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*Plenary sitting*

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**A8-0142/2017**

31.3.2017

# **REPORT**

on discharge in respect of the implementation of the general budget of the European Union for the financial year 2015, Section VIII – European Ombudsman  
(2016/2158(DEC))

Committee on Budgetary Control

Rapporteur: Benedek Jávor

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## 1. PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

### **on discharge in respect of the implementation of the general budget of the European Union for the financial year 2015, Section VIII – European Ombudsman (2016/2158(DEC))**

*The European Parliament,*

- having regard to the general budget of the European Union for the financial year 2015<sup>1</sup>,
  - having regard to the consolidated annual accounts of the European Union for the financial year 2015 (COM(2016)0475 – C8-0276/2016)<sup>2</sup>,
  - having regard to the Court of Auditors' annual report on the implementation of the budget concerning the financial year 2015, together with the institutions' replies<sup>3</sup>,
  - having regard to the statement of assurance<sup>4</sup> as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2015, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
  - having regard to Article 314(10) and Articles 317, 318 and 319 of the Treaty on the Functioning of the European Union,
  - having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>5</sup>, and in particular Articles 55, 99, 164, 165 and 166 thereof,
  - having regard to Rule 94 of and Annex IV to its Rules of Procedure,
  - having regard to the report of the Committee on Budgetary Control (A8-0142/2017),
1. Grants the European Ombudsman discharge in respect of the implementation of the budget of the European Ombudsman for the financial year 2015;
  2. Sets out its observations in the resolution below;
  3. Instructs its President to forward this decision and the resolution forming an integral part of it to the European Ombudsman, the European Council, the Council, the Commission, the Court of Justice of the European Union, the Court of Auditors, the European Data Protection Supervisor and the External Action Service, and to arrange for their publication in the *Official Journal of the European Union* (L series).

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<sup>1</sup> OJ L 69, 13.3.2015.

<sup>2</sup> OJ C 380, 14.10.2016, p. 1.

<sup>3</sup> OJ C 375, 13.10.2016, p. 1.

<sup>4</sup> OJ C 380, 14.10.2016, p. 147.

<sup>5</sup> OJ L 298, 26.10.2012, p. 1.

## 2. MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

**with observations forming an integral part of the decision on discharge in respect of the implementation of the general budget of the European Union for the financial year 2015, Section VIII – European Ombudsman (2016/2158(DEC))**

*The European Parliament,*

- having regard to its decision on discharge in respect of the implementation of the general budget of the European Union for the financial year 2015, Section VIII – European Ombudsman,
  - having regard to Rule 94 of and Annex IV to its Rules of Procedure,
  - having regard to the report of the Committee on Budgetary Control (A8-0142/2017),
- A. whereas in the context of the discharge procedure, the discharge authority stresses the particular importance of further strengthening the democratic legitimacy of the Union institutions by improving transparency and accountability, implementing the concept of performance-based budgeting (PBB) and good governance of human resources,
1. Notes with satisfaction that the Court of Auditors (the “Court”) identified no significant weaknesses in respect to the audited topics related to the human resources and procurement for the European Ombudsman (the “Ombudsman”);
  2. Emphasises the fact that on the basis of its audit work, the Court concluded that the payments as a whole for the year ended on 31 December 2015 for administrative expenditure of the Ombudsman were free from material error;
  3. Stresses that the Ombudsman’s budget is purely administrative and amounted in 2015 to EUR 10 346 105 (EUR 9 857 002 in 2014); stresses, however, that introducing PBB should not apply only to the Ombudsman’s budget as a whole but should also include the setting of specific, measurable, attainable, realistic and time-based (SMART) targets to individual departments, units and staffs’ annual plans; in this respect, calls on the Ombudsman to introduce the PBB principle more widely in its daily operations;
  4. Notes that of the total appropriations, 92,32 % were committed (compared to 97,87 % in 2014) and 86,19 % paid (compared to 93,96 % in 2014), with a utilisation rate of 92,32 % (compared to 97,87 % in 2014); notes that the utilisation rate continued to decrease in 2015;
  5. Notes that the lowering of the utilisation rate in 2015 influenced the Ombudsman’s decision to reduce several budget lines, namely, those for missions, representation expenses and publications, and translations, and consequently reduced the budget of those lines;
  6. Acknowledges that the Ombudsman is a frontrunner in transparency among the Union institutions; calls, nevertheless, for further improvement of the transparency of recruitment conditions and processes; asks the Ombudsman to indicate the principal

adviser's tasks and to clarify his or her position in the organisational chart; in light of the changes before adoption of the organisational structure of the institution in November 2015, asks the Ombudsman to ensure that an updated version of its organisational chart is available on its website;

7. Welcomes the continuation of the Ombudsman's investigations into "revolving door" cases in the Commission; is concerned about the "internal revolving door" between the Ombudsman and the other institutions which might be under scrutiny of the Ombudsman or between the other institutions which might be scrutinising each other's work; calls on the Ombudsman to analyse the situation and to work out rules in order to avoid conflicts of interests if it considers it to be necessary;
8. Welcomes the efficient implementation of the annual management plan in 2015 within the strategy towards 2019; notes that the large majority of the targets settled by the Ombudsman to assess its performance through key performance indicators were reached; trusts that that trend will be kept in the years to come;
9. Acknowledges the key role that the Ombudsman played in the process of introducing internal rules for the protection of whistleblowers under Article 22(a) to (c) of the Staff Regulations in the Union institutions by the end of 2015; asks the Ombudsman to monitor the implementation of those rules on an ongoing basis and to evaluate whether they provide appropriate protection for Parliament's accredited parliamentary assistants;
10. Encourages the Ombudsman in its preparation of rules on the prevention and fight against harassment;
11. Acknowledges the importance of the Ombudsman's strategic and own initiatives and invites the Ombudsman to inform the discharge authority regularly about the impact of its inquiries; reiterates that the Ombudsman's first priority should be to address complaints from citizens within a reasonable time frame; asks the Ombudsman to interpret maladministration as widely as possible when performing its duties and to develop closer cooperation with Parliament's Committee on budgetary control in its strategic work;
12. Acknowledges the new definitions of public and non-public interest introduced by the implementing provisions for sorting the incoming complaints; asks the Ombudsman to inform the discharge authority as to how those definitions affected its performance;
13. Welcomes the fact that the Ombudsman publishes on its website the identity and other details of the external stakeholders whom she meets;
14. Notes the results achieved in the complaints handling in 2015 and welcomes the fact that the Union institutions complied with the Ombudsman's proposals at a rate of 90 %; calls on the Ombudsman to provide a breakdown of compliance of the Union institutions with its proposals in its annual activity reports; asks the Ombudsman to provide an analysis of the possible reasons of non-compliance and asks the Union institutions to improve their compliance rate further;
15. Welcomes the achievement of gender balance at management level in 2015; endorses the Ombudsman's support for measures sustaining the equal participation of men and

women in its workforce;

16. Regrets, however, the clear geographic imbalance at middle and senior management level, and, in particular, the overrepresentation of managers emanating from the Member State of which the Ombudsman is a national; calls on the Ombudsman to ensure a sustained correction of this situation;
17. Notes the Ombudsman's plan to comply with the inter-institutional agreement to reduce staff by 5 % over a period of five years and asks to be informed on how that reduction matches the 2016 estimates to create five new posts;
18. Is concerned about the two complaints made to the European Data Protection Supervisor against the Ombudsman in 2015 and asks for details of those complaints to be provided to Parliament's Committee on Budgetary Control;
19. Welcomes the consistent application of the Eco-Management and Audit Scheme (EMAS) rules, the dematerialisation of documents, the creation of a permanent green mobility scheme and the use of video conferencing for meetings; encourages further application of the principles of green public procurement and calls on the Ombudsman to establish rules and a budget for carbon offsetting;
20. Welcomes the Ombudsman's clarification for the absence of a building policy, as its services are hosted by Parliament, and asks to be informed of any developments or changes with regard to the current situation;
21. Welcomes the provision of exhaustive information on all the human resources at the Ombudsman's disposal, broken down according to grade, sex and nationality and requests that that information be automatically included in the Ombudsman's annual activity report;
22. Expects the Ombudsman to continue to strive for consistent quality in its annual activity report and asks the Ombudsman to provide a comprehensive annual impact report, which is an important tool for the assessment of its work;
23. Expresses the wish that national ombudsmen, authorities of the Member States and the Union institutions provide more help to the Ombudsman by drawing the attention of the Union citizens to the possibility of turning to the Ombudsman in cases of maladministration by any of the institutions or bodies of the Union.

## INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

<b>Date adopted</b>	22.3.2017
<b>Result of final vote</b>	+: 25 -: 1 0: 1
<b>Members present for the final vote</b>	Inés Ayala Sender, Dennis de Jong, Tamás Deutsch, Martina Dlabajová, Luke Ming Flanagan, Ingeborg Gräßle, Jean-François Jalkh, Bogusław Liberadzki, Notis Marias, Georgi Pirinski, José Ignacio Salafranca Sánchez-Neyra, Petri Sarvamaa, Claudia Schmidt, Bart Staes, Hannu Takkula, Derek Vaughan, Joachim Zeller
<b>Substitutes present for the final vote</b>	Richard Ashworth, Benedek Jávor, Karin Kadenbach, Markus Pieper, Patricija Šulin
<b>Substitutes under Rule 200(2) present for the final vote</b>	Raymond Finch, Jens Geier, Arne Lietz, Piernicola Pedicini, Lieve Wierinck

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

25	+
ALDE	Martina Dlabajová, Hannu Takkula, Lieve Wierinck
ECR	Richard Ashworth, Notis Marias
EFDD	Piernicola Pedicini
GUE/NGL	Luke Ming Flanagan, Dennis de Jong
PPE	Tamás Deutsch, Ingeborg Gräßle, Markus Pieper, José Ignacio Salafranca Sánchez-Neyra, Petri Sarvamaa, Claudia Schmidt, Patricija Šulin, Joachim Zeller
S&D	Inés Ayala Sender, Jens Geier, Karin Kadenbach, Bogusław Liberadzki, Arne Lietz, Georgi Pirinski, Derek Vaughan
Verts/ALE	Benedek Jávor, Bart Staes

1	-
EFDD	Raymond Finch

1	0
ENF	Jean-François Jalkh

**Key to symbols:**

+ : in favour

- : against

0 : abstention