



European Ombudsman

Secretariat-General

# 2019 discharge

## Replies to the questionnaire submitted by the Committee on Budgetary Control

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### Horizontal & general questions

1. **In a report published last year, the ECA pointed out that the majority of European institutions had not developed a real sustainable development strategy. What is the situation of your authority on this point?**

Given its small size, the Ombudsman's Office has not been able to devote resources to the development of a sustainable development strategy. The office will however monitor what other institutions are doing and draw inspiration from their best practices. The Ombudsman will also continue to keep sustainability in mind in inquiries that touch upon related matters.

2. **What measures have been taken in respect to the safety of staff, security of buildings and communications, including cybersecurity? What were the additional expenses for security in 2019? What measures have been taken in order to improve the physical and mental health at the workplace?**

The European Ombudsman closely cooperates with the European Parliament (its service provider) in all the above matters. Any expenses occurred and improvements achieved by Parliament therefore also benefit the staff and services of the European Ombudsman.

The Ombudsman encourages training in these fields as well as participation of its staff in seminars or activities organised by other EU institutions. Many staff members have followed such trainings or other activities.

2019 was a transition year for the Ombudsman given that it coincided with the end of her mandate. Following her re-election in December 2019, the Ombudsman undertook to review the organisation of the institution's services, with a view to putting more emphasis on team and collaborative work. Furthermore, in the context of an upcoming move to new premises in Brussels, the organisation of workspaces is being revisited with the aim of facilitating enhanced interactions among staff. The effect of these changes will become tangible in 2021.

3. **Has your institution developed synergies or rationalizations with other European bodies? If so, which ones?**

Given the institution's small size, developing synergies with other institutions is indispensable for the Ombudsman. The Office primarily cooperates with Parliament in a large variety of fields, starting with buildings, as the Ombudsman's offices are either in Parliament premises or rented by the Parliament on behalf of the Ombudsman. Consequently, security, safety at work, the medical service, business continuity, translation, training, information and communication technologies etc. largely benefit from cooperation with Parliament, which started when the Ombudsman was created 25 years ago.



The Ombudsman also developed synergies with the European Commission, to use corporate tools and/or services for staff management, financial management and accounting, public procurement, management of missions and recruitment (EPSO).

Finally, the Ombudsman also endeavours to develop synergies with other institutions or agencies when appropriate, such as in the field of translation, as the Ombudsman also uses the Translation Centre for the Bodies of the EU.

**4. How many complaints and inquiries did the OMB receive in 2019 compared to previous years? What was the average time for dealing with a complaint and the average time for dealing with an inquiry in 2019?**

	2017	2018	2019
<b>Complaints received</b>	2181	2180	2201
<b>Complaint-based inquiries opened</b>	433	482	456
<b>Average time for dealing with a complaint</b>	61 days	78 days	64 days
<b>Average time for dealing with an inquiry</b>	266 days	254 days	208 days

**5. Which types of cases, the OMB dealt with, had the most positive effect and the biggest challenges to the EU's administration?**

Transparency remains the leading topic of inquiries, and this is also reflected in the Office's strategic work. This type of cases may range from lack of transparency in decision-making to lobbying transparency and to greater transparency around revolving door moves. It is on the topic of transparency that the Ombudsman has had its biggest successes and challenges.

The Ombudsman has received encouraging replies from institutions in many of the cases. For instance, in an inquiry on how the European Commission implements its rules on **revolving doors**, the Ombudsman 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 was 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.

The Ombudsman has also looked into the transparency of 'advisory bodies' that influence the development of EU policy. One particular 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. 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.



Important challenges have presented themselves in the area of transparency as well, in particular when it comes to transparency and accountability of decision-making. Because of this, in 2019 the Ombudsman launched a number of more specific inquiries into the EU policy- and law-making process, and this is further detailed below in our answer to question 57.

One important area continues to be **transparency of law making within the Council**, on which the Ombudsman made a Special Report to the European Parliament in 2018. In 2020, the Council announced measures that address some of the Ombudsman's proposals. While this is encouraging, more needs to be done and the Ombudsman hopes to build on this momentum for transparency improvements.

**6. Has the OMB adopted the implementation provisions with regards to the revision of its statute? What changes have been made and how will it affect the work of the institution?**

The most recent revision of the Ombudsman's implementing provisions took place in 2016, to take account of experience gained since 2008, when the provisions were last changed following the revision of the Statute.

The Ombudsman's Statute is one of the areas where the European Parliament has the legislative right of initiative (Article 228 (4) TFEU). The Commission gives an opinion and the 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.

In February 2019, Parliament approved a report on a revised Statute of the European Ombudsman. The Ombudsman addressed the Committee on Petitions on the Statute revision on 2 April 2019. The process is still ongoing. The Ombudsman's Office stands ready to provide whatever information or evidence the 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. As soon as a new Statute is approved, the Ombudsman will adopt implementing provisions in order to reflect the changes made to the Statute.

**7. How many calls for tender did your institution organise in 2019? Please indicate the value and the number of applicants for each tender.**

In 2019, the European Ombudsman organised four calls for tender concerning the following areas and amounts:

- Service framework contract for printing communication products for the EO's Office: 12 000 EUR (for 4 years)
- Service framework contract for the destruction of archives of the EO Office: 5 000 EUR (for 4 years)
- Service contract for the use of a Moderator for a Public seminar/roundtable on transparency issues: 1 600 EUR (one single order)
- Service contract for an audit on the accessibility and validation of the EO website: 5 000 EUR (one single order).

For negotiated procedures for very low value contracts - up to 15 000 EUR - the Financial Regulation requires at least one candidate. In all four tenders organised in 2019, the number of candidates was one. The Office carries out a market analysis before launching this kind of tender procedure.



**8. 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 make any changes in the way it handles data to adapt to this new legislation? What were those changes?**

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.

**9. What was the cost of outsourcing translation in 2019? What would have been the cost if the translations had been carried out by in-house services?**

The total cost of outsourcing translations was 288 442.70 EUR in 2019. 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.

**10. Within the proposals to correct or improve the behaviour of EU Institutions that were not complied with in 2019, does the Ombudsman identify specific issues or a pattern for non-compliance that explains the lower rate (77% overall) compared to 2018? Is the rate of non-compliance similar for Parliament, Commission and Council?**

Generally, institutions and bodies tend to respond more positively to the Ombudsman’s solution proposals and suggestions than to recommendations (82% satisfactory replies to the former vs. 56% to the latter). This may be so 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. 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.

The compliance rate (and non-compliance rate) for recommendations, solution proposals and suggestions made in 2019 is not yet available. The Putting it Right Report, which calculates the compliance rates, is normally published in December of the year that follows the proposals made. This is because, in a number of cases, the deadline for the institutions’ reply or follow-up runs into the following year.

The compliance rates published in the 2019 Annual Activity Report (AAR) and in the 2019 Putting it Right report, therefore, reflect the institutions’ follow-up to suggestions, solutions and recommendations made in 2018.



In 2018, 23% of proposals, suggestions or recommendations were not complied with. The 27 proposals concerned the Commission (18), Parliament (1), Council (1), EPSO (1), EIB (2), ECB (1) and OLAF (3). It is important to put this into context, however. Most of the Ombudsman's inquiries (60%) concern the Commission, so the fact that there were eighteen instances - compared to one for Parliament and Council - in which the Commission did not respond positively to the Ombudsman's 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 the Ombudsman's proposals.

Regarding the Council, the Ombudsman made three recommendations and six solution proposals in the context of her inquiry into the transparency of the Council's legislative process. The Council did not reply within the three-month legal deadline, and given the importance of the issue, the Ombudsman decided to ask the European Parliament for support in a Special Report. The Parliament overwhelmingly supported the Ombudsman's report. In summer 2020, the Council has announced measures that address some of the Ombudsman's proposals. This is encouraging, however more needs to be done and the Ombudsman hopes to build on this momentum for transparency improvements.

The Parliament had a compliance rate of 83% and, in one case only, did not follow the Ombudsman's suggestion. The case concerned a complaint about harassment in the workplace made by a staff member of a political group at the European Parliament. The Ombudsman focused on procedural matters and found that the Parliament had failed in that case to respect the time limits laid down in its internal rules on harassment investigations.

As regards compliance, it is important to highlight that many changes happen only several years later and not all administrative improvements can happen in the year of the recommendation and suggestion. In the wider context, the Ombudsman also seeks to help improve EU administrative culture and not only specific improvements at individual case level.

**11. The Ombudsman's key performance indicator for overall compliance, with the ambitious target of 90%, could not be reached in 2018; What was the KPI rate for overall compliance in 2019? What was the compliance rate for inquiries in the public interest in 2019? Were the benchmarks reached?**

As previously mentioned, the compliance rate in 2019 is not yet available. It will be in the 2020 Putting it Right report, which is in the process of being drafted and will be distributed to Parliament and the other institutions in December 2020. The Office will also report on the 2019 compliance rates in the AAR for 2020.

In the 2019 Putting it Right Report, the overall compliance rate was 77% (compared to 81% in 2018) while the compliance rate for inquiries in the public interest was 70% (see question 51 for a detailed analysis of the compliance rate in public interest inquiries).

However, as mentioned above, 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, the Ombudsman opened an investigation into the transparency of the Council's legislative work in 2017. In 2018, the Ombudsman made three recommendations and six proposals for improving transparency of the Council legislative process. As the Council did not reply within the stated deadline, the Ombudsman issued a Special Report to the European Parliament asking it to support her proposals, which the Parliament did overwhelmingly in January 2019. In July 2020, the Council has taken new transparency steps to enable members of



the public better to exercise their democratic right to have their say in EU law making through following the legislative process. These measures follow up on some of the Ombudsman's proposals.

In the Ombudsman's inquiry into the process leading to the appointment of the Commission's highest civil servant, she asked the Commission to put in place a specific procedure for **appointing its Secretary-General**. Despite the Juncker Commission's initial negative response, the Von der Leyen Commission did as the Ombudsman recommended, towards the end of 2019, by initiating a specific appointment procedure for the post of Secretary-General, including a vacancy notice and a well-defined timeline.

**12. What improvements have been achieved regarding cooperation with Parliament to ensure that it is made aware of failures, in particular with regard to instances of maladministration?**

The European Ombudsman upholds a consolidated close relationship with the European Parliament and its Committee on Petitions, which is responsible for the Ombudsman. Instances of maladministration are formally reported to the Parliament through the Ombudsman's Annual Report and the Ombudsman's annual Putting it Right Report. The Putting it Right report, as mentioned in the replies to questions 10 and 11 above, includes a more detailed breakdown of the responses received from the institutions, bodies and agencies to the Ombudsman's recommendations, suggestions and solution proposals. The Ombudsman regularly informs Committee Chairs of developments in cases on subject matters that fall within the scope of a given Committee. Furthermore, the Ombudsman employs an assistant for relations with the European Parliament and specifically the Committee on Petitions to ensure the continuation of the fruitful cooperation between the two institutions.

The Ombudsman's inquiries are also automatically published on the Ombudsman's website unless a complainant specifically requested confidentiality or a case contains personal data, which prevents publication.

**13. The number of complaints within the mandate (880, compared to 751 in 2017) has continued to increase significantly in 2018 (+ 17%) after an increase of 5.5% in 2017. What kind of complaints have contributed most to this increase? Please provide us with the numbers for 2019 and put them into relation for 2017 and 2018.**

	2017	2018	2019
<b>Complaints within the mandate (numbers)</b>	<b>751</b>	<b>880</b>	<b>871</b>
<b>Breakdown</b>			
Inadmissible complaints	261	301	308
No grounds for inquiry	57	97	107
Inquiries	433	482	456
<b>Overall % increase or decrease compared to previous year</b>	<b>+5.5%</b>	<b>+17%</b>	<b>-1%</b>

In terms of the subject matter of complaints, the categories that saw the biggest increase are: respect for fundamental rights, proper use of discretion (including infringement procedures), culture of service, transparency and respect for procedural rights.



**14. Which reports issued by the Ombudsman in 2019 (in your view) saw an unsatisfying follow-up? Where do you see the main reasons for this?**

The Ombudsman made an important recommendation (2142/2018/TE) to the Commission about public access to Member State positions, as part of a 'comitology' committee, concerning EU risk assessment of pesticides on bees. The Commission unfortunately did not follow the recommendation, and citizens still do not know which governments are blocking adoption of the risk assessment.

In case 1651/2018/FP, the Parliament rejected the Ombudsman's recommendation to grant public access to documents related to the revision of the list of expenses that may be covered by the General Expenditure Allowance granted to Members.

There were a number of cases in the area of public procurement in which the Ombudsman would have liked to see a more constructive approach adopted by the institutions. By way of example, in case 646/2017/JAP, which concerned the Commission's decision to reject personnel costs of a participant in an EU project on older people and ICT (SENIOR project), the Commission refused to accept the Ombudsman's two recommendations without providing convincing reasons for its position. The Ombudsman found that the Commission could have tried harder to ensure a fair outcome for the complainant and closed the case with a finding of maladministration.

In case 2024/2014/ANA on the Commission's dealing with audit and recovery concerning the UNCOSS project, the Ombudsman made four recommendations. The Commission reviewed its position regarding some of the Ombudsman's recommendations and the amount to recover from the complainant was reduced by 313 506.55 Euros. However, the Ombudsman found that the Commission had failed to respond satisfactorily to two recommendations. The Ombudsman observed that EU institutions should aim to strike a proper balance between the rigid enforcement of financial rules and achieving outcomes that are proportionate and fair.

**15. Please name three of the Ombudsman's main achievements and successes in 2019.**

(1) In January 2019, Parliament gave its overwhelming support to the Special Report concerning the **accountability and transparency of the Council**. Building on this, the Ombudsman launched a number of more specific inquiries into the transparency of decision-making at EU level, which 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**<sup>1</sup> for this.

(2) In June 2019, the Ombudsman presented 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.

(3) In 2019, the Ombudsman continued to make progress in improving the efficiency of how the Office deals with complaints. The Ombudsman concluded 560 inquiries, the highest number in the history of the office. The average time for dealing with inquiries went down in 2019 to less

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<sup>1</sup> Standing committee on Plants, Animals and Feed.



than 7 months on average (compared to 8.5 in 2018). By the end of 2019, we had only 13 cases older than 12 months (compared to 51 at the end of 2018).

**16. In his financial report, Commissioner Hahn points out that the EU provides pension benefits (in the budget category "Other Pension Schemes") to certain members, some of whom come from the Ombudsman. Can you tell us how many people are concerned? What is the reason and the amount?**

The members concerned are the two former Ombudsmen.

In accordance with the European Ombudsman's Statute, the Ombudsman shall have the same rank in terms of pension as a judge at the Court of Justice of the European Union.

EU pension rights are acquired by the Ombudsmen during their mandate and are proportional to the duration spent in office.

The Ombudsman's Office does not pay the pensions of former Ombudsmen, the Commission does. The amounts are therefore unknown to the Ombudsman's services and will have to be provided by the European Commission in consolidated figures for all Institutions.

**17. In 2018 there were a number of underspent budget lines. Was this still the case in 2019? If yes, were there any corrective measures taken?**

There were some underspent budget lines in 2019. Underspending is often caused by unforeseeable changes in projects or circumstances, such as for instance the European Parliament's availability or not to host large events with external participants. Whenever underspending is foreseeable and likely to occur, the Ombudsman adapts the amounts and reduces them as was the case for the budget line for legal damages, meetings in general and publications, which were drastically reduced in 2020 or in 2021.

After seeking approval from the budgetary authority, the Ombudsman also endeavours to transfer underspent appropriations during the year to make better use of savings. In 2020 for instance, the COVID-19 situation significantly disrupted spending in the Ombudsman's Office. The Ombudsman therefore applied to use the savings brought about by the crisis for a building project, thereby substantially reducing the needs in future budgetary appropriations.

**Staff**

**18. Please provide a table of staff broken down by nationality, type of contract, gender and grade for the year 2019, and an overview of how these figures compare with the year 2018.**

A detailed table is attached at Annex 2. The exact grade is not included in the table as it would make the information more complex and, more importantly, given the small size of our institution, provide personal data that could be easily linked to identified individuals. If required however, the information is available upon request.

The tables below summarise some information contained in the detailed table:

**Breakdown of staff by nationality and gender**

Nationality	2018		2018 Total	2019		2019 Total
	F	M		F	M	
Austrian	1		1			





Belgian	3		<b>3</b>	2		<b>2</b>
Bulgarian	1		<b>1</b>	1		<b>1</b>
Croatian				1		<b>1</b>
Czech	1		<b>1</b>	1		<b>1</b>
Danish	2		<b>2</b>	1	2	<b>3</b>
Finnish	1		<b>1</b>	1		<b>1</b>
French	16	5	<b>21</b>	15	5	<b>20</b>
AD	3	2	<b>5</b>	3	2	<b>5</b>
AST	<b>10</b>	<b>2</b>	<b>12</b>	<b>10</b>	<b>2</b>	<b>12</b>
GFI		1	<b>1</b>		1	<b>1</b>
GFIH	2		<b>2</b>	1		<b>1</b>
GFIIV	1		<b>1</b>	1		<b>1</b>
German	4	3	<b>7</b>	4	3	<b>7</b>
Greek	5	2	<b>7</b>	3	1	<b>4</b>
Hungarian	2		<b>2</b>	2		<b>2</b>
Irish	3	3	<b>6</b>	3	3	<b>6</b>
Italian	5	1	<b>6</b>	5	3	<b>8</b>
Lithuanian	2		<b>2</b>	2		<b>2</b>
Maltese	1		<b>1</b>	1		<b>1</b>
Dutch	1	1	<b>2</b>	1	1	<b>2</b>
Polish	1	2	<b>3</b>	1	2	<b>3</b>
Portuguese	1	2	<b>3</b>	1	2	<b>3</b>
Romanian	1		<b>1</b>			
Spanish	4	1	<b>5</b>	4	1	<b>5</b>
Swedish	1		<b>1</b>	1		<b>1</b>
British	1	1	<b>2</b>		1	<b>1</b>
Grand Total	54	24	<b>78</b>	49	25	<b>74</b>

Conclusions drawn from this table:

- The number of staff is smaller on 31/12/2019 than on 31/12/2018. This is due to vacant posts not filled on that date and a decrease in the number of contract agents. On



31/12/2019, the number of nationalities represented in the office was 20 compared to 21 on 31/12/2018.

- There is an overrepresentation of French nationals among assistants compared to other nationalities. This is due to the fact that the seat of the Ombudsman is in France.

#### Breakdown by type of contract and gender

Row Labels	2018		2018 Total	2019		2019 Total
	F	M		F	M	
Contract staff	9	4	13	6	5	11
Officials	30	11	41	28	12	40
Temporary staff	15	9	24	15	8	23
Grand Total	54	24	78	49	25	74

Conclusions drawn from this table:

- gender balance improved between 31/12/2018 and 31/12/2019 in particular for contract staff. Overall, 66% of staff were women on 31/12/2019 compared to 69% on 31/12/2018.
- the number of contract staff decreased.

#### 19. Could you please provide us a table of staff broken down by type of contract and average duration (of contractual employments) for 2013 and 2019?

Statutory link	Total 2013	Average duration of contract (in months)	Total 2019	Average duration of contract (in months)
Officials	40		40	
Temporary staff on temporary post	22	indefinite except 2	15	indefinite except 1
Temporary staff on permanent post	2	30,5	4	47,25
Temporary staff in Cabinet	5	indefinite	4	indefinite
Contract staff members 3B)	6	31,8	8	31,25
Contract staff members 3A)	2	indefinite	3	3



**20. We would appreciate a comprehensive overview of staff on sick leave in 2019, 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.**

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
76	1652.0	85.2%	21.7	11	26	13	10	5	11
<b>% of Staff:</b>				15%	34%	18%	13%	7%	15%

\* 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).

**How many days did the three longest cases of sick leave last for? How many days of sick leave were taken on Mondays and Fridays in 2018? What was the evolution since 2013?**

*Three longest periods of sick leave*

Year	The three longest medical absences (calendar days, excluding bank holidays)		
2019	353	207	196,5

*Days of sick leave taken on Mondays and Fridays since 2016*

Due to the unavailability of relevant statistical data, the Ombudsman is unable to provide detailed information for the years preceding 2016.

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
2019	246	272	265	260,5	253,5

**21. What are the most important actions taken by the OMB in favour of gender equality and geographical balance?**

The Ombudsman does its best to ensure gender equality in every selection procedure even though the share of male applicants is systematically much lower than that of female applicants. The office also ensures adequate gender representation in the selection panels.

Concerning geographical balance, in 2019, the Ombudsman's staff represented 20 nationalities despite the limitations due to the small size of the office.



**22. What is the gender distribution in your institution, especially for top management positions?**

On 31/12/2019, the overall gender distribution was 66% women and 34% men.

The gender distribution in management positions was **3 men** (37.5%) and **5 women** (62.5%).

**23. What were the three most important actions taken by the EO in favour of disabled people and in favour of equality?**

In 2019, the Ombudsman continued to serve as chair of the **EU Framework for the UN Convention on the Rights of Persons with Disabilities**, under Article 33(2) thereof. In this role, the Ombudsman works closely with the other members of the Framework, namely the European Parliament, the European Union Agency on Fundamental Rights and the European Disability Forum, to implement the 2019-2020 Work Programme for the Framework, setting out the concrete actions to be pursued. In that capacity, the Ombudsman has been engaging with the European Network of National Human Rights Institutions (ENNHRI) on disability matters.

In terms of **inquiries**, in 2019, the Ombudsman closed a strategic inquiry (OI/4/2016) into how the European Commission treats persons with disabilities under the Joint Sickness Insurance Scheme for EU staff. The Commission accepted the Ombudsman's recommendation to revise the rules governing the JSIS and reacted positively to a number of suggestions relating to how the needs of persons with disabilities are covered under the JSIS, as well as on the need to train staff and properly consult stakeholders to ensure the JSIS reflects the needs of persons with disabilities. The Ombudsman also dealt with a complaint (417/2018/JN) raising concerns about alleged human rights abuses in a social care institution that had received EU funding. The Commission followed up on this case positively, in particular on the Ombudsman's suggestion that EU funds should, to the greatest extent possible, not be used to maintain institutions and should instead be used to support deinstitutionalisation. It also expressed greater ambition for the future, saying that its proposals for the 2021-2027 programming period have further strengthened the focus on the transition from institutional to community and family-based services in accordance with the UN CRPD.

With regard to **internal activities**, it has become a standard practice of the Office to invite 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. Furthermore, in the context of the 2019 annual staff meeting, the Office organised training for all staff on multiculturalism and diversity to enhance inclusiveness and acceptance of the 'other'. Finally, all middle managers and HR administrators who are regularly members of selection panels participated in a training on selection interviews, part of which focused on how to recognise and avoid biases in selection procedures.

**24. How many trainees have worked in 2019 at the OMB office? Have all of trainees received an allowance that covers at least their living costs?**

The office organises its traineeship programme in two cohorts. Each year trainees arrive in January and in September and most of them stay for a full year. In 2019, the Ombudsman's office had 15 trainees in total. They all received a monthly grant to cover their living costs (1354 EUR per month in Brussels and 1580 EUR per month in Strasbourg).



**25. What was done to improve the well-being of the staff, thus strengthening its efforts to improve staff well-being and work-life balance?**

The office's policies on flexitime, telework and part-time work facilitate staff members' work-life balance (see also replies to question 30). Feedback and take-up suggest that these arrangements are widely appreciated by the staff.

Furthermore, the office organised one training on team cohesion and one on assertiveness, which aimed at improving the everyday work experience of staff members and thus contributing to their well-being at work.

**26. How many requests for promotions were submitted in 2019? How many promotions between function groups were postponed or denied in 2019? Were any of these a consequence of the 2014 staff reform?**

In its budget for 2019, the Ombudsman requested the upgrading of 5 posts (3 permanent posts and 2 temporary posts) and was granted the upgrading of 4 posts (3 permanent and posts and 1 temporary post).

In 2019, 45 staff members were eligible for promotion or upgrading and 19 were promoted or upgraded.

The 2014 staff reform affected career progression by reducing the evolution of appropriations available for promotions and thus by reducing the promotion possibilities. In practice, the Ombudsman did not make use of all the existing promotion possibilities and it would therefore not seem reasonable to establish a correlation between the number of promotions and the 2014 reform.

**27. What were the most important actions taken by the institution in 2019 in order to have a more diverse workforce?**

The answer to this question is covered by the replies to questions 21 and 23 above.

**28. Were there any changes made to the organisation of workspaces in 2019? Could you please provide a table of the current workspaces and their capacity?**

No changes were made to the organisation of workspaces in 2019. Changes are however planned in 2021 as the Ombudsman is required to vacate its Brussels premises, which it currently shares with the EDPS.

As the Ombudsman's service provider, Parliament explored the possibility of accommodating the Ombudsman within its own buildings but could not do so and therefore undertook to procure office space through a public tender launched in early 2020. The move to the new building should take place in the first semester of 2021. The Ombudsman's staff will be accommodated in a more space-efficient collaborative office configuration. Additional space in the new building will be used for meeting rooms for internal and external meetings and to host conferences with stakeholders. The Ombudsman's current Brussels premises do not have conferencing facilities and are equipped with only two small meeting rooms with video-conferencing facilities, which are in constant use for internal meetings between the Strasbourg and Brussels staff.

A table of the current surface area in the Strasbourg and Brussels buildings is enclosed at Annex 1.



**29. What specific measures were taken to ensure health safety for staff since the start of the COVID-19? What type of support is provided for teleworking?**

From the start of the lockdown, the management team determined that no physical presence at work was essential. Telework at 100% was therefore imposed from mid-March 2020. After the lockdown, return to the office was on a voluntary basis only and under the condition of low overall presence and compliance with strict measures of physical distancing and sanitary precautions. All planned missions were cancelled and less than 10 were authorised between June and October.

Based on the collaboration established with Parliament, the Ombudsman's staff have benefitted from all the medical and psychological support available to Parliament staff.

Early after the lockdown in March, the management team was alerted to the potential risks linked to 100% telework and offered individual or team support through coaching and training.

Flexibility as to working hours and telework away from the workplace were introduced to accommodate staff, in particular staff with young children at home.

More specifically on telework, the Ombudsman offered:

- technical support through its dedicated IT team;
- lending of technical equipment (laptops-subject to availability- screens, printers...) as well as furniture if so requested (chairs);
- training/coaching upon request;
- flexibility as to the working hours;
- flexibility as to the place of telework (away from the workplace when requested).

To facilitate technical support in the future and to alleviate the burden on staff who do not own efficient technical equipment, the Ombudsman's Office purchased mobile equipment for all staff. The delivery is expected in autumn 2020.

**30. Flexible working arrangements:**

**a) 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 **parental leave** and **part-time** work. The Ombudsman adopted a part-time work policy to implement them in May 2019. Staff members can also be authorised to work under the special part-time work, the "time credits scheme" or "credit hours".

**b) How often are they used? Has there been a development in the frequency?**

All staff members use **flexible working hours** and record their working time on a daily basis.



While the overall number of teleworkers has decreased between 2018 and 2019, **telework** has increased between 2018 and 2019. The overall number of days went from 1047 in 2018 to 1132 in 2019. This is an increase from 15 days per person to 17 days per person.

Year	Staff on structural telework	Percentage	Staff on occasionnal telework	Percentage2
2017	12	14,50%	60	72,30%
2018	12	13,80%	72	82,80%
2019	12	14,60%	67	81,70%

**Part-time** was used by 14 (17.1%) staff members in 2019 while 12 staff members used the possibility to take **parental leave** (14.6%)

Year	Staff on part-time	Percentage	Staff on parental leave	Percentage2
2016	11	13,80%	8	10,00%
2017	14	16,90%	7	8,40%
2018	13	14,90%	9	10,30%
2019	14	17,10%	12	14,60%

**c) What is the share of men and women respectively using these working arrangements?**

All staff members use **flexible working hours**. **Telework** is used at an equally high percentage by men and women at around 80%. **Parental leave** and **part-time work** in turn is predominantly used by women who represent respectively 92% and 78% of the staff using these possibilities.

**d) To what extent does your institution encourage parents to make use of flexible working arrangements to better combine family life with their career?**

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.

**e) Can all categories of staff apply for 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.



**31. 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).

**32. How many posts were open in the EO in 2019?**

In December 2019, five establishment plan posts were vacant and three selection procedures were ongoing to fill some of these positions.

**33. What were the costs in 2019 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?**

The requested information is compiled in the following table:

Event	Participants	Cost	Venue
Unit teambuilding (including mission for facilitator)	8	€ 4 160.05	European Ombudsman Strasbourg
Training for staff	32	€ 2 318.31	European Ombudsman Brussels
Training for staff (including mission for trainer)	25	€ 2 841.72	European Parliament Strasbourg
Training for staff (including mission for trainer)	38	€ 6 630.00	European Ombudsman Brussels / European Parliament Strasbourg
14 lunchtime conferences (on both sites by video-conference)	Between 17 and 38	€ 2 073.19	European Ombudsman premises

**34. How many trainings concerning harassment, whistleblowing, preventing conflict of interest or other ethical issues did your institution organise in 2019 and how many staff members participated in such programmes?**

The office organised a training on respect and dignity at work mainly focused on harassment and well-being at work. It also organised specific trainings for the ethics correspondents and the conciliation committee members. 44 staff members participated in the former and five in the latter.

**Harassment**

**35. What has been done to foster a culture of zero tolerance toward harassment? Were there any cases related to harassment reported, investigated and/or concluded in 2019?**

Raising staff awareness on harassment matters is a priority for the Ombudsman's office as well as a policy obligation. In 2019, the office organised: (i) training sessions on 'dignity and respect at work' for all staff (half day sessions in small groups to ensure maximum impact and interaction) and (ii) tailor-made trainings for the Office's ethics correspondents and members of the conciliation committee to equip them with the necessary knowledge and tools to carry out their functions in the context of the Ombudsman's anti-harassment policy (informal procedure).





Additionally, the Office's induction training for new staff members as well as trainees includes a session on ethical conduct, which among other matters covers harassment issues.

Finally, Guidelines for implementing the Office's anti-harassment policy were adopted in 2019 and published on the Office's intranet.

No harassment cases were reported in 2019.

**36. What has been done to apply the Guide on Ethics and Good Conduct more effectively?**

The induction training organised for both new staff members and trainees includes a session on ethics. It covers matters such as harassment, ethical conduct and behaviour, whistleblowing, conflict of interest and external activities. The session is organised by the office's ethics correspondents (see answer to question 42 below).

Additionally, all new staff members and the trainees fill in a declaration of interest form right after their induction training where ethical conduct matters are analysed. Information related to possible conflict of interest situations 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 or other duties.

It is also noted 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.

**37. Has there been any modification to your anti-harassment rules or actions?**

The Ombudsman's anti-harassment policy was adopted in December 2017. The objective of the guidelines adopted in 2019 was to assist staff members in evaluating situations that could be considered as harassment; clarify definitions by providing examples; detail the informal and formal procedures; and underline the rights of the parties involved in a harassment case. As there were no cases reported since the adoption of the policy and its implementation guidelines to allow testing and assessment, the office considered that there was no reason to revise it.

**38. Could you please explain how the creation of an EU ethics body will potentially affect your institution in terms of mission, staff and budget?**

The Ombudsman supports anything that will strengthen ethics safeguards and oversight mechanisms in the EU.

The impact of the creation of an EU ethics body will potentially have on the Ombudsman's mission, staff and budget is unclear as of the time of writing because the details of the proposal for such a body have not yet been closely examined by the legislators. If the Ombudsman's institution were, for example, to be involved in providing the secretariat for an EU ethics body, the staff and budgetary impact may be significant. The creation of an EU ethics body should not impinge on the independence of the Ombudsman. If this new ethics entity is an EU body, then it will fall under the Ombudsman's mandate.

The European Ombudsman has substantive experience over 25 years in dealing with ethical questions surrounding potential conflicts of interests, secondary occupations, and post-mandate employment. The Ombudsman is at the disposal of the European Parliament, Commission and Council to share its technical insights and expertise in this area.



**39. How many complaints did the Ombudsman receive in 2019 from members of staff of the EU institutions? Could you specify by gender and grade? Please provide us also with a table encompassing the numbers of 2018 and 2017.**

The following table shows the number of complaints received from staff of the EU institutions. The information on the complainants' gender or grade is not available because we do not ask them to provide it when they submit a complaint.

	2017	2018	2019
<b>Complaints received from members of staff of the EU institutions</b>	101	95	85

**40. How does the institution justify the cutting down of legal costs and damages by 80% in the 2020 budget compared to 2019 budget?**

The Ombudsman endeavours to adapt the appropriations requested on the institution's various budget lines to the actual needs, both when requesting increases but also when requesting decreases. As the Ombudsman did not have either pending litigation or need for legal counsel, it was deemed unnecessary to request appropriations that were unlikely to be used. In case the situation were to change, the Ombudsman would seek to reinforce that budget line again.

**Whistleblowing**

**41. Were there any whistleblower cases coming out of the OMB and in such a case how did you follow-up on them? Were the whistle-blower(s) given appropriate protection?**

No such case was reported in 2019.

**42. How many cases of whistleblowing were reported in your institution in 2019? Did your institution conduct surveys concerning the awareness of staff regarding whistleblowing procedures? What are the safe channels that your institution provides for potential whistleblowers?**

As mentioned above, no such case was reported in 2019 and none was notified to OLAF. The Office has not carried out any survey to assess staff's awareness on whistleblowing procedures.

The induction training for all new staff members as well as trainees includes a session on ethics and conduct, part of which is dedicated to whistleblowing matters and the Office's relevant policy adopted in 2014. This session is presented by the Office's two ethics correspondents whose task, among others, is to provide "information about issues related to ethics and, in particular, harassment, whistleblowing and conflicts of interest" and "confidential advice and support to guide potential whistleblowers".

The Office's policy requires whistleblowers to disclose their identity when reporting information suggesting the existence of serious misconduct or wrongdoing in the Ombudsman's Office. However, the Office will also examine any such reports that are submitted anonymously. In accordance with the SR, the policy protects whistleblowers against any negative action by the Office. Furthermore, it ensures that if the whistleblower so desires, his or hers identity must, to the greatest extent possible, remain confidential.



## **Communication**

### **43. What was the OMB budget for communication activities in 2019 and how was it used?**

The Ombudsman spent 102 050 EUR on communication activities. More than half of this amount (64 505 EUR) was spent for outreach conferences and events, such as the European Ombudsman Award for Good Administration, the annual conference of the European Network of Ombudsmen and other workshops and smaller events with journalists, Network members and other stakeholders. Other communication expenditure concerned the Ombudsman's media and social media monitoring as well as the production of the Ombudsman's publications, including the Annual Report in 24 languages, newsletters and brochures.

### **44. What efforts were made to increase Union citizens awareness of the possibility of having recourse to the Ombudsman in the event of maladministration?**

The Ombudsman's Office remains very conscious of the need to ensure that people know there is a body they can turn to if they encounter problems with the EU administration. Aside from standard communication tools such as press releases, interviews with media, and regular social media posts, the Office's website was transformed into a better communications tool in 2019. This was done through regular updates of the 'top story' on the website to present news related to Ombudsman inquiries. The updates give 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 on making scientific advice on medicines more transparent, and a message to thank hundreds of people who contacted the Ombudsman to express support and encouragement for a specific inquiry. The idea was to make the Ombudsman's work even more understandable and accessible to the public, which will also increase the awareness about how the office can help citizens.

### **45. What progress has been made in OMB outreach on social media? What are the most efficient social media channels?**

The Ombudsman currently has a social media presence on Twitter, Instagram and LinkedIn. The most efficient channel to reach our stakeholders and multipliers is Twitter. Twitter also has the largest number of followers. While this channel has the priority when it comes to communicating timely updates on our work (press releases, decisions, case updates), we are making increased efforts to address our different audiences on Instagram and LinkedIn too, with tailored content – more visual and informal for Instagram; longer, informative content for LinkedIn. This strategy has paid off in terms of followers' growth on Instagram and LinkedIn and consequently the acquisition of an even wider, channel-specific audience.

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.

### **46. What has been done to improve digital communication to the public and the use of free open-source self-hosted social network platforms?**

The Ombudsman keeps developing its digital presence and online communications. In the recent past, the Communication team focused on cross-platform communications, striving to integrate and harmonise web content with the content posted on social media. To help this process, new



website content types have been developed (e.g. “news items”, and “top stories” in addition to the existing “press releases”), some sections have been improved, looking at usability and user-friendliness criteria (e.g. the “inquiries” section), and new workflows have been put in place, in order to improve the website’s editorial purpose. Traffic is then driven from social media to the website, where the user can find any additional information they may need.

On social media, the Ombudsman kept developing its content on its three existing channels, focusing on creating new types of content (e.g. social media campaigns, with less technical content and targeting a wider audience, as well as a recently tested livestream on Twitter/Periscope) and providing the latest information to the users.

In terms of open-source social media platforms, the Ombudsman is on Twitter, which is privately owned, but whose code is open source. In the future, the Ombudsman will 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.

**47. What social media guidelines, in cooperation with other Union institutions were developed?**

The Ombudsman, together with other EU institutions, in the framework of the Inter-institutional Online Communication Committee (IOCC), worked on and endorsed a series of guidelines on social media content moderation. These guidelines ensure that all institutions have a fair and common approach towards moderating content including reporting, hiding or removing offensive posts or replies.

**48. How can you measure the impact of your work on the audience? What have you done to increase the coverage and to let know the EO’s work?**

To ensure that our work has the desired impact on our audience, we set up a number of analytics and media listening tools, which help the Ombudsman’s staff to measure quantitatively the outcomes of our communication work. Impact is measured through our KPIs such as website visits, increase in followers on our social media channels, and number of press clippings detected in a defined amount of time.

To increase our coverage, we recently worked on improving the quality of our digital communication products (e.g. using visual quotes to catch the attention of our audience), as well as on putting in places new workflows that allow us to produce better content in a more efficient way (see the new website editorial workflows described in answer 46).

**49. What has been made to reduce the member’s transportation and travel cost? What about the use of video technology?**

The European Ombudsman herself is the only member of the Ombudsman EU body.

A minimum of missions have to be carried out by the Ombudsman herself between the two places of work of the Ombudsman, Strasbourg and Brussels, and in the carrying out of her duties as coordinator of the European Network of Ombudsmen comprising 95 offices in the European Union Member States and candidate countries.

In order to reduce the need for travel between the two places of operation, extensive use was made of the video conference systems available in the two places of work. As per her established practice, also in 2019, the Ombudsman herself travelled by train whenever possible in order to make use of the most cost-efficient and climate-friendly methods of transportation and does not accept daily allowance payments when in Brussels.



## **Transparency**

### **50. What activities has the OMB started and what policies were implemented in the area of transparency in 2019?**

From a case-handling perspective, the Ombudsman's [Fast Track procedure](#) was consolidated in 2019 and full details will be made available in the upcoming report on this.

The Office of the European Ombudsman took part in numerous events related to transparency in order to raise awareness of this principle, to encourage individuals to turn to the Ombudsman with complaints in this area and to spread best practice among the institutions. For instance, In September 2019, invited by Finland's Presidency of the Council of the European Union, the Office of the Ombudsman participated in the Seminar on the future of EU transparency. In February 2019, members of staff of the European Ombudsman visited the 'High Authority for Transparency in Public life' (HATVP) in France. Further details of this visit are in question 62. In November 2019, a senior advisor to the European Ombudsman participated in a seminar organised by the Academy of European Law (ERA) on the Right of information in the European Union, current trends and developments. The presentation concerned recommendations on access to documents in the EU. In November 2019, the Ombudsman gave an introductory speech at the event organised by the European Public Affairs Consultancies' Association (EPACA) and Transparency International EU on the Transparency Register.

Regarding access to the Ombudsman's own documents, throughout 2019, the Ombudsman has actively engaged with the EU institutions and third parties to ensure the broadest public access to documents held by the Office. According to the applicable rules on public access to documents and the relevant case law, there is a presumption of non-disclosure of documents gathered in the course of an inquiry on the condition of confidentiality. The Ombudsman took a restrictive approach to the presumption and consulted the third parties and institutions concerned to explore the possibility of having the confidentiality waived in accordance with her [decision](#) on internal rules on the handling of access to documents. This led to a broader disclosure of the requested documents to the public.

### **51. What was the compliance rate for inquiries in the public interest in 2019 compared to previous years?**

The compliance rate for inquiries in the public interest was 70% in 2019<sup>2</sup> (compared to 85% in 2018 and 79% in 2017). This rate needs to be put into context, however, as it takes into account the Commission's initial response to the Ombudsman's inquiry into its handling of post-mandate employment of a former Commission President and the role of its 'Ethics Committee'. Although in this inquiry the Commission rejected two recommendations and four out of five suggestions, this inquiry is the type that results in changes being made over time. The Commission subsequently strengthened the Code of Conduct for Commissioners, including extending the cooling off period. The heightened debate around this topic, which results from the work of the Ombudsman, Parliament, civil society and many others, seems to have an important "deterrent effect", with individuals thinking carefully before embarking on certain 'revolving door' moves. Put in another way, it seems clear that there would be more maladministration, were it not for the awareness-raising work of the Ombudsman and others on this topic.

When considering this compliance rate, it should also be taken into account that public interest inquiries often identify systemic issues or raise particularly difficult questions. Institutions may

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<sup>2</sup> As explained in our reply to questions 10, the compliance rate reflects the institutions' follow-up to suggestions, solutions and recommendations made in the previous year.



need more time to address these matters and the impact of such inquiries is often evident only over time. Thus, a compliance rate at a particular point in time is not fully representative of institutions' cooperation with the Ombudsman on these issues.

**52. How do you analyse the performance of the Fast-Track procedures for complaints concerning access to EU documents?**

A first evaluation of the Fast-Track procedure, after the initial phase of implementation, showed a notable decrease in the time taken to deal with access to documents cases. A more detailed evaluation of the procedure, which will include a larger sample of cases, is currently ongoing. This will be available before the end of 2020 and will be shared with Parliament, and the other institutions, as soon as possible.

**53. How many FAST-Track procedures did the OMB deal with in 2019 compared to 2018 and what was the average time for response? Which other EU institutions are working on establishing a similar system?**

All statistical information and the corresponding analysis will be covered in the upcoming Fast-Track review that will be available before the end of 2020 and will be shared with Parliament and the other institutions.

Regarding the second question, the Office has had contacts with the Commission about its plans to develop an access to documents portal, which, one would expect, will facilitate and improve the handling of access to documents requests.

**54. How many times did the Ombudsman herself visit the European Parliament in 2019? Is there a memorandum of those visits in order to know which parliamentary activities the Ombudsman was involved with?**

The Ombudsman visited the European Parliament upon invitation for events, meetings and conferences 7 times in 2019. These occasions are listed below:

- 06.02.2019 - Invited Speaker at anti-harassment event
- 07.02.2019 - Exchange of views with the Conference of Presidents
- 13.02.2019 - Exchange of views with the Conference of Committee Chairs
- 02.04.2019 - Invited Speaker at Committee on Petitions workshop
- 08.04.2019/ 09.04.2019 - Host of the Annual Conference of the European Network of Ombudsmen
- 04.09.2019 - Invited Speaker at the Committee on Petitions
- 03.12.2019 - Invited candidate at the Hearing of Ombudsman candidates of the Committee on Petitions

A full list of external meetings can be found also here on the [Ombudsman's website](#).

Furthermore, the Ombudsman also frequently visited the European Parliament for bilateral meetings with Members to update them on our work and exchange views on further cooperation.



**55. What has been made to strengthen the political cooperation between Ombudsman and Parliament?**

The European Ombudsman does not cooperate politically with any institution or organisation. However, the Ombudsman values highly the constructive working relationship between her office and the European Parliament and is available to provide technical support to Parliament on matters related to her work.

**56. How many recommendations have been made since the establishment of the body and how many have been accepted?**

From the establishment of the Ombudsman's office in 1995 until the end of 2019, the Ombudsman made recommendations in 323 cases. During the same period, the institutions concerned accepted the Ombudsman's recommendations in 184 cases.

**57. What improvements have been obtained in terms of transparency within the administration, particularly in connection with your investigations into the publicity of Eurogroup documents, decisions on fishing quotas and the risks of pesticides on bees?**

In 2019, a strategic inquiry was launched concerning the transparency of the bodies involved in preparing Eurogroup meetings. In response, the Eurogroup took steps to improve its transparency policy. This includes the plan to publish the dates of the Eurogroup Working Group meetings and more information about what the working group does on its website. They also agreed to publish the draft agendas of the Eurogroup meetings earlier in advance than previously and a more detailed letter summarising the meetings.

Concerning the Ombudsman's inquiry into the transparency in EU fishing quota decision-making process: the Ombudsman recommended that the Council proactively make available 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. The Council chose not to follow the Ombudsman's recommendation. The Ombudsman therefore expressed disappointment and confirmed her recommendation. Following her inquiry, in July 2020, the European Commission announced that it will start making public all elements of Commission documents complementing its proposals on fishing quotas, when they are transmitted to the Council<sup>3</sup>.

Regarding the Ombudsman's inquiry into the transparency of the positions of Member States, as part of a 'comitology' committee, on guidance for assessing the risk of pesticides to bees: 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.

**58. Are there any new initiatives envisaged to increase exchanges with national ombudsmen?**

The European Network of Ombudsmen (ENO), which consists of 95 offices in 36 European countries and the European Parliament's Committee on Petitions, helps to share information about EU law and best practice, so as to offer the best possible service to the public. There is an ongoing review of the ENO Strategy to further increase its relevance and usefulness for citizens.

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<sup>3</sup> [https://ec.europa.eu/fisheries/press/commissioner-sinkevi%C4%8Dius-announces-more-transparency-its-proposals-fishing-opportunities\\_en](https://ec.europa.eu/fisheries/press/commissioner-sinkevi%C4%8Dius-announces-more-transparency-its-proposals-fishing-opportunities_en)



This has been debated during the 25th anniversary event organised by the European Ombudsman on 26 October 2020 with members of ENO.

In April 2019, the Ombudsman organised the annual ENO conference. Coming just ahead of the European elections, the conference looked at how to strengthen the participation of citizens in the democratic process.

A regional meeting of the ENO network took place in Lisbon, Portugal, in December 2019. 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.

In 2019, the Ombudsman has also improved the communication tools of the network, launching a new extranet for the members of ENO and turning the "Network in Focus" magazine into an interactive E-newsletter.

The Ombudsman recently conducted a survey of national ombudsmen, in advance of the 25th anniversary event for the Office to take place on 26 October 2020. The three major topics that were suggested by ombudsmen offices to pursue parallel inquiries were: COVID-19, technological change and migration.

For COVID-19, there were concrete areas identified by some ombudsmen offices with potential for parallel work: the impact of COVID-19 on vulnerable groups (notably the elderly and those in care homes, but also those living in poverty and persons with disabilities). For technological change, concrete issues identified include e-government and the increased use of artificial intelligence. For migration, the survey answers identified it more generally as an important trans-European issue.

The European Ombudsman will now follow up on these ideas to determine which parallel inquiries to pursue with national ombudsmen offices.

**59. The EU institutions have complied with the Ombudsman's proposals at an overall rate of 77%. The institutions reacted positively to 91 of the 118 proposals that the Ombudsman made to correct or improve their behaviour in cases closed in 2018. There were a further 190 cases where the Ombudsman considered that the institutions had taken measures to improve their functioning. What measures have not been implemented? And why? (I guess the why question needs to go to the other institutions, however we could ask if "there are some special efforts made to help the respective institutions to implement them")**

As previously mentioned (see our replies to questions 10, 11 and 51), the compliance rate of 2019 is still being calculated and will be published in the 2020 Putting it Right Report in December 2020.

Regarding the outcomes in 2018, many of the measures that were not implemented concerned two cases already mentioned, the inquiry into the post-mandate employment of a former Commission President and the inquiry into the transparency of the Council's legislative process. In both cases the institutions have taken measures at a later stage to help give effect to many of the Ombudsman's proposals.

The cases mentioned in our reply to question 14 are also examples of proposals that were not followed by the institutions.





## **Fraud & Corruption**

### **60. 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.

Regarding the European Court of Auditors, members of the Ombudsman's staff met with colleagues from the ECA at the end of 2018, to discuss the issue of languages used in public consultations. This followed a number of Ombudsman inquiries on the matter. Following this meeting, the ECA issued in 2019 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.

### **61. How many OLAF investigations were carried out in 2019 with regard to the OMB? How many of them led to a concrete sanctions carried out?**

The Ombudsman's Office is not aware of any OLAF investigation with regard to the Ombudsman and her services in 2019.

## **Conflict of Interests**

### **62. Did the OMB cooperate with any other EU institution advising on the Conflict of Interest issues?**

In February 2019, a delegation of the European Ombudsman visited the 'High Authority for Transparency in Public life' (HATVP) in France. The purpose of this visit was for the Ombudsman's staff to get a better understanding of the HATVP's work, as well as to share best practices on issues relating to ethics and lobbying concerning public officials.

In June 2019, senior officials of the HATVP visited the Office of the European Ombudsman. The Ombudsman's staff presented several pieces of work related to ethics and transparency to the HATVP. The HATVP presented its 'Ethics Guide', a handbook for public office holders and ethics officers, which it had recently published.

These visits served to build on the good relationship that exist between the HATVP and the European Ombudsman.

In April 2019, the Ombudsman gave a keynote speech at PETI Workshop on Conflicts of Interest Achievements and Challenges for EU Institutions.

In October 2019, the Ombudsman's Office was invited by the European Central Bank as part of the Global Ethics Day to share views on integrity and good governance for public institutions.

## **Activities to Lower the Environmental footprint**

### **63. What results have been achieved compared to 2018 and 2017 in lowering the carbon footprint and plastic, food and paper waste?**

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.

**64. What efforts have been made by the Ombudsman's Office to reduce its environmental footprint, such as promoting digitalisation to reduce the use of paper, limiting staff missions by promoting the use of videoconference facilities, and promoting the use of collective transportation?**

The Ombudsman actively promotes digitalisation to reduce the use of paper and facilitate the exchange and storage of documents. It did so:

- by adapting in-house tools for complaint handling and recruitment;
- by using corporate tools that do not need a paper trail anymore;
- by improving the workstations to facilitate on-screen reading (larger screens or recycling of older screens as second screen).

The COVID-19 crisis greatly accelerated the transition by largely imposing paperless work.

The Ombudsman endeavours to avoid missions or travel whenever possible, including for recruitment. It has five video-conferencing facilities and intends to expand this by allowing video-conferencing from every office. Again, the COVID-19 crisis brought a major leap forward in this respect.

The Ombudsman encourages the use of public transportation by providing financial support for yearly subscriptions and by limiting available car parking spaces, to the point that in 2021, the Ombudsman's **new premises in Brussels should not have any car parking space at all**. Beyond public transportation, in 2019, the Ombudsman's staff won the inter-institutional "Velomai" cycling challenge, promoting cycling as the best mode of transport to get to work every day.

**Digitalisation and Cybersecurity**

**65. What steps has the OMB taken towards improving digitalisation of the institution in 2019?**

In order to improve the digitalisation of the institution in 2019, the European Ombudsman decided to enhance the number of mobile and hybrid devices and to equip all the staff with new individual video-conferencing systems (PC screens with camera associated to Cisco webex and jabber software).

**66. How much was invested in IT projects and equipment in comparison with 2018?**

In 2019, the European Ombudsman invested 244 706.79€ in IT projects and equipment compared to 211 867.59€ in 2018. As mentioned in the reply to question 65 above, in 2019 the Office decided to invest in more mobile and hybrid tablet equipment and acquired new screens with integrated cameras in order to facilitate video-conferencing via individual desktops.

**67. What is the status on the implementation of the action points in progress concerning cybersecurity, including on the establishment of a template for the data privacy impact assessments and a central register of records of processing operations?**

A Register of records of processing operations of the European Ombudsman has been created and is published on the EO website at :

<https://www.ombudsman.europa.eu/en/dataprotection/dpo-register>



The Data Protection Officer is working closely with ICT to establish a template for the data privacy impact assessments. The template should be available by the end of 2020.

Regarding cybersecurity, most of the actions are coordinated with the European Parliament. The European Ombudsman has taken the following specific actions in order to improve its cybersecurity:

- 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).

Other actions coordinated with the European Parliament:

- Keep Software up-to-date
- 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.

**68. Has the OMB considered the use of open-source technology, using software and hardware in order to prevent vendor lock-in, retain control over its own technical systems, provide stronger safeguards for user's privacy and data protection, increase security and transparency for the public? What measures have been taken in this regard?**

The European Ombudsman uses the IT infrastructure of the European Parliament and, as such, is bound by choices made by its service provider.

Where there is a margin of manoeuvre, the Ombudsman uses and promotes the use of open-source software whenever possible in the Ombudsman's remit. 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.

**Enclosures:**

- Annex 1: Current surface area in Strasbourg and Brussels buildings
- Annex 2: Table of staff broken down by nationality, type of contract, gender and grade



## ANNEXES

### Annex 1 - Current surface area in Strasbourg and Brussels buildings (reply to question 28)

<i>Net Surface Areas Above Ground (in square meters)</i>	<b>Havel building in Strasbourg</b>	<b>Montoyer 30 building in Brussels</b>
<b>Office areas (OA)</b> comprise all premises assigned (or capable of being assigned) as offices for staff, including small meeting rooms and the like.	678,67	887,02
<b>Institutional areas (IA)</b> comprise all premises assigned to the institution's political or specific activity: offices of members of the courts, areas allocated to political parties, meeting rooms, deliberation rooms, offices of delegations, etc.	85,40	85,60
<b>Specific areas (SpA)</b> comprise areas linked to other specific activities of the institution, such as: the Chamber, large meeting rooms with or without interpreting booths, bureaux de passage, libraries, audiovisual studios and other rooms for the press, concession-holders, production workshops, sports and recreation rooms, training rooms, childcare facilities, etc.		214,32
<b>Facility areas (FA)</b> comprise technical and sanitary facilities, catering areas such as canteens, kitchens or kitchenettes, circulation, storage, office equipment and parking areas.	563,29	523,88
<b>Totals</b>	<b>1.327,36</b>	<b>1.710,82</b>



## Annex 2 - Table of staff broken down by nationality, type of contract, gender and grade (reply to question 18)

Nationality	Statutory link	Grade	2018		2018 Total	2019		2019 Total
			F	M		F	M	
Austrian			1		1			
	Temporary staff	AD	1		1			
Belgian			3		3	2		2
	Contract staff	GFIV	1		1			
	Officials	AST	1		1	1		1
	Temporary staff	AST	1		1	1		1
Bulgarian			1		1	1		1
	Temporary staff	AD	1		1	1		1
Croatian						1		1
	Contract staff	GFIII				1		1
Czech				1	1		1	1
	Officials	AD		1	1		1	1
Danish				2	2	1	2	3
	Contract staff	GFIII				1		1
	Officials	AD		1	1		1	1
	Temporary staff	AD		1	1		1	1
Finnish			1		1	1		1
	Officials	AD	1		1	1		1



French			16	5	21	15	5	20
Contract staff	GFI			1	1		1	1
	GFIII		2		2	1		1
	GFIV		1		1	1		1
	Officials	AD	2	2	4	2	2	4
		AST	7	1	8	7	1	8
	Temporary staff	AD	1		1	1		1
		AST	3	1	4	3	1	4
German			4	3	7	4	3	7
Contract staff	GFIV		1		1			
Officials	AD		2	1	3	3	1	4
Temporary staff	AD		1		1	1		1
	AST			2	2		2	2
Greek			5	2	7	3	1	4
Contract staff	GFI		1		1	1		1
	GFIV		1		1			
Officials	AD			2	2		1	1
	AST		1		1			
Temporary staff	AD		2		2	2		2
Hungarian			2		2	2		2
Officials	AST		1		1	1		1
Temporary staff	AST		1		1	1		1
Irish			3	3	6	3	3	6
Officials	AD		1	1	2	1	2	3
Temporary staff	AD		2	2	4	2	1	3



Italian			5	1	6	5	3	8
	Contract staff	GFIII	1		1			
		GFIV				1	1	
	Officials	AD	3		3	3	1	4
		AST	1			1		1
	Temporary staff	AST		1	1	1	1	2
Lithuanian			2		2	2	2	
	Contract staff	GFIII	1		1	1		1
	Officials	AST	1			1		1
Maltese			1		1	1	1	
	Officials	AD	1		1	1	1	
Dutch			1	1	2	1	1	2
	Officials	AD		1	1	1		1
	Temporary staff	AST	1			1		1
Polish			1	2	3	1	2	3
	Contract staff	GFIII		1	1	1		1
		GFIV		1			1	1
	Officials	AD	1		1	1		1
Portuguese			1	2	3	1	2	3
	Officials	AST		1	1	1		1
	Temporary staff	AD		1			1	1
		AST	1			1	1	1
Romanian			1		1			
	Officials	AD	1		1			
Spanish			4	1	5	4	1	5
	Contract staff	GFI		1	1	1		1
	Officials	AD	3			3		3
		AST/SC	1			1	1	1



Swedish		1		1	1	1
Officials	AD	1		1	1	1
British		1	1	2	1	1
Officials	AD	1		1		
Temporary staff	AD		1	1	1	1
<b>Grand Total</b>		<b>54</b>	<b>24</b>	<b>78</b>	<b>49</b>	<b>74</b>