

RESOLUTION (EU) 2023/1836 OF THE EUROPEAN PARLIAMENT**of 10 May 2023****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 2021, Section VIII – European Ombudsman**

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 2021, Section VIII – European Ombudsman,
 - having regard to Rule 100 of and Annex V to its Rules of Procedure,
 - having regard to the letter from the Committee on Constitutional Affairs,
 - having regard to the report of the Committee on Budgetary Control (A9-0067/2023),
- 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;
- B. whereas Article 228 of the Treaty on the functioning of the European Union provides for the election of a European Ombudsman by the European Parliament who shall be 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. He or she shall examine such complaints and report on them;
- C. whereas Regulation (EU, Euratom) 2021/1163 of the European Parliament ⁽¹⁾ lays down the regulations and general conditions governing the performance of the Ombudsman's duties (Statute of the European Ombudsman);
- D. whereas the Decision of the European Ombudsman adopting Implementing Provisions are currently under revision following the adoption of Regulation (EU, Euratom) 2021/1163;
1. Notes that the budget of the European Ombudsman (the 'Ombudsman') falls under MFF heading 7, 'European public administration', which amounted to a total of EUR 10,7 billion in 2021; notes that the Ombudsman is a relatively small institution the budget of which represents only around 0,12 % of the total administrative budget;
 2. Notes that the European Court of Auditors (the 'Court'), in its annual Report for the financial year 2021, increased the sample of transactions under 'Administration' from 48 in 2020 to 60 in 2021;
 3. Notes that the Court mentions that its work over many years indicates that overall this spending is low-risk; however, notes that the annual Report on the implementation of the Union budget for the 2021 financial year does not provide for any relevant information on the European Ombudsman and invites the Court to include in the next annual reports comprehensive data regarding the completion of all requirements necessary for a consistent discharge procedure;

⁽¹⁾ 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, Euratom (OJ L 253, 16.7.2021, p. 1).

4. Notes with satisfaction that the Court also notes, in its annual Report for the financial year 2021, that it did not identify any specific issues concerning the Ombudsman;

Budgetary and financial management

5. Notes that the budget for the Ombudsman was EUR 12 501 836 for 2021 representing a small increase of 1,2 % compared to 2020, which should however also be assessed against the background that there was a 7,4 % increase in budget in 2020 compared to 2019;
6. Notes that the largest increase in budget came from rent and was due to the relocation of the Ombudsman's Brussels office; notes that, instead of paying over a period of 6 years, the Ombudsman was able to pay all of the costs related to the fitting out works of the new building in 2021; notes that this will have a positive effect on the Ombudsman's budgets for the coming years;
7. Notes however, that the budget implementation rate was only 88,8 % for the year 2021, which represents a reduction compared to 2020, when the implementation rate was 94,9 %; acknowledges that, also for 2021, the budget implementation was heavily affected by the COVID-19 pandemic, which in part delayed recruitment but also severely limited physical events, conferences and missions;
8. Notes with satisfaction that the Ombudsman continues to have a very short payment time of an average of 11,35 days for invoices, but at the same time strongly encourages the implementation of an electronic invoicing system;
9. Welcomes that the Ombudsman has a wide range of service level agreements, especially with the European Parliament and the Commission, which allows the institution to save money as they do not have to put in place the structures to manage these services; welcomes furthermore, that the Ombudsman also participates in interinstitutional framework contracts, which also allows the Ombudsman to benefit from lower prices and lessens the need for it to set up its own complex administrative structures;

Internal management, performance and internal control

10. Acknowledges that 2021 was a challenging year, in particular due to the ongoing effects of the COVID-19 pandemic, and the continuation of the need to safeguard staff well-being and create new working methods; encourages the Ombudsman to adopt a comprehensive communication framework integrating the lessons learnt from the two years of the COVID-19 pandemic, in order to be prepared in the event of possible future disruptive events and to be able to ensure business continuity;
11. Notes that during 2021, the Ombudsman continued to implement the strategy 'towards 2024', aiming to create a new simpler structure with fewer managers, encouraging more collaborative work, as well as flexible and agile processes;
12. Strongly welcomes that the Ombudsman has been able to significantly reduce the average time needed to deal with different types of files in recent years; the average time for dealing with a complaint has gone down from 78 days in 2018 to 29 days in 2021, equivalent to a reduction of 63 % and from 157 days to 61 days, equivalent to a reduction of 61 %, within the time of the mandate; while the average time for dealing with an inquiry has gone down from 254 days to 112 days, equivalent to a reduction of 56 %;
13. Welcomes that the Ombudsman has continued to improve the efficient procedures for dealing with complaints outside of its mandate, which amount to about 1 400 per year; further welcomes that the proportion of complaints outside its mandate dealt with by the Directorate for Administration has increased from 22 % in 2020 to 35 % in 2021;

14. Notes that public access to documents represents a major priority for the Ombudsman and accounts for up to one in four inquiries; furthermore notes, that public access to documents includes how the Union administration deals with text and instant messages and timely access to documents; supports the Ombudsman's call for the Union legislation on access to documents to be modernised and more in line with citizen's rights and is looking forward to learning more about how the Ombudsman may advise Union Institutions and bodies on how to put systems in place in order to enhance the handlings of access to documents; asks the Ombudsman to provide feedback on the new Commission IT tool in this area (EASE – Electronic Access to European Commission Documents);

Human resources, equality and staff well-being

15. Notes that at the end of 2021, the Ombudsman had 74 members of staff, which is almost unchanged from the end of 2020, when there were 73 staff members, and is the same as at the end of 2019; notes however, that the number of contract staff has decreased from 11 in 2019 to 8 in 2020 and to 6 in 2021, while the number of temporary staff has increased from 23 in 2019 to 28 in 2020 and 30 in 2021; the number of officials has stayed more or less constant with 40 in 2019, 37 in 2020 and 38 in 2021;
16. Notes with satisfaction that, at the end of 2021, the number of Union nationalities represented among the staff was 18, which is unchanged from 2020, and that management posts are distributed across 5 nationalities (compared to 4 in 2020); urges the Ombudsman to continue its efforts to achieve a balanced geographical distribution of nationals from all Member States within its staff (particularly at management level);
17. Notes that 68 % of all staff at the Ombudsman are women, which represents a small increase from 2020 where women constituted 66 %; further notes that women constitutes the major part of all staff categories: management, AD, AST, AST-SC, GF IV and other GF; calls on the Ombudsman to continue its efforts to achieve a balanced gender distribution, taking into account the small size of the office;
18. Notes that the new rules on hybrid working provide for 60 % teleworking per month, while daily working arrangements are arranged at team level; welcomes that all categories of staff can make use of the flexible working arrangements; finally notes that staff are allowed to telework 15 days per year from outside the place of employment;
19. Notes with satisfaction that the Ombudsman works with an office case management system (CMS), which provides real time information about the distribution of complaints to inquiries officers thus allowing managers to adjust workload accordingly; welcomes the fact that no cases of burnout were reported during 2021; further welcomes that the number of days of absence because of sick leave fell by 28 % in 2021 compared to 2020 and that the number of staff on sick leave for more than 30 days fell by one third from 9 in 2020 to 6 in 2021;
20. Welcomes that no cases of harassment were reported in 2021; notes that the case, which was reported in 2020, was still under investigation by OLAF in 2021 and was closed in 2022 without OLAF issuing any recommendations; finally notes that the Ombudsman has organised trainings for its ethics correspondents and the members of the conciliation committee to equip them with the necessary knowledge for carrying out their functions in the context of the Ombudsman's anti-harassment policy;
21. Welcomes that the Ombudsman recruited a relatively large number of trainees, 16 in 2021, and therefore offers a European experience to many young people; further welcomes that all trainees recruited in 2021 received a remuneration;

Ethical framework and transparency

22. Welcomes that the Ombudsman has a dedicated page on the Office's intranet dedicated to ethical conduct and that internal rules on external activities and assignments of members of staff were adopted in 2021; furthermore welcomes that the Office organised a session for all members of staff to present its policy on external activities, which was planned for 2021 but had to be postponed to early 2022;

23. Welcomes that the Internal Auditor, as part of its work programme, is reviewing the Ombudsman's ethical framework; calls on the Ombudsman to report to Parliament the result of this review including any possible recommendations the Internal Auditors may have issued;
24. Congratulates the Ombudsman for publishing its schedule on its website and consistently using the Transparency Register to check that speakers or interlocutors in events or meetings organised by the Ombudsman are registered therein; welcomes that the Ombudsman committed to link the host of the events and the participants of the meetings published on its website to their entries in the Transparency Register; congratulates the Ombudsman for the progress made in this regard and encourages the Ombudsman to continue pursuing its commitment for more transparency;
25. Notes that the Ombudsman's strategy to prevent fraud is based on the actions regarding ethical behaviour; furthermore notes with satisfaction that the Ombudsman applies the four-eyes principle in order to ensure that every transaction is dealt with by at least two persons;
26. Notes with satisfaction that no cases of conflicts of interest were detected in 2021 and that all staff members leaving the office now receive a letter informing them of their continuing obligations towards the office and their duty to inform the office and get its permission prior to engaging in an occupational activity, whether gainful or not, within two years of leaving the Union public service;
27. Notes with satisfaction that the Ombudsman adopted an elaborated set of internal rules in 2015 concerning the need to protect whistle-blowers against negative action and to support them during the process; furthermore notes that no cases of whistle-blowing were reported in 2021;
28. Calls for an end to the use of external companies that, according to Yale University's ranking ⁽²⁾, continue to operate in Russia;

Digitalisation, cybersecurity and data protection

29. Notes that expenditure on IT increased considerably in 2021, made possible after a transfer of appropriations, going up almost 2,5 times from EUR 127 430 in 2020 to 303 020 in 2021, primarily in order to improve video conferencing facilities;
30. Notes that the Ombudsman did not suffer any cyber-attacks in 2021 and that the Institution primarily relies on the European Parliament for matters related to ensuring that its cybersecurity is sufficient;
31. Encourages the Ombudsman to work in close cooperation with the European Union Agency for Cybersecurity; suggests to offer regularly updated cybersecurity-related training programmes for all staff within the Ombudsman;
32. Welcomes that the Ombudsman's activities, including complaint-handling, HR, and finance, are already fully digitalised, but that complaints can still be delivered in paper format, which will then also be answered in paper format if the complainant chooses that format;
33. Notes with satisfaction that the European Data Protection Supervisor (EDPS) inquiry into the processing of personal data by the Ombudsman in complaint handling, which led to an EDPS inspection at the Ombudsman's premises in 2019, was finalised and that all the EDPS recommendations have been accepted, leading to the closing of the case in 2021;
34. Takes note that the Ombudsman is prioritising the use of open-source tools where possible and the exclusive use of open-source software on the Ombudsman's website;

⁽²⁾ <https://som.yale.edu/story/2022/over-1000-companies-have-curtailed-operations-russia-some-remain>

Buildings

35. Notes that 2021 was a transitional year where the Ombudsman moved its Brussels office to new premises in October 2021, which is organised as a collaborative workspace;
36. Welcomes that the new building facilities have allowed for a reduction in the environmental footprint through the use of modern technologies;
37. Welcomes that the Ombudsman's intentions to improve the accessibility of its building in Brussels and is looking forward to receiving updates on its progress;

Environment and sustainability

38. Welcomes that the Office has managed to significantly reduce the use of paper over the years through the digitalisation of processes, including the possibility of signing documents electronically and the abandonment, to a large degree, of printed versions of the annual report and the newsletters;
39. Notes that the use of modern technologies has allowed the Ombudsman to implement systems to reduce energy, *inter alia*, by using motion detectors and centrally operated thermostats;
40. Welcomes that the Office encourages the use of public transport by reimbursing 50 % of annual costs for public transport up to EUR 500 and has improved facilities at their garage facilities for staff who use bikes, while there is no car park in the new building;
41. Notes that the Office is renting their building from the European Parliament and is referring Parliament to enquiries concerning the installation of solar panels on the roof; nevertheless encourages the Ombudsman to strongly advocate for such panels to be installed if that is not the case;

Interinstitutional cooperation

42. Welcomes that the Ombudsman has close informal cooperation with OLAF, the EPPO and the Court in order to avoid duplication of investigations and to discuss areas of mutual interest like conflicts of interest and revolving doors;
43. Underlines the importance for the Ombudsman of maintaining a high level of exchange and cooperation with the European Network of Ombudsmen (ENO); notes with satisfaction that the Ombudsman has started offering targeted workshops and seminars in specific areas for specialists in the offices of ENO members and hosts the Annual ENO Conference; encourage the Ombudsman to reinforce close relations with Union institutions, bodies, and agencies;
44. Welcomes that the Ombudsman has a close cooperation with relevant European Parliament Committees on important inquiries either by presenting the work directly in Committee meetings or through information being sent to the Committee Chairs; notes with satisfaction that the Ombudsman's annual report to the Parliament now includes a dedicated section on 'Impact and achievements', which details both statistical follow-up to the Ombudsman's recommendations, solutions and suggestions, but also gives concrete examples of impact;
45. Notes that the Budgetary Control Committee is very much looking forward to learning about the Ombudsman's work on the transparency and accountability of the Recovery and Resilience Facility, which the Committee will examine to ensure funds are spent in the correct way; calls the Ombudsman to periodically inform the budgetary authority about the difficulties encountered, but also about the lessons learnt for future funding;

Communication

46. Notes that the Office has continued to develop its website in order to make it easier for interested members of the public to find inquiries and in general make it more attractive for users; further notes that also the use of SoMes may increase the knowledge of the work of the Ombudsman like it was done during 2021, focusing especially on the right to access Union documents;
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