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REPORT

on the annual report on the activities of the European Ombudsman in 2022
(2023/2120(INI))

Committee on Petitions

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the annual report on the activities of the European Ombudsman in 2022 (2023/2120(INI))

The European Parliament,

- having regard to the annual report on the activities of the European Ombudsman in 2022,
 - having regard to Article 10(3) of the Treaty on European Union (TEU),
 - having regard to Articles 15, 24(3), 228 and 298(1) of the Treaty on the Functioning of the European Union (TFEU),
 - having regard to Articles 11, 41, 42 and 43 of the Charter of Fundamental Rights of the European Union (the ‘Charter’),
 - having regard to the UN Convention on the Rights of Persons with Disabilities (UN CRPD),
 - having regard to Regulation (EU, Euratom) 2021/1163 of the European Parliament of 24 June 2021 laying down the regulations and general conditions governing the performance of the Ombudsman’s duties (Statute of the European Ombudsman) and repealing Decision 94/262/ECSC, EC, Euratom¹,
 - having regard to the European Code of Good Administrative Behaviour, as adopted by Parliament on 6 September 2001,
 - having regard to the Framework Agreement on Cooperation concluded between Parliament and the European Ombudsman on 15 March 2006, which entered into force on 1 April 2006,
 - having regard to its previous resolutions on the European Ombudsman’s activities,
 - having regard to Rules 54 and 142(2) of its Rules of Procedure,
 - having regard to the report of the Committee on Petitions (A9-0414/2023),
- A. whereas the annual report on the activities of the European Ombudsman in 2022 was formally submitted to the President of Parliament on 28 April 2023 and the Ombudsman, Ms Emily O’Reilly, presented the report to the Committee on Petitions in Brussels on 27 June 2023;
- B. whereas Articles 20, 24 and 228 TFEU empower the European Ombudsman to receive complaints concerning instances of maladministration in the activities of the Union institutions, bodies, offices or agencies, with the exception of the Court of Justice of the

¹ OJ L 253, 16.7.2021, p. 1.

European Union acting in its judicial role;

- C. whereas Article 15 TFEU states that ‘in order to promote good governance and ensure the participation of civil society, the Union’s institutions, bodies, offices and agencies shall conduct their work as openly as possible’ and that ‘any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have a right of access to documents of the Union’s institutions, bodies, offices and agencies’; whereas ensuring that high-quality services are provided to EU citizens and that the EU administration is responsive to their needs and concerns is crucial in protecting citizens’ rights and fundamental freedoms;
- D. whereas Article 41 of the Charter on the right to good administration states that ‘every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union’;
- E. whereas Article 43 of the Charter states that ‘Any citizen of the Union and any natural or legal person residing or having its registered office in a Member State has the right to refer to the European Ombudsman cases of maladministration in the activities of the institutions, bodies, offices or agencies of the Union, with the exception of the Court of Justice of the European Union acting in its judicial role’;
- F. whereas Article 298(1) TFEU establishes that ‘in carrying out their missions, the institutions, bodies, offices and agencies of the Union shall have the support of an open, efficient and independent European administration’;
- G. whereas in 2022, the Ombudsman opened 348 inquiries, of which 344 were complaint-based and 4 own-initiative, while closing 330 inquiries (325 complaint-based and 5 own-initiative);
- H. whereas in 2022, the vast majority of the inquiries concerned the Commission (197 inquiries or 57.1 %), while the next largest numbers concerned the European Personnel Selection Office (22 inquiries or 6.3 %), the European Parliament (19 inquiries or 5.5 %), and the European External Action Service (16 inquiries or 4.6 %); whereas the remaining inquiries were distributed as follows: the European Border and Coast Guard Agency (Frontex) (14 inquiries or 4.3 %), the European Union Aviation Safety Agency (7 inquiries or 2 %), other EU institutions or bodies (46 inquiries or 13.5 %), and other EU agencies (23 inquiries or 6.7 %);
- I. whereas in 2022, the largest percentage of the Ombudsman’s inquiries concerned the Commission, whose administrative activities receive considerable public attention, given that it is the EU executive;
- J. whereas in the inquiries closed by the Ombudsman in 2022, no maladministration was found in 37 % of cases, a solution was settled by the institution in 46.1 % of cases, no further inquiries were justified in 12.7 % of cases and maladministration was found in 4.5 % of cases;
- K. whereas the top three concerns in the inquiries closed by the Ombudsman in 2022 were transparency and accountability (e.g. access to information and documents) (32 %), culture of service (20 %) and respect for fundamental rights (15 %); whereas other

concerns included proper use of discretion (including in infringement procedures), recruitment, good management of personnel issues, respect for procedural rights, proper management of infringement procedures, sound financial management, ethics and public participation in EU decision-making;

- L. whereas in 2022, the Ombudsman asked the Council to grant faster access to legislative documents so that the public can effectively participate in discussions on draft EU laws²;
- M. whereas the Ombudsman found maladministration^{3, 4} in how the Commission handled a public access request for text messages between its President and the CEO of a pharmaceutical company (Pfizer);
- N. whereas in 2022, the Ombudsman opened an inquiry into how the European Central Bank (ECB) handles ‘revolving doors’⁵;
- O. whereas the Ombudsman opened a strategic inquiry into the systemic and significant delays in how the Commission handles requests for public access to documents; whereas the Ombudsman found maladministration in the Commission's way of handling such requests, notably in dealing with requests to review initial decisions (‘confirmatory applications’)⁶;
- P. whereas in 2022, the Ombudsman also conducted wider strategic inquiries and initiatives into systemic issues in the EU institutions, covering ethical issues, ‘revolving doors’ moves, accountability in decision-making, access to documents and fundamental rights;
- Q. whereas in 2022, the Ombudsman issued a recommendation to the Council to grant full public access to the requested legislative documents, following an inquiry into the Council’s refusal to do so in the context of negotiations on the draft ‘Digital Markets Act’, following which the Ombudsman concluded that there was maladministration;
- R. whereas in 2022, the Ombudsman’s Office further raised public awareness of the Ombudsman’s role in maintaining high accountability and transparency standards in EU administration;
- S. whereas the Ombudsman decided to launch a public consultation on transparency and participation in EU decision-making related to the environment, in the light of the climate emergency and environmental and ecosystem degradation, with a view to assessing the EU's approach, as a party to the Aarhus Convention, in ensuring a high level of public access to environmental information and public participation in decision-

² European Ombudsman, ‘[Council should give faster public access to legislative documents](#)’, 29 June 2022.

³ European Ombudsman, ‘[Decision on the European Commission's refusal of public access to text messages exchanged between the Commission President and the CEO of a pharmaceutical company on the purchase of a COVID 19 vaccine \(case 1316/2021/MIG\)](#)’, 12 July 2022.

⁴ European Ombudsman, ‘[Ombudsman criticises how Commission handled request for access to President’s text messages](#)’, 28 January 2022.

⁵ European Ombudsman, ‘[Ombudsman opens inquiry into how ECB handles “revolving doors”](#)’, 3 March 2022.

⁶ European Ombudsman, ‘[Decision on the time the European Commission takes to deal with requests for public access to documents \(strategic inquiry OI/2/2022/OAM\)](#)’, 18 September 2023.

making relating to the environment;

- T. whereas in 2022, the Ombudsman urged the Commission to treat access to document requests concerning EU recovery funds with greater consistency and to better explain its reasoning when deciding not to release the asked-for information⁷;
- U. whereas in 2022, the Ombudsman opened an inquiry into the Commission's refusal to give public access to documents related to its proposal for a regulation on the European Health Data Space⁸;
- V. whereas in 2022, the Ombudsman opened an inquiry into how the Commission dealt with a request for public access to declarations of interests from the members of its Regulatory Scrutiny Board⁹;
- W. whereas the Ombudsman has underlined that the EU rules on public procurement are not robust or clear enough to prevent conflicts of interest and has criticised the Commission for its insufficient critical scrutiny before awarding a contract to carry out a study on integrating environmental, social and governance objectives into EU banking rules to BlackRock Investment Management, a company that manages investments in the fossil fuel and banking sectors, which are areas that fall under the new environmental, social and governance rules;
1. Approves the annual report for 2022 presented by the European Ombudsman;
 2. Congratulates Emily O'Reilly on her good work and her continuous efforts to improve administrative practices and to promote accountability and full transparency of the EU institutions, bodies, offices and agencies, as well as to ensure accessibility of EU documents for EU citizens;
 3. Expresses its appreciation for the continued constructive cooperation of the European Ombudsman with the European Parliament, and notably with the Committee on Petitions, as well as with other EU institutions; reiterates its commitment to support the Ombudsman in the performance of her duties;
 4. Congratulates the Ombudsman's Office for the significant improvement in its efficiency rate for the length of inquiry for closed cases, which improved from 13 months on average in 2013 to less than 6 months on average in 2022; underlines that the achieved results cover several areas of EU administration with limited resources;
 5. Calls on the Council to fully comply with the transparency standards of a parliamentary and participatory democracy, as required under the Treaties and requested by the Ombudsman; recalls that the Court of Justice of the EU stipulated that the principles of publicity and transparency are inherent to the EU legislative process and that the lack of

⁷ European Ombudsman, '[Ombudsman calls for improved transparency around EU recovery funds](#)', 1 December 2022.

⁸ European Ombudsman, '[The European Commission's refusal to give public access to documents related to its proposal for a Regulation on the European Health Data Space \(COM\(2022\) 197 final\)](#)', inquiry opened on 28 November 2022.

⁹ European Ombudsman, '[How the European Commission dealt with a request for public access to declarations of interests of the members of its Regulatory Scrutiny Board](#)', decision issued on 20 December 2022.

transparency and information weakens citizens' trust in the legitimacy of the EU legislative process as a whole;

6. Calls on the Council to grant citizens timely access to its legislative documents during ongoing legislative procedures in order to fully uphold citizens' Treaty-based right to participate in the democratic life of the Union, which would in turn enhance citizens' trust in the overall EU decision-making process;
7. Welcomes the opening of the own-initiative inquiry to assess how the Commission ensures that its interactions with tobacco industry representatives are transparent; underlines that the failure of the Commission as a whole to proactively publish details of its meetings with tobacco lobbyists amounted to maladministration, as indicated by the Ombudsman in her preliminary findings; recalls that the EU signed and formally confirmed the World Health Organization's Framework Convention on Tobacco Control and is obliged to comply with its provisions establishing that interactions with the tobacco industry should take place only when strictly necessary from a regulatory point of view, as well as to make those interactions transparent, in order to prevent the tobacco industry from having a negative impact on public health policies;
8. Considers it paramount that the Ombudsman launch an investigation to assess the level of independence of the EU Energy Platform Industry Advisory Group set up by the Commission;
9. Endorses the result of the Ombudsman's examination of how the Commission ensures that external experts involved in evaluating project proposals under the European Defence Fund do not have conflicts of interest; underlines the paramount importance of carrying out a thorough assessment of conflicts of interest before appointing experts and of making sure that transparency and ethics obligations are robustly implemented;
10. Welcomes the Commission's proposal, in response to the Ombudsman's findings following her inquiry into the BlackRock case, to amend the Financial Regulation to include the option to reject tenderers if they have a conflict of interest; calls on the Commission to comply fully with the Ombudsman's suggestions by adopting strengthened and clearer rules aimed at preventing any conflicts of interest in all procedures related to public procurement, including for its internal guidelines;
11. Highlights the fact that, following an inquiry by the Ombudsman into the phenomenon of 'revolving doors', the Commission is improving its handling of the issue and requests information from former staff on how they are complying with relevant restrictions; notes the faster publishing by the Commission of an annual overview of senior staff members requesting permission to move to new employment, and its assessment of these requests; underlines that the Commission should not grant any authorisation where the concerned employment cannot be made subject to restrictions that adequately mitigate the risks of conflicts of interest or where those restrictions cannot be credibly monitored and enforced, including the obligation for the new employer to make the restrictions public; believes that the Commission should publish information in a timely manner on all post-service activities of senior former staff members that it assesses, thus improving public scrutiny of these decisions, which is essential for monitoring purposes; welcomes the fact that staff on unpaid leave are forbidden from taking

employment in areas where there is a risk of conflict of interest; encourages the Ombudsman to monitor the Commission's handling of these issues;

12. Welcomes the own-initiative inquiry opened by the Ombudsman to assess how the ECB manages the issue of 'revolving doors' and endorses the call of the Ombudsman to the ECB to apply stricter rules governing staff moves to the private sector; supports the recommendation that ECB staff should be subject to strict cooling-off requirements and that the period during which former ECB staff are banned from lobbying their former colleagues should be increased;
13. Underlines that Qatargate shed a new light on lobbying and policymaking in the EU; acknowledges the Ombudsman's critical assessment of the scandal and welcomes the development of new measures designed at improving the integrity standards within the European Parliament to safeguard EU democracy; considers these actions as an important first step to enhance the EU regulatory framework, as they aim to foster higher ethics and anti-corruption standards and thereby make the EU institutions examples of integrity and accountability;
14. Welcomes the continuous efforts of the Ombudsman to improve lobbying transparency and ethics, in particular by requiring the Commission to strengthen the Code of Conduct for Commissioners, create a public record of meetings between Commissioners and lobbyists and proactively publish Commissioners' travel expenses;
15. Underlines that the participation of citizens in EU decision-making is important for its legitimacy; appreciates the Ombudsman's commitment to foster accountability in EU decision-making, especially in the area of environmental decisions; welcomes and supports the Ombudsman's requests to the European Investment Bank (EIB) to take several transparency steps to enable the public to more easily see the potential environmental impact of the projects it finances, as well as the Ombudsman's intention to step up her scrutiny of the EIB's activities, in the light of the EIB's insufficient follow-up to date, in particular regarding the timely publishing of information about projects related to the environment and EIB finances in order to give sufficient time to the public to raise concerns;
16. Commends the Ombudsman's work in prioritising her assessment of the transparency of EU environmental decision-making, following, *inter alia*, her finding of maladministration in the Commission's failure to consider properly the environmental impact of the EU-Mercosur trade agreement before concluding negotiation, the Commission's severe shortcomings in handling requests on public access to environmental information and the lack of clear rules to ensure that experts the Commission consults, in the context of environmental policymaking, are not subject to conflicts of interest;
17. Underlines that the Ombudsman found regrettable the fact that proactive transparency mainly happened only after the national plans under the Recovery and Resilience Facility (RRF) had already been approved, thus preventing the public from adequately following the negotiations; is concerned about the lengthy delays that the Commission has been incurring in dealing with requests for public access to RRF-related documents, in some cases taking one year or more; urges the Commission to encourage the Member

States to use a public portal to list all recipients of funding under the RRF, to continue publishing its preliminary assessments of Member States' payment requests and to inform the public with concrete details about its supervisory and audit work in order to ensure meaningful accountability for all funds spent, welcomes the publication by the Organisation for Economic Cooperation and Development, in collaboration with the European Ombudsman's Office, of the policy paper entitled 'Towards good practice principles for government transparency in the use of recovery funds', which provides guidance to governments on ensuring transparency and accountability in the use of COVID-19 recovery funds, welcomes, in this regard, the Ombudsman's efforts to improve the transparency standards related to the RRF;

18. Highlights that in her strategic initiative concerning how the Commission ensured transparency and balanced interest representation under the common agricultural policy (CAP), the Ombudsman found that key elements of the CAP national strategic plans, including specific measures on budget items and milestones to be fulfilled, were missing, thus making it difficult for citizens and interested parties to understand the conditions under which Member States could use the assistance provided by the new CAP; supports the Ombudsman's call on the Commission to proactively disclose more information concerning the approval of Member States' strategic plans under the CAP; asks the Commissioner for Agriculture and his cabinet, as well as the Commission's Directorate-General for Agriculture and Rural Development, to comply with the Ombudsman's recommendations and seek a fair and balanced representation of the interests of both farmers and civil society in its meetings and exchanges with interest representatives, given that, as pointed out by the Ombudsman in her letter of February 2022, the Commissioner for Agriculture and his cabinet held more meetings with industry representatives than with environmental organisations and other organisations like research institutions; requests that the Commission assume an active role in securing compliance with the transparency obligations imposed on the Member States, including the obligation to disclose the broader entities that beneficiaries of funds belong to and the obligation to publish the total amount of payments received by a beneficiary, with a view to guaranteeing that the public has access to all necessary information about beneficiaries of CAP funding;
19. Regrets that the Commission's approach to setting up civil dialogue groups for matters covered by the CAP did not comply with the Ombudsman's recommendations and had several gaps, in particular a failure to transparently and clearly implement a balanced representation between economic and non-economic interests in the composition of the groups;
20. Emphasises the importance for all institutions of treating access to documents requests in a timely manner, so that the relevance of the information is preserved; supports the Ombudsman's special report in her strategic inquiry concerning the time the Commission takes to deal with requests for public access to documents¹⁰; is concerned about the Commission's systemic and significant delays in processing such requests; underlines that public access to documents is a fundamental right under Regulation 1049/2001¹¹; urges the Commission to improve its administrative practices in order to

¹⁰ European Ombudsman, '[Ombudsman opens inquiry into time taken by Commission to deal with access to documents requests](#)', 6 April 2022.

¹¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding

respect the timelines set out by the legislator and to clearly and proactively demonstrate that transparency is the rule and a priority in its handling of requests for public access to documents; stresses the need for the EU institutions to dedicate sufficient human resources to improving efficiency in the handling of access to documents requests; recalls that the Ombudsman recommended a fundamental restructuring of the Commission's approach to processing access to document requests;

21. Acknowledges the Ombudsman's inquiry into the Commission's failure to identify and therefore to assess the potential disclosure of the text messages exchanged between the Commission President and the CEO of a pharmaceutical company on the purchase of a COVID-19 vaccine; is worried that the Commission's approach constituted maladministration; underlines that work-related text and instant messages are 'documents' under Regulation 1049/2001 and stresses that respecting this principle is of particular importance; welcomes the Ombudsman's recommendations for the EU administration on the recording of work-related text and instant messages; stresses the importance for the EU institutions of fully complying with these recommendations in order to bring the practices of the EU administration into line with modern communication methods; takes note of the Commission's response that it will issue further guidance on modern communication tools such as text messages;
22. Calls on the Council to learn a lesson from the Ombudsman's inquiry into its refusal to give full public access to documents related to negotiations on the draft 'Digital Markets Act', which, in 2022, resulted in the Ombudsman's conclusion that there was maladministration; calls on the Council to apply the highest standards of transparency in these cases, especially when the Ombudsman has already identified problems in previous strategic inquiries concerning the transparency of its legislative process and its decision-making during the COVID-19 crisis; recalls that transparency is one of the key principles set out in the EU Treaties and that a lack of transparency risks diminishing citizens' trust in the European institutions and the EU as a whole;
23. Stresses the importance of the Ombudsman's investigations into human rights compliance by the EU administration; supports the Ombudsman's call for the Commission to set up a new and separate complaint handling portal for alleged human rights abuses, and to make it accessible for human rights-related complaints by civil society organisations and other stakeholders in countries with which the EU has trade deals;
24. Points out that the Ombudsman conducted a strategic inquiry into how Frontex complies with its fundamental rights and transparency obligations under its expanded mandate under Regulation 2019/1896¹², stresses the importance of applying high transparency standards to allow for public scrutiny and of ensuring full respect for fundamental rights in all of Frontex's operations to improve its accountability; calls on Frontex to ensure an adequate follow-up to the recommendations issued by the Ombudsman;

public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

¹² Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).

25. Notes the Ombudsman's inquiry into the Commission's system monitoring the Croatian authorities' respect for fundamental rights in the context of border management operations supported by EU funds, in the conclusion of which the Ombudsman criticised the Commission for its delay in setting up an appropriate monitoring mechanism for border management by the Croatian authorities; urges the Commission to always react promptly to the Ombudsman's suggestions for improvement, in particular in cases like this one, when significant shortcomings are identified;
26. Welcomes the fact that, on the basis of the Ombudsman's practical recommendations on the use of official languages when communicating with the public, the network of EU agencies agreed on the guidelines on multilingual policies;
27. Takes note that in 2022, the Statute of the European Ombudsman was updated with implementing provisions detailing the working procedures of the Ombudsman's Office; believes that the new provisions will contribute to improving the Ombudsman's work;
28. Welcomes the Ombudsman's commitment to monitor the EU administration's implementation of the UN CRPD; appreciates the Ombudsman's work as a member of the EU Framework for the UN CRPD;
29. Underlines the results of the Ombudsman's own-initiative inquiry into how the Commission monitors EU Structural and Investment Funds to ensure that funds are used to strengthen the rights of persons with disabilities to independent living and inclusion; welcomes the suggestion of clearer guidance about the need to promote deinstitutionalisation in the context of the use of EU Structural and Investment Funds ;
30. Encourages the Ombudsman to continue the exchanges on experiences and best practices with national ombudsmen through the European Network of Ombudsmen (ENO); appreciates that the 2022 ENO annual conference focused on best practices for helping refugees and addressed the effects of the digitalisation of public services on citizens' rights; commends the addition of the Ukrainian and Moldovan ombudsman's offices to the ENO;
31. Welcomes the Ombudsman's continuous efforts to further improve the visibility of its activities, including via online tools and the multilingual website offering assistance in all 24 official languages of the EU;
32. Welcomes the fruitful, long-standing dialogue between the Ombudsman and the European Parliament's Committee on Petitions; underlines that the intensive collaboration between these two bodies helps to increase the democratic accountability of the EU institutions and bring them closer to citizens;
33. Instructs its President to forward this resolution and the report of the Committee on Petitions to the Council, the Commission, the European Ombudsman, the governments and parliaments of the Member States, and their ombudsmen or similar competent bodies.

EXPLANATORY STATEMENT

The annual report on the activities of the European Ombudsman in 2022 was formally submitted to the President of the European Parliament, Roberta Metsola, on 28 April 2023 and the Ombudsman, Emily O'Reilly, presented the report to the Committee on Petitions in Brussels on 27 June 2023.

The Ombudsman's mandate is enshrined in Art. 24 and 228 of the Treaty of the Functioning of the European Union (TFEU). Article 24 of the TFEU, as well as Article 43 of the EU Charter of Fundamental Rights, establishes the right to complain to the European Ombudsman. According to Art. 228 TFEU, the European Ombudsman elected by the European Parliament, is empowered to receive complaints from any citizen of the Union, or any natural or legal person residing or having its registered office in a Member State, concerning instances of maladministration in the activities of the Union institutions, bodies, offices or agencies, with the exception of the Court of Justice of the European Union acting in its judicial role.

An additional cornerstone, particularly bound to the Ombudsman's role, is Article 41(1) of the EU Charter of Fundamental Rights where it is underlined that 'every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union'.

The European Ombudsman helps people, businesses, and organisations facing problems with the EU's administration by dealing with complaints they submit, as well as by seeking to promote good administrative practices by proactively identifying broader systemic issues within the EU institutions. The Ombudsman is not always in a position to inquire into all complaints received but her Office nonetheless tries to help all those who seek assistance, for example by providing advice on other possibilities for redress.

In 2022, 16 569 citizens called on the Ombudsman's services for help, of whom 13 313 were given advice through the Interactive Guide on the Ombudsman's website, while 1 038 remaining requests for information were replied to by the Ombudsman's services and 2 238 were handled by the Ombudsman as complaints.

Out of the total number of 2 238 complaints processed by the Ombudsman in 2022, 755 fell within the Ombudsman's mandate and 1 483 fell outside the scope of the Ombudsman's mandate.

In 2022, the European Ombudsman processed 1 483 complaints that did not fall within her mandate, mostly because they did not concern the work of the EU administration. Over 40% of such complaints came from Spain, Poland and Germany, with Spain alone accounting for half that figure. Their out of mandate complaints primarily related to problems encountered with national, regional or local public bodies, governments and public service bodies, and national or international courts (such as the European Court of Human Rights). Citizens also directed a large number of complaints at private entities, including banks, online businesses and platforms and airlines. The Ombudsman also received many out of mandate complaints related to the humanitarian crisis in Ukraine following Russia's invasion. The Ombudsman continued to receive a high number of out of mandate complaints related to the COVID-19 pandemic. These predominantly concerned measures national authorities put in place in

response to the pandemic and the right to move freely within the EU. Other out of mandate complaints concerned EU institutions, but were related to political or legislative work.

The Ombudsman advised complainants what other bodies could help and clarified the Ombudsman's mandate. With the complainant's agreement, the Ombudsman also transferred complaints to suitable members of the European Network of Ombudsmen (ENO). Where complainants were unhappy with specific EU legislation, the Ombudsman generally advised them to turn to the European Parliament's Committee on Petitions. Complainants, who raised other issues, including the implementation of EU law, were referred to the European Commission, national or regional ombudsmen, or to EU networks such as Europe Direct, Solvit and the European Consumer Centres.

In 2022, the Ombudsman opened 348 inquiries, of which 344 were complaint-based and four were own-initiative inquiries, while closing 330 inquiries (325 complaint-based and 5 own-initiative inquiries).

Most of the inquiries concerned the Commission (197 inquiries or 57,1 %), the next largest number concerned the European Personnel Selection Office (EPSO) (22 inquiries or 6,3 %), the Parliament (19 inquiries or 5,5 %), European External Action Service (EEAS) (16 inquiries or 4,6 %). The rest were distributed as follows: the European Border and Coast Guard Agency (FRONTEX) (14 inquiries or 4.3 %), the European Union Aviation Safety Agency (7 inquiries or 2 %) other EU agencies (23 inquiries or 6,7 %) and other institutions (46 inquiries or 13,5 %).

The inquiries closed by the European Ombudsman in 2022 where settled by the institution, a solutions was achieved in 152 cases (46.1%), there was no maladministration found in 122 cases (37.0%) and only in 15 cases the Ombudsman found maladministration and a recommendation was agreed by the institution (4.5%).

The length of inquiry of cases closed by the European Ombudsman was less than 6 months on average as: 157 cases (48%) where closed within 3 months, 126 cases (38%) were closed within 3 to 12 months, 36 cases (11%) were closed within 12 to 18 months and only 11 cases (3%) were closed after more than 18 months.

In 2022, the EU institutions cooperated satisfactorily with the Ombudsman in 79% of the cases. Of the 33 proposals the Ombudsman made to correct or improve their administrative practices, the EU institutions reacted positively to 26 of them.

The Ombudsman's top three concerns in the inquiries closed in 2022 were transparency and accountability (access to information and documents) (32 %), culture of service (20 %) and respect for fundamental rights (15 %). Other concerns include proper use of discretion (including in infringement procedures), recruitment, good management of personnel issues, respect for procedural rights, proper management of infringement procedures, sound financial management, public participation in EU decision making, ethical issues and grants, procurement, contracts.

In addition to the Ombudsman's core work on complaints, the Ombudsman also conducts wider strategic inquiries and initiatives into systemic issues with EU institutions. In line with the Ombudsman's 'Towards 2024' strategy, 2022 saw an increase in the strategic work of the Ombudsman, with a greater number of inquiries and initiatives opened on a diverse range of

issues. In its strategic work in 2022, the Ombudsman's office opened new strategic inquiries on different topics:

- **Ethical issues**

Maintaining high ethics standards in the EU administration is a key area of the Ombudsman's work. This covers the implementation of rules on 'revolving doors', conflicts of interest, and meetings with lobbyists.

The Ombudsman asked the Commission for information on how it is ensuring transparency and a balanced representation of interests in relation to the Common Agricultural Policy (CAP). The Ombudsman made several observations on this issue, asking for more discussion on CAP with citizens and other stakeholders in addition to representatives from the agricultural sector. The Ombudsman encouraged the Commission to proactively publish more information about the approval of Member States' 'strategic plans', which detail how CAP objectives will be met.

The Ombudsman opened an own-initiative inquiry to assess how the Commission ensures that its interactions with tobacco interest representatives are transparent. The inquiry is a follow-up to previous inquiries in the area, including one, which in 2016 concluded that the Commission was failing to meet its obligations under the World Health Organisation's Framework Convention on Tobacco Control.

The role of the Ombudsman is also to anticipate public interest issues and pre-emptively ask for information from the EU administration. In this light, the Ombudsman asked the Commission for more details about how it ensures that external experts involved in evaluating project proposals under the European Defence Fund (EDF) do not have conflicts of interest. The Ombudsman noted that the list of experts is not public, making it more important that ethics obligations are implemented.

The Ombudsman welcomed the Commission's proposal to amend the Financial Regulation to include the possibility to reject tenderers if they have a professional conflict of interest. The amendment was in response to the Ombudsman's findings about the Commission's decision to award BlackRock Investment Management a study contract in an area of regulatory and financial interest to it.

- **'Revolving doors'**

In 2022, the Ombudsman Office continued to focus on how the EU administration deals with the 'revolving doors'. The Ombudsman continued in 2022 the broad strategic inquiry started in February 2021, into how the Commission handles revolving door situations. The strategic inquiry – covering 100 files – focuses into how the Commission handles moves by staff to the private sector. The Commission was asked to publish decisions on staff members' new jobs faster to allow for timely public scrutiny. The Commission replied that, for cases where there is a reputational risk for the Commission, it would ask former staff to report on how they are complying with any restrictions, such as on lobbying former colleagues. It also said it would publish its annual overview of senior staff members requesting permission to move to new employment, and its assessment of these requests, faster than previously. In addition, staff on unpaid leave are now forbidden from taking employment in areas where there is a risk of

conflict of interest.

After conducting an own-initiative inquiry into how the European Central Bank (ECB) manages revolving doors, the Ombudsman asked the bank to apply stricter rules to moves by staff to the private sector, and particularly to the financial sector. The Ombudsman asked that more staff are subject to stricter cooling-off requirements, and that the ban on former senior ECB staff lobbying their former colleagues is increased to one year. The Ombudsman made several suggestions to the European Investment Bank (EIB) to strengthen how it assesses moves by members of its Management Committee to the private sector. This followed the EIB's decision to approve a move by a former Vice-President to a utility company that had received loans from the bank.

- **Accountability in decision making**

EU citizens have rights to access documents held by the EU institutions and the Ombudsman serves as a redress mechanism for those who face difficulties to access to these documents.

In September 2022, the Ombudsman launched a public consultation to evaluate whether citizens have access to up-to-date information related to the environment. The questions were aimed at finding out how easy it is for the public to obtain documents or information related to this area, and how citizens could be more involved in the preparation and implementation of green policies. The consultation received 18 replies and the Ombudsman will be taking follow-up steps in 2023. The Ombudsman's Office reached out to the Aarhus Convention Compliance Committee Secretariat to learn more about its role in complaint-handling on environmental matters.

Three Civil Society Organisations (CSOs) complained that the European Investment Bank (EIB) publishes too little information, and too late, about the projects it finances. The Ombudsman considered insufficient EIB's follow up and asked to step up the scrutiny of the Bank's activities.

The Recovery and Resilience Facility (RRF) forms part of an unprecedented EU-financed stimulus package to help Member State economies recover from the COVID-19 pandemic. The Ombudsman asked the Commission how it would ensure accountability of fund spending, how the public could see which projects will be financed and if promised milestones have been reached. The Ombudsman also received complaints about refused access to documents related to the recovery plans of Germany, France, the Netherlands, Sweden, and Denmark. In her analyses, the Ombudsman stressed the importance of high transparency standards in the management of the RRF.

A group of Civil Society Organisations (CSOs) and associations turned to the Ombudsman after the Commission counted the almost 123 000 individual responses – submitted in one document – to a public consultation on the Sustainable Corporate Governance Initiative as a single response with multiple signatories. It also did not summarise the main concerns raised via the campaign in a timely and adequate way. The Ombudsman found this approach regrettable and asked that in the future the Commission provide better information on the responses received from citizens through campaign platforms.

The Commission explained how it collects information concerning the implementation of the EU's General Data Protection Regulation in Ireland following concerns that it had not

collected sufficient information to be able to assess how the law is being applied. The Ombudsman found the explanations satisfactory but encouraged the Commission to be more prescriptive in terms of its information needs so that it can adequately monitor this important area.

The Ombudsman asked the Council whether it could proactively release more documents related to the adoption of sanctions against Russia. The Council provided a detailed and convincing explanation as to why even marginal additional transparency is hard to achieve in this area now.

- **Access to documents**

The Ombudsman has reformed the office internally to allow it to work more efficiently on complaint-handling and tackling systemic issues within the EU administration. This has led to faster complaint-handling times, as well as important positive results in the EU administration across a range of areas.

The Ombudsman continued in 2022 to promote the Office's work as a redress mechanism for those seeking public access to documents. Building on the Office's expertise in this area, the Ombudsman published a detailed guide on the right of public access to EU documents. This online tool includes a Q&A for a general audience, as well as an in-depth guide for expert stakeholders and transparency activists. The guide provides comprehensive information on the practical and legal aspects of the right of public access.

The European Maritime Safety Agency (EMSA) agreed to publish on its website extensive information on detections of possible oil spills from the year 2015 onwards. The Ombudsman praised EMSA's action, which followed a complaint by an investigative journalist platform.

Following an inquiry, the Council gave access to Member States' initial comments and questions on the draft Digital Markets Act but only after legislative discussions on the law had finished. The Ombudsman has asked the Council to grant faster access to legislative documents so that the public can effectively participate in discussions on draft EU laws.

The Commission granted public access to documents concerning the purchase of 1.5 million medical masks almost two years after the initial request.

The Ombudsman launched two inquiries on delays in handling document requests: one concerned the length of time it takes the Commission to deal with public access requests; the second related to how the European Border and Coast Agency (Frontex) handles such requests.

- **Fundamental rights**

In 2022, the Ombudsman asked the European Border and Coast Guard Agency (Frontex) to improve its accountability after conducting a strategic inquiry into how it complies with its fundamental rights obligations. The inquiry examined the transparency of Frontex's joint operations with national authorities at the EU's borders, how it identifies fundamental rights concerns and how it monitors the return of people seeking asylum. The Ombudsman identified several areas where Frontex could improve its practices and made suggestions on how to improve the accessibility of Frontex's complaints mechanism for people who feel their

fundamental rights have been breached.

Another key inquiry linked to fundamental rights focused on how the Commission ensures Croatian authorities respect fundamental rights in the context of border management operations. The Ombudsman criticised the Commission's delay in setting up a monitoring mechanism for border management by the Croatian authorities and asked the Commission to report back by early 2023 on the steps it has taken to strengthen fundamental rights compliance in Croatian border operations receiving EU funds.

The Ombudsman asked the Commission to provide details on how it ensures respect for human rights in the international trade agreements the EU signs and asked the Commission to set up a new and separate complaint-handling portal for alleged human rights abuses and to examine how it can be made accessible for human rights-related complaints by civil society organisations and other stakeholders in countries with which the EU has trade deals.

In 2020, the Ombudsman published a set of practical recommendations on the use of the official EU languages when communicating with the public. These included establishing a clear policy on use of official languages, publishing the policy, and applying it consistently. In autumn 2022, the network of EU agencies announced that, based on the Ombudsman's recommendations made in 2020, it had agreed guidelines and a template on multilingual policies.

- **The evolving role of the Ombudsman**

On 17-18 November, the European Ombudsman and the European University Institute's Department of Law and School of Transnational Governance held a conference in Florence, Italy to examine how the European Ombudsman has evolved in its role of ensuring an independent, transparent, and accountable EU administration. The event brought together diverse perspectives from academia, civil society, the EU administration, and the European Ombudsman's office. The various panels discussed how the Ombudsman's role has developed over the years, how the Ombudsman's 'soft power' can encourage positive change, and the role of transparency in achieving accountability in the EU institutions.

The annual European Network of Ombudsmen (ENO) conference addressed some of the major issues facing ombudsmen, such as upholding the rights of those fleeing the war in Ukraine and welcomed the Ukrainian and Moldovan ombudsman offices to the Network. The 2022 ENO annual conference in Strasbourg focused on the role ombudsmen can play in times of crisis.

- **The relations with the European Parliament**

In 2022, the European Ombudsman maintained close cooperation with the European Parliament, presenting key inquiries to committee meetings and participating in parliamentary hearings and workshops on topics related to the EU administration, fundamental rights, and access to documents. In 2022, the Ombudsman participated in different events and meetings organised by the Petitions Committee, such as a workshop on the rights of people with disabilities. She also met with the Petitions Committee Chair Dolors Montserrat to discuss their cooperation when it comes to addressing citizens' concerns and the PETI Committee showed support for the Ombudsman's work and strategy during the annual exchange of views

on the Ombudsman's activities.

- **The UN Disability Rights Convention**

As a member of the framework, the Ombudsman pays close attention to the EU administration's implementation of the UNEU Framework for the UN Convention on the Rights of Persons with Disabilities. In addition, the Ombudsman dealt with important inquiries in 2022 related to the rights of persons with disabilities. In April, the Ombudsman closed her own initiative investigation into how the European Commission monitors EU Structural and Investment funds to ensure they are used to promote the right of persons with disabilities to independent living and inclusion in the community. In October 2022, the Ombudsman also hosted a hybrid seminar for ENO members to exchange information and experiences related to the standards of the EU web accessibility directive and its implementation.

**ANNEX: ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

Pursuant to Article 8 of Annex I to the Rules of Procedure, the rapporteur declares that he has received input from the following entities or persons in the preparation of the report, until the adoption thereof in committee:

Entity and/or person
Emily O'Reilly – European Ombudsman

The list above is drawn up under the exclusive responsibility of the rapporteur.

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	29.11.2023
Result of final vote	+: 28 -: 0 0: 0
Members present for the final vote	Andris Ameriks, Marc Angel, Margrete Auken, Ibán García Del Blanco, Alexis Georgoulis, Vlad Gheorghe, Peter Jahr, Radan Kanev, Stelios Kypouropoulos, Cristina Maestre Martín De Almagro, Ana Miranda, Dolors Montserrat, Yana Toom, Michal Wiezik, Tatjana Ždanoka, Kosma Złotowski
Substitutes present for the final vote	Asim Ademov, Karolin Braunsberger-Reinhold, Angel Dzhambazki, Sylvie Guillaume, Virginie Joron, Andrey Slabakov, Rainer Wieland
Substitutes under Rule 209(7) present for the final vote	Petras Auštrevičius, Vasile Blaga, Daniel Buda, Marina Kaljurand, Alin Mituța

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

28	+
ECR	Angel Dzhambazki, Andrey Slabakov, Kosma Zlotowski
ID	Virginie Joron
NI	Alexis Georgoulis, Tatjana Ždanoka
PPE	Asim Ademov, Vasile Blaga, Karolin Braunsberger-Reinhold, Daniel Buda, Peter Jahr, Radan Kanev, Stelios Kypouropoulos, Dolors Montserrat, Rainer Wieland
Renew	Petras Auštrevičius, Vlad Gheorghe, Alin Mituța, Yana Toom, Michal Wiezik
S&D	Andris Ameriks, Marc Angel, Ibán García Del Blanco, Sylvie Guillaume, Marina Kaljurand, Cristina Maestre Martín De Almagro
Verts/ALE	Margrete Auken, Ana Miranda

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0	0

Key to symbols:

+ : in favour

- : against

0 : abstention