



European Ombudsman

Annual Report 2016





European Ombudsman

Annual Report
2016

Table of contents

Introduction	4
1 2016 at a glance	6
2 Key topics	7
2.1 Transparency in EU decision-making	7
2.2 Lobbying transparency	9
2.3 Transparency in economic and financial decision-making	10
2.4 Access to EU documents	12
2.5 Ethical issues	13
2.6 EU agencies and other bodies	15
2.7 EU contracts and grants	16
2.8 Future challenges	17
3 Award for Good Administration	19
4 Communications	20
5 Relations with EU institutions	22
5.1 European Parliament	22
5.2 Committee on Petitions	22
5.3 European Commission	23
5.4 Other institutions, agencies and organisations	24
5.5 UN Disability Rights Convention	24
6 European Network of Ombudsmen	26
7 Day-to-day case-handling	30
8 Type and source of complaints	31
8.1 Overview of complaints and strategic inquiries	31
8.2 Complaints outside the Ombudsman's mandate	34
9 Against whom?	36
10 About what?	37
11 Results achieved	38
12 Compliance with the Ombudsman's proposals	41
13 Resources	42
13.1 Budget	42
13.2 Use of resources	43
How to contact the European Ombudsman	44



Introduction



Emily O'Reilly, European Ombudsman.

I am very happy to present our 2016 Annual Report.

It was a turbulent year for the EU and the challenges will continue. The unemployment crisis, the ongoing migration crisis, the decision by the UK to leave the Union, and concerns around the impact on Europe of the new administration in the United States compel all of us to work even harder to make the EU institutions as responsive to, and as compassionate towards, the citizens we serve as possible.

This year showed again how the work of an ombudsman can have a positive effect over time on the quality of the EU administration, in line with my strategy to increase the impact, relevance and visibility of this office.

By conducting proactive strategic inquiries, my office was able to help raise the already high transparency and administrative standards of EU public bodies further still. We worked with the European Commission and European Parliament on reviewing the expert groups that advise the Commission on policy. We engaged with the President of the European Commission, Jean-Claude Juncker on the ethics of former Commissioners, and with the President of the Eurogroup, Jeroen Dijsselbloem, on the Eurogroup's transparency. We also made recommendations to the Commission on the authorisation of pesticides and to the Commission, Council and Parliament on how to improve the transparency of trilogues.

At the end of the year, we launched the Award for Good Administration to recognise excellence in EU public administration and the dedicated work of so many European civil servants working to improve the lives of European citizens.

My core work remains helping individuals when they encounter problems with EU public administration and their concerns make up the vast majority of the hundreds of complaints we deal with every year.

In 2016, we also held the annual conference of the European Network of Ombudsmen in Brussels, which built on our successful cooperation on issues including migration, lobbying transparency and the rule of law. The European Commission also committed to working more effectively with the Network.

I look forward to the challenging year ahead and to working with the EU administration in helping to find solutions to the problems faced by EU citizens. In particular, I look forward to continuing my excellent and collaborative engagement with the European Parliament. Its support has been, and continues to be, vital to the effective discharge of my mandate on behalf of the citizens we jointly serve.

A handwritten signature in black ink, reading "Emily O'Reilly". The signature is written in a cursive style with a long, sweeping underline.

Emily O'Reilly



The year 2016 was an eventful one. Here are some of the highlights:


2016


- 1 January**
Letter to members of the European Network of Ombudsmen on the Asylum, Migration and Integration Fund
- 2 February**
Ombudsman asks Commission to report back on the authorisation of pesticides
- 3 March**
Opened inquiry on the Euratom Treaty expert group documents
- 4 April**
"Improving transparency in tobacco lobbying" – Ombudsman event
- 5 May**
Opened inquiry into Commission evaluation of conflicts of interest of special advisers
- 6 June**
European Network of Ombudsmen annual Conference in Brussels
- 7 July**
Ombudsman calls for more transparency in trilogues
- 8 August**
Commission's handling of infringement complaints under the EU Pilot scheme
- 9 September**
Ombudsman calls on European Commission President Juncker to clarify position on predecessor's new role
- 10 October**
"Disrupting Europe – truth, facts and social media" – Ombudsman event
- 11 November**
Ombudsman welcomes President Juncker's action on the Code of Conduct for Commissioners
- 12 December**
Open Government Partnership global summit – Ombudsman's plenary speech



The European Ombudsman helps citizens as they engage with the EU institutions, bodies and agencies. Problems that arise range from contractual issues to violations of fundamental rights to a lack of transparency in decision-making or refusal of access to documents. In 2016, transparency-related inquiries again accounted for the greatest proportion of cases.

2.1 Transparency in EU decision-making

The Ombudsman in July **published** proposals to make trilogues – informal negotiations on EU legislative proposals between the European Parliament and Council of the EU in the presence of the Commission – more transparent. These included making available dates of trilogue meetings and summary agendas; the positions of both co-legislators on the Commission’s proposal; and the names of the decision-makers present in trilogue meetings. She recommended that documents that track the main stages of the process should be published as soon as possible after the negotiations end. The Ombudsman inspected the trilogue files of two EU laws (Credit Mortgage Directive and Clinical Trials Regulation) and held a public consultation, receiving 51 replies including five from national parliaments. The European Parliament, Council and Commission responded to the Ombudsman’s proposals in December, generally agreeing with the Ombudsman’s arguments in favour of more transparency. In the responses, the institutions outline their initial follow-up, which includes discussions with each other on the implementation of the proposals.  #1

In May, the Ombudsman opened a **strategic inquiry** into how the European Commission carries out conflict of interest assessments for its special advisers. The advisers provide on-demand expert input directly to Commissioners. The aim of the inquiry, opened following individual complaints, is to ensure that rules are robust enough to avoid inappropriate influence on policy-making. In a letter to the President of the European Commission, Jean-Claude Juncker, the Ombudsman suggested that both the mandate of the adviser and their outside activities be clear before the adviser is appointed and that the conflict of interest assessment be updated if their outside activity changes.  #2



#1



LSE EUROPP
blog

How transparency can be improved in the way EU laws are negotiated and agreed
bit.ly/2b2D6qK



How transparency in the negotiation of and agreement on EU laws can be improved.



#2



Nick Beake

@EUombudsman now started wider inquiry into appointment process for special advisers. (Often work for private sector clients as well as EU).

The European Ombudsman has now started a wider inquiry into the appointment of special advisers (who often concurrently work for private sector clients and the EU).

The Ombudsman's case-handlers inspected the files concerning special advisers appointed in 2015 and 2016.

g+

#1

European
Ombudsman**[Press Release] Ombudsman tells Commission to report back on pesticides authorisation**

The European Ombudsman's inquiry into the approval of pesticides by the European Commission highlights concerns with the Commission's practice of approving the safe use of an active substance before it gets all of the data necessary to support that decision. The Ombudsman analysed the Commission's practice of approving substances while simultaneously requesting data confirming their safety. Following her analysis, and in light of the importance of health and environmental protection in the EU, the Ombudsman made several proposals to improve the Commission's pesticide approval system.




The Ombudsman's case-handlers inspected the files concerning special advisers appointed in 2015 and 2016. The inspection report showed significant improvement in certain areas in 2016, a fact acknowledged in a letter from the Ombudsman to President Juncker. The Ombudsman in 2017 will continue to focus on possible further improvements in the following areas: how the procedure for appointing special advisers is organised; the Commission's conflict of interest assessment before the appointment; the duty to declare new activities after the appointment; and public access to documents and information.


The Commission's pilot programme, under which it seeks to ensure that Member States properly apply EU laws without resorting to an infringement procedure, is the subject of a [strategic inquiry](#) which began in May. The Ombudsman decided to look into the process after inquiring into several complaints. The Ombudsman asked the Commission how the procedure operates, including reasons for delays; how it communicates to complainants about the opening and closing of a pilot procedure and what the Commission does when a Member State repeatedly delays answering or does not give enough information. Towards the end of 2016, the Ombudsman conducted a further inspection of files to get a broader idea of how the procedure works in practice. The inquiry continues into 2017.

One [case](#) illustrating the importance of transparent decision-making concerned the process for authorising pesticides for the European market. Specifically it concerned the Commission's practice of approving the safe use of an active substance before it gets all of the data necessary to support that decision (known as confirmatory data procedure). The Ombudsman asked the Commission to report back in 2018 and demonstrate that the procedure is being used restrictively, that there is improved oversight of Member States' use of pesticides, and that the remaining assessments of the ten substances highlighted by the complainant have been completed. [g+ #1](#)

Another [case](#) concerned delays by the Commission in the authorisation of 20 applications for genetically modified food and feed. During the inquiry, the Commission dealt with the 20 applications in question. However, the Ombudsman concluded that the delays were not justified and suggested that if the Commission considered the timescale for decision-making in relation to genetically modified food and feed to be inadequate, it should deal with the issue in its review of how such decisions are taken.

2.2 Lobbying transparency

The Ombudsman also inquired into the transparency of EU lobbying and related matters. The balance of interests represented in the hundreds of expert groups that advise the Commission on policy and legislation became a major strategic inquiry. In early 2016, the Ombudsman asked the Commission to take a series of expert group transparency steps, including the publication of comprehensive minutes of their meetings. The Parliament was also very active on this issue. In May, the Commission replied that it intended to make several changes to the system, including publishing agendas and meaningful minutes; improving conflict of interest management in relation to individuals appointed in a personal capacity; and linking expert group membership to the obligation to be on the EU Transparency Register. The Ombudsman will inspect the minutes of meetings and other relevant documents in 2017, before drawing her final conclusions on the Commission's response to her recommendations.  #3

Following the urging of the Parliament, the Commission revised the EU Transparency Register in 2016. The Ombudsman [wrote](#) to President Juncker with suggestions for improving the Register by making it a central transparency hub for all EU institutions and agencies. She also called for full funding transparency for all lobbying groups, improved data accuracy, and tightened monitoring. She also called for the final inter-institutional agreement on the Register to mention the right to complain to the Ombudsman. The revised Register is now being negotiated between the Commission, Parliament and Council.  #4

Recognising that officials in public institutions at the EU and national level may welcome advice on how to avoid undue influence from interest groups, the Ombudsman drew up some [practical guidelines](#). The do and do not list was published in draft form at the end of the year with a call for public feedback. The advice to officials included the reporting by them of unacceptable lobbying practices and not arranging meetings outside office hours, other than on official premises, or without the presence of another colleague.

In a [decision](#) at the end of 2016, the Ombudsman noted her strong disapproval of the Commission's stance regarding the transparency of its meetings with tobacco lobbyists. In autumn 2015, the Ombudsman had asked the Commission to proactively publish online all meetings with tobacco lobbyists, or their legal representatives, as well as the minutes of those meetings, to bring the institution in line with its obligations under the UN Framework Convention for Tobacco Control (FCTC). The practice recommended by the Ombudsman was already being followed by the



#3



Frans Timmermans

Another step forward in changing the way 'Brussels' works. New expert group rules adopted: http://europa.eu/rapid/press-release_IP-16-1923_en.htm ...

First Vice-President of the European Commission, Frans Timmermans, says: Another step forward in changing the way 'Brussels' works. New expert group rules adopted.



#4



Erik Wesselius

How to improve the EU [#TransparencyRegister?](#) @EUombudsman makes some pertinent suggestions. <http://www.ombudsman.europa.eu/en/resources/otherdocument.faces/en/67708/html.bookmark> ...




The European Ombudsman makes some pertinent suggestions on how to improve the EU Transparency Register.

In a decision at the end of 2016, the Ombudsman noted her strong disapproval of the Commission's stance regarding the transparency of its meetings with tobacco lobbyists.

 #5  **Vera da Costa e Silva**

Congratulations European Ombudsman. Compliance with the WHO FCTC is essential. @FCTCofficial

Vera da Costa e Silva, Head of the Secretariat of the WHO's Framework Convention for Tobacco Control (FCTC) says: Congratulations European Ombudsman! Compliance with the WHO FCTC is essential.

Commission's Directorate-General (DG) for Health. The Commission responded in early 2016 that it believed it was already complying with the FCTC and did not need to adopt DG Health's practice. The Ombudsman closed the case with a finding of maladministration, noting that the Commission had not provided any good reasons for refusing to take the steps proposed by her office.  #5

European Ombudsman event on transparency in tobacco lobbying.



How to improve tobacco lobbying transparency was the subject of the Ombudsman's [strategic spring event](#). The seminar speakers included the EU Health Commissioner, the WHO representative to the EU; and civil society. The event examined how DG Health implements the FCTC and discussed the importance of the entire Commission implementing the same measures. The Ombudsman called on all EU institutions to implement the Convention fully according to its guidelines.

 #1

 #1 **Storify**





Improving transparency in tobacco lobbying

On 27 April the Ombudsman organised an event on how EU institutions could comply with their transparency obligations under the UN World Health Organization (WHO) rules and guidelines governing tobacco lobbying.

2.3 Transparency in economic and financial decision-making

Decision-making in economic and financial matters is of significant public interest. The Ombudsman's office has dealt with individual complaints in this area and the Ombudsman also sometimes considers it more helpful to point out issues of concern or ask for more information as part of a 'strategic initiative'. She [praised](#) Jeroen Dijsselbloem, President of the Eurogroup, for his proactive measures to make the body more transparent – such as by publishing a detailed agenda and summing up letter of its meetings – and asked for further clarifications on his proposals. Mr Dijsselbloem [responded](#) that since the transparency regime had been introduced, the

Eurogroup had made a range of documents available, including material used to prepare the Eurogroup's discussions. Mr Dijsselbloem also **said** that the body was committed to furthering the transparency of its political deliberations and that points raised by the Ombudsman would feed into its further reflections.

Representatives of the Ombudsman's office met Danièle Nouy, Chair of the Supervisory Board of the European Central Bank (ECB), to discuss the transparency of the Supervisory Review and Evaluation Process (SREP) – by which Eurozone banks are assessed on their financial good health. The Ombudsman followed up with a **letter** to Ms Nouy, noting that the ECB was likely to be anticipating – if not already experiencing – an increasing number of requests for public access to documents in the area of banking supervision. The Ombudsman suggested that the ECB could examine its scope to make public parts of the supervisory manual of the Single Supervisory Mechanism. Additionally, the Ombudsman suggested that individual SREP letters that are issued to supervised entities could be published after a suitable passage of time. Ms Nouy **replied** that the Ombudsman's letter would be shared with the Supervisory Board and pointed out that as regards the SREP, the Bank had, in addition to publishing a booklet detailing the SSM SREP methodology, also organised dedicated workshops with the banking industry.  #6  #7

In February, the Ombudsman **suggested** to the European Investment Bank (EIB) President Werner Hoyer that the minutes of Board of Directors meetings for both the EIB and the European Investment Fund (EIF) be proactively published. In a response welcomed by the Ombudsman, President Hoyer noted that the bank had agreed to take these transparency measures. The EIB, as requested by the Ombudsman, also published on its website the European Fund for Strategic Investments (EFSI) agreement signed by the EIB and the Commission. In addition, the EIB is progressively updating its public register – an electronic database linked to the projects the bank finances – by publishing more information related to environmental and social issues.

Later in the year, the Ombudsman suggested that the EIB change its internal ethics rules so that members of its Board of Directors be required to request authorisation from the Ethics and Compliance Committee before undertaking a new activity. She also inquired about the EIB's Code of Conduct for Board members, noting that it does not provide for the obligation to file a declaration of interest or a financial interest disclosure, as is the practice for other international financial institutions.

In a **letter** to President Juncker, the Ombudsman asked about the regime for publishing documents related to the work of



#6



Gide Brussels

Letter from the European Ombudsman to the ECB on the Supervisory Review and Evaluation Process <http://www.ombudsman.europa.eu/resources/otherdocument.faces/en/71844/html>. **bookmark** ... via [@EUombudsman](https://twitter.com/EUombudsman)

A letter from the European Ombudsman to the European Central Bank on the Supervisory Review and Evaluation Process.



#7



Bruno Nicostrate

Very good recommendation!

A very good recommendation!

The EIB, as requested by the Ombudsman, also published on its website the European Fund for Strategic Investments agreement signed by the EIB and the Commission.



the European Fiscal Board, a new body set up to advise the Commission on fiscal matters. The Commission [replied](#) that the Board's documents would be subject to EU rules on public access to documents (Regulation 1049/2001).

2.4 Access to EU documents

Every year, the Ombudsman receives many complaints from individuals or organisations about the EU administration's failure to provide public access to documents. In these cases, the Ombudsman looks to see if the institution is justified in not releasing the document. If the Ombudsman finds it not justified, she seeks release of the requested document.

One such [case](#) concerned a request for public access to opinions assessing candidates' suitability to be Judges and Advocates-General at the Court of Justice and the General Court of the EU. The Council refused access to the opinions – drawn up by a panel of experts – arguing that EU access to documents rules (Regulation 1049/2001) did not apply in that instance.

Following the Ombudsman's intervention, the Council announced that it had decided to apply Regulation 1049/2001. The Ombudsman welcomed the Council's policy change, noting that this case raised the important issue of how to strike the correct balance between the need to protect the personal data of those being assessed for high public office with the need to ensure maximum transparency in the appointment process. She noted that in such cases the balance should generally be in favour of greater openness. The Ombudsman encouraged the Council to deal with any future requests for public access to such documents with this approach in mind.

The Ombudsman encouraged the Council to deal with any future requests for public access to such documents with this approach in mind.

Another [case](#) concerned the Commission's refusal to grant public access to documents related to its investigation of an allegedly illegal shipment of live bluefin tuna to Malta. The Commission accepted the Ombudsman's recommendation to grant access to the documents the Commission had drafted. While it refused, during the inquiry, to disclose those documents that Malta had sent to the Commission, it later took a decision to follow the Ombudsman's recommendation to release the documents from Malta. Malta has now taken the Commission to the EU courts in an attempt to block the Commission from releasing the documents.

In a [case](#) concerning the European External Action Service (EEAS), the complainant, a Swedish NGO, wanted access to the Political Dialogue and Cooperation Agreement between the EU and Cuba. The EEAS refused, arguing that the Agreement was still provisional at that stage. The complainant turned to



The European Ombudsman at the presentation of the European Parliament's report on the European Ombudsman's *Annual Report 2015*.

the Ombudsman, noting that the Agreement had already been initialled. In the course of the inquiry, the EEAS released the document after the Commission had adopted the Agreement.

Sometimes the institutions change their approach to a particular request for document access. This was the case in a [complaint](#) about the Commission's refusal to grant public access to documents concerning the surveillance of the Internet by UK intelligence services. Following the Ombudsman's intervention, the Commission disclosed one document, a letter from the UK Foreign Secretary, but not two letters from the Commission Vice-President. This led the Ombudsman to find maladministration. However, the Commission in October 2016, a year after the Ombudsman's decision, released the documents in question.

2.5 Ethical issues

The EU administration has comparatively high ethical standards. However, for citizens to have more confidence in the EU, they need to be sure that both EU politicians and staff are working only in the public interest. The rules in place must ensure that Commissioners, both during their term in office and afterwards, do not put this into doubt. Concerns surrounding work undertaken by former Commissioners featured in the Ombudsman's work in 2016.

In a [decision](#) in June, the Ombudsman found maladministration in that the 2009-2014 Commission had failed adequately to deal with a former Commissioner's breach of the Code of Conduct for Commissioners; and had not properly investigated the compatibility of the Commissioner's private sector work contract with the EU Treaty obligations, despite concerns

   **Parlamento Europeo**


.@EUombudsman: la Comisión debería revisar el código de conducta de los ex comisarios
<http://bit.ly/2a5UK8M>



The Commission should revise the Code of Conduct for ex-Commissioners.

Nevertheless, President Juncker did propose to tighten the Code by extending the cooling-off period to two years for ex-Commissioners and three years for ex-Commission Presidents.

raised by the Ethics Committee that deals with these matters. The Ombudsman called for the Code of Conduct to be revised to make its rules more explicit and more easily implementable and to include sanctions for breaches of the Code.

The merits of reforming the Code came up for discussion once more when a former Commission President took a position as non-executive Chairman at Goldman Sachs bank. The Commission stated that he had not breached the Code, which stipulates an 18-month cooling-off period, but the Ombudsman noted that under the EU Treaty some posts can continue to be problematic even after the 18-month notification period has expired. In a [letter](#) to President Juncker, the Ombudsman asked the Commission to refer the matter to the Commission's Ethics Committee and to review the Code of Conduct. President Juncker [responded](#) that he was putting the matter to the Ad Hoc Ethical Committee. That Committee concluded that while the former President had not shown "the considerate judgement one may expect from someone having held the high office he occupied for so many years", there were "not sufficient grounds to establish a violation of the duty of integrity and discretion, imposed by Article 245 (2) TFEU [Treaty on the Functioning of the European Union]".  #8

Nevertheless, President Juncker did propose to tighten the Code by extending the cooling-off period to two years for ex-Commissioners and three years for ex-Commission Presidents. The Ombudsman [welcomed](#) the proposal but repeated the earlier caveat that the extended time will not always be a sufficient guarantee that Article 245 has been respected.

Robust ethics rules need to apply throughout an institution and not just to its political representatives. The Ombudsman in September closed her [inquiry](#) into how the Commission implements EU staff rules governing the so-called revolving door phenomenon. The Commission had already taken positive steps in response to the Ombudsman's suggestions. The Ombudsman, on closing the inquiry, proposed some further steps. She called on the Commission to publish more details, particularly on its assessment and conclusions, when it approves requests from senior officials to work outside the Commission. She also suggested that those assessing applications of staff leaving the service should not have any professional connections with the person concerned. The Ombudsman will follow up on this issue with a strategic inquiry in order to assess how the rules work in practice.

2.6 EU agencies and other bodies

EU agencies – which deal with a range of issues from fundamental rights, to the safety and efficacy of medicines, the protection of the environment, health and environmental risks from chemicals and aviation safety – were the second biggest source, after the European Commission, of inquiries conducted by the Ombudsman in 2016.

One major case, opened in 2014, concerned the decision of the European Medicines Agency (EMA) to give only partial public access to clinical trial studies related to the approval of Humira, a drug used to treat Crohn’s disease. In June, the Ombudsman closed the [inquiry](#), welcoming increased transparency in this area. However, she expressed concern about four specific pieces of information that the Agency had withheld. The Ombudsman noted that any clinical information of value to doctors, patients and researchers, should be disclosed in the public interest. [g+ #2](#)

The European Chemicals Agency (ECHA) in 2015 agreed to the Ombudsman’s proposal about how it requires those seeking to register products to show that they have tried to avoid animal testing. It followed up in 2016 with detailed information about how exactly it was seeking to give effect to the Ombudsman’s proposal. A new [inquiry](#), opened in 2016, sought clarifications on a joint Commission and ECHA statement on the possible use of animal tests, under certain conditions, for substances used in cosmetics.

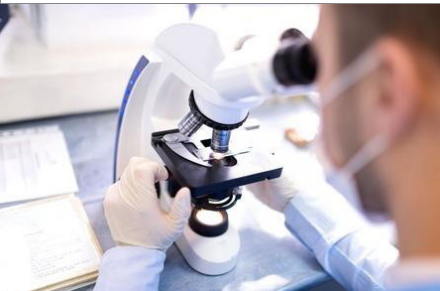
Each year hundreds of people sit competitions to work in an EU body in a process managed by the European Personnel Selection Office (EPSO). In one [case](#) referred to the Ombudsman, the complainant applied to an EPSO competition for the recruitment of conference interpreters. She missed the deadline for applications after she was briefly hospitalised and asked EPSO for an extension of the deadline. EPSO refused, arguing that it must treat all applicants equally. The Ombudsman recommended that EPSO acknowledge that there are exceptional situations where, because of force majeure, it is fair that candidates be given a new deadline. EPSO agreed to implement in the future all the Ombudsman’s recommendations concerning the application of the principle of force majeure in the context of EPSO competitions.

The Ombudsman closed the inquiry, welcoming increased transparency in clinical trial studies.

g+ #2 European Ombudsman

[Press Release] Ombudsman welcomes increased Humira transparency – but calls for more on global top selling drug

The European Ombudsman, Emily O’Reilly, has welcomed increased transparency in the clinical testing of Humira, one of the world’s biggest selling drugs, following her inquiry into the publication of clinical study reports. But the Ombudsman also expressed concern about certain parts of **four specific clinical trial reports into Humira which were withheld** by the European Medicines Agency on the stated grounds of commercial interest and has asked EMA to reconsider these redactions. “Any clinical information of value to doctors, patients and researchers, must be disclosed in the public interest,” said the Ombudsman.





2.7 EU contracts and grants

Complaints in this area accounted for 14.5 percent of the total. The Commission oversees a vast number of projects funded by the EU. It carries out rigorous auditing to ensure that public money is spent as it should be. However, this occasionally gives rise to disputes over how projects are audited or the amount of money that potentially should be reclaimed. In these situations, contractors often turn to the Ombudsman for a solution.

The Commission contended that the complainant had not followed the applicable rules of the contract agreement but, in light of the particular circumstances of this case, decided to waive the recovery of more than EUR 86 000.

In one such case, the complainant, a Polish research institute, had undertaken a number of projects that were co-financed by the EU between 2004 and 2009. After successfully completing the projects, the Commission audited three of them, and decided to recover certain costs. The Ombudsman opened an inquiry and found that the Commission's project officer had agreed in writing (e-mail) to the sub-contracting of some services – the costs of which the Commission subsequently decided to recover – and was therefore aware of, and had authorised, the complainant's awarding of the sub-contract. The Commission contended that the complainant had not followed the applicable rules of the contract agreement but, in light of the particular circumstances of this case, decided to waive the recovery of more than EUR 86 000.

A Croatia-based research institute took part in a EU-funded project under the Seventh Framework Programme for Research and Technological Development. After an audit revealed some irregularities, the Commission sought to recover a substantial amount of funds. The institute lodged a [complaint](#) with the Ombudsman, who found that the auditors' findings were based on several uncertainties. Since the most crucial issue at hand was the determination of the actual starting date of the project, the Ombudsman suggested that the Commission should consult an expert to verify the auditors' finding or order a technical audit. The Commission accepted the Ombudsman's proposal.

A further case concerned how the Commission audited a project aimed at preserving water in Morocco. The complainant, the French non-profit organisation Association pour la Participation et l'Action Régionale (APARE), which is involved in environmental education and eco-citizenship, disagreed with the audit finding by the Commission – which would have seen the Commission recover over EUR 20 000 – and turned to the Ombudsman's office. After the Ombudsman's intervention, the Commission agreed to reduce the amount to be recovered by almost 75%.

2.8 Future challenges

The Ombudsman's work is shaped by the broader political context. For example, widespread public concern about the lack of transparency of EU-US negotiations on the Transatlantic Trade and Investment Partnership (TTIP) led the Ombudsman to open a strategic own-initiative inquiry into the issue.

The Ombudsman also hosts events to discuss topical issues, such as the October event on "Disrupting EU – Truth, Facts and Social Media". Along with representatives of the Commission, the Organisation for Economic Co-operation and Development (OECD) and civil society, the Ombudsman debated how to better communicate the EU at a time of unprecedented challenges. The UK's decision to leave the EU will shape the Union in 2017 and beyond. Issues arising from the Brexit referendum began to be raised with the Ombudsman's office from shortly after the vote. By the end of 2016, the Ombudsman had received five complaints involving administrative issues related to Brexit, three of which concerned access to information. [#9](#) [#10](#)



We value @EUOmbudsman's positive feedback on our ongoing #TTIP transparency effort!

We value the European Ombudsman's positive feedback on our ongoing TTIP transparency effort!

By the end of 2016, the Ombudsman had received five complaints involving administrative issues related to Brexit, three of which concerned access to information.



Ruairi McKiernan

important #Brexit contribution from @EUombudsman Emily O'Reilly <http://www.broadsheet.ie/2016/06/29/something-had-to-give/> ... via @TodaySOR @broadsheet_ie

Important contribution on Brexit from the European Ombudsman, Emily O'Reilly, in *Broadsheet* via Today (RTÉ Radio One).

The year ended on a high note with the Ombudsman playing a significant role in the [Open Government Partnership](#) (OGP) Global Summit in Paris in December. The Ombudsman called on the EU to play a stronger role in the OGP. The OGP is a multilateral initiative that aims to secure concrete



European Ombudsman event: "Disrupting Europe: Truth, Facts and Social Media".



#12



Open Gov Partnership

.@EUombudsman: "EU could become a leading voice within OGP & encourage other institutions to take inspiration from its work" #OGP16



The European Ombudsman says: The EU could become a leading voice within the Open Governance Partnership and encourage other institutions to take inspiration from its work.

commitments from governments to promote transparency, empower citizens and fight corruption, among other objectives. In this context, the Ombudsman and the OECD are jointly conducting a survey on open governance, to identify ways of ensuring that ombudsmen play a greater role in the OGP. The Ombudsman's involvement is to promote and distribute the survey within the European Network of Ombudsmen and other international ombudsman networks. The Network will discuss the survey's preliminary results at its June 2017 conference, and publish the results at the end of the year.

#11 #12



#11



Aidan O'Sullivan

.@EUombudsman speaking at #OGP16 to close plenary session...



The European Ombudsman speaking at the Open Governance Partnership 2016 summit to close the plenary session.



European Ombudsman event: "Disrupting Europe: Truth, Facts and Social Media".



In pursuit of her office’s overall remit of improving EU public administration and helping to make its actions as citizen-friendly as possible, the Ombudsman, in October 2016, launched a call for nominations for an **Award for Good Administration**. The award aims to recognise members of staff of EU institutions, agencies and bodies who, while performing their duties, promote good administration. This is a pilot initiative that seeks to identify best practices in the EU administration, and bring them to greater public attention.

The Ombudsman intends to showcase these practices throughout the EU administration. Categories for the award include excellence in transparency and ethics, excellence in communications, and excellence in citizen-focused service delivery. With the support of an advisory committee, the Ombudsman will select the winners and a ceremony will be held in Brussels in 2017. [g+ #3](#) [#13](#)

The award aims to recognise members of staff of EU institutions, agencies and bodies who, while performing their duties, promote good administration.



[Press Release] The European Ombudsman, Emily O’Reilly, is launching an **“Award for Good Administration”** within the EU institutions, agencies and bodies. The award, which is a pilot project, seeks to recognise those ordinary staff who bring high standards of public service to their work either as individuals or as members of a team. This includes high standards of ethics, transparency and accountability.



 [#13](#)  **Dana Manescu**

[#EOaward](#) Nice initiative by @EUombudsman > [http://www.ombudsman.europa.eu/shortcuts/document.faces/en/72100/html.bookmark ...](http://www.ombudsman.europa.eu/shortcuts/document.faces/en/72100/html.bookmark...)
& I have a long list of potential nominees in mind!

Nice initiative by the European Ombudsman. I have a long list of potential nominees in mind!

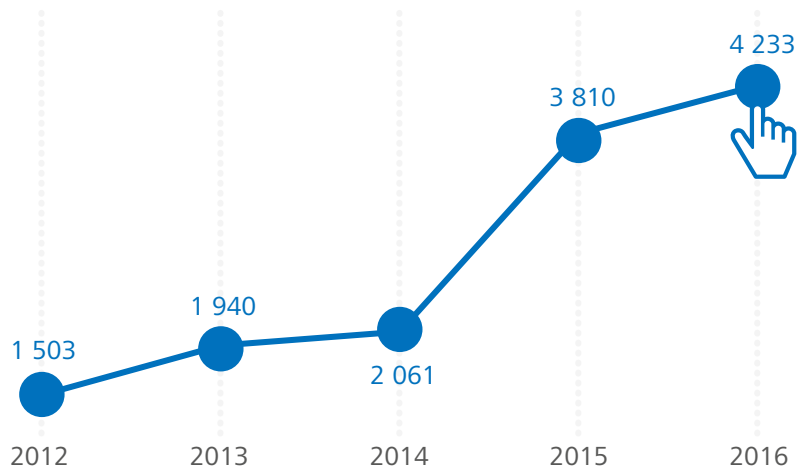


Mentions of the Ombudsman’s work by the media have increased each year since 2012 and particularly in 2015 and 2016.

The Ombudsman’s strategy (“Towards 2019”) is to increase the impact, relevance and visibility of the office. Greater visibility helps to ensure citizens know who to turn to should they encounter problems with the EU institutions.

Aside from specific outreach to stakeholders such as businesses, associations and NGOs, the office tries to raise the media profile of the Ombudsman and uses social media to communicate on specific cases; spread the word about new projects; and regularly inform about the Ombudsman’s activities.

Number of media hits



Mentions of the Ombudsman’s work by the media have increased each year since 2012 and particularly in 2015 and 2016. More people are following the Ombudsman’s work on Twitter, where the office’s account saw a 21 percent rise in followers between 2015 and 2016. The top tweet contained an infographic with do and don’t guidelines for public officials interacting with interest representatives. Other popular tweets included one with an infographic on expert groups, one with a video announcing the Ombudsman’s new Award for Good Administration and one announcing the launch of a public consultation on the transparency of informal negotiations on EU laws (trilogues). #14



European Ombudsman

We've prepared a list of 'do's & dont's' for officials interacting with lobbyists. Have your say here: <http://bit.ly/2hofMVQ> #eulobbying



European Ombudsman

Practical guidelines (draft)

for public officials' interaction with interest representatives

DO

- 1 Verify that interest representatives have registered in the EU (or equivalent national) Transparency Register before meeting them or accepting an invitation to an event.
- 2 Basic research to check what interests they represent and who is funding them. Ask for further information, if needed.
- 3 Request interest representatives to disclose, in writing and in advance, the meeting purpose, participants' names, the issue for discussion and any relevant background information.
- 4 Inform your hierarchy prior to meetings with interest representatives and debrief them afterwards.
- 5 Assess any risk of conflicts between your private interests and the public interest and how your interaction might be perceived.
- 6 Err on the side of caution. If in doubt, consult as appropriate and if you decide to go ahead, add a note to the file explaining.
- 7 Invite interest representatives to substantiate statements or presentations in writing after meetings or telephone calls.
- 8 Maintain good record keeping habits, including the meeting date/ location, names of participants and issues discussed. Remember that you should use your institution's official file management system.
- 9 Respect the applicable disclosure requirements, for example, at EU level, disclose details of meetings between interest representatives and Commissioners, Cabinet members and Commission Directors-General.
- 10 Report unacceptable lobbying practices.

DON'T

- 1 Meet interest representatives not registered in the EU (or equivalent national) Transparency Register without asking them to register. Make clear, if appropriate, that this is a prerequisite.
- 2 Overlook the motives of those who seek meetings or invite you to events. Lobbying can be done by a range of professions, including lawyers and consultants.
- 3 Accept any invitations to meetings or events which could put your institution in a delicate situation.
- 4 Interact with a particular interest representative without considering offering other groups a similar opportunity.
- 5 Arrange meetings outside office hours, official premises, and without the presence of another colleague.
- 6 Share information you are not authorised to share or misuse confidential information.
- 7 Do or say anything which could be viewed as granting an interest representative preferential treatment.
- 8 Give the impression to an interest representative that any particular advice, idea or information could or will be decisive in the decision-making process.
- 9 Accept hospitality from an interest representative without careful consideration and unless it is in line with the applicable rules.
- 10 Delay in disclosing information on any gifts and hospitality received.

We have prepared a list of dos and don'ts for officials interacting with lobbyists. Have your say here.

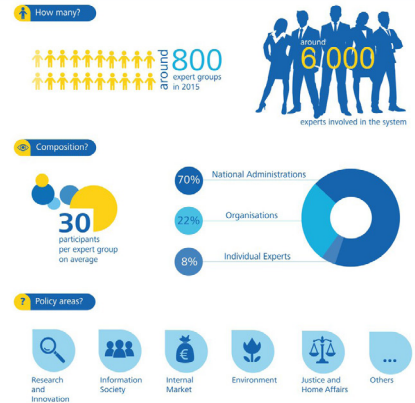
The office has also begun an overhaul of its website to make it more user-friendly – this project is expected to be completed in 2017 – and regularly asks for feedback from stakeholders on how the office's work is perceived and how it could be improved. [#15](#)



European Ombudsman

Strategic inquiry/
#Commission's expert groups:
@EUOmbudsman calls for more #transparency
[http://www.ombudsman.europa.eu/en/press/release.faces/en/63520/html.bookmark ...](http://www.ombudsman.europa.eu/en/press/release.faces/en/63520/html.bookmark...)

European Commission's Expert Groups



- The European Ombudsman's recommendations**
- 1 Greater transparency of expert group deliberations
 - 2 Better conflict of interest policy
 - 3 Link to Transparency Register
 - 4 More balanced composition

A strategic inquiry into the European Commission's expert groups: the European Ombudsman calls for more transparency.



The European Ombudsman presents her *Annual Report 2015* to then President of the European Parliament, Martin Schulz.

The Ombudsman met President Martin Schulz again in 2016, as well as numerous Members of the European Parliament (MEPs) across the political spectrum and from across Europe.

5.1 European Parliament

The European Ombudsman strongly values the relationship she has with the European Parliament. The Ombudsman met President Martin Schulz again in 2016, as well as numerous Members of the European Parliament (MEPs) across the political spectrum and from across Europe. The Ombudsman shared her work and experience when she spoke before the Parliament in plenary session, the Committee on Petitions and the Committee on Legal Affairs. The Ombudsman's staff frequently represent the institution in Committee meetings, hearings, and parliamentary inter-groups.

5.2 Committee on Petitions


The Ombudsman greatly values the close cooperation with the Committee on Petitions. The continuous dialogue is necessary for serving individual citizens who raise their concerns with the Ombudsman's office or with the Committee on Petitions. The Ombudsman deals with complaints against the EU institutions, bodies and agencies while the Committee on Petitions deals with petitions about the EU's areas of activity across Europe. The continuous support which the Committee's

Chair, Cecilia Wikström, and MEPs from all political groups give to the Ombudsman is greatly appreciated. This support is vital for the Ombudsman's ability to further help the EU institutions to set the "gold standard" for good administration.

 #16

5.3 European Commission



As the EU's executive, the European Commission has a direct impact on the lives of millions of Europeans. While it is political, it is also the largest administrative body of the EU and therefore it is natural that a large proportion of complaints to the Ombudsman concern the Commission's work. The Ombudsman commended President Jean-Claude Juncker on the constructive working relationship with her office and on the strong positive steps towards a more open administration, although of course challenges remain. The Ombudsman met President Juncker again in 2016 as well as several Vice-Presidents, and a number of Commissioners. She also met the Directors-General in a meeting hosted by the Secretary-General. The close cooperation at service level ensures that citizens' concerns can be addressed more effectively.  #17



#16



Cecilia Wikström(L)

Presenterar parlamentets årsrapport för @EUombudsman aktiviteter för det gångna året för @ALDEgroup I morgon röstar vi i plenum! #eupol



Chair of the European Parliament's Committee on Petitions, Cecilia Wikström says: Presenting the European Parliament's report on the European Ombudsman's *Annual Report 2015* to the ALDE Group in the European Parliament. Tomorrow we shall vote in plenary!

The European Ombudsman meeting the President of the European Commission, Jean-Claude Juncker.

The Ombudsman commended President Jean-Claude Juncker on the constructive working relationship with her office and on the strong positive steps towards a more open administration, although of course challenges remain.



EC AV Services

NEWS VIDEO: @MalmstromEU received Emily O'Reilly, @EUombudsman More: europa.eu/!Ry94um @Trade_EU



The European Commissioner for Trade, Cecilia Malmström, receiving the European Ombudsman, Emily O'Reilly.

The office also maintains relations with the Council of Europe in Strasbourg.

5.4 Other institutions, agencies and organisations

The Ombudsman continues to maintain close relations with several other institutions, agencies and organisations. In 2016, the Ombudsman had close contact with, the European Central Bank, the European Investment Bank, the European Data Protection Supervisor, the European Asylum Support Office, and the European Union Agency for Fundamental Rights. The office also maintains relations with the Council of Europe in Strasbourg. All these relations are an integral part of the Ombudsman's strategy "Towards 2019", which aims at increasing the relevance, visibility and impact of the Ombudsman in order to create a more open and service-oriented EU administration for the benefit of citizens.



EU Disability Forum

we have to make sure that #UN #CRPD does not remain a wish list but generates a genuine impact on lives of all pwd in Europe - @EUombudsman

We have to make sure that the United Nations Convention on the Rights of Persons with Disabilities does not remain a wish list but that it generates a genuine impact on the lives of all persons with disabilities in Europe.

5.5 UN Disability Rights Convention

As a member of the EU Framework, the Ombudsman protects, promotes, and monitors the implementation of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) at the level of the EU institutions. In 2015, the UNCRPD Expert Committee reviewed the EU's implementation of the Convention and issued concluding observations. These have been particularly important as regards the Ombudsman's strategic work in 2016 on the UNCRPD because they indicate possible shortcomings in the EU administration. #18 #19

In 2016, the Ombudsman inquired into a complaint by a hearing-impaired candidate who did not get additional time to sit selection tests in a European Personnel Selection Office (EPSO) competition. The Ombudsman carried out a stakeholder consultation which revealed that a number of Member States give additional time to students with hearing impairments when they sit written tests. She suggested that EPSO carefully reconsider whether, in future cases, it should allow extra time for candidates with a hearing impairment who request it for computer-based and written tests.

In May 2016, the Ombudsman launched an inquiry into whether the EU [Joint Sickness Insurance Scheme \(JSIS\)](#) complies with the UNCRPD. Full reimbursement of medical costs under the JSIS is provided upon recognition of a serious illness. For that recognition, the criterion of shortened life expectancy must be satisfied. The Ombudsman considered that this medical approach to disability may not be compliant with the UNCRPD and asked the Commission whether it intends to introduce separate criteria for the reimbursement by the JSIS of medical costs for persons with disabilities. This inquiry was still underway in 2017.

Furthermore, following two of the UNCRPD Committee's concluding observations, the Ombudsman pursued two strategic initiatives. She wrote to the President of the Commission on the [accessibility of websites and online tools that the Commission manages](#) and to then Vice-President Kristalina Georgieva to ask how [European Schools](#) are addressing issues raised by the UNCRPD Committee as regards implementation of the Convention. The Commission replied to both letters. It noted that it was creating a single web presence for all its services and that one of the underlying principles is to make the services as accessible to as many users as possible. With regard to European Schools, the Commission said it would support all systemic attempts to fulfil the UNCRPD recommendations and noted that the Special Education Needs policy of the European Schools is regularly assessed.

During 2016, the Ombudsman's office sought to make its own website more accessible and user-friendly. An [easy-to-read explanation of the Ombudsman's work and of how to lodge a complaint](#) is available online in the 24 EU official languages. Moreover, an external service provider is assessing the Ombudsman's website to determine ways of enhancing its accessibility for persons with disabilities.

The Ombudsman carried out a stakeholder consultation which revealed that a number of Member States give additional time to students with hearing impairments when they sit written tests.



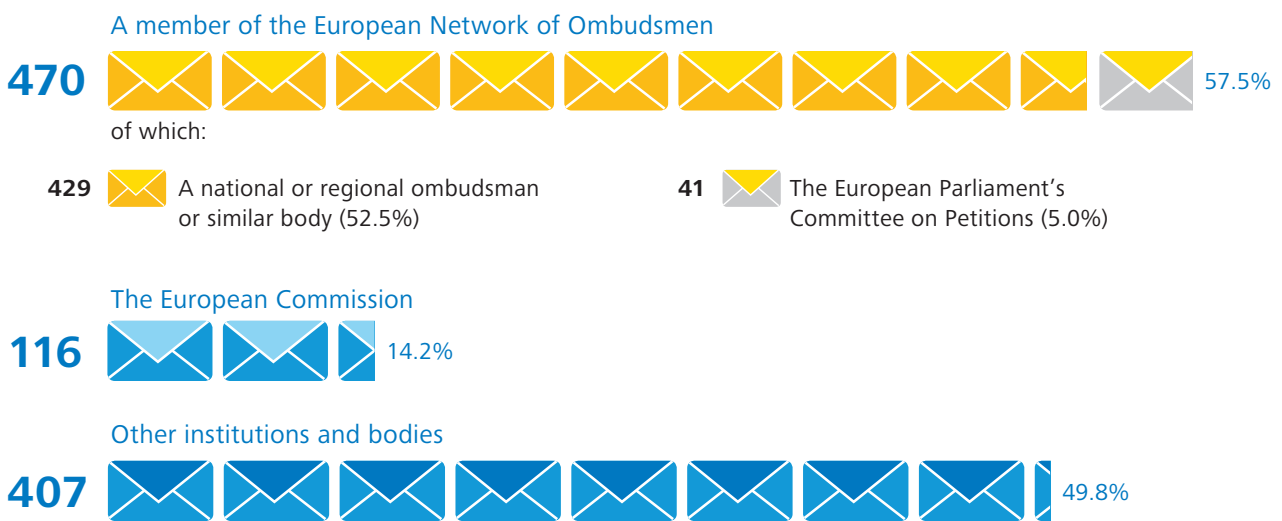
We are all on the same page on avoiding problems w/ use of [#ESIFunds](#) & institutionalization, says [@EUombudsman's](#) Rosita Hickey at [#EDPD2016](#)



We are all on the same page in avoiding problems with the use of European Structural and Investment Funds and institutionalisation, says Rosita Hickey from the office of the European Ombudsman, at European Day of Persons with Disabilities 2016.



Complaints transferred to other institutions and bodies; complainants advised to contact other institutions and bodies by the European Ombudsman in 2016



Note: As in some cases the Ombudsman gave the complainant more than one type of advice, the above percentages total more than 100%.

In 2016, the European Ombudsman, together with members of the European Network of Ombudsmen (ENO), undertook a reform of the Network. The ENO currently consists of 96 offices in 36 European countries. The European Parliament's Committee on Petitions is also a member of the Network.

One of the strategic changes within ENO is to increase focus on parallel inquiries and initiatives among interested ombudsman offices in areas of mutual interest, such as migration. In 2016, the Ombudsman and the Network conducted one parallel inquiry and launched one strategic initiative in which the Network took part. In April 2016, the Ombudsman launched an inquiry into a complaint concerning the Commission's role in evaluating Member State compliance with EU Regulation 1233/2011 on human rights and environmental protection, when funding Export Credit Agencies (ECAs). ECAs are public or private financial institutions that offer financing to domestic companies seeking to do business, mainly in uncertain and politically and commercially risky developing countries and

emerging markets. Two of the six national ombudsmen (Poland and Spain) whose mandate covers ECAs responded to the Ombudsman's invitation to launch parallel inquiries.

The strategic initiative concerned the EU's [Asylum, Migration and Integration Fund](#) (AMIF). With a budget of EUR 3 billion, the Fund covers the period 2014-2020. The Ombudsman asked the Commission and the Network if all AMIF-related information was online. She also asked the Network if use of the money in the Member States was in line with fundamental rights. Thirteen members responded. The inquiry resulted in the European Commission following up with the Member States to ensure that all details of national AMIF programmes are published online.

Moreover, in 2016 the Ombudsman's earlier own-initiative inquiry concerning Frontex brought concrete results in that the Agency set up the complaints mechanism that the Ombudsman had recommended. In December, the Frontex Fundamental Rights Officer, representatives of the European Ombudsman, national ombudsmen and administrations and of the Fundamental Rights Agency met in Brussels to discuss Frontex' complaints mechanism.

In another example of thematic cooperation, the Ombudsman consulted the Network to find out more about how Member States regulate lobbying transparency and to determine the need for practical guidance for public officials in this area. The [responses](#) revealed a lack of specific provisions regulating lobbying, coupled with an absence of practical guidance for public officials, in most Member States. The Ombudsman then produced a draft of practical guidelines and sought feedback from Network members and the public. She aims to present a final version of the guidelines in 2017 in all the 24 EU official languages.

The inquiry resulted in the European Commission following up with the Member States to ensure that all details of national AMIF programmes are published online.



The European Network of Ombudsmen's annual conference in Brussels.

The conference tackled the topical themes of responding to Europe's migration crisis, promoting lobbying transparency as a requirement of good administration, and challenges to the rule of law.


The main Network event in 2016 was the first annual conference, held in Brussels in June, and organised by the European Ombudsman. This conference brought the entire Network together and was open to non-members, such as Brussels-based umbrella groups and journalists. In total, 250 persons participated in this highly interactive event. It tackled the topical themes of responding to Europe's migration crisis, promoting lobbying transparency as a requirement of good administration, and challenges to the rule of law. On the heels of the conference was the production of *Network in Focus*, an annual ENO publication on the key topics discussed at the event. [g+ #4](#)

g+ #4 European Ombudsman

[Publication] Network in Focus
 We have published the first issue of **Network in Focus**, the annual newsletter of the **European Network of Ombudsmen (ENO)**. Main themes include:
 – Europe's response to the refugee crisis
 – Lobbying transparency as means to promote good administration
 – The rule of law in the EU
 You can download the full publication here in ES, DE, EN, FR or IT:
<https://www.ombudsman.europa.eu/en/activities/network-publications.faces>

 European Network of Ombudsmen

Network in Focus 2016
 Responding to Europe's migration crisis
 Promoting lobbying transparency as good administration
 Challenges to the rule of law in the EU



At the end of November 2016, the Ombudsman travelled to Madrid to meet with the Spanish Ombudsman, Soledad Becerril Bustamante, and her team and with the Spanish Transparency Council, civil society organisations, business representatives, diplomats, journalists and others. While complaint numbers from Spain are traditionally high, the aim of the visit was to further raise awareness in Spain about what the European Ombudsman can concretely do for Spanish citizens and businesses. [#20](#)

 #20  **Gundi Gadesmann**

Erosion of EU's founding values in several Member States are great cause of concern [@EUombudsman](#) [@NewEconomyForum](#)



Erosion of the EU's founding values in several Member States is a great cause for concern.

Since reorganisation of the Network, the Ombudsman has recorded more queries from ENO members seeking assistance in the interpretation of complex EU law-related issues. With the query procedure being swifter, the Ombudsman dealt with eight queries in 2016. The issues raised included the reimbursement of certain cross-border medical expenses and payments under European agricultural development funds.

Since reorganisation of the Network, the Ombudsman has recorded more queries from ENO members seeking assistance in the interpretation of complex EU law-related issues.



The European Ombudsman in an interview with the Spanish TV channel TVE in Madrid.

In 2016, the Network was given the status of ex officio member of the Consultative Forum of the European Asylum Support Office (EASO), and the Greek Ombudsman represented the Network in the Forum's deliberations in November in Athens. The most prominent initiatives that ENO is likely to be working on in the years ahead are: participation in EASO's Consultative Forum; providing expertise on asylum procedures to the European Parliament in its adoption of a new Common European Asylum System; and setting up a common platform on how to deal with 'Brexit complaints' from EU citizens living in the UK and vice versa. The Network is also to be involved in setting up EASO's forthcoming complaints mechanism. #21

#21

Parlamento Europeo

Emily O'Reilly
[@EUombudsman](https://twitter.com/EUombudsman) de visita en Madrid bit.ly/2glTw5o



The European Ombudsman, Emily O'Reilly, in Madrid.



The European Ombudsman exchanging views with the European Parliament's Legal Affairs Committee.

The European Ombudsman is there to assist citizens, companies, associations, NGOs, and other organisations, and it should be as straightforward as possible for them to access the Ombudsman and seek this assistance. The Ombudsman updated her case-handling procedures in 2016, following extensive internal and external consultations. This is part of the strategy to make inquiries more effective and have a greater impact on a greater number of citizens.

The Ombudsman also puts emphasis on conducting inquiries that are in the public interest. She conducts wider strategic inquiries when she considers that there are grounds to do so, although the main part of her work remains complaint-based cases.

The new Ombudsman's implementing provisions make the procedure for those seeking help more efficient and effective.

The new Ombudsman's **implementing provisions** make the procedure for those seeking help more efficient and effective. By introducing a more flexible approach to handling complaints, the new procedure aims to ensure a more common sense and results-oriented approach to inquiries.

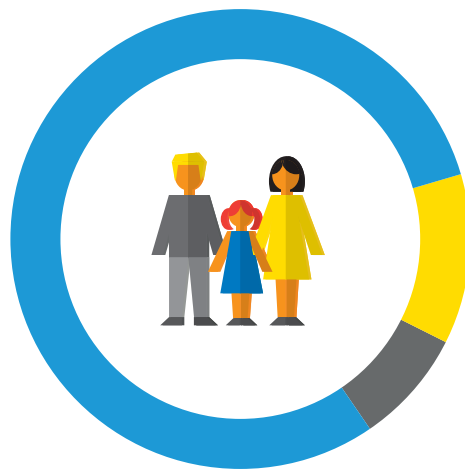


8.1 Overview of complaints and strategic inquiries

Advice, complaints and inquiries in 2016

15 797

Citizens helped by the European Ombudsman in 2016



12 646

Advice given through the Interactive Guide on the Ombudsman's website

1 880

Complaints handled in 2016

1 271

Requests for information replied to by the Ombudsman

245

Inquiries opened by the European Ombudsman in 2016



235

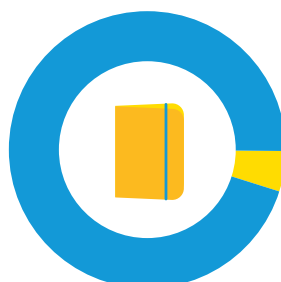
Inquiries opened on the basis of complaints

10

Own-initiative inquiries opened

291

Inquiries closed by the European Ombudsman in 2016



278

Complaint-based inquiries closed

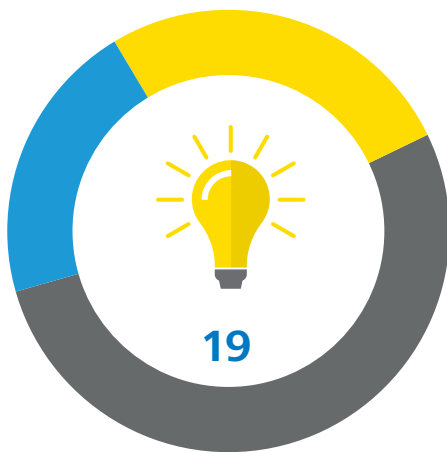
13

Own-initiative inquiries closed



The European Ombudsman has been improving her working methods to make them more efficient and have a greater impact on a greater number of citizens. To this end, in 2016, she introduced a new streamlined procedure for handling cases, with greater flexibility and a more pragmatic approach to inquiries. In addition, as in the past, complaint-based cases with similar content may be dealt with collectively as strategic inquiries. An example of this approach is the inquiry into the role of the special advisers that the European Commission uses. This proactive strategic approach almost certainly pre-empted other individual complaints.

Strategic work in 2016



4

Strategic inquiries opened in 2016

e.g. Commission practices to prevent possible conflicts of interest of special advisers; delays in chemical testing; Commission's handling of infringement complaints under the EU pilot scheme

5

Strategic inquiries closed in 2016

e.g. Trilogues transparency; access to clinical study reports related to the medicinal product Humira (EMA); EPSO's procedures for dealing with requests for review; timeliness of payments by the Commission

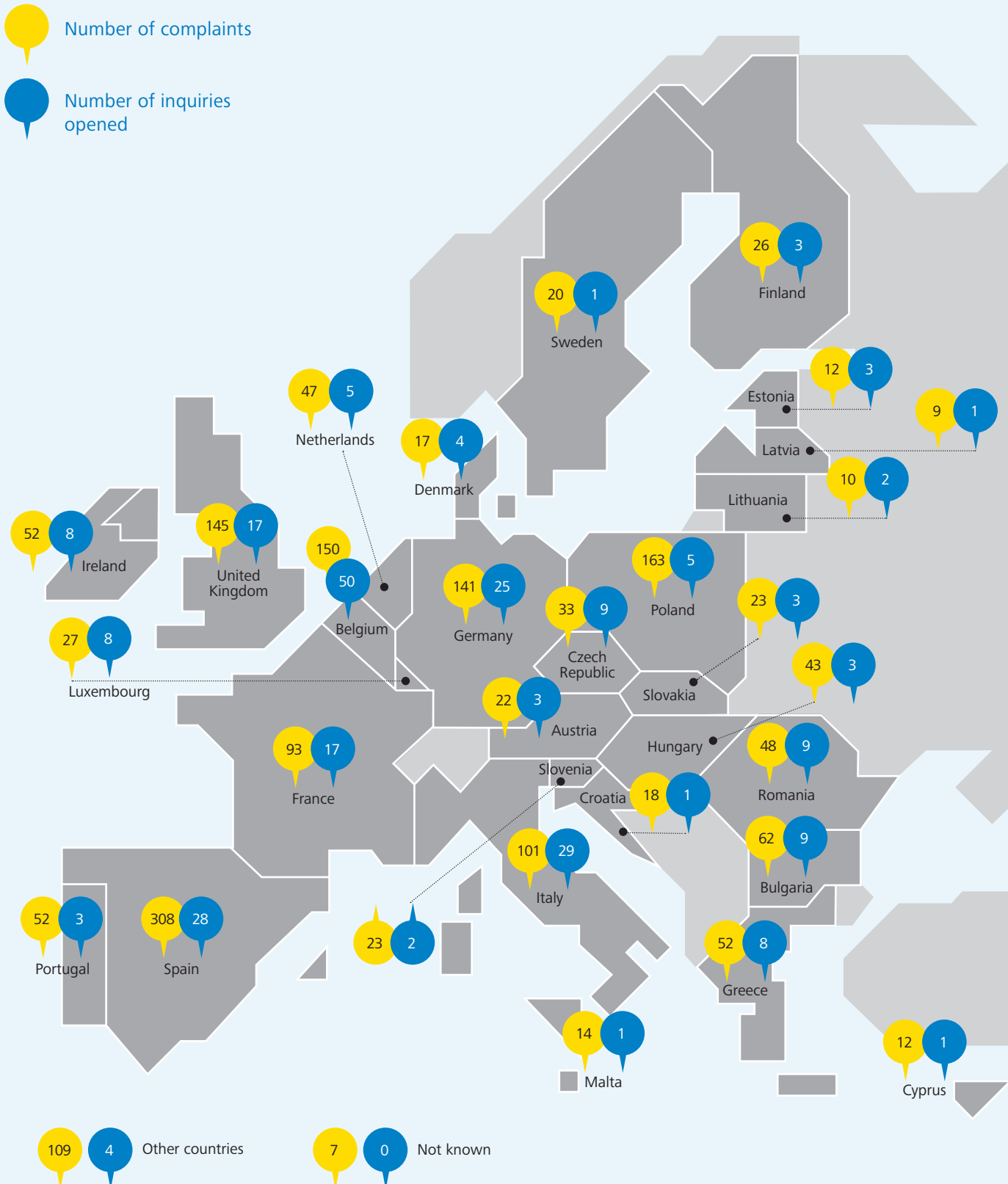
10

Strategic initiatives opened in 2016

(requests for clarification, not formal inquiries)

e.g. Revolving door move by former Commission President; Eurogroup transparency; EIB transparency and conflict of interest prevention; transparency of the ECB's Supervisory Review and Evaluation Process; accessibility of Commission websites for persons with disabilities

National origin of complaints registered and inquiries opened by the European Ombudsman in 2016





8.2 Complaints outside the Ombudsman's mandate

The European Ombudsman receives many complaints on issues that do not fall within her mandate, mostly because they do not concern the work of an EU institution or body. Complaints that involve EU institutions but concern purely political issues, such as legislation, or the judicial activity of the Court, also do not fall within the Ombudsman's mandate.

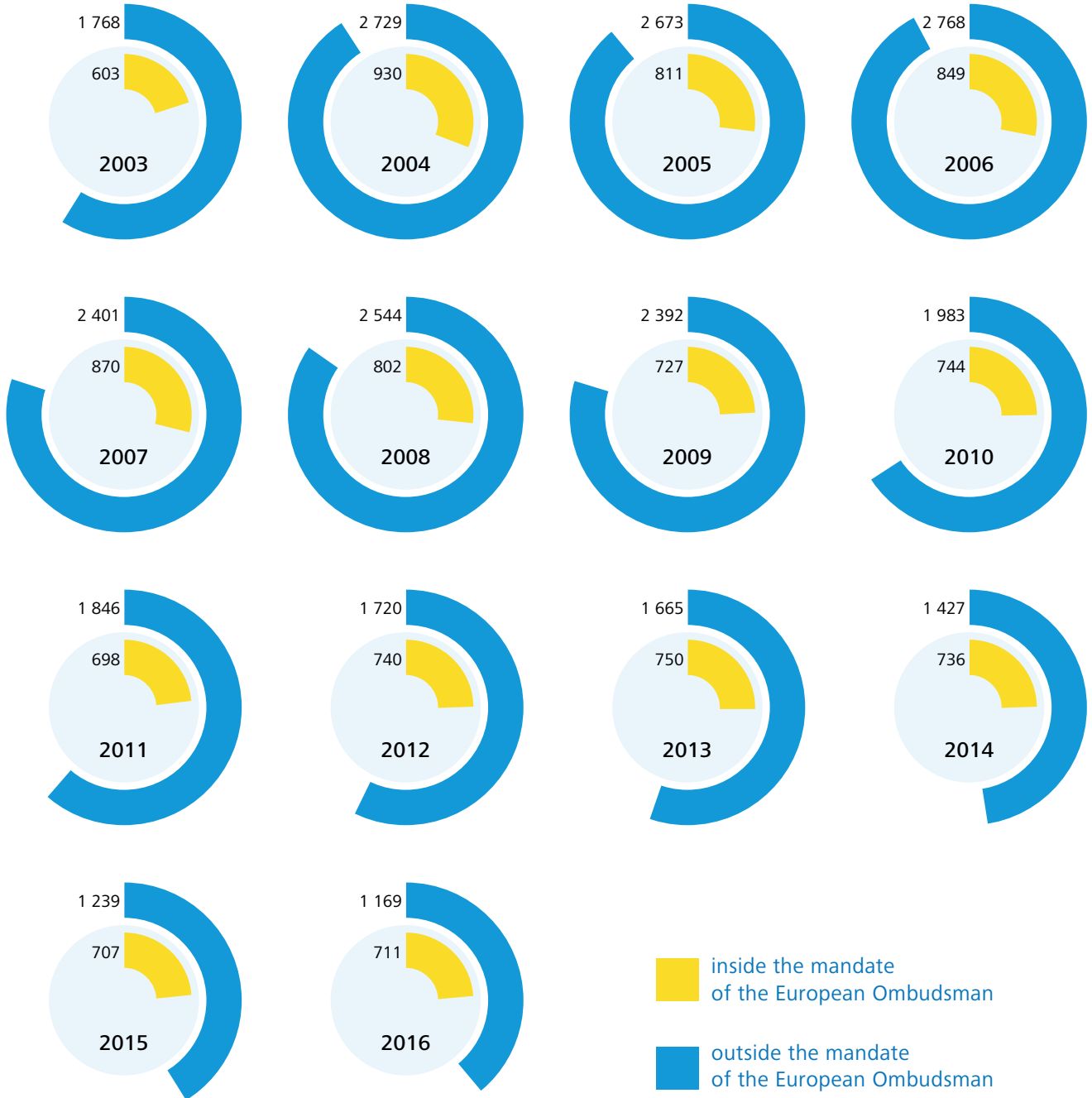
Since these complaints are not the core work of the Ombudsman, the office records only limited information about them. They are primarily against national public bodies, national or international courts, and a range of private entities. Sometimes complaints are based on the misconception that the Ombudsman is an appeals body over national ombudsmen. The complaints cover a broad range of areas. Recurrent themes are consumer protection, taxation, social security and healthcare, and, in recent years, issues related to banks.

The office handles out-of-mandate complaints with great care, giving advice when possible, or transferring them to other bodies that may be able to help.

The office handles the complaints with great care, giving advice when possible, or transferring them to other bodies that may be able to help. For complaints expressing discontent with EU legislation, the Ombudsman usually advises the complainant to turn to the European Parliament. For complex implementation issues, complainants are advised to turn to the European Commission or EU networks such as SOLVIT or Your Europe Advice. The complainant can also be referred to a national ombudsman. Examples in 2016 included referrals to the Portuguese Ombudsman in relation to the application of EU legislation on noise pollution, to the Belgian Federal Ombudsman on pension issues, and to the Polish and Romanian Ombudsmen on issues related to prison conditions.

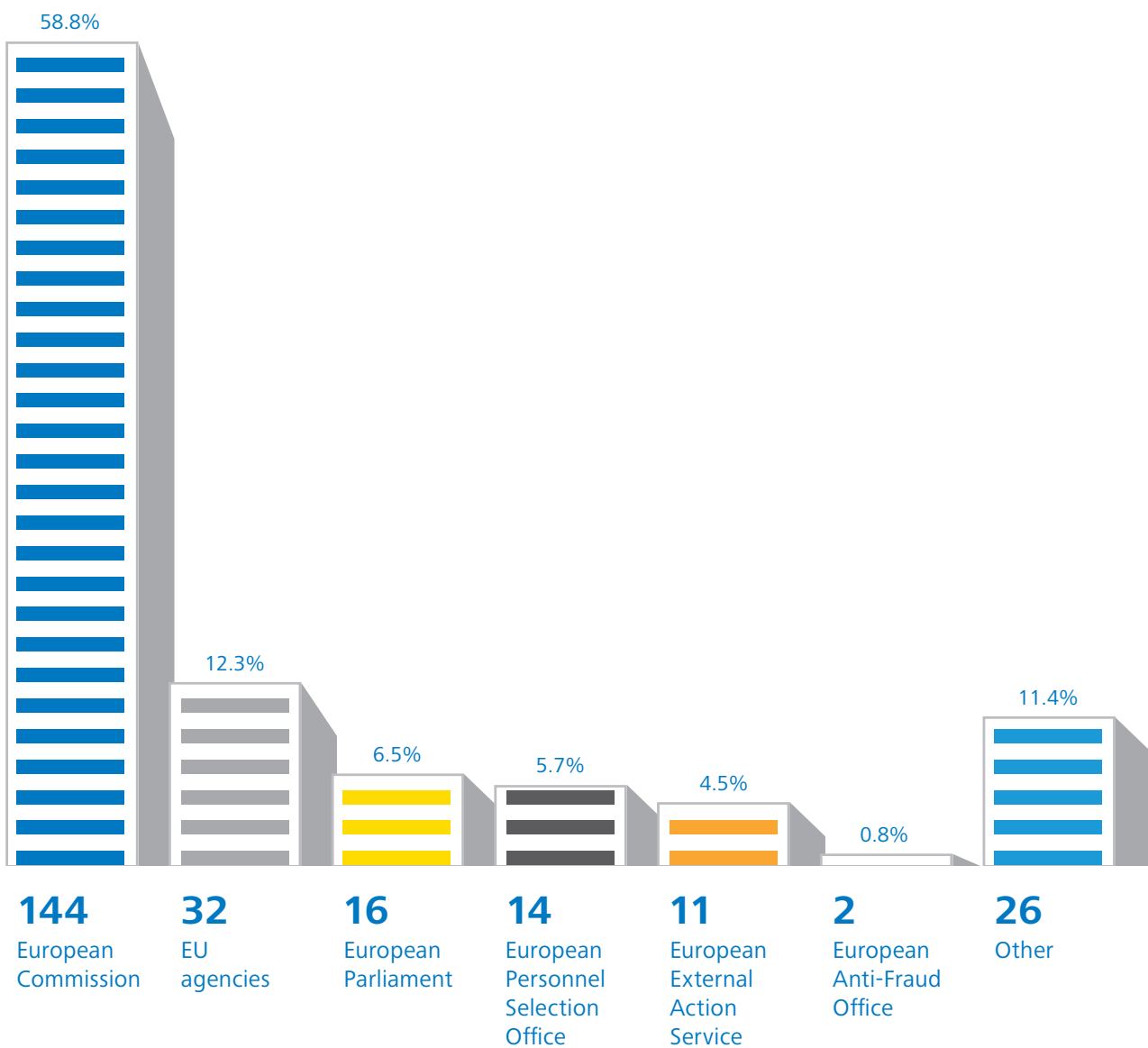
The office tries to reduce the number of cases that are outside the Ombudsman's remit. This is to avoid citizens being disappointed because they cannot be directly helped by the Ombudsman. In 2016, the number dropped to a record low of 1 169 (1 239 in the previous year), a result that was largely achieved through effective communication about the office's work and the Interactive Guide on its website.

Number of complaints 2003-2016



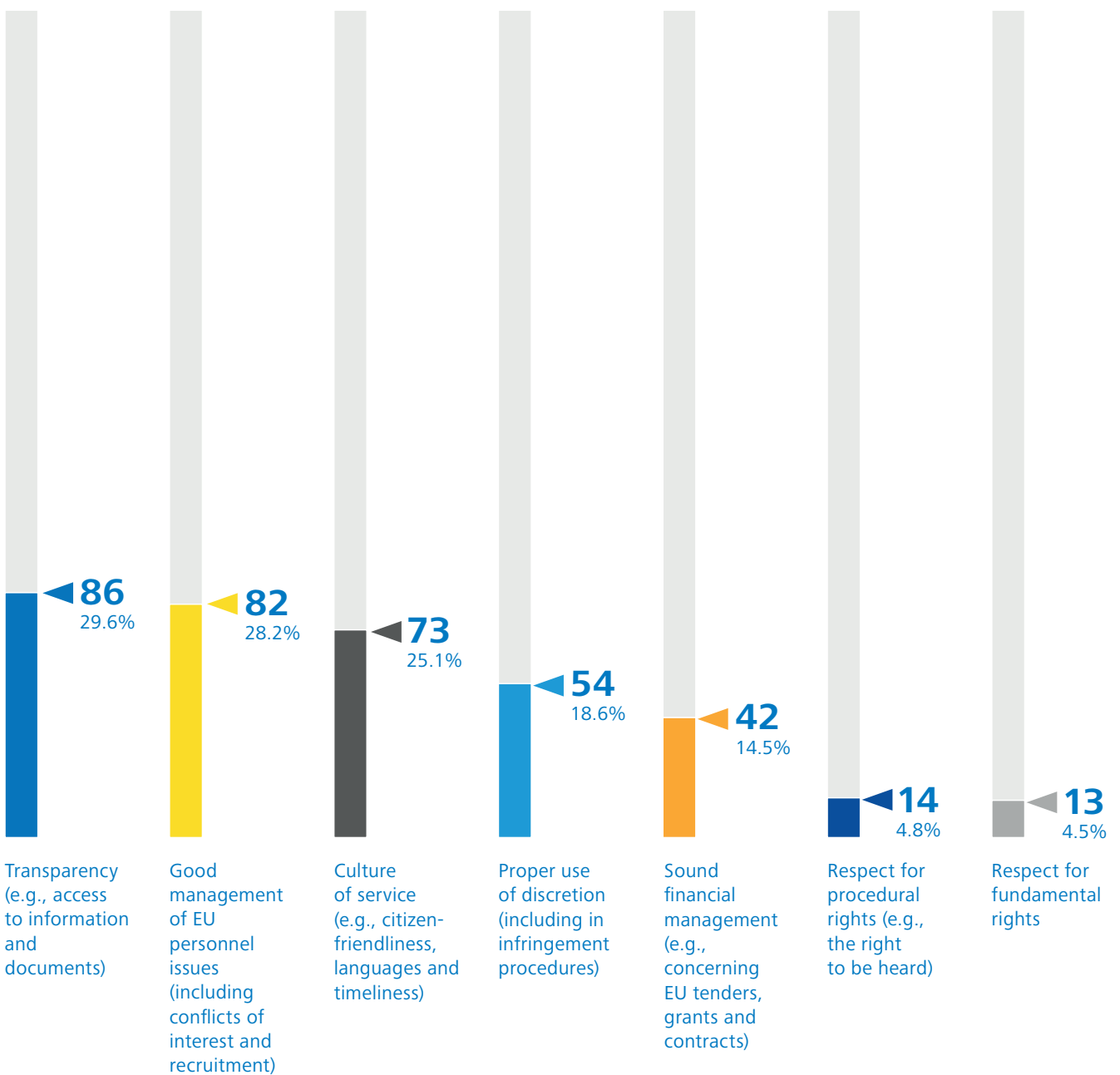


Inquiries conducted by the European Ombudsman in 2016 concerned the following institutions





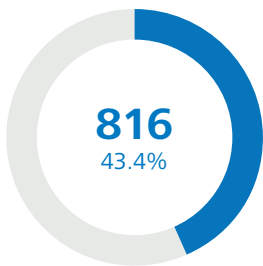
Subject matter of inquiries closed by the European Ombudsman in 2016



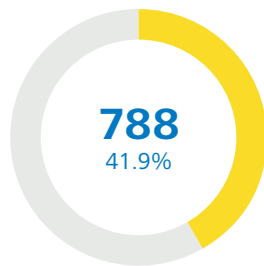
Note: In some cases, the Ombudsman closed inquiries with two or more subject matters. The above percentages therefore total more than 100%.



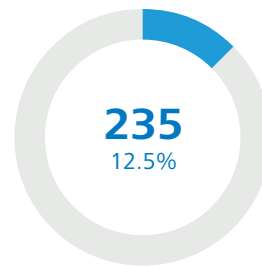
Action taken by the European Ombudsman on complaints received in 2016



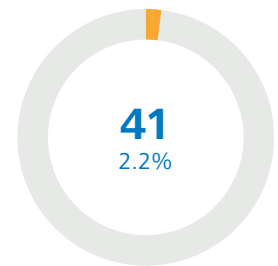
Advice given or case transferred to another complaints body



Reply sent to inform the complainant that no further advice could be given

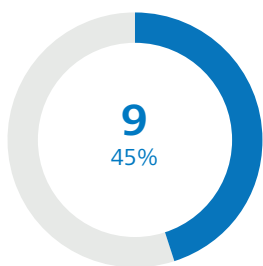


Inquiry opened

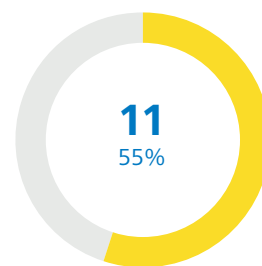


Decision on Admissibility

Inquiries where maladministration was found by the European Ombudsman in 2016

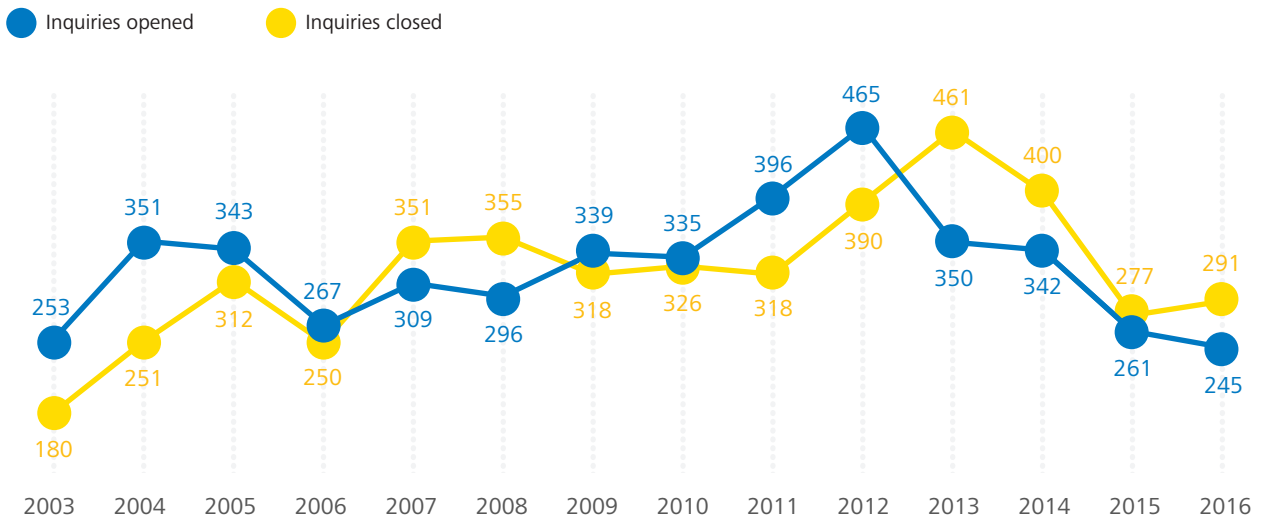


Critical remarks addressed to the institution

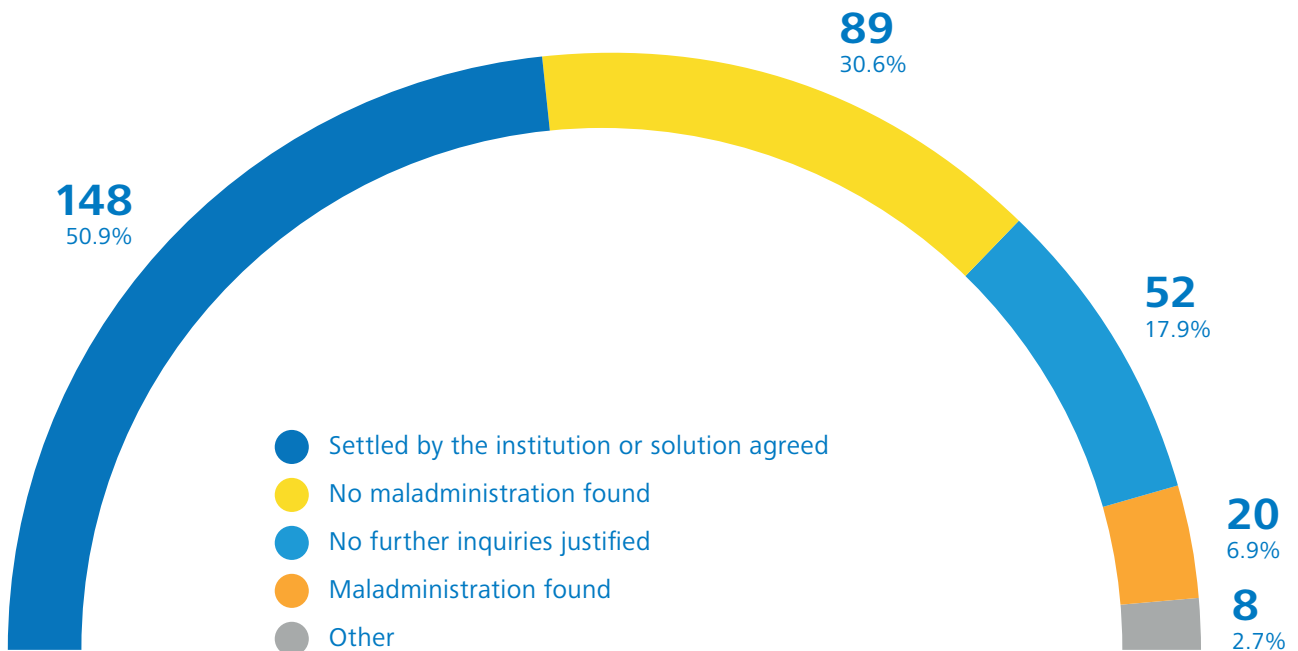


Recommendations fully or partly accepted by the institution

Evolution in the number of inquiries by the European Ombudsman



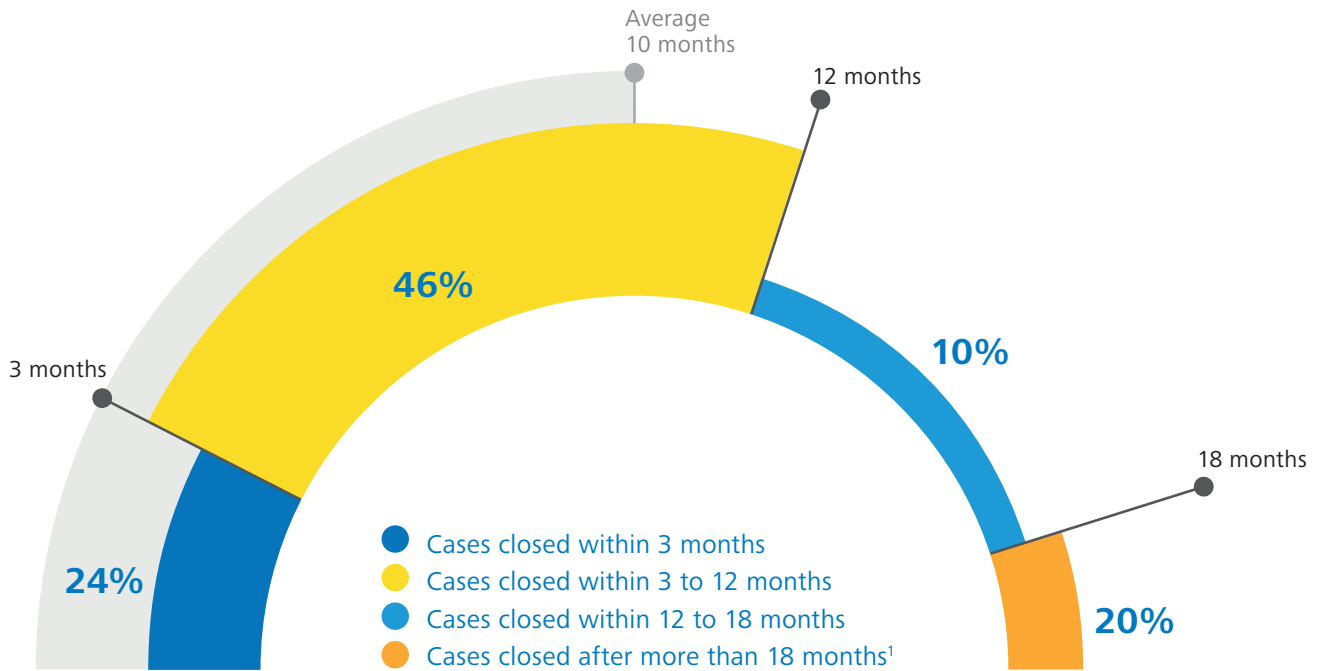
Results of inquiries closed by the European Ombudsman in 2016



Note: In some cases, the Ombudsman closed inquiries on two or more grounds. The above percentages therefore total more than 100%.



Length of inquiry of cases closed by the European Ombudsman in 2016

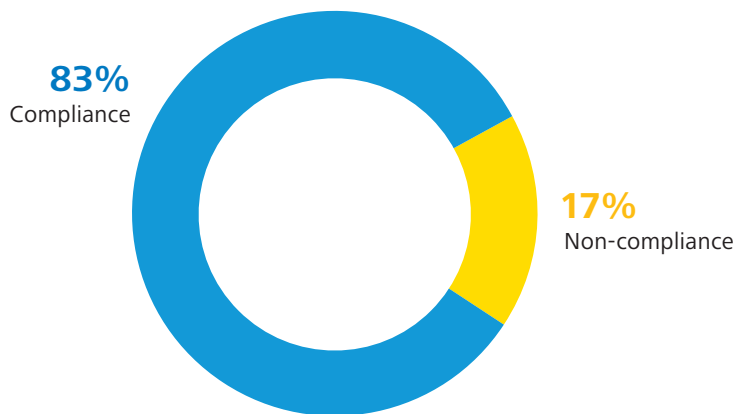


¹ Some complex cases require several rounds of consultations with the complainant and the institution concerned: the new implementing provisions are expected to reduce the length of inquiries.



Compliance with the Ombudsman's proposals

Compliance with the European Ombudsman's proposals in 2015



For the last five years, the Ombudsman has been publishing a yearly comprehensive account of how EU institutions respond to the Ombudsman's proposals to improve EU administration. These proposals take the form of solutions, recommendations, and critical and further remarks. The compliance rate is key to measuring the impact and relevance of the Ombudsman's work.

The report *Putting it Right? – How the EU institutions responded to the Ombudsman in 2015* reveals that the EU institutions complied with the Ombudsman's proposals at a rate of 83%, the second highest to date. Of the 18 institutions examined, 12 scored 100% while the Commission – which accounts for the largest portion of inquiries that the Ombudsman conducts – scored 82%. As the report shows, the rate of compliance can vary significantly from one institution to another – from 100% in some cases, to 33% in the worst case. The European Parliament, Frontex and the European Chemicals Agency (ECHA), for instance, complied at the rate of 100%.

The report for 2016 will be available at the end of 2017.



13.1 Budget

The Ombudsman's budget is an independent section of the EU budget. It is divided into three titles. Title 1 covers salaries, allowances, and other expenditure related to staff. Title 2 covers buildings, furniture, equipment, and miscellaneous operating expenditure. Title 3 contains the expenditure resulting from general functions that the institution carries out. In 2016, budgeted appropriations amounted to EUR 10 658 951.

With a view to ensuring effective management of resources, the Ombudsman's internal auditor regularly checks the institution's internal control systems and the financial operations that the office carries out. As is the case with other EU institutions, the European Court of Auditors also audits the Ombudsman institution.



The European Ombudsman's staff.

13.2 Use of resources

Every year, the Ombudsman adopts an [Annual Management Plan](#) (AMP), which identifies concrete actions that the office needs to take in order to implement the institution's objectives and priorities. The AMP for 2016 is the second to be based on the Strategy of the European Ombudsman – "[Towards 2019](#)".

The institution has a highly qualified, multilingual staff. This ensures that it can deal with complaints about maladministration in the 24 official EU languages and raise awareness about the Ombudsman's work. In 2016, the Ombudsman had a staff of 75.

A full and regularly updated staff list, including detailed information on the structure of the Ombudsman's office and the tasks of each section, is available on the [Ombudsman's website](#).



How to contact the European Ombudsman

By post

European Ombudsman
1 avenue du Président Robert Schuman
CS 30403
F - 67001 Strasbourg Cedex

By telephone

+33 (0)3 88 17 23 13

By e-mail

eo@ombudsman.europa.eu

Online

Website: www.ombudsman.europa.eu
Twitter: twitter.com/EUombudsman
Google+: plus.google.com/101520878267293271723
LinkedIn: www.linkedin.com/company/272026
YouTube: www.youtube.com/eotubes

This *Annual Report* is published on the Internet at:
www.ombudsman.europa.eu

© European Union, 2017

All photographs and images © European Union, except the cover (© Konstantin Faraktinov/Stocklib).

Reproduction for educational and non-commercial purposes is authorised, provided the source is acknowledged.

Set in FrutigerNext and Palatino.

Print	ISBN 978-92-9212-901-9	ISSN 1680-3809	doi:10.2869/53269	QK-AA-17-001-EN-C
PDF	ISBN 978-92-9212-908-8	ISSN 1680-3922	doi:10.2869/071567	QK-AA-17-001-EN-N

If you require a large print version of this publication,
please contact the European Ombudsman's office.

