



2019/2062(DEC)

11.12.2019

DRAFT REPORT

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

Committee on Budgetary Control

Rapporteur: Tomáš Zdechovský

CONTENTS

	Page
1. PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION.....	3
2. MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION.....	5

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 2018, Section VIII – European Ombudsman (2019/2062(DEC))

The European Parliament,

- having regard to the general budget of the European Union for the financial year 2018¹,
- having regard to the consolidated annual accounts of the European Union for the financial year 2018 (COM(2019)0316 – C9-0057/2019)²,
- having regard to the European Ombudsman's annual report to the discharge authority on internal audits carried out in 2018 (xxx/2019),
- having regard to the Court of Auditors' annual report on the implementation of the budget concerning the financial year 2018, together with the institutions' replies³,
- having regard to the statement of assurance⁴ 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 2018, 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 1605/2002⁵, and in particular Articles 55, 99, 164, 165 and 166 thereof,
- having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012⁶, and in particular Articles 59, 118, 260, 261 and 262 thereof,
- having regard to Rule 100 of and Annex V to its Rules of Procedure,
- having regard to the report of the Committee on Budgetary Control (A9-0000/2019),

¹ OJ L 57, 28.2.2018.

² OJ C 327, 30.9.2019, p. 1.

³ OJ C 340, 8.10.2019, p. 1.

⁴ OJ C 340, 8.10.2019, p. 9.

⁵ OJ L 298, 26.10.2012, p. 1.

⁶ OJ L 193, 30.7.2018, p. 1.

1. Grants the European Ombudsman discharge in respect of the implementation of the budget of the European Ombudsman for the financial year 2018;
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 European External Action Service, and to arrange for their publication in the *Official Journal of the European Union* (L series).

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 2018, Section VIII – European Ombudsman (2019/2062(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 2018, Section VIII – European Ombudsman,
 - having regard to Rule 100 of and Annex V to its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control (A9-0000/2019),
- A. whereas in the context of the discharge procedure, the discharge authority wishes to stress the particular importance of further strengthening the democratic legitimacy of the Union institutions by improving transparency and accountability, and implementing the concept of performance-based budgeting and good governance of human resources;
1. Notes that the Court of Auditors (the ‘Court’), in its report on the European Ombudsman’s (the ‘Ombudsman’) annual accounts, observed no significant weaknesses with respect to the audited topics related to human resources and procurement for the Ombudsman;
 2. Notes the conclusion of the Court that the payments as a whole for the year ended on 31 December 2018 for the administrative expenditure of the Ombudsman were free from material error and that the examined supervisory and control systems were effective;
 3. Notes that the Court selected a sample of 45 transactions for the Multiannual Financial Framework Heading 5 “Administration” of all Union institutions and bodies; notes that the sample was designed to be representative of the range of spending under Heading 5, which represents 6,3 % of the Union budget; notes that the Court’s work indicates administrative expenditure as low risk; considers however the amount of transactions selected in relation to the “other institutions” as not sufficient and asks the Court to increase the number of transactions to be examined by 10 % at least;
 4. Welcomes that the Ombudsman respects the good example to set a deadline for the submission of the annual activity report on 31 March of the year following the accounting year; welcomes that thus the Ombudsman adopted its annual activity report by 28 March in order to support the request to streamline and speed up the discharge procedure;
 5. Stresses that the Ombudsman's budget is purely administrative and amounted in 2018 to EUR 10 837 545 (compared to EUR 10 905 441 in 2017), resulting in a reduction of EUR 67 896 (0,62 %); welcomes the overall prudent and sound financial management of the Ombudsman in the 2018 budget period; notes that of the total appropriations

95,33 % were committed (compared to 93,91 % in 2017) and 91,33 % paid (compared to 86,20 % in 2017);

6. Notes the improvements related to the appropriations carried forward from 2018 to 2019 representing EUR 433 865,17 (4 % of the 2018 budget) compared to EUR 841 340,68 (7,71 % of the 2017 budget) from 2017 to 2018;
7. Observes however unused appropriations for several budget lines such as internal meetings (budget line B3-030) with EUR 13 514,61 unused out of EUR 45 000, publications (budget line B3-210) with EUR 47 530,48 unused out of EUR 161 100, etc.; recalls the need for measures in order to minimize the budget over-estimates;
8. Takes note of the limited resources of the Ombudsman to deal with an ever increasing workload; supports the Ombudsman's request with a view to aligning the establishment plan with the actual needs and workload by identifying functions of a permanent nature which should be carried out by permanent staff; takes note of the establishment plan comprising 82 posts in 2018 (compared to 77 posts in 2013); asks the Ombudsman to report back on eventual efficiency gains due to the sole fact of reorganisation and reallocation of tasks;
9. Notes in relation to the geographical balance in management positions that the Ombudsman had 6 different nationalities (German, Greek, Irish, Italian, Polish and Swedish) represented in 2018 compared to 8 in 2013 (Austrian, German, Danish, Greek, Irish, Polish, Portuguese and British); takes into account that the overall number of managers was reduced from 11 to 8 between 2013 and 2018; calls on the Ombudsman to continue its efforts to strive for geographical balance, however by acknowledging the Ombudsman's small size and specific core-business activities;
10. Acknowledges the ongoing implementation of the 2017 Human Resources Policy Framework by adopting new rules on the recruitment of temporary agents, a decision on part-time work and credit hours, an anti-discrimination & equal treatment policy; takes note of further initiatives to improve the recruitment procedures and actions such as study visits for staff and staff exchange programmes;
11. Notes with interest that the Ombudsman with regard to its internal activities invited the European Disability Forum to disseminate the Ombudsman's traineeship call through its channels to encourage persons with disabilities to apply; takes note of the revision of the application form in order to include a question about reasonable accommodation needed during selection procedures;
12. Welcomes, in the frame of the Ombudsman's internal control standards that actions took place to implement the harassment prevention decision including the designation of ethics officers (one in Brussels and one in Strasbourg) and members of the conciliation committee; takes note that all staff participated in a compulsory training on harassment prevention in September and a specific session for heads of unit took place in November 2018;
13. Regrets that the Ombudsman's follow-up to the 2017 discharge resolution provides only recognitions to Parliaments' remarks to the majority of points mentioned without further details; stresses that the follow-up report is essential for Parliament's Committee for

Budgetary Control and calls on the Ombudsman to include necessary answers and explanations in their next follow-up report;

14. Notes that the Ombudsman's key performance indicator for overall compliance with the ambitious target of 90 % could not be reached in 2018; notes that the rate was 81 % (compared to 85 % in 2017), while the compliance rate for inquiries in the public interest reached 85 % (compared to 79 % in 2017); recognises that the latter rate is significant given that the effect of compliance will likely benefit a larger audience;
15. Supports the Ombudsman's intention to cooperate even more closely with the Parliament to ensure that it is made aware of failures to comply, in particular with regard to institutions' negative replies to recommendations made by the Ombudsman; notes however the Ombudsman's confirmation that overall the institutions tend to engage constructively with the Ombudsman;
16. Highlights that the results for all three components of the key performance indicator 7 (efficiency: composite indicator for the handling of complaints and inquiries) are all on, or above target; notes that the proportions of inquiries closed within six months and eighteen months are 57 % and 88 % respectively (targets: 50 % and 80 %) and that the third component, proportion of admissibility decisions taken within one month, has increased significantly from 69 % in 2016 to 86 % in 2017, and reached the target of 90 % in 2018;
17. Notes that the average time for dealing with all categories of complaints increased to 79 days in 2018 (compared to 64 days in 2017), while the average time for dealing with inquiries reduced to 255 days in 2018 (compared to 266 days in 2017 and 369 in 2013); notes however the 53 % increase in the number of inquiries closed on the basis of complaints, which explains the increase of the average time for dealing with all categories of complaints;
18. Notes that 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; notes that the number of inquiries opened on the basis of complaints was 482 compared to 433 in 2017 (+ 11 %) and the number of inquiries closed on the basis of complaints was 534 compared to 348 in 2017 (+ 53 %); notes that the increase in inquiries opened and closed partly reflects the fact that, due to a reclassification a number of cases which would have previously been classified as "no grounds for an inquiry", are now closed as "inquiries in which no maladministration was found";
19. Takes note of the results of inquiries closed by the Ombudsman in 2018 such as a) no maladministration found for 254 cases (46,6 %), b) settled by the concerned institution - suggestions accepted - solutions achieved for 221 cases (40,6 %), c) no further inquiries justified for 56 cases (10,3 %), d) maladministration found for 29 cases (5,3 %) and e) other for 10 cases (1,8 %); recognises the fundamental mission of the Ombudsman to ensure that the Union's administration serves the public interest, and to help all those facing problems with the Union institutions;
20. Regrets that the Ombudsman did not publish information about her own missions related to purpose, duration and costs; notes that the mission expenses amounted to EUR 27 206,79 in 2018 (compared to EUR 30 592 in 2017); reiterates that for

transparency reasons a related list of the yearly mission situation should be included in the annual activity report;

21. Recognises the initiative “Award for Good Administration” , which helps by formally recognising the good work, to share best practices across the institutions, and to serve as inspiration for future projects; welcomes the cooperation with the European Network of Ombudsmen, other Member States’ bodies and international networks and organisations to identify and promote the highest standards;
22. Underlines the importance of making Union citizens aware of the possibility to turn to the Ombudsman in case of maladministration; takes note of the Ombudsman’s ongoing efforts to raise its visibility with tools such as the new website, launched in 2018, which includes a revised interface for potential complaints and a user-friendly search function; notes the new video highlighting topics such as access to information, problems with Union funding and transparency in lobbying; notes that platforms such as the Ombudsman’s Twitter account saw a 17 % rise in followers, the LinkedIn account increased by 13 % and Instagram saw a large increase of 61 % in followers;
23. Welcomes the development of social media guidelines, in cooperation with other Union institutions, and exchange of best practises to deal with the challenges the Union institutions are facing in terms of the increasing use of, and exposures to social media;
24. Underlines the repeated request of the Parliament to revise the Ombudsman’s statute in view of new realities and challenges; notes that the last revision was carried out in 2008 and that a resolution on a draft regulation of the European Parliament laying down the regulations and general conditions governing the performance of the Ombudsman’s duties (Statue of the Ombudsman) was finally voted in February 2019; notes that it is for the Ombudsman to adopt the implementation provisions for this regulation; asks the Ombudsman to report back in its next annual activity report;
25. Welcomes that the Ombudsman carried out an inquiry regarding handling “revolving door situations” and examined how 15 Union institutions and bodies (including the European Parliament, the Council, and the Court) publish information when their senior staff members request approval to take up external employment, including how often such information is published and the scope and content of the information; notes that the Ombudsman found high awareness about the importance of robust implementation rules in this area, however some suggestions for improvement have been issued; welcomes the Ombudsman’s intention to carry out a follow-up inquiry in 2020;
26. Congratulates the Ombudsman to the new internal FAST-Track procedure to deal with access to documents complaints; takes note that under the new system, decisions on complaints are taken three times faster than under the standard procedure; asks the Ombudsman to share with other Union institutions and bodies the outcome of their evaluation on the effectiveness of this new procedure;
27. Welcomes the Ombudsman’s cooperation with the European Anti-Fraud Office related to cases submitted to both organisations; notes the direct channel of contact in order to avoid duplication of investigations, which bore its first fruits in 2018;
28. Highlights all the work achieved in the last years, in areas such as the performance-

based budgeting, the Ethical framework with all its related rules and procedures, the enhanced communication activities and the increasing amount of measures to improve transparency; welcomes the significant amount of interinstitutional service and cooperation agreements; underlines the importance of the collaboration and sharing of experience among the Union institutions and bodies; suggests to analyse the possibility of formalized networking activities in different domains in order to share best practises and develop common solutions.