



European Ombudsman

Secretariat-General

2018 discharge

Replies to the questionnaire submitted by the Committee on Budgetary Control

General

1. What has been improved to reach the KPI for overall compliance target of 90 %?

The Ombudsman's decisions and recommendations are not binding upon the institutions. In seeking improvements, the Ombudsman therefore relies on strong and detailed arguments based on EU law and the principles of good administration, on her power of persuasion and, where needed, on the important support of Parliament.

In 2018, the overall compliance rate was 81% (compared to 85% in 2017) while the compliance rate for inquiries in the public interest reached 85% (compared to 79%) in 2017. The increase in the latter rate is important given that the effect of compliance will likely benefit a larger audience.

These figures reflect compliance with the Ombudsman's proposals at a particular point in time. Sometimes it takes the institutions more time to change their ways and give effect to the Ombudsman's proposals. By way of example, in July 2015, the Ombudsman invited the Commission to proactively publish decisions it makes to authorise post term-of-office activities taken up by former Commissioners, as well as the opinions on those activities by the Ad Hoc Ethical Committee, a three-member advisory body. The Commission declined at the time for privacy reasons and to protect commercial information. However, in September 2017, the Commission presented a new draft Code of Conduct for Commissioners, which provides for the proactive publication of these decisions and the related opinions of the Committee. This was formally adopted in February 2018.

In addition, Institutions take internal measures to improve awareness of the Ombudsman's standards for good administration and thus avoid bad administrative practices at source. For example, the Commission informed the Ombudsman that it is launching a new intranet web page aimed at explaining relations with the Ombudsman as a way to demonstrate the Commission's commitment to good administration.

The Ombudsman will consider cooperating even more closely with Parliament to ensure that it is made promptly aware of failures to comply, in particular with regard to Institutions' negative replies to recommendations made by the Ombudsman.



2. The last revision of the Ombudsman’s Statute was carried out in 2008; points out that the Parliament has repeatedly called for this Statute to be updated in view of new realities and challenges. What was done to revise the Ombudsman’s Statute?

The Ombudsman’s Statute is one of the areas where the European Parliament has the legislative right of initiative. The Commission gives an opinion and Council must give its consent. As such, it is for Parliament alone to determine whether and when it is appropriate to seek to amend or update the Ombudsman’s Statute. The Ombudsman’s Office stands ready to provide whatever information or evidence Parliament, Council or Commission might find helpful in their efforts to ensure that the Statute allows the Ombudsman’s Office to meet new realities and challenges. The Ombudsman addressed the Committee on Legal Affairs on 11 July 2018 and the Committee on Petitions on 2 April 2019 on the Statute revision and mentioned that her team is always available for consultations on this issue.

3. How long was the average time for dealing with a complaint and average time for dealing with inquiries?

In 2018, the average time for dealing with all categories of complaints was 79 days, compared to 64 days in 2017. The average time for dealing with inquiries was reduced to 255 days, compared to 266 days in 2017. To put these figures into perspective, it is worth noting that there was a 53% increase in the number of inquiries closed on the basis of complaints in 2018 (534) compared to 2017 (348), which naturally increased the average time for dealing with all categories of complaints.

4. What was the amount dedicated by the institution to travel, for the Ombudsman in 2018?

The European Ombudsman's expenses for her own missions in 2018 amounted to 27 206.79 EUR. The corresponding expenses for 2017 were 30 592 EUR.

5. What were the costs of the institution for interpretation, translation and languages classes in 2018?

In 2018, the European Ombudsman spent 14 940 EUR on interpretation (15 390 EUR in 2017), 343 771.40 EUR on translation (262 631 EUR in 2017) and 2 678.85 EUR on language classes (5 250 EUR in 2017).

6. How many strategic inquiries and strategic initiatives were opened in 2018?

In 2018, the European Ombudsman opened five strategic initiatives on (i) the EU risk assessment model in the food chain, (ii) dignity at work, (iii) multilingualism, (iv) complaint mechanisms in structural and investment funds and (v) the UN convention on the Rights of persons with disabilities and European schools. No strategic inquiries were opened.

7. What was the cost of outsourcing of translation in 2018? What would have been the cost if the translations had been carried out by in-house services?

The cost of outsourcing translation was 343 771.40 EUR in 2018. The Office does not have in-house resources to carry out translation work and therefore relies on its cooperation with the European Parliament and the Translation Centre of the EU.



8. Within the 19 proposals to correct or improve the behaviour of EU Institutions which were not complied with in 2018, does the Ombudsman identify a specific pattern of issues raised where compliance levels is lower than for others? Or any other pattern for incompliance? Is the rate of incompliance similar for Parliament, Commission and Council?

The 19 proposals that were not complied with concerned the Commission (14), Parliament (1), EEAS (1), EIB (1), EPSO (1) and OLAF (1). It is important to put this into context, however. Most Ombudsman inquiries concern the Commission so the fact that there were 14 instances - compared to one for other institutions and bodies - in which the Commission did not respond positively to Ombudsman solution proposals, recommendations or suggestions, while far from ideal, does not suggest poor performance. We will, however, continue to work with the Commission to secure positive responses to Ombudsman proposals. Regarding the Council, the Ombudsman did not make any solution proposals, recommendations or suggestions to Council in cases closed in the year in question.

Generally, institutions and bodies tend to respond more positively to solution proposals and suggestions, than to Ombudsman recommendations. This is possibly because recommendations are premised on a finding of maladministration. By the time an inquiry reaches that point, positions may have become entrenched, making it more difficult to find a solution. Eight of the 19 proposals that were not accepted came in the form of Ombudsman recommendations. The Ombudsman will continue to impress upon the EU institutions and bodies the importance, in an EU founded on the rule of law, of complying with Ombudsman recommendations.

At the same time, we should not lose sight of cases in which the institutions have responded very positively. The Commission and Council reacted very positively to the Ombudsman's strategic initiatives on Brexit transparency, the Commission has made improvements to its BlueBook traineeship application process, while many EU institutions and bodies have taken up the Ombudsman's 'Dos and Don'ts' on lobbying. So while there continue to be disagreements on certain cases, overall the institutions tend to engage constructively with the Ombudsman.

9. How many complaints did you receive in 2018 on Brexit related matters?

In 2018, the office registered 13 new complaints that were related to Brexit, of which four gave rise to inquiries.

10. How many complaints did the Ombudsman receive in 2018 from members of staff of the EU institutions? Could you specify by gender and grade?

The number of complaints registered in 2018 from staff of the EU institutions is 94. The breakdown per gender is as follows: 38 from women, 55 from men and 1 unspecified. The office does not require staff who submit complaints to indicate their grade.

11. Please name three of the Ombudsman's main achievements and successes in 2018. How do they affect in the institution's challenges for the future?

(1) In 2018, the Ombudsman received a record number of 880 complaints within her mandate, an increase of 17% as compared to the previous year. This supports the effectiveness of the Ombudsman's strategy of making her services more visible,



relevant and impactful. Despite this increase, we still managed to reduce the average time for dealing with inquiries from 266 days in 2017 to 255 days in 2018.

(2) In May 2018, the Ombudsman sent a Special Report to the European Parliament on the important matter of the transparency of the Council's legislative work. Parliament overwhelmingly supported the Ombudsman's call on the Council to improve the accountability of its legislative work. While progress has been made in the Council in the meantime, this issue will stay on the agenda in the coming years. European citizens need to know what their national governments are doing in Brussels, especially when making new EU laws which affect their daily lives. Making more information public will also help discourage national Ministers from 'blaming Brussels' for EU laws they themselves helped to shape and adopt.

(3) In February 2018, after a trial period, the Ombudsman launched a new internal Fast-Track procedure to deal with access to documents complaints. Under the new system, decisions on complaints are taken three times faster than under the standard procedure. This reflects the Ombudsman's ongoing efforts to make her services more efficient and effective.

12. Which types of cases the Ombudsman has dealt with had the most positive effect on the European Union's administration? In addition, which type of cases the Ombudsman is dealing with, presents the biggest challenges to the European Union's administration?

Some of the institutions' responses to the Ombudsman's strategic inquiries have been particularly encouraging. In the course of the Ombudsman's inquiry on Commission expert groups, for example, the Commission reformed its expert group system largely in line with the Ombudsman's suggestions, revising the applicable rules. In particular, the Commission made the selection procedure for expert group members more transparent, put in place a new conflict of interest policy for individual experts, and introduced the requirement that organisations and self-employed individuals be registered in the Transparency Register in order to be appointed to expert groups. The Commission also improved the transparency of expert groups' work. Meeting minutes must now be "meaningful and complete", and expert groups may decide to deliberate publicly. The Ombudsman considered this to represent good progress.

Similarly, the response to the Ombudsman's strategic inquiry on Commission special advisors led to significant improvements. The Commission agreed it needed to make further progress in assessing risks of conflicts of interests and in applying more specific and operational mitigation measures to address these risks. It acknowledged that it could better formulate the mandates of special advisers and adopt examples for assessing potential conflicts. The Commission also committed to fully apply the existing contractual obligation on special advisers to declare any new activity they take on. It also agreed to consider publishing online the declarations of the activities of and statements of assurance by special advisers. The Ombudsman welcomed the Commission's commitment to further improve its practices.

We should also mention improvements that took place outside of inquiries. In the course of 2018, the ECB drew up a single Code of Conduct for High level ECB officials



which entered into force on 1 January 2019. This Code draws on exchanges with the Ombudsman's Office, among other things, and in particular work we did with the ECB on its Ethics Framework and Guiding principles for external communication for high-level officials.

As regards challenging areas, one could mention problems arising from cases in which the institutions award grants. On the one hand, grant recipients may be small organisations that are relatively inexperienced in terms of dealing with EU rules and procedures. While they may successfully complete the project in question and deliver the work, if they do not comply with the financial provisions of the grant agreement, the institution may have to withhold payment or recover money. The institutions and agencies usually follow a strict approach to the recovery of ineligible costs. Sometimes this occurs many years later, after an audit has been carried out. Despite the challenges faced on all sides, the Ombudsman has been successful in a number of cases. By way of example, the Commission agreed to pay 83,289.89 EUR to the European University Association, after this association complained to the Ombudsman about the Commission's refusal to pay certain of its costs incurred under the ALFA-PUENTES project. The Ombudsman found that the Commission had not provided sufficient justifications for its refusal and that its decision to refuse to pay the disputed amount constituted maladministration. She recommended that the Commission pay the unpaid amount to the complainant. More generally, the institutions have introduced improvements to avoid problems that have been encountered in the past.

13. Which reports from 2018 (in your view) issued by the Ombudsman saw an unsatisfying follow-up? Where do you see the main reasons for this?

There were a number of cases in the area of public access to documents in which the Ombudsman would have liked to see a more constructive approach adopted by the institutions. By way of example, case 1959/2014/MDC concerned the Commission's refusal to grant public access to the award evaluation forms concerning applications for co-funding of mechanisms for the processing of passenger name records. The Commission refused to accept the Ombudsman's recommendation without providing convincing reasons for its position. The Ombudsman therefore closed the case with a finding of maladministration.

Case 682/2014/JF concerned the Commission's requirement that persons who ask for public access to documents provide their postal address. The Ombudsman found that it was disproportionate to apply the postal address requirement to all persons requesting access. If a request appears to be made under false identity, the Commission can simply ask the person to send it a postal address, an identity card or other means of identification. The Commission's view that it is legally obliged to send all its decisions by paper post was not convincing. The Ombudsman pointed out that the Commission's practice is archaic for the 21st century and that the practice is not discernible in numerous other identical or similar administrative procedures in the EU administration. The Ombudsman made appropriate recommendations in the light of her findings. These were rejected by the Commission. In her decision, closing the inquiry, the Ombudsman made suggestions for improvement to modernise the Commission's practices.

The Commission rejected the Ombudsman's recommendations in these cases.



Staff

14. How many contractual staff and remunerated trainees have worked in the Ombudsman's office in 2018?

The breakdown is as follows:

Status	Number*
Auxiliary contract staff member 3B)	13
Contract staff member 3A)	3
Remunerated trainee	17

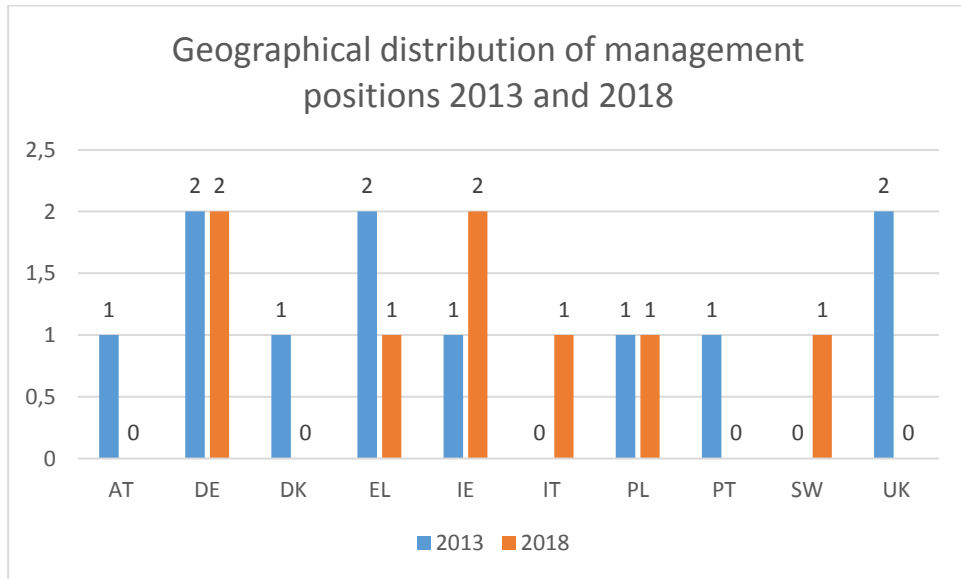
*The numbers relate to people and not to full time equivalents since 5 out of the 13 auxiliary contract staff members 3B) and 16 out of the 17 trainees worked for the Ombudsman for less than a full year in 2018.

15. Could you please provide us a table of staff broken down by type of contract for 2013 and 2018? What was the average duration of contractual employments (including renewal of contracts) in 2013 and in 2018?

Statutory link	Total 2013	Average duration of contract (in months)	Total 2018	Average duration of contract (in months)
Officials	40		42	
Temporary staff on temporary post	22	indefinite except 2	14	indefinite
Temporary staff on permanent post	2	30.5	6	39
Temporary staff in Cabinet	5	indefinite	4	indefinite
Contract staff members 3B)	6	31.8	13	35.9
Contract staff members 3A)	2	indefinite	3	indefinite

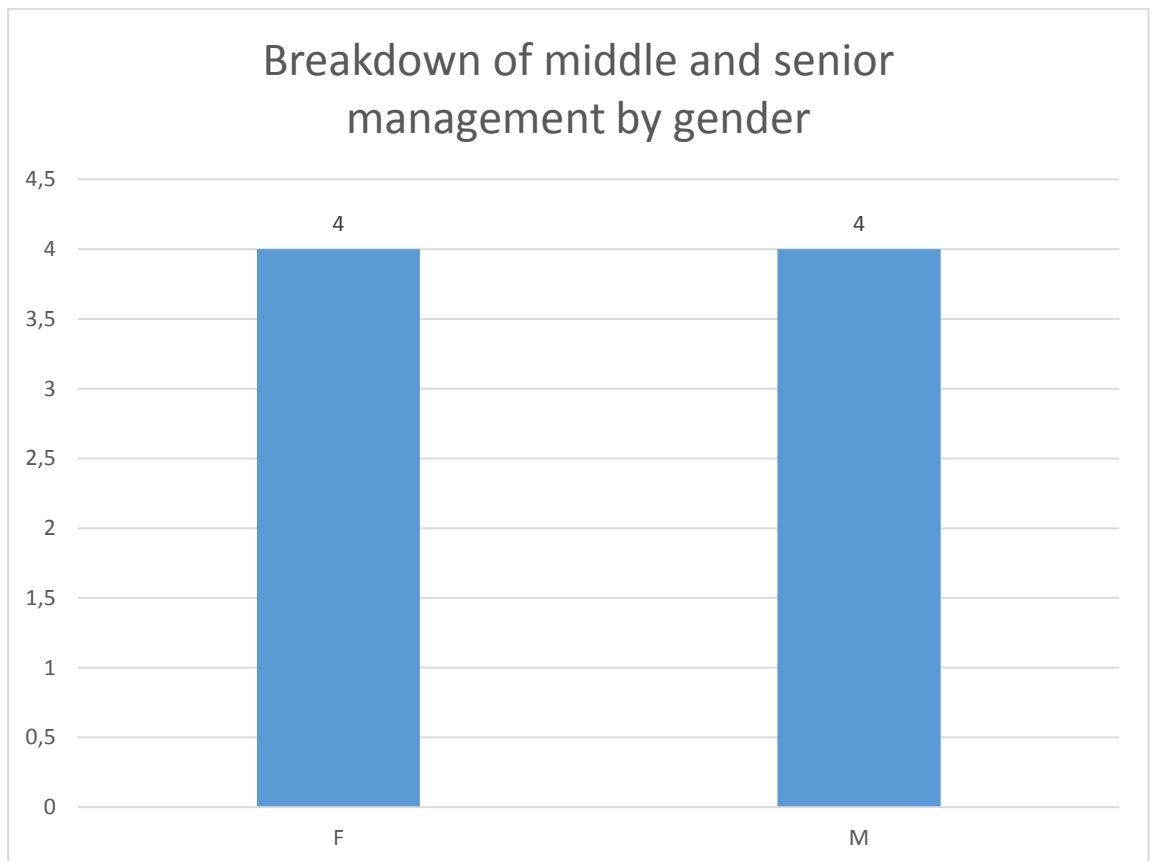


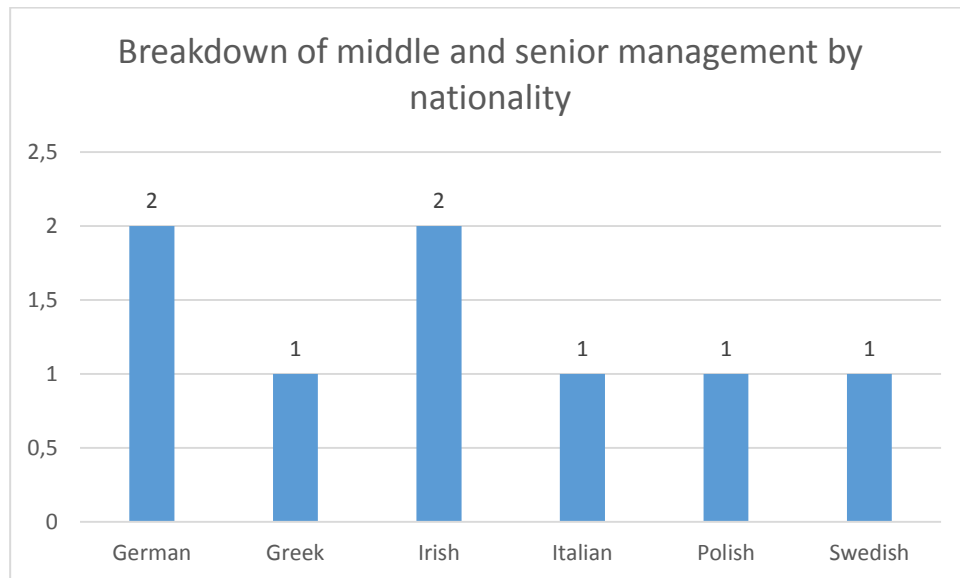
16. How has the geographical balance in management positions in the mid- to long-term improved?



The overall number of managers in the Office of the European Ombudsman was reduced from 11 to 8 between 2013 and 2018.

17. Please present a gender and nationality breakdown of your middle and senior management positions.





18. How many burnout cases were there among the staff in your institution in 2018? Please specify by gender and category of staff.

The European Ombudsman does not collect data concerning the medical reason for sick leave absences. Sick leave absences exceeding 15 consecutive days are systematically subject to medical controls. In 2018, the medical service of the European Parliament, which deals with the Ombudsman's staff, did not alert the office to any long-term sickness that originated in burnout. However, in two cases the Personnel, Administration and Budget Unit was advised to adapt the workload, assignments and working environment to facilitate the return to work of two AST grade officials, one man and one woman, after a long-term sick leave. This corresponds to the office's normal practice. The office is also developing a 'return to work' policy to facilitate the re-integration of staff after long-term sick leave.

19. What is the average overtime of the Institution's staff in 2018?

All staff members in the Ombudsman's office are entitled to work flexible working hours. The bulk of what would be considered overtime is compensated through the flexibility scheme.

Strictly speaking, no overtime was compensated in 2018, except for one staff member who is entitled to a monthly allowance due to the frequent need to work outside of office hours in his tasks as a driver.

20. Has the Ombudsman's office entered any survey about staff satisfaction? If yes, could you please provide the detailed outcomes?

The Ombudsman's Office did not conduct a staff satisfaction survey in 2018. The Staff Committee of the European Ombudsman commissioned its own survey for 2019. The Secretary General's communication to staff on the Staff Committee's 2019 survey is set out at Annex I. The Ombudsman's Office intends to conduct its own staff surveys every two years.



21. Could you please provide a table with staff turnover from 2015 to 2018? Please specify by year and category of staff. How many case-handlers have left their posts in the last 5 years, for which reasons?

Turnover of staff between 2015 and 2018:

Year	Permanent officials		Contract agents			Grand Total	% based on 80 staff
	AD	AST	FGIV	FGIII	FGII		
2015	8	3			1	12	15%
2016	1	1	2			4	5%
2017	4				1	5	6%
2018	5	1	1	1	1	9	11%
Grand Total	18	5	3	1	3	30	38%

Turnover of case handlers in the past 5 years:

Year	Departures	Turnover (out of 25 case handlers)	Transfer to other EU institution or agency	Return to home-country	End of contract
2014	3	12%	2	0	1
2015	5	20%	4	0	1
2016	3	12%	2	1	0
2017	4	16%	3	1	0
2018	4	16%	4	0	0
Total	19	76%	15	2	2

22. In 2018, nearly 65 people worked for this service. Do you consider these resources sufficient?

In 2018, the European Ombudsman's establishment plan comprised 65 posts. In addition to the permanent officials and temporary agents occupying these posts, the Ombudsman also employed up to 14 contract agents.

To cope with workload surges, the office started recruiting contract agents at all grades and for all functions. The number of contract agents increased substantially between 2014 and 2018.

Contract agents were initially recruited on the assumption that their presence was needed to tackle temporary surges in core business activities and that their tasks would therefore be temporary. But the surge which started in 2014 turned out not to be temporary and contract agents, which now represent close to 20% of the overall staff, have become a permanent resource for the office. This needs to be addressed, i.e. the office should be provided with more permanent staff while maintaining the current headcount.



This is why, in its 2020 budget estimates, the Ombudsman requested both an increase in posts in its establishment plan and a reduction in the budget for contract agents in order to ensure that the Institution can fulfil its mandate effectively.

23. What results did the review of the establishment plan show regarding the actual needs and workload of the office?

As pointed out in the reply to question 22, the review of the staffing situation of the institution showed that permanent functions are carried out by contract agents. It also showed that it would be beneficial for the institution to transform contractual positions to establishment plan posts. This would provide more stability in the workforce as well as contribute to enhanced motivation of staff who currently carry out similar tasks but in different statutory positions.

It is also important to note the increasing overall size of the EU administration, with the creation of new EU bodies and agencies in recent years and extended mandates for some existing EU institutions, which in turn widens the mandate of the Ombudsman. Thus, the workload is expected to increase further in coming years.

24. Could you please provide us a table of staff broken down by type of contract for 2013 and 2018? What was the average duration of contractual employments (including renewal of contracts) in 2013 and in 2018?

Our answer to this question is identical to our answer to question 15 above.

25. We would appreciate a comprehensive overview of staff on sick leave in 2018, broken down by the total number of staff members that were on sick leave and by how many days they were on sick leave in total. How many days lasted the three longest cases of sick leave? How many days of sick leave concerned Mondays and Fridays in 2018? What was the evolution since 2013?

(i) Number of staff on sick leave in 2018:

Summary				Number of staff sick for					
Staff **	Total number of sick leave days	Proportion of staff sick at least once	Average number of days of sickness	Not sick during the period	0-5 days	5-10 days	10-20 days	20-30 days	30+ days
77	1247.5	80.2%	16.1	15	25	17	12	1	7
% of Staff:				20%	32%	22%	15%	1%	10%

** Number of staff is the number of officials, temporary agents, and contract agents computed pro rata temporis of their active employment during the calendar year (i.e. a person recruited on the 1st of July will be counted as 0.5 for that year).

(ii) Length of the three longest medical absences in 2018:

Year	The three longest medical absences (in days)		
2018	221	176,5	149,5

The longest medical absences include the three staff members who were absent for the most number of days for medical reasons in a given year, irrespective of whether it was for one or several sicknesses and whether it was with or without interruption.



(iii) Sick leaves broken down by weekdays:

Due to the unavailability of relevant statistical data, the Ombudsman is unable to provide detailed information for the years preceding 2016. For 2016, 2017 and 2018, the comparison of the longest periods of sick leave is the following:

Year	Mondays	Tuesdays	Wednesdays	Thursdays	Fridays
2016	234	247	245	246	203
2017	94	107	117	112	103
2018	202,5	204	185	200	189

26. To what extent has staff been involved in carrying out activities that would justify a higher function group?

A small office such as the Ombudsman's Office requires its staff to be versatile and to carry out more than one function. In these circumstances, some staff members were recruited to carry out basic tasks and were gradually entrusted with more responsibilities.

For example, as explained above, contract agents in function group IV carry out the functions of fully-fledged inquiry officers and three contract agents in function group I carry out tasks that would warrant permanent establishment plan positions (AST/SC status).

27. What were the three most important actions taken by the Ombudsman in favour of equality?

The European Ombudsman has achieved and maintained gender equality within the management team: 50% of managers are women.

The Office ensures gender balance in selection panels.

The Office also continued to participate in the Intercopec working group, which deals with diversity matters, including gender balance. On disability matters, see the reply to question 28 below.

28. What were the three most important actions taken by the Ombudsman in favour of disabled people?

The Ombudsman continued to be active in this important area and, from September 2018, took over as Chair of the Article 33(2) Framework of the UN Convention on the Rights of Persons with Disabilities. In this role, the Ombudsman worked with the other members of the Framework to develop the 2019-2020 Work Programme for the Framework, setting out the concrete actions to be pursued.

In terms of inquiries, the Ombudsman closed a strategic inquiry in 2018 on the accessibility of the websites and online tools that the Commission manages. The Ombudsman was satisfied that the Commission has taken steps to enhance the accessibility of its websites and online tools, and that it is committed to further improvements. The Ombudsman made six suggestions for improvement whose implementation the office will monitor. The Ombudsman also made recommendations to the Commission in a strategic inquiry on the treatment of



persons with disabilities under the Joint Sickness Insurance Scheme (JSIS). The Commission committed to revise the rules governing the JSIS and followed up on most of the Ombudsman's suggestions. The Ombudsman also asked the Commission to report back within six months on the implementation of her recommendation.

With regard to its internal activities, the Ombudsman invited the European Disability Forum (EDF) to disseminate the Ombudsman's traineeship call through its channels in an attempt to encourage persons with disabilities to apply. The Office also revised the application form used in selection procedures to include a question about reasonable accommodation needed during selection procedures. The on-line tool was also revised accordingly.

29. Were there any improvements done to the organisation of workspaces? What changes have there been in 2018?

The most recent changes in the organisation of workspaces took place in 2017. At the European Parliament's request, the Ombudsman moved to new premises made available by Parliament, in Strasbourg. This provided an opportunity to review the use of office space and to reduce the overall number of square meters used by the institution. No changes occurred in 2018, but the Ombudsman's Brussels premises will need to be vacated to allow for the expansion of the (post GDPR) EDPS. This move, which is actively being pursued with the European Parliament, will provide the opportunity for further office space rationalisation.

30. What flexible working arrangements does your institution offer?

The European Ombudsman's **teleworking** policy provides for occasional telework (maximum 60 days annually and possibility to work outside the work place for a maximum of 15 days) and regular telework (weekly presence in the office may not be less than 50% of the standard working week). It is open to all staff members (officials, temporary agents, contract agents and seconded national experts) who have worked in the office for at least 9 months.

Flexitime has become the default working regime that applies to all staff (officials, temporary agents, contract agents, seconded national experts and trainees). The policy provides for a 40-hour working week with core hours (09:30-12:00 and 14:30-16:00); limitation of the working day to 10 hours; and recuperation for all staff except managers.

The office applies the Staff Regulations on part-time work and adopted a part-time work policy to implement them.

31. How often are these working arrangements used? Has there been a development in the frequency?

Before 2017, the European Ombudsman did not have a tool that could provide detailed statistics on the use of telework and flexible working hours.

In 2018, the total number of days of telework of the European Ombudsman's staff was 1046.5 days (397 days of structural telework and 649.5 days of occasional telework). The total number of days of telework was 984 in 2017 and 513 in 2016. A total of 72 staff members made use of the possibility to telework in 2018 compared to 58 in 2017.



Since 2017, flexible working hours apply by default to all staff members and all staff members (almost 90 including trainees) make use of it. Between 2009 and 2016, flexible working hours were optional. Up to 44 staff members made use of this possibility in 2016.

32. What is the share of men and women respectively using these working arrangements?

All staff members use flexible working hours, while telework is used equally by men and women since the share corresponds approximately to the share between men and women in the Ombudsman's Office (65% women/35% men).

33. To what extent does your institution encourage young parents to make use of flexible working arrangements to improve life-work balance?

The Ombudsman's administration informs its staff, including young parents, of the flexible working arrangements upon arrival. It is then for each staff member and their line manager to find the most suitable solution to ensure an optimal balance between private and family life and the interest of the service. Feedback and take-up suggest that these arrangements are widely appreciated by staff.

34. Can all categories of staff apply to these working arrangements?

All categories of staff can make use of the **flexible** working arrangements. As regards **telework**, the only exception is trainees. Additionally, new staff can request to telework only after having worked in the office for 9 months.

35. Was any staff member placed on leave in the interest of the service according to Article 50 of the staff regulations? If yes, what were the reasons?

No staff members were placed either on retirement in the interest of the service (Article 50 of the SR) or on leave in the interest of the service (Article 42c of the SR).

36. Would you say that the Ombudsman had a fair recruitment practice policy in 2018? Were there any complaints, lawsuits or otherwise reported cases of non-transparent hiring or firing of staff?

In 2018, the European Ombudsman organised six selection procedures. While these procedures occasionally gave rise to requests from the candidates to reconsider a rejection or a grading, none gave rise to complaints or lawsuits.



37. What were the costs in 2018 respectively for away days, trainings, closed conferences or similar events for staff? How many staff members participated in the respective events? Where did these events take place?

Event	Participants	Cost	Venue
Away day including collective training + visit of Robert Schuman house (including missions)	62	€ 34.069,99	Metz (France)
Staff meeting + collective training + visit of House of European History (including missions for part of the staff) - moved to 01/2019	62	€ 8.421,70	European Parliament Brussels
Unit teambuilding (including missions for part of the team & facilitator)	9	€ 5.590,26	European Parliament Brussels
Unit teambuilding (including missions for part of the team & facilitator)	16	€ 7.227,41	European Parliament Strasbourg
Unit teambuilding (including missions for part of the team)	6	€ 531,64	Brussels
9 Lunchtime conferences (on both sites by video-conference)	Between 21 and 32	€ 1.578,00	European Ombudsman premises

Harassment

38. What has been done to monitor the efficiency of the policy of harassment prevention, to continue raising awareness about harassment at the workplace and to foster a culture of zero tolerance toward harassment?

Raising staff awareness on harassment matters is a policy obligation and a priority for the Ombudsman's Office. In 2018, the office organised (a) a training session for all staff (half-day trainings in small groups to ensure maximum impact and interaction); (b) a full-day tailor made training for the management team; (c) specific training for the ethics correspondents and the members of the conciliation committee.

Additionally, a session on ethical conduct covering among other topics harassment matters has become an integral part of the Ombudsman's induction training. The Guide on Ethics and Good Conduct for the Ombudsman's staff (adopted in 2017) and the Internal Charter of Good Management Practice (adopted in 2016) read in conjunction with the policy for the prevention of and protection against harassment reinforce a zero tolerance approach to harassment.



39. What has been made to apply the Guide on Ethics and Good Conduct effectively?

A session on ethics covering matters such as harassment, ethical conduct and behaviour, whistleblowing, conflicts of interest, external activities has become an integral part of the Ombudsman's induction training (for trainees and staff). Additionally, new staff members and trainees are asked to fill in a declaration of interest form. Relevant information is communicated to their line managers and the staff members responsible for assigning cases to ensure that no conflict of interest arises in the context of inquiries.

40. Have there been expenditures in 2018 for the management of court cases and Court sentences? What was the specific amount for harassment cases?

There was no such expenditure.

41. Where there any cases related to harassment reported, investigated and/or concluded in 2018?

There were no such cases.

42. Has there been any recent modifications to your anti-harassment rules, and could you specify to what extent?

The Ombudsman's policy for the prevention of and protection against harassment was adopted in 2017. There has been no modification to the Ombudsman's policy in 2018. The policy is being re-assessed (in accordance with its revision clause). Following consultation of the Staff Committee, it will be decided if a revision is needed.

43. Do you have a functioning team of the confidential-staff-councilors? Did they and the staff as a whole, receive any special training / seminars on the prevention of harassment?

The Ombudsman's Office has two **ethics correspondents**, one in each working place of the office. Their role is to (a) support the commitment of the Office to the highest ethical standards; (b) serve as a point of information about issues related to ethics, in particular harassment, whistleblowing and conflicts of interest; and (c) assist staff members in finding solutions to any problems that may arise. Additionally, the Ombudsman's Policy for the prevention of and protection against harassment in the Ombudsman's Office and in particular its informal procedure establishes a **conciliation committee** which is responsible for leading a conciliation process, following a request by either staff members who feel they are a victim of harassment or the alleged harasser. See our reply to question 38 for information about specific trainings.



Whistleblowing

44. The Ombudsman is often suggested to become the EU body in charge of collecting whistleblowing complaints. If this were the case, how do you assess your ability to perform those duties with your existing resources? What budgetary and staff increase would this imply?

This would very much depend on the number of complaints that one might expect and how exactly the Ombudsman's Office would be expected to handle them. It is difficult to see how significant additional work could be done without additional resources.

Regarding the **collection** of whistleblowing complaints, the Ombudsman could provide a "sign post" service and ensure that such complaints are channelled to the appropriate EU body (OLAF, for example) or even a national institution (through the European Network of Ombudsmen). This could take place within the existing legal framework (Treaties, Statute and Implementing provisions) and with limited additional resources (1 or 2 AD posts).

45. Were there any whistleblower cases coming out of the Ombudsman and in such a case how did you follow-up on them?

No such case was reported.

46. How many cases of whistleblowers have you had? What improvements do you think should be made to the procedure? How many of its possible cases have been forwarded to OLAF services?

No case was reported and none was notified to OLAF.

47. A senior official in the Commission's legal service committed suicide in December 2018. The tragedy is said to be linked to her involvement in the controversial appointment of the Commission's new Secretary-General Martin Selmayr. What could be done to help EU officials communicate to the Ombudsman anonymously if they act in accordance with their values and against the wrongdoings of institutions?

The Ombudsman could not comment on the tragic incident you mention. However, we would understand what you describe in terms of officials "acting in accordance with their values and against the wrongdoings of institutions" as whistleblowing. The Ombudsman is one of the bodies mentioned in Article 22(b) of the Staff Regulations, as a body officials can turn to.

In 2014, the Ombudsman conducted an inquiry to check what internal rules EU institutions had put in place to protect whistleblowers. As part of this work, we published our own decision on whistleblowing that contains the following elements: (i) whistleblowers should disclose their identity when reporting information suggesting the existence of serious misconduct or wrongdoing in the Ombudsman's Office. However, the Ombudsman will also examine any such reports that are submitted anonymously; (ii) the Staff Regulations provide for whistleblowers to be protected against negative action by the institution for which they work; (iii) If the whistleblower so desires, his or her identity must, to the greatest extent possible, remain confidential. While these rules cover whistleblowing within the



Ombudsman's office, we understand the other institutions, including the Commission, to have similar rules in place.

Communications

48. What has been done to improve the communication with Union citizens?

Communication with citizens continues to be a key part of the European Ombudsman's work and is carried out in different ways. The office publishes all of its inquiries on the website, draws attention to significant cases in press releases and in direct contacts with targeted groups of journalists and publishes regular updates about cases on Twitter (where followers of the @EUombudsman account increased by 17% in 2018) and other social media channels.

The Ombudsman also puts special emphasis on explaining its work to journalists, by regularly giving interviews and receiving groups of reporters. Furthermore, she participated in several major public events for different audiences, including the 2018 European Youth Event in Strasbourg.

In 2018, the European Ombudsman continued her regular trips to Member States to explain her work directly to citizens, including an extended trip to Greece involving meetings with civil society organisations, think-tanks, local authorities and citizens.

2018 also saw the launch of a new more user-friendly website, with a better search function so that cases are arranged according to topic, format and date. The office also launched three short videos to convey the work of the Ombudsman in a simple manner. They highlight areas the Ombudsman can look into - access to information, problems with EU funding and transparency in lobbying.

49. How do you reach out for specific target groups via social media channels? Based on available insights and/or social media analytics can you tell whether this target group has been reached? What difference do you observe in this regards among the different social media channels?

In 2018, we continued our efforts to reach out to different target groups via three social media channels. Well aware of our limited size and resources, we make a special effort to target influencers and multipliers who help us relay our messages to wider audiences. While Twitter remained the Ombudsman's flagship digital channel accounting for 75% of all followers, LinkedIn and Instagram were growing and are expected to get a significant boost in 2019 through a dedicated LinkedIn campaign and new content for Instagram.

Through Twitter, the Ombudsman managed to reach out to key audiences, including individual complainants, journalists, policy makers, civil society organisations, NGOs, and EU institutions. The most notable change according to social media analytics concerned a substantial growth in young followers in the age group 18-24.

Professionals and younger audiences were also specifically addressed via LinkedIn and Instagram with growing numbers of followers (see also our reply to question 50).



50. What was the Ombudsman’s strategy for social media channels in 2018? Are there any significant changes of followers at the social media which Ombudsman use?

The Ombudsman’s social media strategy in 2018 continued to focus on raising awareness about how the office can help citizens, but tailoring the message according to the different platforms and audiences. The office also shared more visual content compared to content with plain text to increase the visibility and accessibility of the Ombudsman’s messages, events and cases.

The Twitter account had more than 22 600 followers at the end of 2018 (increase in followers by 17%). It presents a straight-up account of the office’s activities, informing about inquiries, speeches and other activities. It is also used to communicate with potential complainants and answer questions from the public directly.

The Instagram account (followers rose by 151% in 2018 - from 409 to 1027) showcases the office’s work in a more informal way, giving a glimpse of the staff and the workings of the office.

Followers of the Ombudsman account on other platforms also saw a significant rise - LinkedIn followers rose by 16% (from 2 570 to 2 978 followers) while the Ombudsman’s page on Medium increased its readership by 78% (from 784 to 1 400 views).

51. What steps have been made in strategic inquiry on the accessibility of websites and online tools of the Commission and how was the EP informed about progress in the strategic inquiry?

On 20 December 2018, the Ombudsman closed the inquiry with six suggestions for improvement addressed to the Commission. The Ombudsman suggested, for example, that the Commission provide web content in accessible formats that meet higher international standards across a wide range of websites, adopt an action plan on web accessibility, and introduce mandatory training on web accessibility for all staff members working on websites. See also our reply to question 28.

The Ombudsman reported on this case in her Annual Reports for 2017 and 2018 and the various inquiry steps were published on the Ombudsman’s website. Ombudsman staff members also provided updates on the case during meetings of the EU’s CRPD Framework, of which Parliament is a member.

52. What tangible improvements can you indicate in terms of communication and transparency towards European citizens? In particular the linguistic aspect of the documents presented on the various websites of the European institutions, which are mainly in English?

In 2018, in the context of a strategic initiative (SI/98/2018/TE), the Ombudsman launched a public consultation on the use of languages by the EU institutions, bodies, agencies and offices. Based on the responses received, the Ombudsman drafted a set of practical guidelines that should guide the EU administration when communicating with the public. The Ombudsman is awaiting comments on these draft guidelines from the EU institutions, bodies, agencies and offices. They aim at



ensuring that the EU institutions make every effort so that information that is of significant importance to citizens is available in all official languages on their websites.

Transparency

53. How do you analyze the performance of the "fast track" procedure for complaints concerning access to EU documents put in place in February 2018?

The Ombudsman has analyzed the use of the internal 'fast track' procedure. The outcome of this analysis is that the handling of access to documents complaints under this new procedure is approximately three times faster than the handling of access to documents complaints under the standard procedure. In 2016 and 2017, it took 134.5 working days, on average, to close access to documents cases. Under the fast track procedure, cases have taken 44 working days, on average (based on cases closed between 1 September 2017 and 15 April 2019). While further efforts are needed on our side to ensure we comply with the deadlines we have set ourselves in these cases, it is clear that this procedure has given rise to speedier case-handling in this important area.

54. How many calls for tenders did your institution organise in 2018? Please indicate the value and the number of applicants for each tender.

In 2018, the European Ombudsman organised four calls for tender for the following areas and amounts:

- Training service framework contract focused on a wide range of areas such as taxes, economics and law: 14 000 EUR (for 4 years)
- Training and consultancy service framework contract in social media: 10 000 EUR (for 4 years)
- Training service framework contract relating to the module 'course in French language' for the European Ombudsman: 6 000 EUR (for 4 years)
- Staff Committee staff survey: 6 275 EUR (one single order).

For negotiated procedures for very low value contracts, below 15 000 EUR, the Financial Regulation requires at least one candidate. In all four tenders organised in 2018, the number of candidates was one.

55. On 11 December 2018, the rules for data protection in the EU Institutions were brought in line with the rules set out in the GDPR. Did your institution need to proceed to any changes in the way it handles data to adapt to this new legislation? What were those changes?

In advance of the new rules entering into force, we engaged in actions to ensure compliance by adopting the necessary organisational and technical measures. A table listing the planned actions and the state of play is enclosed. (see Annex II).



56. Can you tell us the position of the Ombudsman following the measures taken and implemented by the Commission in 2018 concerning "revolving doors"? What about the phenomenon in other institutions?

The Ombudsman's inquiry found that, at a systemic level, while practices generally comply with the rules governing EU staff, more can be done to make those rules become more effective and therefore meaningful. New rules introduced in the Commission in September 2018 provide greater clarity on what activities are prohibited and what subsequent employment activities need to be authorised. These rules need to be fully utilised and potentially improved.

The Ombudsman closed the inquiry, encouraging the Commission to continue to lead by example but to take a more robust approach in its assessment of senior staff who leave the EU civil service. The Ombudsman called on the Commission to publish more information, and on a more regular basis, about senior staff who leave the Commission. The Ombudsman also made several detailed suggestions for improvement. We are currently analysing the Commission's reply to these suggestions for improvement.

At a technical level, the Commission has made good progress since the Ombudsman closed her first inquiry in this area. It should, however, examine whether it can take a more robust approach to preventing or dealing with serious cases of conflict, especially in the small number of cases of senior staff who leave for the private sector. The Ombudsman is committed to a follow-up inquiry in 2020, looking more closely at how the Commission manages cases regarding some of its departments (DGs).

Finally, the Ombudsman urged the Commission to follow-up on the good transparency practices she has identified and shared with other EU institutions, bodies, offices and agencies, to give the public a better picture of the 'revolving door' in the EU. These good practices result from a strategic initiative conducted by the Ombudsman in 2018, in which 15 institutions and bodies were asked to respond to a range of questions on how they implement the provisions laid down in the EU Staff Regulations on revolving door moves of senior staff members.

Fraud & Corruption (including co-operation with OLAF)

57. How did you co-operate with OLAF and ECA in the spheres of prevention, investigation or corrective measures?

The Ombudsman's cooperation with OLAF mainly concerns investigations on matters submitted both to the Ombudsman and to OLAF. In order to avoid duplication of investigations, the Ombudsman and OLAF agreed, in 2017, that there would be a direct channel of contact for such cases. It was used in 2018 to avoid both the Ombudsman and OLAF potentially looking into the same matter.

Regarding the European Court of Auditors, on 11 April 2018, the Ombudsman visited the Court at the invitation of ECA President Lehne. The Ombudsman presented her work to ECA staff and had a working lunch with the President and the Members of the Court.



Also in 2018, members of the Ombudsman's staff met with colleagues from the ECA to discuss the issue of languages used in public consultations. This followed a number of Ombudsman inquiries on the matter. The ECA subsequently issued its Special report no 14/2019: 'Have your say!' on the Commission's public consultations and its services thanked the Ombudsman staff for their helpful input on the matter.

Conflict of Interests (Rules and control mechanism)

58. What measures / rules has (or had been introduced in 2018) the Ombudsman to prevent and fight conflict of interests? How did those rules change until today?

The Ombudsman adopted (a) a Decision on internal rules concerning the exercise of an occupational activity after leaving the service (Article 16 of the SR) in 2016 and (b) a Guide on Ethics and Good Conduct for the Ombudsman's Staff in 2017.

Concerning (a) all colleagues leaving the office receive relevant information in a letter and are reminded of their obligations.

Concerning (b) all new staff members and trainees are asked to fill in a declaration of interest form. Relevant information is communicated to their line managers and the staff members responsible for assigning cases to ensure that conflict of interest situations do not arise.

Additionally, a session on ethics covering matters such as harassment, ethical conduct and behaviour, whistleblowing, conflicts of interest and external activities has become an integral part of the Ombudsman's induction training for both new staff members and trainees. It is also worth noting that the Office has a speaking engagement policy (adopted in 2017), which seeks to ensure transparency and to minimise any risk of conflict of interest.

Activities to Lower the Environmental footprint (EMAS rules, energy, water, paper consumption, CO2 offsetting)

59. Please present your activities and achieved results in this field.

The European Ombudsman has not commissioned a study on the institution's carbon footprint or environmental management so far due to its limited size and consequent margin of manoeuvre.

The European Ombudsman rents office space in buildings of the European Parliament and uses the infrastructure, including the IT infrastructure and canteens of the European Parliament.

To a large extent, the Ombudsman's environmental management is therefore directly linked to, and benefits from, the efforts made by Parliament in this area.

However, when it lies within its remit, the Ombudsman's office:

- carefully limits the missions of its staff by promoting the use of video-conference facilities including for inter-institutional meetings;
- encourages the use of train transportation for missions, or collective means of land transportation whenever several staff members have to go on mission together;
- actively promotes digitalisation to reduce the use of paper and facilitate the exchange and storage of documents;



- encourages the use of public transportation by providing financial support for yearly subscriptions and by limiting available car parking spaces;

The Ombudsman is also in the process of selecting two internal EMAS representatives to reinforce the day-to day cooperation with Parliament and to raise staff awareness.

Cybersecurity

60. What steps have you taken towards improving cybersecurity of your institution? Were any of these steps coordinated with any other EU institution or the Ombudsman has started taking such steps on its own initiative?

The European Ombudsman has taken the following steps in order to improve its cybersecurity.

Actions coordinated with the European Parliament:

- Keep Software up-to-date - All our software is updated regularly
- Anti-Virus Protection Software - Anti-virus deployed on all workstations and servers (automatic updates)
- Back-up of critical data - Use of NAS for file storage (backups every 2 hours). There is no local storage of user's data (roaming profiles).
- Secure the Infrastructure - Migration of all workstations to Windows 10, automatic security updates on server's operating systems, automatic security updates on all workstation's operating system, AppLocker application control policies deployed
- Implement Multi-Factor Authentication (coordinated with EP and EC) - Multi-Factor Authentication deployed for remote access/webmail, Multi-Factor Authentication deployed for inter-institutional tools
- Encryption (partly coordinated with EP and partly internally driven) - Use of encryption for secured communications and use of https for our Internet/extranet websites.

Ombudsman-specific actions:

- Invest in Security Training - Participation in ICT Security Conferences and Security trainings (CEH, ISO 27005)
- Raising Cybersecurity awareness among users - Posters on each floor/site and regular emails/intranet announcements on phishing etc...
- Identify Threats, Make a Plan, and Learn from Mistakes - Network security managed by EP-CERT and Local Systems Administrator (CERT-EU Local correspondent).



ANNEX I - Communications from the SG to staff concerning the staff satisfaction survey commissioned by the Staff Committee

1. Report on the meeting to discuss the 2019 Staff Committee staff satisfaction survey

16.09.2019

Chair: Secretary-General Cesira D'Aniello (CDA)

Present: All available staff (except members of the Cabinet)

CDA thanked the Staff Committee for having suggested a general meeting on the survey results. The idea was supported by the heads of unit and by the Ombudsman herself. CAB, while very interested in the survey and all the discussion around it, opted not to attend the meeting to encourage participants to debate the results as openly as possible.

CDA recalled that the staff survey had been largely positive with people generally happy to work for the institution, feeling recognised and encouraged to come forward with new ideas. The purpose of the meeting was to expand upon the actions that had been agreed subsequent to the survey results (see CDA's invitation of 9 September to the general meeting, at annex). In addition to those actions, as suggested during very useful meetings with colleagues in Strasbourg, CDA will also meet more frequently with teams and colleagues using video conferences.

CDA welcomed the constructive criticism contained in the survey as a useful contribution to the functioning of the office. She recalled her own open-door policy as a tool to encourage debate and suggestions.

CDA summed up the core requests arising from the survey as:

- More information sharing
- Encouraging a culture of feedback
- More creative thinking
- Overcoming silos within units
- Encouraging work across units
- Overcoming inconsistent work between units
- Encouraging cohesion
- Encouraging best practices

These points are fully endorsed by the Ombudsman, in line with the office philosophy and with Secretary-General's aims. Since the role of the heads of unit to make these points a reality within the office is crucial, a special seminar with management - planned well before the staff survey - will provide the opportunity for an in-depth discussion at management level in the next few months.



CDA addressed some specific points arising from the survey, such as concerns about mobility and internal communication.

With regard to mobility, the office is establishing practical ways to ensure that it can adapt quickly when people move to posts elsewhere in EU Institutions. CDA noted that mobility within an organisation is positive as new people bring new ideas. In particular, recent mobility has shown that the experience with the Ombudsman's office is valued and rewarded by the Institutions that have recruited our colleagues. It has also allowed fresh ideas to come to the office through our newly recruited staff.

On how to further improve internal communication, CDA recalled the numerous measures already introduced by the current ombudsman, including weekly management meetings, a weekly inquiry coordination meeting, a weekly meeting to discuss public interest cases, as well as the monthly internal newsletter, and regularly getting experts from other institutions to inform staff of their work (lunchtime sessions). CDA is open and glad to receive suggestions to further improve internal communication. CDA encouraged staff to help achieve a culture of open discussion - which includes, where necessary, constructive criticism. CDA also recalled that the Ombudsman keeps in constant contact with the Secretary-General, with CAB and with individual members of staff, and encourages open communication throughout the office. Whenever possible, the Ombudsman herself engages with individual members of staff.

On staff well-being, CDA stressed that she considers this and the exercise of the "duty of care" as top priorities. She strongly encouraged colleagues to speak to her or their heads of unit to raise any issue of concern and recalled that the office has appointed two ethics officers who are also at the disposal of the staff.

On the office structure and organisation, as part of her duties, the Secretary-General is continually reflecting on optimising the organisation of the office, as recently done with a series of seminars aimed at making case-handling more efficient and citizen-friendly. However, no specific structural changes are currently planned.

In reply to a question about staff appraisals, CDA noted that appraisals should become a professional development tool rather than just a promotion tool.

2. Note from the Secretary-General to all staff (by email 09/09/2019)

Dear colleagues,

In view of our meeting on 16 September, I would like to thank the staff committee for having organised the staff satisfaction survey, which is a useful contribution to the functioning of our office and an opportunity for open discussions. I carefully studied the survey results and had exchanges with the Ombudsman, the Cabinet, the HoUs, the staff committee and many colleagues.

I am glad to note that people are generally happy to work for this institution, enjoy the working conditions and feel recognised and encouraged to come forward with new ideas. This is consistent with the external recognition we receive for our work as well as for our increased visibility and impact. I am also grateful for the constructive



criticism expressed in the survey, which, with the full support of the Ombudsman, I am taking seriously.

Therefore, we have already agreed on some actions:

- The Ombudsman and her Cabinet members are happy to meet even more regularly with colleagues to talk about strategy, priorities, vision and how case handling should reflect this.
- The tools which the Ombudsman introduced to improve internal communication, such as meetings at all levels, case handling seminars, internal newsletter, lunch time sessions, etc. will be reviewed and further improved where necessary.
- We will continue to emphasise, with the crucial help of the Heads of Unit, the importance of encouraging information sharing, quality control, consistency, cross-unit cooperation and “out of the box” thinking.
- Issues concerning well-being at work are at the top of our priorities and will continue to be addressed, for example through further targeted training sessions and more visibility for our specifically trained ethics officers.
- The Ombudsman highly appreciates talent and hard work and tries her best to reward it. Job mobility to other institutions and internally are an important part of everybody’s career development. On these bases, we will refine our HR policy as well as the appraisal exercise accordingly.

Last, but not least, you all know that I pursue an open-door policy and that you are always welcome to pass by and share your thoughts and ideas.

Let us continue to do our work, to serve European citizens, to the best of our ability.

Best wishes,

Cesira D’Aniello



ANNEX II - Action plan for the implementation of the new data protection rules

Action	Description	State of Play
1	Revise decisions concerning the tasks, duties and powers of the DPO and on the administrative assignment of the DPO	Implemented
	DP matters part of welcoming package for new staff and trainees	Implemented
2	Adopt a template for records	implemented
3	Transform existing 'notifications' into 'records'	In progress
4	Update and seek ways to improve the privacy statements	Implemented
5	Include links to published privacy statements in as much template correspondence as appropriate	Implemented
6	Establish a central register of records of processing operations and decide on content	For 2020
9	Adopt a policy/procedure on the handling of data breaches	Implemented
10	Conduct a screening of processing operations and of notifications to the EDPS to identify those that may require a DPIA and conduct DPIA	Implemented
11	Train relevant staff in DPIA methodologies	In progress
	Consider adopting a template for DPIAs	In progress
12	Inform responsible staff about the fact that replies to data subjects exercising their rights need to be addressed within undue delay and within one month	Implemented
13	Identify processing operations that are based on consent and adopt measures appropriate to confirm free positive consent	Implemented
14	Establish a template for consent and keep the relevant documentation	No need identified
15	Reflect on the need to provide data subjects with information on their right to withdraw their consent at any time and take appropriate action	Implemented
16	Identify processing operations where technical and organisational measures need to be designed to apply DP principles such as DP by design and by default	Implemented
17	Take into account the use of privacy-friendly technologies by the processors, in the context of procurement procedures, as criteria for selection and award	Implemented
18	Ensure that the DPO is consulted timely and that the EDPS opinion on privacy by design is taken into account at early stages of a project	Implemented
19	Prepare clauses to be included in future contracts with external contractors concerning the processing of personal data by them	Implemented
20	Screen existing contracts to see whether issues of protection of personal data have been sufficiently addressed in them and/or whether action is necessary/possible to bring them into compliance with the new Regulation.	Implemented
21	Screen interinstitutional agreements/arrangements	Implemented
22	Identify cases of joint controllership as regards processing	Implemented



	operations conducted by the EO and prepare necessary arrangements	
23	Keep a record of assessments made in cases of transfers to third parties (other than EU institutions) to whom the GDPR applies on the necessity and proportionality of the transfer	Implemented
24	Review, and where necessary revise existing policies, in particular (i) the policy on dealing with personal data in a complaint or an inquiry that have not been obtained from the data subject, to ensure compliance with the requirement that restricting data subjects' rights will only be possible either by legal acts adopted on the basis of the Treaties or (ii) internal rules laid down by the office published in the Official Journal.	(i) Implemented; (ii) In progress