

The European Ombudsman's activities in 2016

In November 2017, the European Parliament is set to discuss and adopt a resolution on the European Ombudsman's activities in 2016, based on the Ombudsman's annual report presented on 16 May 2017. The report covers the activities of the Ombudsman in the areas of transparency in decision-making of EU institutions and bodies, and on the principle of good administration.

The European Ombudsman's functions

The European Ombudsman is [elected](#) by the EP for the duration of the parliamentary term, and plays an important role, set out in [Article 228 TFEU](#), as independent guardian of accountability and transparency, ensuring the EU institutions adhere to the principle of good administration, and respect EU citizens' rights following the [EU Charter of Fundamental Rights](#). The Ombudsman deals with citizens', NGOs' and businesses' [complaints](#) about maladministration by EU institutions and bodies through inquiries and reports, with recommendations to the respective institution and the European Parliament (EP), and also conducts [own-initiative inquiries](#). In terms of resolving conflicts, the Ombudsman can propose amicable solutions to parties, or make critical remarks on a case when such a solution is no longer possible, however, the Ombudsman cannot intervene once any legal proceedings have commenced. The Ombudsman has no binding powers to enforce recommendations, but the office's functional independence has had a strong impact, particularly given its powers of inquiry – such as to inspect documents and call EU officials to testify. It has contributed to broad adherence by EU institutions and bodies to the principle of good administration – with them having complied with the Ombudsman's recommendations [in 83 % to 90 % of cases](#) – and has played an important part in setting good administration standards.

The current Ombudsman is [Emily O'Reilly](#), former Irish Ombudsman, first elected in July 2013 to see out the remainder of Nikiforos Diamandouros's term, following his early [retirement](#). She was re-elected at the 2014 December plenary session to serve for the 2014-2019 parliamentary term.

The Ombudsman's 2016 report

The [Ombudsman's Annual Report](#) provides figures on the number and type of citizens' requests (a total of 23 245 cases), how they were dealt with, their national origin, target and outcome. Most requests were successfully answered through the Ombudsman's website [interactive guide](#) answering frequently asked questions (12 646 cases of a total of 16 333) or with a reply to a request for information. The majority of complaints (15 797 cases) were lodged by individual citizens, and originated [mostly](#) in Spain, Poland, Germany, Belgium and the UK. The Ombudsman conducted 235 inquiries based on complaints, and initiated ten own-initiative inquiries not based on specific complaints. These own-initiative inquiries targeted the European Commission as well as EU agencies and other institutions. In half of the cases the result was [settlement by the institution](#), while in 30.6% of them no maladministration was found, and in 18 %, no further inquiries were justified. In the 20 cases of maladministration, the inquiries resulted in [critical remarks](#) addressed to the institution concerned or in full/partial acceptance of the draft recommendations in 55 % of cases.

For [complaints outside the Ombudsman's mandate](#), the Ombudsman has worked with national Ombudsmen and other EU institutions to transfer complaints to bodies that may be able to help. As of 2016, the number of such complaints has dropped to a record low, due to effective communication about the office's work.

Apart from complaint-based inquiries, the Ombudsman initiated a number of strategic own-initiative inquiries, focusing in particular on aspects of **transparency in EU institutions' and bodies' decision-making**.

In terms of conflicts of interest, in May 2016, the Ombudsman [opened](#) an inquiry on the Commission's rules and practices to prevent possible conflicts of interest of external special advisers appointed to give policy



advice to Commissioners on a part-time basis. Following an inquiry of individual complaints about special advisers, the Ombudsman [made](#) findings of maladministration, and suggested a proactive approach to identify and manage risks for conflicts of interest. She has highlighted the ongoing need for maximum transparency in EU institutions, in respect of assessment and clarification of prospective special advisers' outside activities. Transparency in the Commission has also been addressed in an ongoing [inquiry](#) on its management of 'revolving doors' situations concerning EU staff (on the occasion of former Commission President José Manuel Barroso taking a job at Goldman Sachs), opened as a follow-up to a closed 2013 [inquiry](#) in the same area. In this case, the Ombudsman has requested further information on **staff** with access to sensitive information leaving the Commission for the private sector.

Concerning transparency in the legislative process, in July 2016, the Ombudsman [published](#) proposals concerning trilogues, in the wake of concerns about the balance between the efficiency and transparency of the trilogue process. The proposals include publishing dates and summary agendas of trilogue meetings, the positions of both co-legislators on the Commission's proposal, and the names of the decision-makers present in trilogue meetings. Publication of certain documents might however only take place after negotiations conclude. The three institutions involved – the [EP](#), [Council](#) and [Commission](#) – have agreed with the Ombudsman's arguments in favour of more transparency, but the Council and Commission have also emphasised that enhancing transparency should not make trilogues too rigid, formal and inflexible.

On the transparency of the Council's legislative work, the Ombudsman more recently opened an own-initiative [inquiry](#) in March 2017 to examine public access to the documents of Council preparatory bodies concerning legislative proposals. In its [reply](#), the Council claims to have made significant improvements in its document-handling practices in recent years, and points out that 70 % of documents are publicly available. Nonetheless, it acknowledged that decisions, prior to final adoption of legislation, on making public documents discussed in working parties depend in many cases on 'a judgment call by the originating department'.

On transparency in lobbying, the Ombudsman [addressed](#) suggestions to Commission President Jean-Claude Juncker in May 2016 in relation to the revision of the EU Transparency Register. She proposed further measures, aimed at ensuring greater transparency, such as funding transparency for all interest groups, and improving monitoring and sanctioning. In an effort to contribute to widening transparency in lobbying within EU institutions, in May 2016, the Ombudsman published a [Dos and Don'ts list](#) aimed at providing guidance to EU officials on interacting with interest representatives.

Concerning the principle of good administration, in October 2016 the Ombudsman launched an [Award for Good Administration](#), aimed at recognising work done on improving EU public administrations' performance and increasing public awareness of this issue. From 90 projects nominated, an overall winner as well as winners in a number of specific categories were [announced](#) in March 2017.

EP Committee on Petitions

On 23 October 2017, the EP's Committee on Petitions (PETI) Committee adopted a [Report on the annual activities of the European Ombudsman in 2016](#), to be voted upon during the November plenary. In it, the PETI Committee congratulates the Ombudsman on her excellent work in improving the Ombudsman's services' quality and accessibility, as well as her cooperation and positive engagement with Parliament, and welcomes the new working methods and streamlined case-handling procedure introduced in 2016. The Ombudsman is also urged to further improve her working methods and reduce the time taken to handle complaints. The PETI committee acknowledges the role of the Ombudsman's strategic inquiries and initiatives, calling on the Ombudsman to identify reasons for any cases of non-compliance with her recommendations and inform Parliament of any such recurrent cases. It also stresses the need to monitor the implementation of the Ombudsman's recommendations for transparency in trilogues, and calls on the Council and the Commission to publish relevant information on decisions made in trilogues. The committee also looks forward to the Ombudsman's follow-up inquiry on 'revolving door' practices, and urges the Commission to guarantee full transparency in this matter. The report also supports the Ombudsman's activities in improving EU lobbying transparency and conflict of interest assessments for Commission special advisers, as well as the Ombudsman's practical recommendations for public officials' interaction with lobbyists. The Ombudsman is also urged to further assess the implementation of the new internal whistle-blowing rules in the EU institutions, and follow-up on her 2015 [inquiry](#) on the subject. Finally, it encourages the Ombudsman to continue collaboration with national ombudsmen through the European Network of Ombudsmen, not least through annual conferences of the network, to be held in Brussels as of 2016.