



Secretary-General

Report on the follow-up to the discharge for the financial year 2018¹

Note to the Committee on Budgetary Control of the European Parliament

In accordance with Article 319(3) of the TFEU and Article 166 of the Financial Regulation, the European Ombudsman has taken steps to act on the observations made in the framework of Parliament's discharge decision for the financial year 2018.

This follow-up report seeks to provide information and, where relevant, summarise the actions taken. The observations made in the resolution that require follow-up are set out below in italics and the corresponding responses are in the text boxes.

8. Observes, however, that there were unused appropriations in respect of several budget lines such as 'external meetings' (budget line B3-030) with EUR 13 514.61 unused out of EUR 45 000, 'publications' (budget line B3-210) with EUR 47 530.48 unused out of EUR 161 100, etc.; recalls the necessity for measures in order to minimize the budget over-estimates;

The Ombudsman acknowledges that some budget lines were underspent. This normally happens due to circumstances, normally of a practical nature, that could not have been foreseen and that result in the projects or events not being implemented as planned in the year in question. Whenever the underspending appears to be systemic, the Ombudsman reduces the appropriations requested in subsequent years. The budget line for publications for instance, was reduced proactively and progressively from EUR 219 000 in 2017 to EUR 123 000 in the 2021 draft budget.

¹ European Parliament decision of 13 May 2020 on discharge in respect of the implementation of the general budget of the European Union for the financial year 2018, Section VIII – European Ombudsman (2019/2062(DEC))



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

The Ombudsman's Office is constantly reviewing the efficiency of its processes and is seeking to optimise work allocation. As part of this effort, it continues to consider, where possible, adopting corporate solutions, with a view to reallocating resources to its core activities. This, in turn, requires increased stability of the workforce and experienced staff. Developments in the collaboration on administrative matters with the European Commission and the Paymaster Office, in particular, have made it possible to reduce the workload in several administrative fields and to reallocate staff to complaint handling. This, in turn, has contributed to efficiency gains in our case-handling processes, as shown by the case handling KPI results in 2019, which were all above the previous year's results:

- Decision on admissibility taken within one month in 91% of cases (90% in 2018)
- Inquiry closed within 6 months in 63% of cases (57% in 2018)
- Inquiry closed within 18 months in 90% of cases (88% in 2018).

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

Translation costs can fluctuate from one year to the next. While it is possible to anticipate the costs related to communication and annual accountability documents, the translation needs regarding the core work of the office is more difficult to predict. These costs may vary considerably according to the complaints we receive and the strategic work we carry out.

The increase in 2018 compared to 2017, for instance, is due to the translation of two public consultations (including one on multilingualism), which inherently had to be made available in all EU languages, and the translation of a special report to the European Parliament, for which translation into all official languages is a procedural requirement. While we made every effort to keep the documents in question as short as possible, the overall cost for the translation of the three documents amounted to almost EUR 75 000.



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

The Ombudsman endeavours to create a gender-balanced working environment and this factor is taken into consideration in every recruitment procedure. The share of male applicants in these procedures almost systematically reflects the unbalance referred to in Parliament's observation. The office will reflect on how to take a more proactive approach to this issue.

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

At the end of 2019, the number of managers was seven of five different nationalities (German, Irish, Italian, Polish and Swedish). In the course of 2020, the office will undergo a reorganisation to increase its efficiency even further through enhanced collaboration and better use of talents. This will result in a further reduction of the number of managers. The Ombudsman will nevertheless, and to the extent possible, continue to strive for geographical balance.

13. Welcomes the Ombudsman's efforts in relation to the new gender policy but regrets the disparity between the average training days per gender: 6.80 for men compared to 5.90 for women;

Training is organised according to needs as defined together by the managers and the staff members on a yearly basis. These figures may therefore slightly fluctuate from one year to another. A longer-term perspective gives a more balanced picture: in 2017, the figures were 6.91 days for men and 6.42 days for women while, in 2019, they were 5.63 days and 5.53 days, respectively. The Ombudsman has introduced reporting tools on training allowing for closer monitoring of qualitative parameters (gender, grade, status etc.).



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

The Ombudsman strives to provide an inclusive working environment. To this extent, the most recent update on the office's diversity policy, which addresses disability and gender balance, amongst others, is ongoing. The Office's Guidelines for the implementation of the anti-harassment policy were also finalised in 2019. Additionally, several HR policies and decisions were already finalised in 2019 (for ex. back to school, reimbursement of removal expenses, part time work, return to work after long sick leave) while the drafting of others, including on external activities, is ongoing.

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

The concrete measures taken in 2019 to provide a work environment where all staff members are treated with courtesy, dignity and respect are set out below. The Ombudsman's office finalised a strategic initiative SI/2/2018/AMF on dignity at work in the EU institutions and agencies in December 2018. It strives to lead as a best-practice example in the harassment prevention. Raising staff awareness on harassment matters has become a priority for the Office. To this end, the Office organised, in 2019, a mandatory training for all staff on 'dignity and respect at work'. It also organised tailor made trainings for the office's ethics correspondents and conciliation committee members to prepare them for carrying out their functions in the context of the office's anti-harassment policy (informal procedure). Furthermore, Guidelines for implementing the EO office's anti-harassment policy were adopted in 2019 and published on the Office's intranet. Finally, a session on ethics covering matters such as ethical conduct and behaviour, harassment, whistleblowing, conflicts of interest, and external activities has become an integral part of the Ombudsman's induction training for new staff members as well as trainees.



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

The Ombudsman takes very seriously all of Parliament's remarks in the budget discharge procedure. The office will ensure that it provides as much information as possible in reply to Parliament's observations in the future. Where the timing of the discharge procedure does not make it possible to provide all relevant follow-up in the Annual Activity Report of the following year, the Ombudsman will provide it in a separate follow-up report later in the year.

In the meantime, further information on the follow-up given to outstanding points made in the Decision on the 2017 Discharge was included in the 2019 Annual Activity Report in the section entitled 'Follow up to 2017 Discharge' and in a new section entitled 'Ethics'.

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

As mentioned in the Putting it Right report and in the 2019 AAR (section II.3.B), the report records compliance with the Ombudsman's proposals at a particular point in time. As a result, it does not capture change that occurs more slowly and which is often the result of wider investigations that take time for the institutions to consider. In other instances, the pressure exerted by a particular investigation focuses greater public attention on an issue and this in turn can lead to the reversal of a negative response to a recommendation at a later stage. The office is currently examining how to measure this broader impact, which would be a clearer reflection of the extent to which the EU institutions effect change as a result of Ombudsman inquiries.

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

The Ombudsman will continue to cooperate closely with Parliament and to keep it informed of instances of maladministration it encounters in the EU institutions. The Ombudsman provides a detailed account of how the



institutions comply with her recommendations and suggestions in the annual 'Putting it Right' report. This report is systematically annexed to the Annual Activity Report and sent to all the institutions concerned. Where relevant, the Ombudsman also shares her recommendations in individual cases with the responsible EP Committee and the Committee on Petitions.

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

As mentioned in the resolution, the list of the Ombudsman's missions, including the destination, purpose and the detailed costs is published on the Ombudsman's [website](#) every semester. This has been the case since 2014. The Ombudsman welcomes the Parliament's suggestion and has included the information found online for the year 2019 in the 2019 AAR and will include it also in future AARs.

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

In 2018, the DPO produced an Action Plan for the EU DPR. On that basis, an Implementation table was prepared to monitor progress. Almost all actions have since been implemented, including the establishment of a central register of records of processing operations, which is available on the Ombudsman's [website](#). Records are added to the register as they become available. Out of the 24 actions identified, four actions still need to be followed-up in 2020:

- (i) Action 3 "Transform existing 'notifications' into 'records'", where work by the different departments of the Office is ongoing;
- (ii) Action 4 "Update and seek ways to improve the privacy statements", which is connected to the above Action 3;
- (iii) Action 11 "Train relevant staff in Data Protection Impact Assessment ('DPIA') methodologies and consider adopting a template for DPIAs". This action was put on hold because no immediate need for a DPIA has been identified yet; work on a template is ongoing; and
- (iv) Action 24 "Restricting data subjects' rights by means of internal rules laid down by the office and published in the Official Journal"; a draft of the relevant internal rules has been sent to the EDPS for consultation.



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

The Ombudsman uses and promotes the use of open-source software. The European Ombudsman's website, for example, uses only open-source software such as Java, Tomcat, Angular, Elasticsearch (more details are available at: <https://www.ombudsman.europa.eu/en/technicalnotes/en>). In addition, the European Ombudsman also uses open-source software for internal tools such as the ticketing system (Atlassian Jira), the wiki (Atlassian Confluence) or the online survey tool (LimeSurvey). For each new IT project, we systematically investigate in order to use, in priority, open-source software, when available and suitable for our needs.

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

The Ombudsman supports the importance of data protection, and is committed to applying the measures and principles set by Regulation 2018/1725. The Ombudsman will also work - in synergy with the other EU institutions - on further enhancing the awareness of the users on the importance of online data protection. The Ombudsman will in the future establish a presence on any additional free, open-source social media network that may help it reach its desired target audience and its communication and institutional objectives.

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

The Ombudsman's office is well advanced in terms of the digitalisation of its services. The measures we had to take at short notice to ensure business continuity in response to the COVID-19 crisis have shown that the office is able to carry out all of its work remotely and paperless. The complaint-handling procedures are fully digital in terms of our internal records and workflows as well as our communications with institutions and other external stakeholders (except where complainants communicate with us in paper



form). Administrative and financial files are, for the most part, also dealt with electronically only. Finally, in 2019, the recruitment processes were also fully digitalised with all job and traineeship applications being submitted online.

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

The Ombudsman continues to be committed to reducing its environmental footprint. As an example, the Ombudsman's office is equipped with videoconference facilities, which it uses extensively for internal and interinstitutional meetings, and which have made it possible to reduce missions. The teleworking policy, which is used by many staff members (and even all staff during the COVID-19 crisis) also limits individual transportation. Finally, the office is well advanced in terms of digitalising its processes (see our reply to point 31 above).

The Ombudsman will include new information on these matters in future AARs, starting from 2020 (when the resolution on the 2018 discharge was adopted, the Ombudsman had already submitted its AAR for 2019).

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

The Ombudsman is following the process for the revision of the Ombudsman's Statute closely and remains at the disposal of all the parties involved to provide technical input, if needed. Once a new regulation governing the performance of the Ombudsman's duties has been adopted, the Ombudsman will review its implementing provisions accordingly. Any developments in this regard will be included in future AARs.

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

The Ombudsman intends to draw up a report on the effectiveness of the Fast-Track procedure at the end of 2020 and will share it with the other EU institutions and bodies.



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

The Ombudsman's Office takes an active participation in a number of interinstitutional meetings and committees which serve the purpose of exchanging information and best practices and adopting common approaches, where possible, on general administrative, financial, personnel and IT matters (CCA-Collège des Chefs d'Administration CPQS-Comité de Préparation des Questions Statutaires, CPQBF-Comité de Préparation des Questions Budgétaires et Financières, CII-Comité Interinstitutionnel Informatique, steering committees for corporate tools such as SYSPER, NAP...)

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