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Activities of the European Ombudsman in 2014**European Parliament resolution of 25 February 2016 on the annual report on the activities of the European Ombudsman in 2014 (2015/2231(INI))**

(2018/C 035/21)

The European Parliament,

- having regard to the annual report on the activities of the European Ombudsman in 2014,
 - having regard to Article 228 of the Treaty on the Functioning of the European Union,
 - having regard to Articles 11, 19, 41, 42 and 43 of the Charter of Fundamental Rights of the European Union,
 - having regard to Decision 94/262/ECSC, EC, Euratom of the European Parliament of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties ⁽¹⁾,
 - having regard to its previous resolutions on the European Ombudsman's activities,
 - having regard to Rule 220(2), second and third sentences, of its Rules of Procedure,
 - having regard to the report of the Committee on Petitions (A8-0020/2016),
- A. whereas the annual report on the European Ombudsman's activities in 2014 was formally submitted to the President of Parliament on 26 May 2015 and the Ombudsman, Emily O'Reilly, presented the report to the Committee on Petitions in Brussels on 23 June 2015;
- B. whereas Emily O'Reilly was re-elected European Ombudsman by Parliament at its plenary session in Strasbourg on 16 December 2014;
- C. whereas the main priority of the European Ombudsman is to ensure that citizens' rights are fully respected and the right to good administration reflects the highest standards as expected of the institutions, bodies, offices and agencies of the Union; whereas the Ombudsman plays a vital role in helping EU institutions become more open, effective and citizen-friendly with the aim of strengthening citizens' confidence in the Union;
- D. whereas according to the Eurobarometer survey of May 2015, 40 % of citizens trust the European Union and 46 % do not; whereas the institutions' ability to monitor one another is essential to improving the level of satisfaction among European citizens;
- E. whereas Article 24 of the TFEU lays down that 'every citizen of the Union may apply to the Ombudsman established in accordance with Article 228';
- F. whereas Article 228 of the TFEU empowers the European Ombudsman to conduct inquiries into maladministration in the activities of the Union institutions, bodies, offices, and agencies, with the exception of the Court of Justice of the European Union acting in its judicial role; whereas Article 41 of the Charter of Fundamental Rights states that 'Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions and bodies of the Union';

⁽¹⁾ OJ L 113, 4.5.1994, p. 15.

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- G. whereas Article 43 of the Charter states: '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 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';
- H. whereas according to the first European Ombudsman 'maladministration occurs when a public body fails to act in accordance with a rule or principle which is binding upon it' ⁽¹⁾; whereas this requires the institutions, bodies, offices and agencies of the Union not only to respect their legal obligations but also to be service-minded and to ensure that members of the public are properly treated and fully enjoy their rights; whereas the notion of good administration should be understood as an on-going continuous improvement process;
- I. whereas 23 072 citizens called on the Ombudsman's services for help in 2014; whereas 19 170 were given advice through the interactive guide on her website; whereas in 2014 the Ombudsman registered 2 079 complaints, while she received 1 823 requests for information;
- J. whereas of the total number of 2 163 complaints processed by the Ombudsman, 736 were inside and 1 427 were outside her mandate;
- K. whereas of the 2 163 complaints processed, in 1 217 cases the Ombudsman provided the complainant with advice or transferred the case, in 621 cases the complainant was informed that no further advice could be given, and in 325 cases an inquiry was opened;
- L. whereas the Ombudsman opened 342 inquiries, of which 325 were complaint-based and 17 were own-initiative inquiries; whereas she closed 400 inquiries, of which 13 were own-initiative inquiries; whereas of the inquiries closed, 335 were submitted by individual citizens and 52 by companies, associations and other legal entities;
- M. whereas the Ombudsman transferred 772 complaints to members of the European Network of Ombudsmen, including 86 complaints transferred to the Committee on Petitions, 144 to the Commission and 524 to other institutions and bodies; whereas most inquiries concerned the Commission (59,6%), followed by the EU agencies (13,7%), EPSO (9,4%), other institutions (8,5%), the EEAS (3,8%), Parliament (3,5%) and OLAF (3,2%);
- N. whereas of the inquiries closed by the Ombudsman 21,5% concerned requests for information and access to documents, 19,3% the Commission's role as guardian of the Treaties, 19,3% competition and selection procedures and 16% institutional and policy matters, 11,3% administration and staff regulations, 8,3% award of tenders or grants and 6% execution of contracts;
- O. whereas of the inquiries closed, 133 cases were settled by the institution or closed after a friendly solution was agreed, and in 163 cases the Ombudsman considered that no further inquiries were justified;
- P. whereas in 76 cases no maladministration was found; whereas in 39 cases maladministration was found, and in 13 cases another way to close the case was used; whereas in the cases where maladministration was found the Ombudsman issued critical remarks in 27 instances and draft recommendations in 12 instances;
- Q. whereas the length of most of the inquiries closed in 2014 was between 3 and 18 months; whereas the average time for closing an inquiry was 11 months;

⁽¹⁾ 'The European Ombudsman — Annual Report 1999' (OJ C 260, 11.9.2000, p. 1).

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- R. whereas the institutions have been complying with 80 % of the Ombudsman's proposals; whereas there still remain 20 % of proposals that have been submitted and need to be complied with;
- S. whereas the Committee on Petitions, which received 2 714 petitions in 2014 alone, is an important cog in the institutional workings of the European Union, bringing Parliament closer to citizens; whereas a close relationship between the Ombudsman and the Committee on Petitions would improve the level of democratic oversight of the activity of the European institutions;
1. Approves the annual report for 2014 presented by the European Ombudsman;
 2. Congratulates Emily O'Reilly on her re-election as European Ombudsman and on her excellent work; supports her objective of assisting the EU institutions in their drive to provide the best possible service to the citizens and residents of Europe; considers the Ombudsman's focus on transparency as a guarantee of good administration to have been crucial;
 3. Welcomes and fully supports the fact that the Ombudsman is making greater use of the power to open strategic investigations on her own initiative; welcomes the appointment, in her office, of an Own-Initiative Investigation Co-ordinator and the introduction of new internal rules on whistleblowing; commends the Ombudsman on the efforts she has made in reorganising her office, which has already created significant efficiency gains; welcomes and supports the Ombudsman's forward-looking approach and the adoption of the new five-year strategy 'Towards 2019', which introduces a more strategic approach to tackling systemic issues and promoting good administration;
 4. Welcomes the inquiries initiated by the Ombudsman in 2014, in which the following key topics may be identified: transparency within the EU institutions, transparency in lobbying and clinical trials, fundamental rights, ethical issues, participation of citizens in EU decision-making, EU-funded projects and programmes, and EU competition policy;
 5. Recalls that, over the years, 20-30 % of complaints have concerned transparency and that the most common transparency issues raised are the institutions' refusal to grant access to documents and/or information; considers that openness and access to documents, in compliance with Article 15 TFEU and Article 42 of the Charter, are an essential part of the system of institutional checks and balances; supports any initiative by the Commission and the other EU institutions to ensure fair, swift and simple access for all to EU documentation; notes with appreciation the enhanced transparency resulting from the online Public Register of documents; calls on the Ombudsman to investigate on the transparency issues regarding Parliament's timely access to the Commission's relevant documents on infringements and EU Pilot procedures, especially when these are related to existing petitions; considers that appropriate mechanisms need to be identified and put into place in order to ensure a faithful inter-institutional dialogue;
 6. Warns that not all the provisions related to the Aarhus Convention and its related regulations ((EC) No 1367/2006 and (EC) No 1049/2001) are duly complied with effectively yet; considers that there is still much room for improvement in the field of transparency on the part of the Commission, particularly concerning the availability, in terms of quantity and quality, of the information provided to individual citizens and civil society organisations upon their request to access to documents; invites the Ombudsman to conduct an investigation on the basis of the extensive petition 0134/2012 on these matters, in view of identifying and redressing any possible maladministration concerning the implementation of these regulations by the EU institutions concerned;
 7. Welcomes the Ombudsman's investigations into 'revolving door' cases concerning high-ranking EU officials; notes that the Ombudsman has investigated complaints from five NGOs and looked into 54 Commission files; encourages the Ombudsman to help develop, and to introduce, clear and detailed criteria and enforcement mechanisms in order to identify, investigate and, where possible, prevent conflicts of interest at any level of the EU's institutions, bodies and agencies;
 8. Considers that the notion of conflict of interests goes beyond a simple matter of transparency, and that ensuring a European public administration free of such conflicts is a primary concern when attempting to build a true European democracy and to safeguard the trust of European citizens, among public servants and across institutions; recommends the

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Ombudsman, in her investigations, to take account of the provisions of the United Nations Convention against Corruption (UNCAC), the OECD Guidelines for Managing Conflict of Interest in the Public Service, and Transparency International's specific recommendations;

9. Notes that, as a result of the Ombudsman's inquiries, the Commission has published documents on Greece's entry into the eurozone, that the European Central Bank has disclosed a letter to the Irish Government on the financial crisis, and that the Commission has followed the Ombudsman's recommendation to release documents on the reform of the Common Fisheries Policy, albeit after an agreement on the reform had been reached;

10. Welcomes the progress in openness in the ongoing TTIP negotiations following the Ombudsman's inquiries into transparency in these talks; notes that the Council has since published the directives the EU is using to negotiate the TTIP and that the Commission has announced plans to increase transparency in lobbying and broaden access to TTIP documents; notes the concerns of the citizens about transparency in the TTIP negotiations;

11. Recalls that its Committee on Petitions receives many anonymous complaints from groups and citizens concerning the lack of transparency in the TTIP negotiations, showing the profound public concern on this issue at European level;

12. Wonders whether the long delays in the decision-making of some legislative initiatives in the Council, such as the horizontal anti-discrimination directive, which has been frozen for over six years, or the ratification of the Marrakech Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities, do not fall within the category of maladministration, since they create a lot of frustration on the concerned citizens towards the EU institutions; urges the Council, and particularly the blocking minorities therein, to take the steps necessary to address these unbearable situations; suggests that the Ombudsman explore this issue within the scope of its competences;

13. Welcomes the Ombudsman's increased and necessary focus on transparency in lobbying activities, and her work towards a mandatory Transparency Register, to ensure that citizens may know who is trying to influence EU decision makers; welcomes her inquiry into the composition and transparency of expert groups at the Commission, in particular those advising on the Common Agricultural Policy (CAP), on which the EU spends more than a third of its budget; supports her approach with regard to these groups, and encourages her to continue monitoring transparency in the composition of them, in order to guarantee a balanced representation, and a gender balance, in a wide range of economic and non-economic interest groups in all policy areas;

14. Notes that more than 7 000 institutions have voluntarily registered in the Transparency Register, reflecting the variety of public and private stakeholders that the European institutions are working with; approves of the Ombudsman's support for Vice-President Timmermans' plan to make the Register mandatory; welcomes the Commission's decision of 1 December 2014 obliging all members of the Commission, and its senior staff, to publish all contacts and meetings with stakeholders and lobbyists; welcomes that the Register should include information on the human and financial resources available to lobby organisations, in greater compliance with existing rules and provisions on openness and good governance in the EU institutions;

15. Encourages the Ombudsman to remain vigilant and determined, and to continue urging the Commission to deliver full transparency on the members and meetings of all expert groups, technology platforms and agencies; recalls the conditions it set in 2012 when lifting the freeze on experts groups' budgets;

16. Notes that the Ombudsman in 2014 played a key role in the area of clinical trials data transparency by helping to shape the proactive transparency policy of the European Medicines Agency (EMA); notes that the EMA in October 2014 decided to publish proactively its clinical study reports; encourages the Ombudsman to continue monitoring how the EMA makes clinical trials data available, and to ensure that it meets the highest standards of transparency;

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17. Calls on the Member States to be more diligent in their mandatory collaboration with the Ombudsman;
18. Urges the Ombudsman to continue promoting greater transparency in clinical trials, especially in the quality assessment of results by the European Medicines Agency; recalls that this assessment should be based on the added value of innovative drugs and the real cost of research in order to facilitate Member States' pricing and financing models;
19. Calls on the Ombudsman to continue to support the drive for greater transparency in R&D, with a view to ensuring access to health care, within the scope of the powers of her office;
20. Welcomes the new EU Clinical Trials Regulation, which requires that information on clinical trials be made available; notes that the Ombudsman's 'International Right to Know Day' 2014 was dedicated to clinical trials data transparency;
21. Welcomes the Ombudsman's investigation into the protection of fundamental rights in all cases of implementation of the EU's cohesion policy, which was set up to create growth and jobs, to tackle climate change and energy dependence, and to reduce poverty and social exclusion;
22. Notes that Horizon 2020 is the third most important package of budget investments after the CAP and Structural Funds, with a budget of nearly EUR 80 000 million, and that it is key to the economic and social development of the future; calls on the Ombudsman to continue guaranteeing transparency in the whole process of analysis and awarding of projects under Horizon 2020;
23. Calls on Frontex to ensure respect for the welfare of returnees during return flights, and correct implementation of its Code of Conduct for Joint Return Operations; welcomes the Ombudsman's call on Frontex to establish an individual complaints mechanism for potential fundamental rights infringements; invites her to investigate this matter further in light of the current situation of increasing numbers of refugees at the borders of the EU;
24. Welcomes the Ombudsman's investigation into whether the EU institutions are living up to their obligation of introducing internal whistleblowing rules; reminds the nine EU institutions addressed by the Ombudsman, including the Commission, Parliament and the Council, to inform her about the rules they have in place or intend to introduce;
25. Commends the Ombudsman on her investigations into the citizens' right to participate in the EU decision-making process, and in particular into the functioning of the European Citizens' Initiative (ECI); notes that in 2014 she invited ECI organisers, civil society organisations and other interested parties to provide feedback on the ECI with a view to improving it; notes with concern that representatives of petitioning organisations ask for better harmonisation and for the administrative methods for collecting and recording signatures to be improved; expects further suggestions for improvement, in particular concerning the existing technical and data protection-related constraints in the signature collection process; invites the Ombudsman to share her experiences and to contribute to the revision of the ECI Regulation;
26. Welcomes the EU institutions' 80 % compliance rate with regard to the Ombudsman's suggestions; is concerned at the persisting 20 % non-compliance; is aware that the Ombudsman's suggestions are not legally binding; urges the institutions, bodies and agencies to react promptly, effectively and responsibly to the Ombudsman's critical remarks and draft recommendations; supports the Ombudsman in future inquiries within her remit to identify possible transparency loopholes in the execution of the EU budget, cooperating when necessary with the Court of Auditors, OLAF and Parliament's Committee on Budgetary Control;
27. Recalls that the Ombudsman also has the capacity, and therefore the duty, to scrutinise Parliament within the scope of pursuing good administration for EU citizens;

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28. Commends the Ombudsman on her initiative, taken in the run-up to the European elections, to host an interactive event, 'Your wish list for Europe', in an effort to put citizens at the heart of decision-making;
 29. Encourages the Ombudsman to continue to promote the European Network of Ombudsmen with a view to informing EU citizens in a better way about the allocation of responsibilities between the European Ombudsman, national and regional ombudsmen and Parliament's Committee on Petitions; recognises the important contribution of the Network in fostering the exchange of best practices and information about its members' remits and competences; notes that 59,3 % of complaints processed in 2014 fell within the competence of a member of the Network; calls on its Committee on Petitions to be a more active member of the Network and to reinforce its collaboration with the Network on common policies which fall within the field of activities of the European Union; notes that in 2014 the Ombudsman transferred 86 complaints to this committee;
 30. Encourages the Ombudsman to investigate, in coordination with the European Court of Auditors, the programmes and projects financed by the European Union, with particular regard to the financing of projects intended to reduce development disparities;
 31. Agrees with the Ombudsman that the EU institutions should ensure that their services are accessible to persons with disabilities and that such persons have access to information and means of communication; urges the institutions to ensure that work environments are open, inclusive and accessible to persons with disabilities so that they can participate effectively and fully in political and public life;
 32. Calls for the annual budget of the Office of the Ombudsman to be increased;
 33. Instructs its President to forward this resolution and this report to the Council, the Commission, the European Ombudsman, the governments and parliaments of the Member States, and to their ombudsmen or similar competent bodies.
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