

# **European Ombudsman Annual Report 2019**

# Table of contents

<b>Introduction</b>	<b>4</b>
<b>1 2019 at a glance</b>	<b>5</b>
<b>2 Key topics</b>	<b>6</b>
2.1 Accountability in EU decision making	6
2.2 Lobbying transparency	10
2.3 Access to documents	11
2.4 Fundamental rights	12
2.5 Ethical issues	13
2.6 EU agencies and other bodies	14
2.7 EU contracts and grants	16
2.8 Citizen participation in EU policy making	16
<b>3 Communication and cooperation</b>	<b>18</b>
3.1 Communication	18
3.2 Relations with EU institutions	19
3.3 European Network of Ombudsmen	23
3.4 Award for Good Administration	27
<b>4 Cases and complaints: how we serve the public</b>	<b>30</b>
4.1 Type and source of complaints	30
4.2 Against whom?	31
4.3 About what?	31
4.4 Results achieved	32
4.5 Compliance with the Ombudsman's proposals	32
<b>5 Election of the European Ombudsman</b>	<b>33</b>
<b>6 Resources</b>	<b>34</b>
6.1 Budget	34
6.2 Use of resources	34

# Introduction

It is a great pleasure to present the work of the European Ombudsman's Office in 2019, which this Annual Report captures.

Dealing with complaints remains the core business of the Ombudsman's Office. In 2019, we continued to receive a high number of complaints from members of the public, civil society, businesses and media. I believe that this should not be taken as a sign that the EU administration is performing poorly but, rather, as result of ever-increasing awareness of the work my Office does and the positive outcomes we can achieve.

The effectiveness of ombudsman institutions depends on having constructive relationships with the organisations whose work they scrutinise. To this end, I welcome the continued cooperation of the EU institutions, agencies and bodies for their cooperation.

In particular, I appreciate the ongoing support and constructive relationship with the European Parliament and the Committee on Petitions. In January 2019, Parliament gave its overwhelming support to the Special Report concerning the accountability of the Council and the transparency of how it deals with legislation.

As I have stated previously, I believe this is a crucial issue for the EU's credibility. Making the law-making process more transparent can help dismantle myths that national governments or Member States are merely 'law takers' from Brussels.

While the Council has yet to implement the recommendations set out in the Special Report, there is growing support among Member State governments for greater transparency concerning the work of Council's legislative bodies.

Building on this, I also launched a number of more specific inquiries into the EU policy- and law-making process. These included: how the Eurogroup deals with documents detailing its work, and whether these are available to the public; the lack of transparency in the annual decisions on fishing quotas by Member State governments in the Council; and the failure to provide public access to the positions taken by national authorities on the risk of pesticides to bees in the EU committee responsible for this.

We have continued to make progress in improving the efficiency of how the Office deals with complaints. The average time of inquiries has fallen, and the 'Fast-Track' procedure for access to documents requests has led to good results for complainants.

In April, we hosted the annual conference of the European Network of Ombudsmen. The conference took place in the European Parliament and, ahead of the European elections, the main theme was how to strengthen the participation of citizens in the democratic process.

In June, I was delighted to present the winners of the second edition of the Award for Good Administration. The award saw 54 inspiring projects nominated from the main EU institutions, as well as many agencies and other bodies. The overall Award for Good Administration went to the teams from the European Commission that worked on the EU initiative to reduce plastic pollution and raise awareness about the problem.

## Introduction

This is just a snapshot of the activities of my Office in 2019, which this report describes in further detail. It is also the final report of my first term as Ombudsman. I am honoured that the European Parliament, in December, elected me to serve a second term.

In 2020, I will be setting out the strategy for my second term as Ombudsman. However, the broad themes will remain the same: continuing to deliver for European citizens and ensuring the EU institutions operate to the highest administrative standards, while promoting transparency and ethics.



Emily O'Reilly

DRAFT

# 1 2019 at a glance

## January

[European Parliament backs Ombudsman proposals on Council legislative transparency](#)

## February

[Ombudsman praises EU record on Brexit transparency](#)

## March

[Ombudsman makes proposals for how to improve EU institutions' implementation of revolving door rules](#)

## April

[European Network of Ombudsmen conference in Brussels](#)

## May

[Annual press conference – focus on transparency in Member State decision-making](#)

## June

[Award for Good Administration given to European Commission for its strategy to reduce plastics pollution](#)

## July

[Decision on how the European Medicines Agency handles meetings with pharmaceutical companies](#)

## August

[European External Action Service agrees to grant increased access to information about the advisory body, the Global Tech Panel](#)

## September

[Annual Report 2018 presented to the European Parliament's Committee on Petitions](#)

## October

[Ombudsman asks Council for proactive transparency around documents related to the setting of annual fish quotas](#)

## November

[Ombudsman speaks at conference marking the 10th anniversary of the EU Charter of Fundamental Rights](#)

## December

[European Ombudsman election](#)

## 2 Key topics

The European Ombudsman helps members of the public as they engage with the EU institutions, bodies and agencies. Problems that arise range from lack of transparency in decision-making or refusal of access to documents to violations of fundamental rights to contractual issues.

### 2.1 Accountability in EU decision making

For European citizens to exercise their democratic right to participate in the EU's decision-making process, and hold those involved to account, legislative deliberations must be sufficiently transparent.

The Ombudsman made a series of [recommendations](#) to the Council of the European Union to improve the transparency of its legislative process. The European Parliament overwhelmingly backed the Ombudsman's proposals in early 2019. The inquiry and its support prompted more reflections about transparency in the Council. Ten Member States took the lead, backing an inter-institutional legislative database, and suggesting that guidelines on marking documents as restricted from public access be updated, and that the outcome of negotiations on draft laws be proactively published. The Ombudsman [welcomed](#) the informal paper noting that *"it is important to recognise the link between a lack of citizen understanding and engagement on the one hand and a corresponding lack of trust on the other hand which can fuel an anti-EU culture"*.

How national governments take decisions in Brussels was the focus of several other Ombudsman inquiries. Following a [complaint](#) by French civil society group POLLINIS, the Ombudsman asked the Commission to make available Member State positions on guidance for assessing the risk of pesticides to bees. The European Food Safety Authority drew up the guidance in 2013 but it has yet to be adopted due to disagreement among national authorities. The Ombudsman noted that granting wider access to such documents is necessary to ensure that European citizens can exercise their Treaty-based right to participate in the EU's democratic process. The Commission refused to follow the Ombudsman's suggestion, but said it would continue to reflect on how to ensure further transparency in such decisions. The Ombudsman closed the case, confirming her finding of maladministration, and stating that she would continue to closely monitor progress.

## 2 Key topics



T1: EO

Risk assessment of pesticides on bees – public access to Member States positions: we have received over 400 messages in support of our inquiry. We appreciate the encouragement! Following the reply from the European Commission, we are considering the next steps.

A complaint by NGO ClientEarth led the Ombudsman to ask the Council to make available to the public documents related to Member State annual decisions on fishing quotas. These decisions set the total allowable catches (TACs) of certain fish stocks in the Northeast Atlantic. In her assessment of the case, the Ombudsman wrote that to ensure accountability *“it is essential for the public to have access to the various options and positions that are being discussed”*.

In mid-2019, the Ombudsman turned her attention to the bodies that prepare the meetings of the Eurogroup, where Eurozone finance ministers meet. She asked Eurogroup President Mário Centeno to take a more ambitious approach to the transparency of the Euro Working Group. In response, Eurozone finance ministers agreed that the draft agendas of Eurogroup meetings will be published earlier in advance than previously and that the letter summarising the meetings will be more detailed.



T2: EO

Eurogroup President Mário Centeno agrees to improve transparency in his institution after our request. We welcome that he will make public: agendas well ahead of meetings; more info in summing-up notes; Europe Working Group meeting dates...

## 2 Key topics

They also agreed that the dates of the Euro Working Group meetings will be published and that its website will provide more information about what the working group does.

Part of an ombudsman's role is to make sure standards are maintained and that commitments by an administration to improve areas of its work are actually carried out. This can be achieved through complaint-based inquiries or the ombudsman can act on her own initiative to follow up on previous inquiries.

One such example of this in the Ombudsman's work concerned expert groups, which give specialist advice to the Commission in various policy areas. In 2017, the Ombudsman carried out a major analysis into the Commission's system of expert groups, which led to important transparency improvements. However, the Ombudsman subsequently received a complaint concerning the information made available by the Commission about the As-If Programme Committee for Defence Research, which advises the Commission on defence research. The complainant, an NGO called Vredesactie, contended that the Commission had not made available some important information about the group, such as the minutes of a meeting and comments from attendees at previous meetings. In the context of the Ombudsman's inquiry, the Commission updated the register by adding meeting agendas and minutes, and made a commitment to avoid future delays. It also agreed to assess which background documents can be published on the register.

The Ombudsman closed a two-year long [initiative](#) monitoring the Brexit negotiations by praising the generally high level of transparency. She urged the Commission and Council to maintain these standards in any future negotiations on the relationship between the EU and the UK. Positive steps by the Commission's Brexit Taskforce include the publication of over 100 negotiating documents, making the Chief Negotiator's calendar publicly available, and meeting only registered lobbyists. The Taskforce had a transparent working process, which was determined by the European Council.



T3: European Commission

Transparency in the Brexit negotiations is one of our priorities.

The European Ombudsman has commended our work including the publication of more than 100 negotiating documents, making Michel Barnier's calendar publicly available, and meeting only registered lobbyists.



## 2 Key topics

### 2.2 Lobbying transparency

In a major analysis of how the European Commission implements its rules on revolving doors, the Ombudsman found it fell short in some key respects. She therefore made a number of [proposals](#) to ensure a more systematic and effective approach to dealing with former staff members moving to the private sector or people moving from the private sector into the Commission. The Ombudsman's aim is to prevent situations such as the lobbying of former colleagues or inappropriate access to confidential information. The Commission pledged to put in place many of the Ombudsman's proposals. These included asking the person moving to the private sector to provide more information about the organisation they are going to, and more detail about the nature of their new job.



T4: Aidan O'Sullivan

In 2015, the European Ombudsman urged the president of the European Commission, Jean-Claude Juncker, for more transparency on assessments of new Commissioner jobs. Today it was implemented for the first time.

The Ombudsman also looked into the transparency of 'advisory bodies' that influence the development of EU policy. The [inquiry](#) concerned the Group of Personalities' which was set up by the Commission to help advise on how the EU can support research related to the Common Security and Defence Policy. An NGO, the European Network Against Arms Trade, complained to the Ombudsman about the lack of transparency around the Group of Personalities. The Ombudsman found that, given the group's purpose, it should apply the same transparency standards as typical 'expert groups', which advise the Commission on policy. The Commission responded positively, committing to publish the meeting agendas, minutes and participants' submissions for the previous group, and pledging that, for any future such groups, it would apply the same transparency standards as expert groups.

Following a complaint-based [inquiry](#) the Ombudsman asked the General Secretariat of the Council of the EU to keep a full record of any meetings held between lobbyists and the President of the European Council and/or members of his cabinet. She also said that members of the President's cabinet should only meet with, or attend events organised by, interest representatives that are registered in the Transparency Register.



T5: EO

We welcome the European Council President's publication of meetings with lobbyists; however, the next European Council President should also publish their cabinet's meetings with lobbyists.

## 2 Key topics

### 2.3 Access to documents

As has been the case for several years, the greatest proportion of inquiries concern transparency, including access to document cases. These complainants are looking for documents ranging from minutes of meetings, to legal opinions and preparatory documents. When considering these inquiries the Ombudsman takes into account whether there is an overriding public interest in favour of granting public access or whether other factors outweigh this, such as when the documents are related to an ongoing investigation by an institution.

An academic [complained](#) to the Ombudsman after the European Securities and Markets Authority (ESMA) withheld access to certain documents concerning meetings it had with industry representatives on a particular issue. The Ombudsman looked into the matter and found that ESMA held internal notes about these meetings, which it should have considered disclosing. ESMA then partially released eight documents. The Ombudsman asked that, in the future, ESMA indicate whether its online library of information for the public contains detailed records of its meetings with lobbyists.

Another case [concerned](#) documents related to meetings between the Commissioner for Justice Consumers and Gender Equality and lobbyists. After the Commission failed to answer the request for six months, the complainant turned to the Ombudsman. After the Ombudsman opened an inquiry, the Commission then granted partial access to the documents, allowing the Ombudsman to close the case.

In a series of other inquiries, the Ombudsman found that public access should be granted to the requested documents. These included the Commission's [legal opinion](#) on the establishment of a European Public Prosecutors Office; a [report](#) by the European Anti-Fraud Office (OLAF) – held by the European Investment Bank (EIB) – on how money lent to German car-maker Volkswagen was used to make devices that produced misleading results in emissions tests; and European Parliament [documents](#) related to the revision of the list of expenses that can be covered by allowances payments to MEPs.

### 2.4 Fundamental rights

The Ombudsman regularly receives complaints concerning fundamental rights such as equality, non-discrimination and the right to be heard.

The Ombudsman dealt with a [case](#) concerning how the European Asylum Support Office's (EASO) interpreters and interviewers conduct interviews with asylum seekers. The complainant, NGO Advocates Abroad, raised serious concerns about a specific interview with an asylum seeker, who was subsequently deported. EASO acknowledged that the interviewer had pursued an inappropriate line of questioning and that there had been problems with the interpreter.

In response, EASO said it would set up a complaints mechanism, a step welcomed by the Ombudsman who noted the mechanism should be put in place as soon as possible. To prevent similar problems in the future, the Ombudsman asked EASO to immediately and systematically inform national authorities if it discovers that significant errors have been made during interviews with asylum seekers.

## 2 Key topics

Another case concerned how the Commission handled a [complaint](#) about Italy's possible infringement of the Race Equality Directive and the housing conditions of Romani people. The complainant, Amnesty International, brought the issue to the Commission in 2012. The Commission subsequently opened an 'EU Pilot' procedure to investigate the matter. After nearly six years, the Commission had still not taken a decision on whether to launch formal infringement proceedings against Italy – a delay that prompted the NGO to take the issue to the Ombudsman. The Ombudsman found that the delay was not unjustified, but urged the Commission to take a position on the matter as soon as possible.

Following information received from staff members, the Ombudsman [wrote](#) to the Parliament, Council and Commission asking them to inform her about their internal policies regarding the leave rights of staff members who become parents through surrogacy. The initiative aimed to assist the EU institutions in protecting the best interests of children in their staff policies. The staff members that contacted the Ombudsman had drawn attention to inconsistencies between the different EU institutions in the area of leave rights for staff members that become parents through surrogacy.



T6: Dan Merly-Sobovitz

Thank you, European Ombudsman, for taking a moral stance on the equality of LGTB and surrogacy children. Unfortunately, this Strategic Investigation is too late for my children, but I hope it will pave the way for the future.

The Commission replied that, since 2012, its standard practice has been to grant, on an *ad hoc* basis, 20 weeks leave, the same as is granted to staff becoming parents through adoption. It stated that it intends to formalise this practice. The Council replied that it would follow the practice of the Commission, while the Parliament said it was prepared to engage in inter-institutional dialogue to find a common approach to the matter.

Another inquiry resulted in the Commission changing its practice for assessing academic qualifications. The change came after a [complaint](#) concerning the Commission's decision to reject an application for a traineeship as the person had obtained his bachelor's degree in two years instead of three. While the inquiry was ongoing, the Commission admitted the complainant to the selection procedure and now accepts applicants who have obtained a standard bachelor's degree in less than three years.

## 2 Key topics



T7: EO

The European Commission changed its practice for assessing the academic qualifications of applicants for a traineeship.

Do you have a three-year degree obtained in less than three years? You are now eligible to apply!

## 2.5 Ethical issues

The EU public administration has many rules in place to prevent conflicts of interest or other ethical breaches. The Ombudsman's role is to make sure the rules are implemented, as well as to help institutions avoid any perception that ethical slips could occur.

NGO foodwatch **complained** to the Ombudsman about the corporate sponsorship of the Romanian EU Presidency. The Ombudsman asked the Council to consider amending its guidelines for Member States holding EU presidencies to address the issue of private sponsorship.

An **inquiry** into the European Food Safety Authority's (EFSA) refusal to grant public access to the declarations of interest of its middle management staff resulted in EFSA adopting a new transparency policy. Under the revised policy, the declarations of interest of its entire operational management are made publicly available. EFSA also followed the Ombudsman's request to make public the declarations of interest of its Chief Scientist, Senior Science Coordinator and Senior Policy Adviser. The Ombudsman was pleased to note that EFSA also has in place an appropriate system for processing access to document requests.

The Ombudsman **confirmed** her finding that the process leading to the appointment of the Commission's highest civil servant was marred by four incidences of maladministration. She asked the Commission to put in place a specific procedure for appointing its Secretary-General to avoid a similar situation recurring. This should include publishing the vacancy notice and putting the appointment on the agenda of the weekly meeting of Commissioners early enough in advance that it can be properly discussed. Towards the end of 2019, the Commission did as the Ombudsman recommended, by initiating a specific appointment procedure for the post of Secretary-General, including a vacancy notice and a well-defined timeline.

## 2 Key topics

### 2.6 EU agencies and other bodies

Over the years, the Ombudsman has carried out several inquiries involving the European Medicines Agency (EMA) in a bid to improve transparency around issues concerning public health. This has led to greater transparency in areas such as clinical trials. Building on this good cooperation with EMA, the Ombudsman opened an own initiative inquiry into how EMA engages with pharmaceutical companies before they apply for authorisations to market their medicines. The inquiry, which also included a public consultation, led EMA to introduce measures to improve the independence and objectivity of the process. [EMA agreed](#) to introduce a log of the scientific advice concerning medicines in the market authorisation process. This advice will be made public once the medicine is approved for sale in Europe. EMA has also said that, to the greatest extent possible, the experts that are prominently involved in advising pharmaceutical companies in the pre-market application phase will not be those that draft EMA's evaluation report for a new medicine.



T8: The Consumer Voice

Great that the European Medicines Agency agrees to make scientific advice on medicines more transparent and independent. To truly boost consumers' trust in medicines, reports about interactions between the EMA and pharmaceutical companies must go into the details, as we have asked before.

A Spanish company [complained](#) to the Ombudsman after the European Union Agency for Network and Information Security (ENISA) failed to reply to the questions it submitted while preparing its tender for a contract to organise an event, whereas ENISA had replied to the questions from another tenderer. The Ombudsman found maladministration and recommended that ENISA compensate the complainant for the time and resources invested in preparing its tender. ENISA accepted the Ombudsman's proposal and offered the company an 'ex-gratia' payment of EUR 2 500. The complainant was satisfied with the outcome and the Ombudsman closed the case.

The European External Action Service was the subject of a [complaint](#) after it refused to grant full public access to documents concerning the Global Tech Panel, a panel bringing together leaders from the worlds of technology, civil society and diplomacy to address global challenges. An investigative journalist had asked for access to all document related to the panel. He turned to the Ombudsman as the EEAS, while granting access to four documents, had blacked-out considerable parts of the documents. In a step welcomed by the Ombudsman, the EEAS agreed to disclose more of the content of the documents.



## 2 Key topics



T9: EO

We welcome the European External Action Service's decision to grant an investigative journalist increased access to the Global Tech Panel documents, as a result of one of our inquiries.

## 2.7 EU contracts and grants

Each year the Ombudsman deals with various cases concerning how the Commission managed EU-funded projects, usually based on issues following audits. If a problem is revealed by an audit, the Commission has a duty to recover the funds. However, sometimes, due to misunderstandings or mistakes in the audit, the recovery of funds may not be justified. The Ombudsman is in a good position to help find solutions in such cases, as she has the power to inspect all the related documents.

A German company turned to the Ombudsman after the Commission recovered around EUR 100 000 from it. Between 2010 and 2014, the company participated in an EU-funded project in Namibia, which aimed to develop the capacity of Namibia's national authorities to manage EU funds and programmes. The Commission recovered the money after an audit deemed costs related to personnel were ineligible, as some employees did not have the correct qualifications and some worked on public holidays, in breach of Namibian law. The Ombudsman pointed out that although the contract had recommended that employees have such qualifications, this was not a requirement. Following the Ombudsman's intervention, the Commission paid EUR 97 461 to the complainant.

Another case concerned how the European Commission dealt with an audit of expenditure claimed in three EU-funded projects. The Commission asked the complainant to provide more evidence to substantiate the costs for personnel and other activities. It then decided to reclaim the personnel costs as it found the additional documents submitted by the complainant did not provide sufficiently reliable information. The Ombudsman found the Commission had acted disproportionately by rejecting all the personnel costs. To avoid similar incidences happening in the future, she asked the Commission to set out a clear list of documents that can serve as trusted alternative evidence, in case the time-recording system used by an organisation carrying out a project or contract is subsequently found to be unreliable by an audit.

The Ombudsman can also look into problems with procurement procedures. One case concerned the procurement procedure for an EU-funded contract, managed by the EU Delegation in Bolivia. The delegation told the complainant, a German consultancy firm, that it had been awarded the contract, but that it would not be signed until an obligatory seven-day 'standstill' period had passed. The complainant was told that, if information received during

## 2 Key topics

the standstill period justified a more detailed examination of the tenders, it would be immediately notified. A month later the delegation informed the complainant that it had chosen a company whose tender had originally been rejected. The Ombudsman found that there was no maladministration in how the delegation had evaluated the tender that had originally been rejected. However, she took the view that the delegation should have informed the complainant that it had received information from another tenderer during the standstill period that could have an impact on the award of the contract. At the Ombudsman's request, the delegation said it would compensate the complainant for time and resources spent, after the standstill period, on preparing supporting documents for the tender.

## 2.8 Citizen participation in EU policy making

The Ombudsman insists on the citizen's right to be involved in the EU's democratic process, such as by taking part in public consultations, or finding out information about policies or laws. People can do this only if they feel that the EU's public administration is also working for them. This implies that the public should be able to effectively communicate with the EU administration in the EU's 24 official languages.

To this end, the Ombudsman drew up draft guidelines on the use of languages on the websites of EU institutions, based on the 286 replies to her [public consultation](#) on the matter. The guidelines were sent to a range of EU bodies for comment, most of which replied before the end of the year. The Ombudsman aims to finalise the guidelines in the first part of 2020. They include proposals that institutions have a specific language policy, that members of the public can receive a reply in the same EU official language in which they wrote to an institution, and that institutions consider the use of machine translation where possible.



T10: EO

Our multilingual staff is ready to help you in any of the EU's 24 languages. Happy European day of languages!

The Ombudsman has also used complaint-based inquiries to promote the goal of ensuring that the EU's official languages are used by the institutions as widely as possible. A small business in France [complained](#) to the Ombudsman that the Commission's webpages on 'novel foods' – types of foods that are produced by new methods – were in English only. During the Ombudsman's inquiry, the Commission started translating into more languages the information on the procedure for authorising novel foods. The webpages were also revised to include the information that applications may be submitted in any EU language.

## 3 Communication and cooperation

### 3.1 Communication

The Ombudsman's Office strengthened its online communications in 2019 by using the homepage of the European Ombudsman website to highlight successful inquiries. The top story on the website is updated on a regular basis to present updates related to an Ombudsman inquiry. This gives the public easy-to-understand information on the Ombudsman's activities. Examples include a story on the measures taken by the [European Medicines Agency](#) in response to an Ombudsman inquiry, making scientific advice on medicines more transparent and independent, and a [message](#) to thank hundreds of people who contacted the Ombudsman to express support and encouragement for a specific inquiry.

The Ombudsman's activities on Twitter, LinkedIn and Instagram also increased. The Office uses these social media channels to provide information in a clear and engaging manner on what the office does, who it helps, and its achievements. The social media channels also drew attention to the Ombudsman's role on broader issues, such as in monitoring the application of the UN Convention on the Rights of Persons with Disabilities, and joined the other EU institutions in celebrating significant dates, such as the 10th anniversary of the EU Charter of Fundamental Rights.

In 2019, the fastest-growing channel was Instagram. The audience grew by 47% during the year. On LinkedIn, the number of followers increased by 21%, while on Twitter, where the office has the largest audience, the number of followers went from 22 600 at the end of 2018 to 26 300 in December 2019, which represents a 16% increase.



Video 1:

**The European Ombudsman, Emily O'Reilly, made a video encouraging citizens to vote in the European Elections in May 2019.**

The main offline communications event for the Ombudsman is the annual press conference at which the Ombudsman presents the annual report of the previous year and announces significant new inquiries. In 2019, the press conference focused on the transparency of Member State decision making in Brussels, including the decision to make a Special Report on Council Transparency to the European Parliament.



## 3.2 Relations with EU institutions

### 3.2.1 European Parliament.

The European Parliament is a strong and necessary partner to the European Ombudsman. The Parliament elects the Ombudsman, and its Committee on Petitions holds the Ombudsman to account. In 2019, the European Parliament supported the Ombudsman on her Special Report on Council Transparency with a resolution that was overwhelmingly endorsed by Parliament's plenary. The new European Parliament took office after being elected in May 2019. Since then, the Ombudsman has held meetings with Parliament President David Sassoli and new MEPs from all major political groups. During 2019, the Ombudsman addressed the Parliament's plenary session and spoke, upon invitation, before several committees during regular meetings and specialised hearings. In 2019, Parliament re-elected the incumbent Ombudsman, Emily O'Reilly, for a second mandate. The Ombudsman looks forward to continuing the fruitful relationship with the Parliament in 2020.



T12: EP President David Sassoli

Congratulations to Emily O'Reilly on her reappointment as European Ombudsman. I look forward to working with her to increase transparency in the European Union institutions and build citizens' trust.

### 3.2.2 Committee on Petitions

The Committee on Petitions and the Ombudsman continued to have a close working relationship in 2019 in order to ensure that citizens' concerns are addressed at the appropriate levels. Whereas the Ombudsman deals with complaints against EU institutions, bodies and agencies, the Committee on Petitions deals with petitions concerning the EU's areas of activity across Europe. The Ombudsman welcomed the close cooperation with the previous Committee on Petitions, and is looking forward to working with the new Members over the coming years.

### 3 Communication and cooperation



T13: PETI Committee Press

The European Parliament Plenary approves the joint EP Committee on Petitions and EP Committee on Constitutional Affairs report on the European Ombudsman's inquiry on transparency in the preparatory bodies of the Council – 479/18/81.

#### 3.2.3 European Commission

As the biggest EU institution, with an enormous impact on the lives of millions of people, it is natural that a large percentage of the complaints to the Ombudsman concern the work of the Commission. The Commission is the executive arm of the EU's administrative work and, therefore, in the spotlight. The working relationship with the Commission bore fruit on several major inquiries and dialogue continues at all levels. In 2019, the new Commission College, under President Ursula von der Leyen, received its mandate from the European Parliament. The Ombudsman was pleased to see that Vice-President Věra Jourová's portfolio explicitly includes transparency and ethics, which is a new development.



**Photo 2:**  
Emily O'Reilly met with Michel Barnier, EU Chief Negotiator of the Task Force for Brexit, in Strasbourg.

### 3 Communication and cooperation

#### 3.2.4 Other institutions, agencies and organisations

The Ombudsman also upholds relationships with the other EU institutions, bodies and agencies in order to observe and support the administrative culture and inter-institutional cooperation. In 2019, the Ombudsman was in close contact with the European Data Protection Supervisor (EDPS), the European Central Bank (ECB), the European Investment Bank (EIB), the European Court of Auditors (ECA), the European Economic and Social Committee, and several agencies.



T14: ECB

As part of the Global Ethics Day, we heard from Mikhail Kozlovs from the European Court of Auditors about their special report on the ethical frameworks of the EU institutions, and Rosita Hickey from the European Ombudsman's Office, who shared the Ombudsman's views on integrity and good governance for public institutions.

#### 3.2.5 UN Disability Rights Convention

As a member of the [EU Framework](#), the Ombudsman protects, promotes, and monitors the EU administration's implementation of the [United Nations Convention on the Rights of Persons with Disabilities](#) (UNCRPD). The Ombudsman chaired the EU Framework in 2019.

Together with the European Disability Forum, the European Parliament and the EU's Fundamental Rights Agency, the Ombudsman worked on ideas to put forward to the European Commission to adopt a more ambitious and comprehensive post-2020 European Disability Strategy. To this end, the Ombudsman's Office participated in a hearing under the auspices of the European Economic and Social Committee and in a conference on the European day of persons with disabilities calling for improvements within the EU administration.

### 3 Communication and cooperation



T15: EESC President Luca Jahier

The European Economic and Social Committee President Luca Jahier: Very happy to exchange views with the European Ombudsman, Emily O'Reilly about our EESC rules of procedure, code of conduct and the new report by the Section for Employment, Social Affairs and Citizenship (SOC) of the EESC on the right of persons with disability to vote in the European elections of May 2019.

The Ombudsman followed up on the suggestions for improvement made in the context of her strategic inquiry on the [accessibility of the Commission's websites](#) and online tools for persons with disabilities. Having examined the Commission's efforts to comply with her suggestions, the Ombudsman welcomed its initiative to make more information available in 'easy-to-read' format. The Commission made available an easy-to-read version of the [official website of the European Union](#), which is the gateway to the EU and a valuable source of information. She also welcomed the Commission's further commitments to meet higher international standards, its intention to adopt a web accessibility action plan and improved training for staff.

In the area of digital administration, the Ombudsman [inquired](#) into the accessibility of online tools used by the European Anti-Fraud Office (OLAF). Following a complaint from a person with a visual impairment, who was not able to report a case of fraud to OLAF, as its website required a method of verification incompatible with the screen reader, the Ombudsman requested OLAF to make its online tools more accessible. Having made immediate improvements to some of its tools, OLAF pledged to overhaul the remaining tools on its website in the following months. This illustrates how a single complaint can have wider implications and lead to an improvement in the overall policy of an institution.

The Ombudsman [dealt with a complaint](#) concerning the Commission's response to alleged human rights violations in a home for persons with disabilities in Hungary, which was co-funded by the EU. She expressed concern that the Commission's interpretation of a key provision of the UNCRPD on independent living was at odds with that of the responsible UN Committee. While accepting that the Commission did not have the legal basis to recover the EU funds given to the institution in that particular case, the Ombudsman suggested that the Commission address the legal basis issue to ensure that EU funds are spent in line with the Convention in the future. Having made a number of suggestions for improvement, the Ombudsman is pursuing this matter in a separate [complaint on how Member States are spending EU funds](#).

### 3 Communication and cooperation



T16: EO

Web accessibility: the European Ombudsman is satisfied the European Commission is taking steps to improve and makes six suggestions.

The Commission **informed** the Ombudsman about steps it has taken to ensure that parents of children with special educational needs, who cannot be accommodated in European Schools, are not required to contribute to the educational costs of their children. The Commission said that it would fully cover these fees and take the lead in changing the relevant guidelines for how other EU institutions deal with this issue.

## 3.3 European Network of Ombudsmen

Complainants advised to contact other institutions and bodies by the European Ombudsman in 2019 and complaints transferred (862 in total)

<b>A member of the European Network of Ombudsmen</b>	<b>374</b>	<b>43%</b>
A national or regional ombudsman or similar body	321	37%
The European Parliament's Committee on Petitions	53	6%
<b>The European Commission</b>	<b>55</b>	<b>6%</b>
<b>Other EU institutions, bodies or agencies</b>	<b>31</b>	<b>4%</b>
<b>National administrations and other organisations</b>	<b>384</b>	<b>45%</b>
<b>SOLVIT</b>	<b>18</b>	<b>2%</b>

The focal point of the year for the European Network of Ombudsmen (ENO) – which consists of 96 offices in 36 European countries and the European Parliament's Committee on Petitions – was the annual conference in April. The conference took place in the European Parliament in Brussels, and brought together members of the network with representatives from the EU institutions and Brussels-based organisations.<sup>37</sup>



### 3 Communication and cooperation



**Photo 3:**  
**The European Ombudsman during the Conference of the European Network of Ombudsmen (ENO), held at the European Parliament in Brussels.**

The public session of the conference looked at how to strengthen the participation of citizens in the democratic process. Coming just ahead of the European elections, the session examined new initiatives on public mobilisation and participation in civic life, and how existing structures and institutions need to adapt to these, including the role ombudsmen have to play. The conference also looked into topical issues relevant to the work of ombudsmen, such as changing demographics or the new EU rules on data protection, and the 'soft powers' available to ombudsman institutions.

Part of the motivation for organising the ENO conferences in Brussels is to capitalise on the expertise of the EU institutions that are located there. To that end, the 2019 conference included a series of joint sessions with SOLVIT, the network coordinated by the European Commission that provides support to individuals and organisations facing cross-border problems in the EU.



**Photo 4:**  
**Discussions during the joint working group ENO-SOLVIT.**

### 3 Communication and cooperation



T17: EO

'What happens in Brussels, should not stay in Brussels. We need to use as many channels as possible to reach and communicate with citizens', says MEP Maite Pagazaurtundúa during the ENO Conference 2019.

The ENO continued to focus on parallel inquiries and initiatives among interested ombudsman offices. In July 2019, the Ombudsman closed a strategic initiative that had looked into the complaint mechanisms in EU Member States for matters concerning EU structural and investment funds. Seven national ombudsman offices worked together with the European Ombudsman on the initiative. In her closing letter, Ms O'Reilly encouraged the Commission to step up its monitoring of complaint mechanisms and to pay attention to how it directly handles complaints, as well as making full use of its powers to address problems with complaint mechanisms in the Member States.



**Picture 5:**  
The publication *Network in Focus 2019* gathers the highlights of the 2019 ENO conference.

### 3 Communication and cooperation

The queries procedure, under which the European Ombudsman assists ENO members by liaising with other EU institutions to get targeted answers on matters of EU law, continued to be a valuable resource. One such query came from the Danish Parliamentary Ombudsman, and concerned how EU rules on access to environmental information should be applied in EU Member States. Another query from the Belgian Federal Ombudsmen concerned entry visas for the non-EU family members of EU citizens, and how the Citizens' Rights Directive is applied in such cases.

A regional meeting of the ENO network took place in Lisbon, Portugal, in December. The meeting brought together representatives from the ombudsman offices of Bulgaria, Cyprus, Malta, Portugal and Spain, as well as the European Ombudsman's Office. The meeting took stock of the inquiry on structural funds, and explored possible future topics for parallel inquiries.

Continuing her regular visits to the offices of her national counterparts, Ms O'Reilly travelled to Helsinki, where she met with both the Finnish Parliamentary Ombudsman and the Chancellor of Justice. The main focus of the visit, which took place in June, was on transparency, covering law-making in the Council of the EU and lobbying transparency.



T18 : European Parliament Information Office Finland

The European Parliament Information Office in Finland organized a discussion about the limits to transparency at the Europe House on 6th June from 10 am to 11:30 am with the European Ombudsman Emily O'Reilly, the Finnish Chancellor of Justice, the Parliamentary Ombudsman of Finland, MEP Heidi Hautala & Transparency International Finland chairperson Korhonen. Moderated by journalist Olli Seuri.



## 3.4 Award for Good Administration



In June, the Ombudsman hosted the prize-giving ceremony for the second edition of the Award for Good Administration. The award saw 54 projects nominated from the main EU institutions, as well as many agencies and other bodies. The overall Award for Good Administration went to the teams from the European Commission that worked on the EU initiative to reduce plastic pollution and raise awareness about the problem.

**Photo 6** supprimée



**Picture 8**

The Award for Good Administration ceremony took place at the Solvay Library in Brussels.



**Pictures 7**

Emily O'Reilly during the ceremony.

### 3 Communication and cooperation



T19: EO

Award for Good Administration: And we have the overall winners: European Commission DG for Environment (ENV) and European Commission DG Internal Market, Industry, Entrepreneurship and SMEs (GROW) for their comprehensive strategy for reducing plastics pollution and awareness-raising campaign for the use of single-use plastics.

At the ceremony, which took place in Brussels, the Ombudsman also awarded prizes to projects in six thematic categories, including communications and open administration. Category winners included an innovative project by Europol, which used crowd intelligence to help locate sexually exploited children, and a project by the European Food Safety Authority to raise awareness about threats to bees. Staff from the European Parliament won a special award for their campaign, in the wake of the #MeToo movement, on zero tolerance for sexual harassment in the workplace.

The Ombudsman introduced the Award for Good Administration in 2017 to recognise excellence in EU public service and to encourage the sharing of good ideas and practice. In addition to the winners listed above, the 54 nominations also included projects on making applications for EU funding easier, presenting relatively new concepts – such as digital ethics – in innovative ways, introducing green policies internally, and proactively informing people of their EU rights.



T20: Vytenis Andriukaitis EC DG SANTE

So proud of my colleagues in European Commission's DG for Health and Food Safety (SANTE), the European Centre for Disease Prevention and Control, the European Food Safety Authority and in all the other services nominated for the Award for Good Administration! So happy to share this moment with you. Kudos to all.

An independent advisory board assessed the nominations, with the winners chosen from shortlists by the Ombudsman, Emily O'Reilly.

## **4 Cases and complaints: how we serve the public**

The European Ombudsman's mission is to ensure the EU's administration serves the public interest, and to help those facing problems with EU institutions.

The vast majority of the Ombudsman Office's work is based on the complaints it receives. Even where the Ombudsman does not open an inquiry, the Office tries to help all those who seek assistance.

The Ombudsman also conducts wider strategic inquiries and initiatives when she considers that there are grounds to do so. The Ombudsman launches these cases on her own initiative, either where she has identified a systemic issue that is in the public interest, or where she has received one or more complaints on an issue of systemic relevance.

The Ombudsman's website, launched in 2018, has a user-friendly interface for potential complainants, but people can and do still contact our Office using offline communications channels. Further improvements are foreseen in the coming year, including to the online complaint system.

The Office's diverse team of case handlers, and the website, reflect the Ombudsman's commitment to communicate with those seeking assistance in all 24 official languages of the EU. The website has also been designed to meet high accessibility standards for persons with disabilities.

The Ombudsman further enhanced the Fast-Track procedure for dealing with complaints about public access to documents held by the EU institutions. Thanks to the Fast-Track procedure, these complaints are now being dealt with three-times faster, which is important given their often highly time-sensitive nature.

### **4.1 Type and source of complaints**

#### **4.1.1 Overview of complaints and strategic inquiries**

The Ombudsman may open an inquiry only into complaints that are within her mandate and have fulfilled the necessary 'admissibility criteria', such as having previously tried to resolve the matter directly with the institution involved. However, the Ombudsman's Office endeavours to assist all those that submit complaints. In addition to this flexible approach to dealing with complaints, there has been an ongoing reduction in the amount of time taken to complete inquiries.

The themes of the Office's work derive from the Ombudsman's mandate and the complaints received, given these account for most cases. As with previous years, transparency remains the leading topic of complaints, and this is also reflected in the Office's strategic work.

#### 4 Cases and complaints: how we serve the public

	<b>Advice, complaints and inquiries in 2019</b>
<b>19 619</b>	<b>People helped by the European Ombudsman</b>
16 045	Advice given through the Interactive Guide on the Ombudsman's website
2 201	New complaints handled
1 373	Requests for information replied to by the Ombudsman's services
<b>458</b>	<b>Inquiries opened by the European Ombudsman</b>
456	Inquiries opened on the basis of complaints
2	Own-initiative inquiries opened
<b>560</b>	<b>Inquiries closed by the European Ombudsman</b>
552	Complaint-based inquiries closed
8	Own-initiative inquiries closed

While the vast majority of the Office's work is complaint-based cases, the Ombudsman also conducts wider strategic inquiries and initiatives when she considers that there are grounds to do so. These cases are launched on the Ombudsman's own initiative, either where she has identified a systemic issue that should be looked into in the public interest, or where she has received one or more complaints on an issue of systemic relevance.

#### Topics of strategic work in 2019

##### Strategic inquiries

- Transparency of Eurogroup preparatory bodies
- 'Revolving doors' at the European Commission
- Treatment of persons with disabilities under the EU's Joint Sickness Insurance Scheme
- European Medicines Agency and 'pre-submission activities' for medicine authorisation

##### Strategic initiatives (requests for clarification, not formal inquiries)

- Effective complaint mechanisms in EU member states for European Structural and Investment Funds
- Brexit negotiations transparency
- Lobbying transparency and the EU Transparency Register
- EU risk assessment procedure for food – transparency and sustainability
- Transparency of European Council president's meetings with interest representatives
- Improving the European Citizens' Initiative
- 'Revolving doors' in the EU institutions, bodies and agencies
- Inclusion of children with disabilities at the European Schools
- Leave rights for EU staff members who become parents through surrogacy

#### 4 Cases and complaints: how we serve the public

<b>National origin of complaints registered and inquiries opened by the European Ombudsman in 2019</b>		
Country	Number of complaints registered	Number of inquiries opened
Spain	285	47
Germany	227	61
Belgium	203	88
United kingdom	174	30
Poland	157	10
France	118	26
Italy	94	29
Portugal	72	7
Romania	65	8
Greece	58	19
Netherlands	56	15
Bulgaria	52	8
Sweden	51	19
Czech republic	44	8
Ireland	40	9
Croatia	38	7
Austria	36	9
Hungary	33	6
Finland	28	2
Slovenia	26	1
Luxembourg	22	7
Denmark	17	5
Malta	17	6
Cyprus	16	3
Lithuania	14	5
Slovakia	12	5
Latvia	10	1
Estonia	7	1
Other countries	159	11
Not known	40	3
Total	2171	456

#### 4 Cases and complaints: how we serve the public

### 4.1.2 Complaints outside the Ombudsman's mandate

In 2019, the European Ombudsman processed over 1 300 complaints that did not fall within her mandate, mostly because they did not concern the work of an institution or body of the European Union. The greatest numbers of such complaints came from Spain, Poland and Germany.

These complaints primarily concerned problems that complainants encountered with national, regional or local public bodies, national or international courts (such as the European Court of Human Rights) and private entities (including airline companies, banks or online businesses and platforms). Sometimes, citizens turned to the Ombudsman based on the misconception that the institution is an appeals body with jurisdiction over the work of national or regional ombudsman institutions.

Such complaints were mainly about issues related to social security, healthcare, taxation and consumer protection. In 2019, the Ombudsman also received a large number of complaints from EU citizens living in an EU Member State other than their own. These people complained about the difficulties they encountered when they sought to register and/or vote for the 2019 European Parliament elections.

The Ombudsman also received complaints that, while being directed against an EU institution or body, fell outside of her mandate. This category of complaints concerned the political or legislative work of these institutions or the judicial activities of the Court of Justice of the European Union.

The Ombudsman replied to all people seeking help in the language of their complaint. She explained her mandate and gave advice, as far as possible, about other bodies that could help. With the complainant's agreement, the Ombudsman also transferred complaints to members of the European Network of Ombudsmen (ENO).

Complainants unhappy with specific EU legislation were usually advised to turn to the European Parliament's Committee on Petitions. Those who raised issues relating to the implementation of EU law were referred to national or regional ombudsmen or to EU networks such as SOLVIT and Your Europe Advice. Alternatively, complainants were informed about the possibility to submit an infringement complaint to the Commission.

#### Number of complaints 2015-2019

Complaints inside the mandate of the European Ombudsman	
2010	744
2011	698
2012	740
2013	750
2014	736
2015	707
2016	711
2017	751
2018	880

#### 4 Cases and complaints: how we serve the public

2019	871
<b>Complaints outside the mandate of the European Ombudsman</b>	
2010	1 983
2011	1 846
2012	1 720
2013	1 665
2014	1 427
2015	1 239
2016	1 169
2017	1 430
2018	1 300
2019	1 330

## 4.2 Against whom?

#### Inquiries conducted by the European Ombudsman in 2019 concerned the following institutions

Own initiative inquiries	Complaint-based inquiries		
2	274	European Commission	59.7%
	44	European Personnel Selection Office	9.6%
	21	European Parliament	4.6%
	17	European External Action Service	3.7%
	9	European Anti-Fraud Office	2.0%
	7	European Investment Bank	1.5%
	33	EU agencies	7.2%
1	54	Other	11.8%

Note: Own initiative inquiry OI/1/2019/MIG has been conducted against two institutions.

## 4.3 About what?

#### Subject matter of inquiries closed by the European Ombudsman in 2019

Transparency and accountability (e.g., access to information and documents)	151	26.9%
Culture of service (e.g., citizen-friendliness, languages and timeliness)	123	22.0%
Proper use of discretion (including in infringement procedures)	111	19.8%
Respect for procedural rights (e.g., the right to be heard)	74	13.2%
Good management of personnel issues	73	13.0%
Recruitment	69	12.3%

#### 4 Cases and complaints: how we serve the public

Respect for fundamental rights	47	8.4%
Sound financial management (e.g., concerning EU tenders, grants and contracts)	36	6.4%
Ethics	15	2.7%
Public participation in EU decision-making	12	2.1%
Other	18	3.2%

Note: In some cases, the Ombudsman closed inquiries with two or more subject matters. The above percentages therefore total more than 100%.

## 4.4 Results achieved

#### Action taken by the European Ombudsman on new complaints dealt with in 2019

862	Advice given or case transferred to another complaints body	39.2%
883	Reply sent to inform the complainant that no further advice could be given	40.1%
456	Inquiry opened	20.7%

#### Evolution in the number of inquiries by the European Ombudsman

Year	Inquiries opened	Inquiries closed
2010	335	326
2011	396	318
2012	465	390
2013	350	461
2014	342	400
2015	261	277
2016	245	291
2017	447	363
2018	490	545
2019	458	560

#### Results of inquiries closed by the European Ombudsman in 2019

No maladministration found	316	56.4%
Settled by the institution, solutions achieved, solutions partly achieved	187	33.0%
No further inquiries justified	30	5.4%
Maladministration found, recommendation agreed or partly agreed	29	5.0%
Other	5	0.9%

Note: In some cases, the Ombudsman closed inquiries on two or more grounds. The above percentages therefore total more than 100%.



#### 4 Cases and complaints: how we serve the public

##### **Length of inquiry of cases closed by the European Ombudsman in 2019 (less than 7 months on average)**

243	43.4%	Cases closed within <b>3 months</b>
208	37.1%	Cases closed within <b>3 to 12 months</b>
52	9.3%	Cases closed within <b>12 to 18 months</b>
57	10,2%	Cases closed after <b>more than 18 months</b> <sup>1</sup>

## **4.5 Compliance with the Ombudsman's proposals**

In the context of inquiries, the Ombudsman can make proposals to the EU's institutions and bodies about how to address a problem or improve their administrative practices. These proposals take the form of solutions, recommendations and suggestions.

Each year, the Ombudsman carries out a comprehensive analysis of how the institutions respond to her proposals in inquiries that were closed in the previous year. This analysis, which includes compliance rates and other concrete examples to demonstrate the impact and relevance of the Ombudsman's work, is published in the annual *Putting it right?* [report](#).

In 2018, the EU institutions complied with the Ombudsman's proposals in 77% of instances, a slight decrease from the 81% in 2017. The institutions reacted positively to 90 out of the 117 proposals for improvement made by the Ombudsman. The proposals were made in 69 cases, with 52 of these cases leading to the institutions taking steps to improve how they work. Eleven institutions had a 100% compliance rate, while the European Commission – which accounts for most cases – had a compliance rate of 70.9%.

The report for 2019 will be available at the end of 2020.

<sup>1</sup> Some complex cases require several rounds of consultations with the complainant and the institution concerned.

## 5 Election of the European Ombudsman

In December 2019, Emily O'Reilly was re-elected by the European Parliament to serve another term.

The European Ombudsman is directly elected by the European Parliament at the start of each parliamentary term. Similar to Members of the European Parliament, the Ombudsman holds office for five years.

The [process for electing the Ombudsman](#) for the coming term began officially on 30 August, when the [call for nominations](#) was published in the Official Journal of the EU. Five candidates succeeded in securing the necessary 40 signatures of support from MEPs by the deadline of 30 September. The incumbent Ombudsman Emily O'Reilly, who was seeking re-election, was joined by Giuseppe Fortunato (Italy), Julia Laffranque (Estonia), Nils Muižnieks (Latvia) and Cecilia Wikström (Sweden).

As part of the process of verifying the candidates' credentials, Parliament's Committee on Petitions organised a hearing on 3 December with each of the candidates. At the hearings, candidates had the opportunity to present the priorities on which they would work if elected, and had to respond to questions from MEPs.

The election itself took place on 17-18 December, with Parliament's plenary voting on the five candidates. As no candidate received the necessary majority of votes in the first two rounds, the two candidates with the highest number of votes progressed to the third and final round. Emily O'Reilly secured 320 of 600 votes cast, and was [re-elected as Ombudsman](#).

In a [statement](#) following her re-election, Emily O'Reilly thanked MEPs for their cross-political support and pledged that she will continue to "*ensure the EU maintains the highest standards in administration, transparency and ethics*".



T21: EO

Emily O'Reilly has been re-elected by the European Parliament with 320 votes out of 600 votes cast. Her second mandate will last for five years.

Emily O'Reilly: "For the next five years, I will help ensure the EU maintains the highest standards in administration, transparency and ethics. Europeans expect and deserve nothing less."

## 6 Resources

### 6.1 Budget

The Ombudsman's budget is an independent section of the EU budget. It is divided into three titles. Title 1 covers salaries, allowances, and other expenditure related to staff. Title 2 covers buildings, furniture, equipment, and miscellaneous operating expenditure. Title 3 covers the expenditure resulting from general functions that the institution carries out. In 2019, budgeted appropriations amounted to EUR 11 496 261.

With a view to ensuring effective management of resources, the Ombudsman's internal auditor regularly checks the institution's internal control systems and the financial operations that the office carries out. As is the case with other EU institutions, the European Court of Auditors also audits the Ombudsman.

### 6.2 Use of resources

Every year, the Ombudsman adopts an [Annual Management Plan](#), which identifies concrete actions that the office expects to take to give effect to the objectives and priorities of the Ombudsman's five-year strategy [Towards 2019](#). The 2019 Annual Management Plan is the fifth to be based on this strategy.

The institution has a highly qualified multilingual staff with gender balance in management positions. This ensures that it can deal with complaints about maladministration in the 24 official EU languages and raise awareness about the Ombudsman's work throughout the EU. In 2019, there were 66 posts in the Ombudsman's establishment plan in addition to which it employed twelve contract agents and offered work experience to nine new trainees.

Detailed information on the structure of the Ombudsman's Office and the tasks of the various units is available on the [Ombudsman's website](#).

# How to contact the European Ombudsman

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Twitter: [twitter.com/EUombudsman](https://twitter.com/EUombudsman)

Instagram: <https://www.instagram.com/euombudsman/>

LinkedIn: [www.linkedin.com/company/272026](https://www.linkedin.com/company/272026)

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