Ombudsman's office in relation to budgetary transactions in 2004 did not identify any areas of significant risk, but that a series of action plans was agreed with the management to reduce risk further and to enhance the existing systems, especially in the area of public procurement;
8. Notes that 2004 saw an unprecedented rise of 51 % in complaints to the Ombudsman, the total in 2004 being 3688 such complaints, which represents a clear sign of increasing awareness of the service provided by the Ombudsman and the greater degree of information provided by the institutions; notes that half of that increase was accounted for by complaints from the ten new Member States;
9. Observes that on the Ombudsman's own estimate, 74,8 % of those complaints fell outside the scope of his mandate; notes that in 2004 the Ombudsman nevertheless initiated 351 inquiries, the great majority of which concerned the Commission, with the main type of maladministration alleged being lack of transparency, including refusal of information (22 %);
10. Believes that the Ombudsman could serve as a model for other institutions, both as regards a clearly defined scope of competence and a well administered budget.