



European Ombudsman

Annual Report 2015





European Ombudsman

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Introduction



Emily O'Reilly, European Ombudsman.

I am very happy to present you with our Annual Report 2015.

This was a special year for the European Ombudsman office as it celebrated 20 years of existence. The office has dealt with 48 840 complaints since 1995.

Independence and impartiality – the principles underpinning its approach since day one – quickly made the office the respected body it is today. I am proud to be continuing this tradition.

This year was special for another reason. It showed how the work of an ombudsman can have a positive effect over time on the behaviour of the EU administration, in line with my strategy to increase the impact, relevance and visibility of this office.

By conducting strategic inquiries into problems in EU institutions, my office was able to help raise the already high transparency and administrative standards in EU public bodies still further.

This was the case across several issues and institutions during 2015. On EU-US trade negotiations, for example, the Commission made great strides in proactively publishing many Transatlantic and Trade Investment (TTIP) documents. It also listed transparency as a basic principle of its new trade strategy, published in October.

The Commission, in line with my office's recommendations to properly deal with 'revolving door' cases, also started publishing the names and details of certain senior officials who leave the institution to work elsewhere.

After my contacts with it, the European Central Bank drew up rules on speaking engagements and announced it would publish the meetings of its executive board members, while Frontex accepted my recommendations to ensure that the fundamental rights of migrants who are forcibly returned from the EU are respected.

My office was often not the sole actor on these issues but was able to channel concerns expressed by citizens, civil society or Members of the European Parliament, by asking EU institutions to take specific steps.

While these results represent systemic gains for citizens, the core of my work remains helping individuals when they encounter problems with EU public administration. I am very happy to note that the compliance rate among the EU institutions was a record 90% in 2014, a full 10 percentage points higher than the previous year.

The year also saw the launch of reform proposals for the European Network of Ombudsmen (ENO), such as conducting parallel inquiries at the national and European level. The proposals, which built on our successful cooperation during the Frontex inquiry, are meant to bring greater benefits to citizens by capitalising on our mutual expertise.

Ombudsmen tend to view progress in terms of what is still to be done. Nevertheless, I think it is fair to say that this past year provides a strong springboard for future work.

Thank you to all those who make our work possible.

A handwritten signature in black ink, appearing to read 'Emily O'Reilly', with a stylized flourish at the end.

Emily O'Reilly



The year 2015 was an eventful one for the ombudsman institution, as the Ombudsman built on her strategy for greater impact, visibility, and relevance. Here are some of the highlights from the year:

2015

- 1 January**
Letter to the Commission on how to make its expert groups more transparent and balanced
- 2 February**
Ombudsman closes own initiative inquiry into whistleblowing rules in EU institutions
- 3 March**
Ombudsman praises Commission for progress on TTIP transparency
- 4 April**
European Network of Ombudsmen seminar in Warsaw
- 5 May**
"Is Brussels the new Washington, D.C.?" – Ombudsman event on lobbying transparency
- 6 June**
Inquiry begun into late payment by the Commission
- 7 July**
Letter to the Commission about Ad Hoc Ethical Committee
- 8 August**
Review of the EU's implementation of the UN Convention on the Rights of Persons with Disabilities
- 9 September**
"Trilogues and transparent EU law-making" – Ombudsman event
- 10 October**
Recommendations for transparency in tobacco lobbying
- 11 November**
Twentieth anniversary of the European Ombudsman office
- 12 December**
European Central Bank updates rules on speaking engagements



The European Ombudsman is there to help citizens on a range of issues involving EU institutions, bodies and agencies. These run from contractual problems to violations of fundamental rights to a lack of transparency in decision-making, or refusal of access to documents. Since taking up her post in 2013, Emily O'Reilly has increasingly complemented the Ombudsman's complaint-handling work with strategic inquiries on her own initiative. The aim is to benefit as many citizens as possible by examining issues that appear to be of a systemic nature. Whether an inquiry results from an individual complaint or is part of a strategic investigation, the goal is to ensure citizens are served by a transparent and well-functioning EU public administration.

2.1 Transparency



Emily O'Reilly, European Ombudsman.

Alleged lack of transparency continued to be the top issue brought to the attention of the European Ombudsman, accounting for 22.4% of complaints in 2015. Such cases concern, for example, the institutions' refusal to grant access to documents or information.

The [strategic inquiry](#) launched by the Ombudsman into transparency around the proposed EU-US Transatlantic Trade and Investment Partnership (TTIP) is one such example. The Commission, in March 2015, responded to the Ombudsman's proposals on how to make TTIP negotiations more transparent by promising to proactively publish more TTIP documents, a move [praised](#) by the Ombudsman. The Ombudsman also [wrote](#) to



#1



Cecilia Malmström

Good, constructive discussions with @EUombudsman Emily O'Reilly today, on how to take transparency in #TTIP negotiations further

European Commissioner for Trade, Cecilia Malmström, commends the European Ombudsman, Emily O'Reilly, for good and constructive discussions on how to take transparency in TTIP negotiations further.

EU Trade Commissioner, Cecilia Malmström, welcoming the steps taken so far and asking for transparency to feature prominently in the Commission's new trade strategy. When the Commission published its new trade strategy in October, transparency was listed as one of the three founding principles. [#1](#)

These successive steps represent major progress as regards transparency of trade negotiations. The Commission's moves were not in response solely to the work of the Ombudsman. Many actors – from civil society to Members of the European Parliament – had expressed concern. But in opening an inquiry, the Ombudsman was able to channel many of these concerns and help achieve a tangible outcome by making specific proposals to the Commission.

Another institution that made significant progress towards becoming more transparent in 2015 was the European Central Bank (ECB). The Ombudsman [wrote](#) to the ECB President, Mario Draghi, in May to ask for clarifications surrounding an incident in which potentially market-sensitive information appeared to have been disclosed to a limited audience. President Draghi [replied](#) that the Ombudsman's letter had prompted the ECB to think about further steps to improve the transparency of its communication channels. In October, the ECB published new guiding principles for speaking engagements, specifying that no market-sensitive information should be divulged at non-public events or during bilateral meetings. It also established a "quiet period" whereby speeches and public remarks, given seven days prior to Governing Council meetings, should not influence expectations about forthcoming monetary policy decisions. [#2](#)

At the end of October, the Bank announced that from spring 2016 it would, with a three-month lag, start publishing a list of meetings of its Executive Board members. In December, it built on these steps by announcing it would extend the "quiet period" so that Executive Board members should not meet or talk to the media, market participants or other outside interests on monetary policy matters in the week leading up to Governing Council meetings. The Ombudsman [welcomed](#) these moves, noting that the immense responsibility vested in the ECB means it is all the more important that it strives to have the highest standards of governance.

2.2 Transparency in EU decision-making

With EU legislation affecting virtually every aspect of citizens' lives, it is essential that law-making be fully accountable to the public.

This was part of the rationale behind the European Ombudsman's decision to [open](#) an investigation into the transparency of 'trilogues' in May 2015. Trilogues are informal negotiations



The EU Member States mandated the European Commission to negotiate TTIP on their behalf.



#2




Alberto Alemanno


The #ECB embraces transparency following @EUombudsman recommendations | @TheGoodLobby

The European Central Bank embraces transparency following the European Ombudsman's recommendations.

between the European Parliament, the Council, and the Commission, aimed at reaching final agreements on new EU legislation. In the EU's co-decision procedure, Parliament and Council must jointly adopt legislative proposals submitted by the Commission. While the procedure can entail up to three readings, the increased use of trilogues has meant that around 80% of EU laws are now agreed at first reading.

Several actors – including Members of the European Parliament, national parliamentarians, civil society organisations and businesses – had expressed concern that efficiency gains made by the trilogue process may come at the expense of transparency.  #3

On opening her investigation, the Ombudsman sent letters to the [President of the Commission](#), the [President of the Parliament](#) and the [Secretary-General of the Council](#) noting that trilogues are increasingly heralded as the place where the negotiated content of the final legislation text is decided upon. The Ombudsman asked a series of questions notably about the proactive publishing of trilogue documents. She also informed the three institutions that, as part of the investigation, she would like to inspect the trilogue files for two recently adopted pieces of legislation (the Clinical Trials Regulation and the Mortgage Credit Directive). These two laws were chosen because they concern matters of wide public interest.

A conference examining trilogue transparency, organised by the Ombudsman's office in September, was attended by more than 250 MEPs, interest representatives, journalists, academics, and others. Participants discussed the merits of making the trilogue process more open, including whether it is necessary to publish the timetables and agendas for such meetings.  #1

In December, having received the institutions' opinions on trilogue transparency and having conducted file inspections, the Ombudsman's office [launched](#) a public consultation. The consultation seeks the opinion of individuals, NGOs, business associations and other organisations on a series of questions



European Ombudsman event: "Trilogues and transparent law-making".



#3



Aoife White

Much EU law is hammered out in closed-door 'trilogues.' Got an opinion on that? @EUombudsman is listening: [http://www.ombudsman.europa.eu/press/release.faces/en/61593/html.bookmark ...](http://www.ombudsman.europa.eu/press/release.faces/en/61593/html.bookmark...)

Much EU law is hammered out in closed-door 'trilogues'. Have you got an opinion on that? The European Ombudsman is listening.



#1

Storify



Trilogues and transparent law-making event

Online activity during the "Trilogues and transparent law-making" event, which the European Ombudsman organised on 28 September, in the context of the International Right to Know Day.





g+ #1 **European Ombudsman**

[Press Release] The European Ombudsman, Emily O’Reilly, has opened an investigation into the transparency of ‘trilogues’ in order to promote transparent law-making in the EU. Trilogues are informal negotiations between the European Parliament, the Council and the Commission aimed at reaching early agreements on new EU legislation.

including on whether the trilogue process is sufficiently transparent and how increased transparency might affect the legislative process. The results of the public consultation, as well as the inspection of trilogue files and the opinions from each of the three institutions, will feed into the Ombudsman’s overall assessment of what steps can be taken to make trilogues more transparent. [g+ #1](#)

Transparency also involves public administrations being open about the reasoning behind decision-making. This was at the core of a [complaint](#) made by a German citizen to the Ombudsman. He accused the Commission of not properly explaining why it was not investigating his infringement complaint in which he alleged Germany was not correctly implementing the E-Privacy Directive. The Ombudsman issued a critical remark as she found that the Commission had not provided sufficient reasoning about why it was not taking action on two of the issues – how Germany stored and processed data as well as its e-marketing rules – raised by the complainant.

2.3 Lobbying transparency

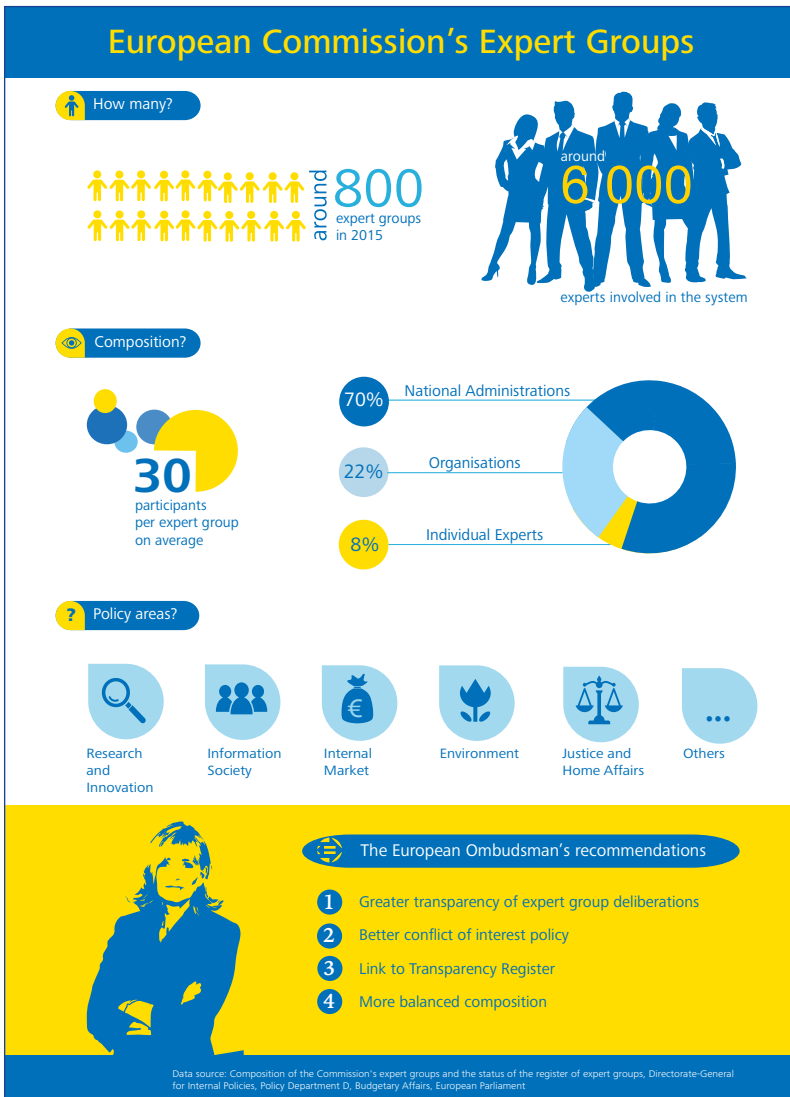
Policy-makers often need expert input when preparing legislative proposals. The Commission currently has more than 800 expert groups which advise it on policy. However, the composition of these groups, and the limited public access to how these groups do their work, have attracted criticism. The Ombudsman in 2014 opened an investigation into the make-up and transparency of these groups. Contributions to the subsequent public consultation helped shape the Ombudsman’s suggestions for improvement. The Commission [responded](#) in May 2015, saying it had agreed a new conflict of interest policy for experts appointed in a personal capacity. It also said the selection procedure for experts would be more transparent and pledged to revise its expert groups register. The Ombudsman said these steps were [encouraging](#) but that the Commission still needs to do more to open up the groups to public scrutiny. In a [recommendation](#), she called on the Commission to publish comprehensive minutes of expert group meetings.

S #2 **Storify**

Highlights of the debate at the event “Is Brussels the new Washington, D.C.? Lobbying transparency in the EU”.

Lobbying in Brussels was also the subject of a high-level discussion entitled “Is Brussels the new Washington, D.C.?” organised by the Ombudsman in May 2015 and including Commission Vice-President Frans Timmermans as a speaker. In her opening address, the Ombudsman underlined the importance of EU institutions having robust procedures in place to ensure that their Members and officials are aware of how influence is brought to bear. [S #2](#)

How lobbyists exert influence was at the centre of an inquiry concerning representatives of the tobacco industry in which the Ombudsman [found](#) that the Barroso Commission – with the



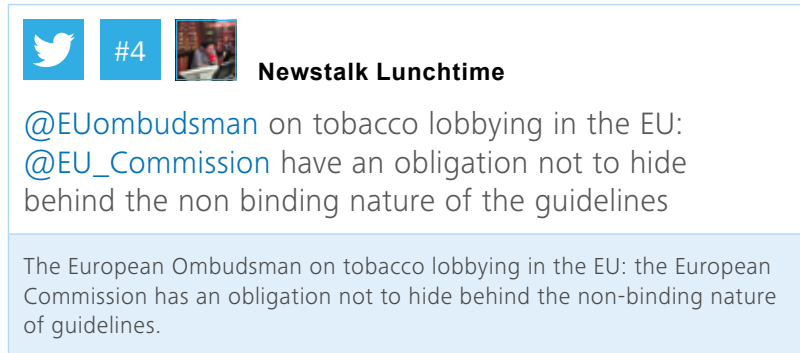
Around 800 expert groups advise the European Commission on policy.

exception of DG Health – was not being transparent enough about tobacco lobbying and therefore not fully implementing UN rules and guidelines in this area. The Ombudsman called on the Commission proactively to publish online all meetings with tobacco lobbyists, or their legal representatives, as well as the



European Ombudsman event: "Is Brussels the new Washington, D.C.? Lobbying transparency in the EU".

minutes of those meetings. In its [opinion](#) on the Ombudsman's recommendation, the Commission said it is already meeting its obligations under the World Health Organization's Framework Convention on Tobacco Control (FCTC). The Ombudsman [said](#) she strongly regrets the stance, noting that public health demands the highest standard. [#4](#)




The screenshot shows a tweet from the account 'Newstalk Lunchtime'. The tweet text is: '@EUombudsman on tobacco lobbying in the EU: @EU_Commission have an obligation not to hide behind the non binding nature of the guidelines'. Below the tweet, there is a light blue box containing a summary: 'The European Ombudsman on tobacco lobbying in the EU: the European Commission has an obligation not to hide behind the non-binding nature of guidelines.'

2.4 Ethical issues

Public trust in EU institutions can be undermined if citizens believe that senior officials may leave their posts to take up jobs, for example in the private sector, that involve lobbying their former colleagues. Following two complaints on 'revolving door' cases, the Ombudsman in 2014 made a series of recommendations on how to deal with such cases. In a [letter](#) to Commission Vice-President Kristalina Georgieva, the Ombudsman emphasised the importance of clear reasoning when the Commission gives the green light to future employment of senior ex-officials.

In December, the Commission started publishing the names of certain senior officials who leave the Commission for new jobs. The publicly available information includes the previous duties of the senior officials concerned, their new role and the Commission's own assessment of possible conflicts of interest. The Ombudsman welcomed the move, which is in line with her [recommendations](#), but emphasised that she stood by her call on the Commission to publish the names more regularly than the legal minimum of once a year. She called on other EU institutions and agencies also to implement these transparency measures as required under the EU Staff Regulations.

Post-Commission employment was also the subject of an Ombudsman [letter](#) to Commission President Jean-Claude Juncker, calling for more proactive transparency on posts taken up by former Commissioners. In response, President Juncker said the Commission would make the minutes of Commission meetings more readily accessible when a decision is taken on former Commissioners' post term-of-office activities. The Ombudsman in a letter in December maintained her position that the Commission

should proactively publish – redacting personal information if necessary – the opinions of the ad hoc Ethical Committee, whose opinion the Commission has regard to, where Commissioners' future roles are being assessed.  #5




#5

**Vicky Cann**

Great letter to President Juncker from @EUombudsman to demand more transparency on #revolvingdoors moves by ex-comrs [http://www.ombudsman.europa.eu/cases/correspondence.faces/en/60612/html.bookmark ...](http://www.ombudsman.europa.eu/cases/correspondence.faces/en/60612/html.bookmark...)

Great letter to President Juncker from the European Ombudsman demanding more transparency on revolving door moves by ex-Commissioners.

Maintaining a high standard of ethics in public administrations requires that also outside advisers are subject to a rigorous assessment of potential conflicts of interest. This was the core of a [case](#) in which a British NGO complained about the way the European Food Safety Authority (EFSA) handled alleged conflict of interest issues involving members of EFSA's working group on genetically modified insects. The Ombudsman found that EFSA failed to ensure that those experts who work in academia declare all relevant information to EFSA. She also suggested that EFSA should revise its conflict of interest rules.

In early 2015, the Ombudsman published the results of her investigation into the state-of-play of whistleblowing rules in the EU institutions. Her inquiry, [opened](#) in July 2014, found that just two of the nine institutions questioned by her office had introduced internal whistleblowing rules. While the Commission and the Court of Auditors had such rules, the Parliament, the Council, the Court of Justice, the External Action Service, the Economic and Social Committee, the Committee of the Regions and the Data Protection Supervisor did not.  #6



#6

**Transparency Int. EU**

@EUombudsman finds that only 2/9 EU institutions have adequate #whistleblowing guidelines http://buzz.mw/bqc1k_f <http://bit.ly/QHjjNV>

The European Ombudsman finds that only two out of nine institutions have adequate whistleblowing guidelines.



The responses showed that more needed to be done to demonstrate to the public and to potential whistleblowers that the EU institutions encourage whistleblowing and will protect whistleblowers against retaliation.

An inquiry closed by the Ombudsman in 2015 concerning the European External Action Service demonstrated the need for such rules. The complainant, a member of staff in a European Union Police Mission (EUPM), turned to the Ombudsman after losing his job. The complainant received a letter stating that his contract was being terminated eight days after he had informed the Civilian Operation Commander of the Civilian Planning and Conduct Capability (CPCC) of the Council of the European Union of alleged irregularities at the EUPM. The complainant had already previously sent a letter to the Head of Mission alleging 20 irregularities at the EUPM. The Ombudsman noted that the timing and the text of the dismissal could reasonably lead to the conclusion that the complainant was dismissed because he had blown the whistle. The Ombudsman also criticised the ad hoc internal review process used to examine the complainant’s allegations.

Towards the end of 2015, the External Action Service informed the Ombudsman that it had adopted the Commission’s rules on whistleblowing and agreed a separate whistleblowing procedure for its missions. The Parliament and the Committee of the Regions also adopted the necessary whistleblowing rules. The Ombudsman will study the details of the rules adopted and looks forward to the adoption of rules by other institutions. Robust rules in this area means that any wrongdoing in the EU administration has a greater chance of being brought to light.

2.5 Fundamental rights

Ensuring that EU institutions respect fundamental rights is a key part of the Ombudsman’s work. Here too, EU institutions made important changes as a result of their good cooperation with the Ombudsman’s office. #7

The office conducted an investigation – in parallel with 19 members of the European Network of Ombudsmen – into whether the fundamental rights of migrants forced to return to their home countries are being respected. The Ombudsman examined the role of EU borders agency Frontex in joint forced returns while the 19 national ombudsman offices clarified how forced returns were carried out by their Member States. The Ombudsman closed her investigation in May with a series of proposals including that families with children, as well as pregnant women, should be seated separately from other returnees, and that the agency should promote common rules on the use of means of restraint.



#7



The Bureau

EU Ombudsman tells us Frontex has significant ‘room for improvement’ how it handles joint returns of illegal migrants [http://labs.thebureauinvestigates.com/is-frontex-bordering-on-chaos ...](http://labs.thebureauinvestigates.com/is-frontex-bordering-on-chaos...)

The European Ombudsman tells us that Frontex has significant “room for improvement” as to how it handles joint returns of illegal migrants.

Frontex's response was exemplary. In December, the Parliament backed a call by the Ombudsman, following an earlier inquiry in 2013, that Frontex establish a complaints mechanism for potential fundamental rights infringements arising from its work. The Commission subsequently proposed a draft regulation for a European Border and Coastguard to replace Frontex. Included in the proposal is such a complaints mechanism. [#8](#)

The Ombudsman in 2015 also closed her investigation into whether the Charter of Fundamental Rights of the European Union is being respected when Member States spend money on projects financed by the EU Cohesion Fund. She opened her inquiry in May 2014 amid concerns, raised mostly by civil society, that EU money could be spent in a way that undermines these rights, such as using the funds for projects that institutionalise people with disabilities rather than integrating them into society. The Ombudsman used feedback from NGOs and national ombudsmen to draw up [eight proposals](#) for the Commission in its supervision of Member States in this area. The Commission responded in November by announcing guidelines addressed to Member States on respect for the Charter when it comes to cohesion policy, to be followed up with training.

A complainant-based fundamental rights [case](#) involved a Parliament employee, who has a daughter with severe brain damage. The employee turned to the Ombudsman after the Parliament had sought to revoke a derogation it had granted her from the periodic staff mobility moves. The Ombudsman asked the Parliament to maintain the derogation for as long as the complainant's daughter's situation requires the mother's presence, even if this means indefinitely. The Parliament agreed to the recommendation.

2.6 EU competition policy

Commission decisions in competition matters can have profound implications for companies because they determine, for example, whether the latter are entitled to merge with one another, whether they are considered to be operating a cartel, or whether they are using unfair practices. High standards in administrative practices by the Commission, including impartiality around decision-making, apply here too.

One case related to competition policy concerned public statements in 2012 and 2014 made by the then Competition Commissioner about an ongoing investigation of a possible cartel. Crédit Agricole, one of the banks being investigated, complained that the statements gave the impression that the Commission had already decided what the final result of the investigation would



**Roberta
Metsola MEP**


[#HappeningNow](#): meeting with stakeholders, [#Frontex](#) & [@EUombudsman](#) on our report on agency [@EP_Petitions](#) [@EP_Justice](#)



Meeting of stakeholders, Frontex and the European Ombudsman on the report on Frontex by the European Parliament's Committee on Petitions and Committee on Civil Liberties, Justice and Home Affairs.




European Commissioner for Competition, Margrethe Vestager.

   **Finance News London**


European Ombudsman criticises ex-regulator in C. Agricole case <http://reuters/1MviiHb>

The European Ombudsman criticises ex-regulator in the Crédit Agricole case.

be. After looking into the case, the Ombudsman asked in March that the Commission acknowledge that maladministration had occurred and take steps to avoid similar problems in the future.

In her final [decision](#) closing the inquiry in November, the Ombudsman said she was satisfied that the Commission had taken steps to avoid this happening in the future. She also reiterated her earlier finding of maladministration as the Commission was perceived as having reached a conclusion on the complainant’s participation in a cartel before the investigation was completed.  #9

2.7 Public participation in EU decision-making


Citizens are increasingly asking for the right to have a say in EU policy-making. The European Citizens’ Initiative (ECI), operational since 2012, was established to try to meet this expectation. Under ECI rules, one million citizens from at least seven Member States can request the Commission to legislate in a certain area.  #10


   **ECAS NGO**

For the [@EUombudsman](#) the EC’s reply to the ECI must be detailed and transparent

For the European Ombudsman, the European Commission’s reply to the European Citizens’ Initiative must be detailed and transparent.

After receiving a number of complaints about the legal and practical requirements in running a citizen’s initiative, the Ombudsman decided to investigate the ECI procedure and the

Commission's role in it. The Ombudsman invited organisers of ECIs, civil society organisations, and interested citizens to provide input on how well the ECI is working. These responses fed into [guidelines](#) for improving the functioning of the ECI. The suggestions included ensuring that the reasoning for rejecting an ECI is robust and comprehensible; and introducing simpler and uniform requirements when it comes to the personal data needed to support signatures.  #11

The Ombudsman [presented](#) these guidelines at the annual "ECI Day" in the European Economic and Social Committee in April. She noted that the ECI risks failing if it is seen as a tool that is simply tolerated by the Commission rather than actively promoted. The Commission responded by saying it would try to enhance its explanations for not taking action on an initiative and that it had improved the online data collection software.  #12

The importance of consulting the public also featured in a [complaint](#) that the European Competitive Telecommunications Association (ECTA) made to the Ombudsman. The Association accused the Commission of failing to carry out an adequate public consultation and impact assessment before submitting a proposal for a regulation on the European single market for electronic communications, part of which included phasing out roaming charges. The Ombudsman concluded that, while the Commission normally should follow minimum standards on public consultations (as set out in a Commission communication in 2002), it had the right to set policy priorities and to make policy choices in the particular context of this legislative proposal. However, the Ombudsman called on the Commission to clarify its own rules on the precise and limited circumstances in which it can limit a public consultation because of a policy priority.

The European Food Safety Authority (EFSA) was also the subject of a complaint concerning a public consultation. A Welsh NGO [complained](#) that EFSA's public consultation on the use of glyphosate (a herbicide) was not sufficiently user-friendly. Following the Ombudsman's intervention, EFSA simplified its procedures for participation in the public consultation.

2.8 EU agencies

The majority of the Ombudsman's work concerns inquiries related to the Commission, something that is a reflection of its administrative size, output and range of duties. However, EU agencies – which deal with a whole range of issues from fundamental rights, to medicines, the environment, and aviation safety – also play a big, if indirect, role in citizens' lives. They are the second biggest source of inquiries conducted by the



#11



ECI Campaign

.@EUombudsman: more can be done by the @EU_Commission to improve the #ECI. #eciday2015 #savetheECI

The European Ombudsman says more can be done by the European Commission to improve the European Citizens' Initiative.



#12



**Maria L
Sanchez B**

#ECI as engaging tool requires that citizens feel not only heard but also listened to, says @EUombudsman [http://www.ombudsman.europa.eu/en/cases/decision.faces/en/59205/html.bookmark ...](http://www.ombudsman.europa.eu/en/cases/decision.faces/en/59205/html.bookmark...)

The European Citizens' Initiative as an engaging tool requires that citizens not only feel heard but also listened to, says the European Ombudsman.



#13



**Miguel Ángel
Blanes**

Good job of European
Ombudsman. Congratulations
[#transparency](#) [#opengov](#)
[#democracy](#)

Good job by the European
Ombudsman. Congratulations!

Ombudsman. Just like the other institutions, agencies need to be held to the highest standards of transparency, accountability and ethics.

One agency [case](#) dealt with by the Ombudsman in 2015 concerned the Helsinki-based European Chemicals Agency (ECHA). The Ombudsman opened an inquiry following a complaint by an NGO over testing proposals involving animals. ECHA had argued that it could not reject such proposals, while the NGO countered that the data for testing proposals could be generated using an alternative method. The Ombudsman concluded that ECHA's interpretation of its role was too strict. She proposed to ECHA that it require all registrants to show that they have tried to avoid animal testing and that it provide registrants with information which could allow them to avoid animal testing. ECHA agreed to implement both proposals. [#13](#)

In October 2015, it was the Research Executive Agency, located in Brussels, that was in [focus](#). The case concerned the rejection of an application for a fellowship position under the EU research programme. After being initially offered the position by a university, the complainant was informed that his past internship in a private company rendered his application “ethically unacceptable” because, amongst other reasons given, there was a legal conflict between members of the team and that company. He complained to the Agency but the Agency said hiring researchers was a matter for the beneficiaries of grants, in this case the university. The researcher turned to the Ombudsman saying that the procedure was not transparent. The Ombudsman recommended to the Agency that it increase its oversight on recruitment practices by institutions awarding research fellowships. The Agency accepted the recommendation.

Another [case](#) concerned the Education Audiovisual & Culture Executive Agency (EACEA) which a small community group in Ireland accused of unfairly shortening the deadline for funding applications for town twinning projects. Following the Ombudsman's intervention, the EACEA clarified its actions and the complainant will be able to participate in a twinning project in 2016.



Chapter 3

20th Anniversary of the Ombudsman's office



The European Ombudsman with MEPs Peter Jahr (left) and Seán Kelly (right), celebrating 20 years of the European Ombudsman office.

The office of the European Ombudsman, established by the Treaty of Maastricht, turned 20 in 2015. To celebrate the occasion, Emily O'Reilly in June held a colloquium – to which her two predecessors, Jacob Söderman and Nikiforos Diamandouros, as well as other ombudsmen and academics were invited – to discuss the evolution of the ombudsman's office, as well as key issues such as transparency, good administration and ombudsprudence. In her speech at the colloquium, the Ombudsman noted that her work was made possible by the fact that the EU institutions continue to accept and respect the role of the Ombudsman within the wider public administration.



Colloquium to mark the twentieth anniversary of the European Ombudsman office.



The European Ombudsman with Cecilia Wikström (right) and Marlene Mizzi (left), respectively Chair and Vice-Chair of the European Parliament's Committee on Petitions, at the reception to mark the twentieth anniversary of the European Ombudsman office.



In November, the office celebrated the anniversary with a reception in the European Parliament with the Chair of the Petitions Committee, Cecilia Wikström, as guest speaker. The event was attended by several MEPs, national ombudsmen, contacts in the EU institutions, and other stakeholders.



The European Ombudsman presents her *Annual Report 2014* to the President of the European Parliament, Martin Schulz.

4.1 European Parliament

The Ombudsman considers having good relations with the European Parliament as essential for her work. During 2015, the Ombudsman met President Martin Schulz as well as more than 30 Members of the European Parliament (MEPs) from all major political groups and from a variety of Member States. The Ombudsman takes part in Committee meetings on request. Last year, she appeared at the European Parliament's Committee on Petitions and the Committee on Civil Liberties, Justice and Home Affairs. She also spoke at the [Joint Hearing](#) "Towards a high degree of Accountability, Transparency & Integrity in the EU Institutions".

4.2 Committee on Petitions

The Ombudsman is in continuous dialogue with the Committee on Petitions. This contact is essential in order to support EU citizens and residents in their concerns and in order to coordinate the work of the Ombudsman and the Committee. Whereas the Ombudsman deals with complaints against the EU institutions, bodies and agencies, the Committee on Petitions deals with petitions as regards the EU's areas of activity across Europe. 2015 was yet another year of successful cooperation with the Committee's Chair, Cecilia Wikström, and MEPs from all political

groups. The Ombudsman appreciates the ongoing combined efforts to transform the EU to become more service-minded and more citizen-friendly.

4.3 European Commission

The European Commission is the EU executive and is also responsible for the bulk of EU administrative work and the subject of much public attention. This makes it therefore the subject of the majority of complaints to the Ombudsman. As a result, the Ombudsman maintains strong relations with the Commission and in 2015 met President Juncker three times as well as several Vice-Presidents, several Commissioners and the Secretary-General. The monthly meetings at services level also continued throughout the year. The Ombudsman looks back on a year of continued efforts to increase transparency and on a strong working relationship with the Commission.





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



The European Ombudsman with the Vice-President of the European Commission, Frans Timmermans.

4.4 Other EU institutions and agencies

The Ombudsman also maintains important relationships with the other EU institutions and EU agencies in order to help improve their administrative culture and inter-institutional cooperation. In 2015, the Ombudsman met the Secretary-General of the Council of the European Union, the Executive Director of the European Food Safety Agency, the Vice-President of the European Economic and Social Committee, the European Data Protection Supervisor, the Executive Director of the European Chemicals Agency, the President of the European Investment Bank, and the Interim Director of the European Union's Fundamental Rights Agency. These meetings are an

integral part of the Ombudsman's mandate to uphold the 'gold standard' in public administration and intrinsic to her strategy of increasing the office's relevance, visibility and impact on behalf of citizens.  #14  #15



 #14 

Aidan OSullivan

Good meeting just now between @EUombudsman and @FedericaMog @eu_eas in #Strasbourg



Good meeting in Strasbourg between the European Ombudsman and Federica Mogherini, EU Representative for Foreign Affairs and Security Policy.

 #15 

European Ombudsman

.@euombudsman just concluded a fruitful meeting with @EIBtheEUBank President, Werner Hoyer & VP Jonathan Taylor



The European Ombudsman has just concluded a fruitful meeting with the European Investment Bank President, Werner Hoyer, and Vice-President, Jonathan Taylor.

4.5 UN Disability Rights Convention

The Ombudsman may find maladministration if an EU institution breaches any of the rights stipulated in the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD).

In 2015, the UN CRPD Expert Committee reviewed the EU's implementation of the Convention. As a member of the Framework that monitors such implementation, the Ombudsman provided examples of her office's inquiries. The Ombudsman is also actively engaged in the reform of the Framework.

One of the complaints that the Ombudsman dealt with was from a deaf candidate who had asked for additional time to sit selection tests in a European Personnel Selection Office (EPSO) competition.



#16



Catherine Naughton

[@EUombudsman](#) recommends fully independent, adequately resourced CPRD monitoring framework with appropriate legal basis [#eucrpdframework](#)

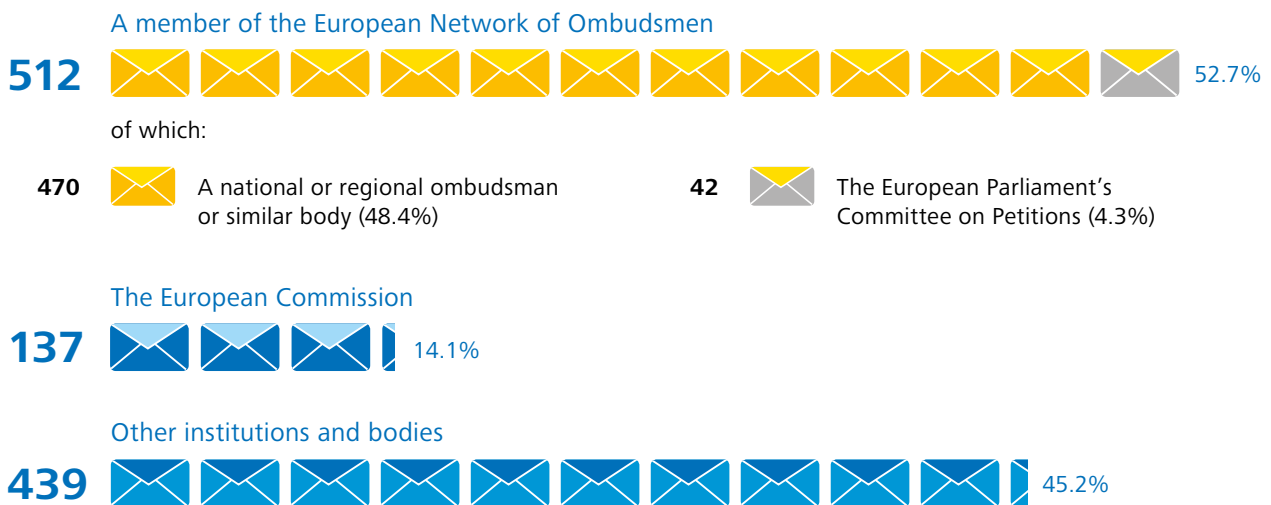
The European Ombudsman recommends a fully independent and adequately resourced Convention on the Rights of Persons with Disabilities monitoring framework with an appropriate legal basis.

EPSO did not accommodate that request, and the candidate turned to the Ombudsman, who is currently consulting with stakeholders and experts on the issue.

In another complaint, the Ombudsman considered it unacceptable that the Education, Audiovisual and Culture Executive Agency could not provide sign language interpretation at an Erasmus+ conference, after initially confirming that it would. A few days before the event, the organisers told the requesters that the interpreter due to provide the service had withdrawn. The Ombudsman asked the Agency to review its arrangements for the provision of sign language interpretation to prevent the problem from recurring. [#16](#)



Complaints transferred to other institutions and bodies; Complainants advised to contact other institutions and bodies by the European Ombudsman in 2015



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

The European Ombudsman's strategic aim is to increase the impact, relevance and visibility of the office. In 2015, along with her colleague ombudsmen at national level, the Ombudsman also embarked on reforming the European Network of Ombudsmen (ENO) to make it more visible and relevant for the European public. The Network includes 96 offices in 36 European countries as well as the European Parliament's Committee on Petitions.

Using input from ENO members, the European Ombudsman drew up a series of proposals for reforming the Network. Among the key changes was the start of parallel inquiries conducted by the European Ombudsman and national ombudsman offices as well as closer cooperation on selected topics of mutual interest.


One example was the parallel investigation, as mentioned above, into the forced return of irregular migrants from the EU. The European Ombudsman examined how Frontex dealt with these forced returns while colleagues from 19 national offices examined how this was handled in Member States.

 #17  **Gundi Gadesmann**


Network of EU Ombudsmen: Investigators exchange experiences on @FrontexEU forced joint return flights @EUombudsman



The European Network of Ombudsmen: investigators exchange experiences on joint forced Frontex-Member State return flights.

On the basis of their findings, the European Ombudsman made a series of proposals to Frontex. Investigators involved in the parallel inquiry held a follow-up meeting in Madrid in October.  #17

After discussions with national colleagues, the European Ombudsman in December informed the Commission that ENO will next examine whether money from the EU’s Asylum, Migration and Integration Fund (AMIF) is being spent at Member State level in a way that respects the fundamental rights of migrants.

Another example of thematic cooperation was the European Ombudsman’s launch in December of a consultation with all Network colleagues on lobbying transparency. The aim is to produce guidelines for civil servants at EU and national level in their contacts with interest representatives. The European Ombudsman’s decision to focus on this issue reflects the fact that it is not just EU administrations but also national administrations that are subject to lobbying pressure. To be effective, guidelines on lobbying transparency have to reflect this multi-layered reality.  #2

 #2 **European Ombudsman**

This week the European Ombudsman visited Vienna and Budapest for an exchange of views with the Austrian and Hungarian Ombudsmen as regards our plans to strengthen cooperation within the European Network of Ombudsmen. She also met journalists, stakeholders and officials of the European Union Agency for Fundamental Rights.




Among the other reform proposals for the Network was the idea to hold one major ENO seminar a year in Brussels to discuss a topic of key public interest. Furthermore, the European Ombudsman started to improve the internal process for dealing with queries from national offices about EU law. This will ensure responses – obtained from the EU institutions – arrive in time for national colleagues to use them in their own inquiries. National ombudsman offices have also been encouraged to submit joint

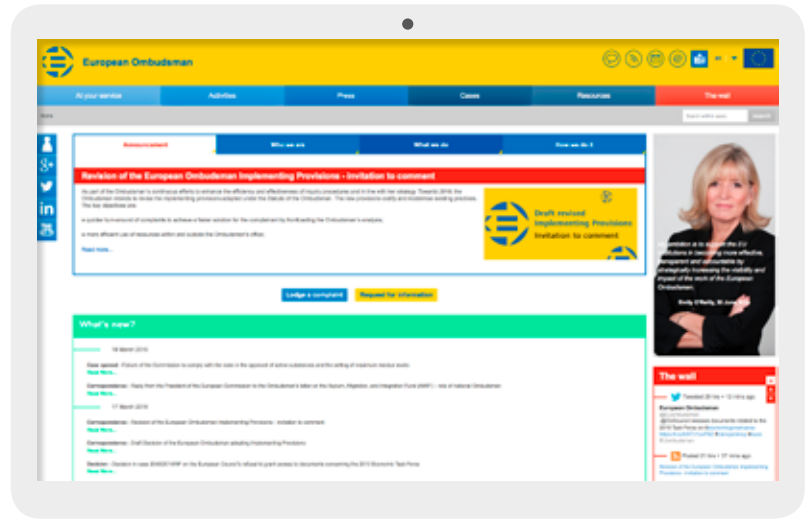


The European Network of Ombudsmen's seminar in Warsaw.

contributions to European Commission public consultations on legislative proposals that touch upon citizens' rights.

ENO's tenth national seminar took place in Warsaw in April. Entitled "Ombudsmen against discrimination", the conference discussed how ombudsmen dealt with cases involving discrimination, the rights of persons belonging to national minorities, and the rights of elderly people.

The European Ombudsman’s Interactive Guide helps thousands of citizens every year find the right body to contact for their problems.



In December, the Ombudsman visited her counterparts in Vienna and Budapest. Discussions in both capitals focussed on issues such as fundamental rights, transparency and lobbying. The visit came in the context of the Ombudsman’s aim to increase the Network’s visibility and to underline the importance of working together at national and European level.

The Ombudsman’s *Problems with the EU? Who can help you?* publication contains more information on alternative means of redress.



Chapter 6 Resources

6.1 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 2015, budgeted appropriations amounted to EUR 10 346 105.

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.

6.2 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 2015 is the first to be based on the Strategy of the European Ombudsman – "[Towards 2019](#)".



The European Ombudsman's staff.



Beate Gminder joined the European Ombudsman's office as Secretary-General.

6.3 Team behind the Ombudsman

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 2015, the European Ombudsman's establishment plan contained 66 posts. In September, Beate Gminder joined the office as Secretary-General, replacing Ian Harden, upon retirement.

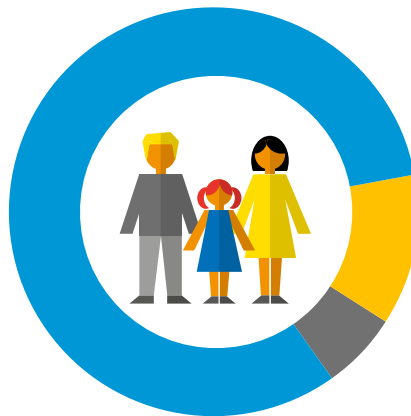
A full and regularly updated staff list, including detailed information on the structure of the Ombudsman's office and the tasks of each section, is available on the [Ombudsman's website](#).



Type and source of complaints

Since 2015, the European Ombudsman has been continuously adapting her inquiry procedures in order to make them more efficient and have a greater impact on a greater number of citizens. Several complaint-based cases were therefore not opened individually but rather dealt with in the context of strategic inquiries, e.g., TTIP transparency, the composition of expert groups, or respect of human rights in the EU Cohesion Fund context. Other individual complaints were almost certainly pre-empted by this more proactive strategic approach.

Citizens helped by the European Ombudsman in 2015
17 033



13 966

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

2 077

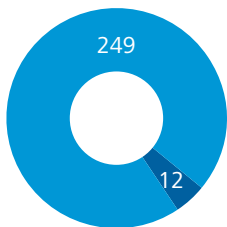
Complaints handled in 2015

1 060

Requests for information replied to by the Ombudsman's services

261

Inquiries opened by the European Ombudsman in 2015

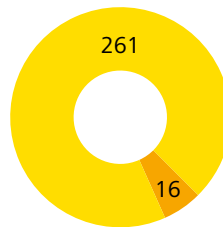


249
Inquiries opened on the basis of complaints

12
Own-initiative inquiries opened (including 3 strategic inquiries) ⁽¹⁾

277

Inquiries closed by the European Ombudsman in 2015



261
Complaint-based inquiries closed

16
Own-initiative inquiries closed (including 8 strategic inquiries) ⁽²⁾

6

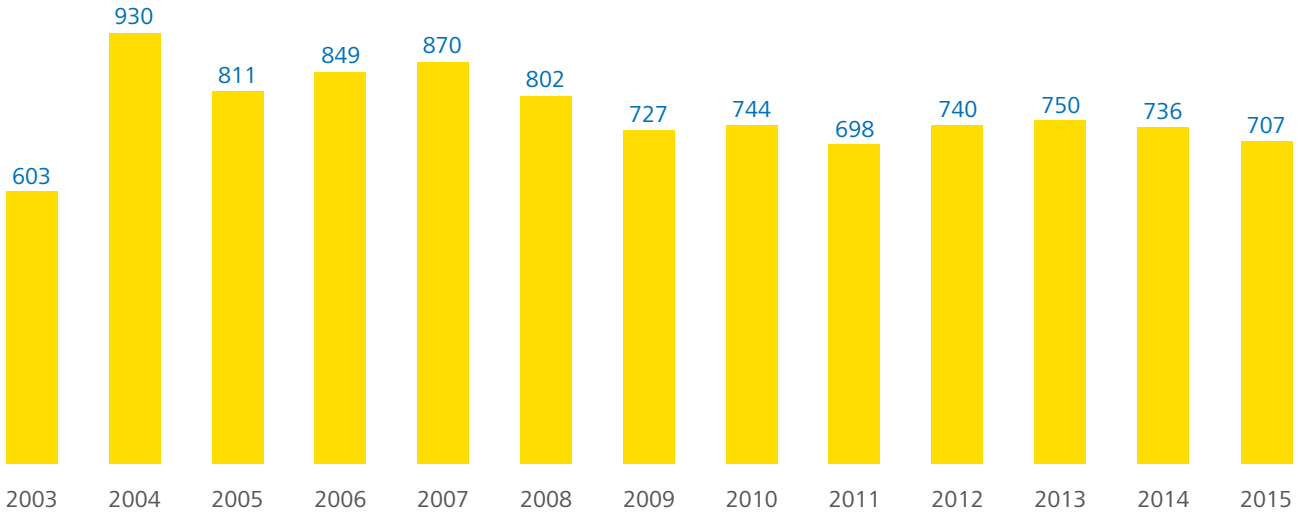
Strategic initiatives ⁽³⁾



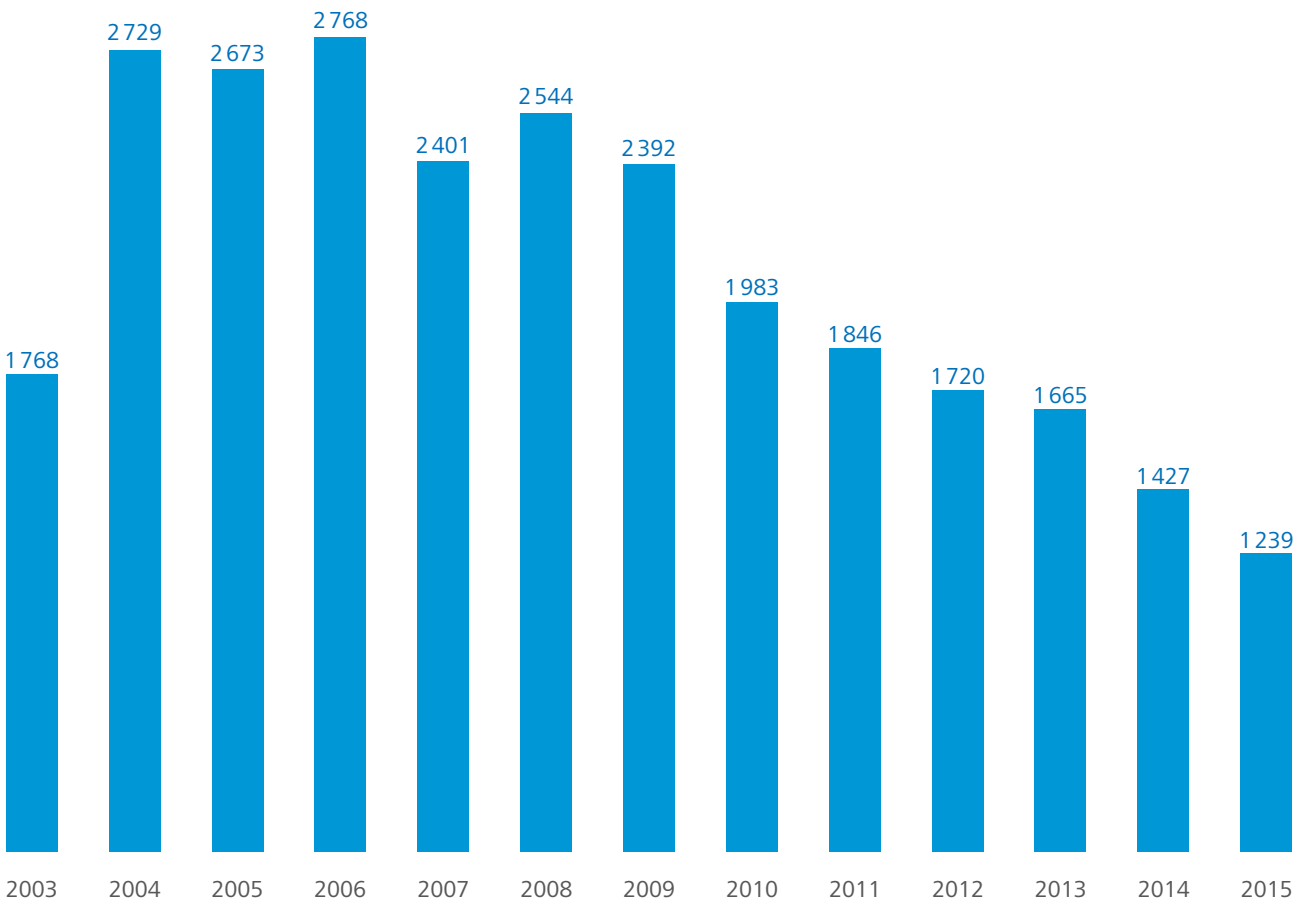
⁽¹⁾ Technical own-initiative inquiries (e.g., based on complaints from non-EU citizens) are distinct from strategic own-initiative inquiries (e.g., on trilogue transparency and late payment).
⁽²⁾ These include the strategic inquiries on TTIP transparency, whistleblowing, the European Citizens' Initiative, fundamental rights in the EU's cohesion policy, and Frontex forced returns.
⁽³⁾ The Ombudsman chose to pursue a number of strategically important topics without launching an inquiry, e.g. on ECB transparency, post term-of-office activities of former Commissioners, and the Asylum, Migration, and Integration Fund (AMIF).



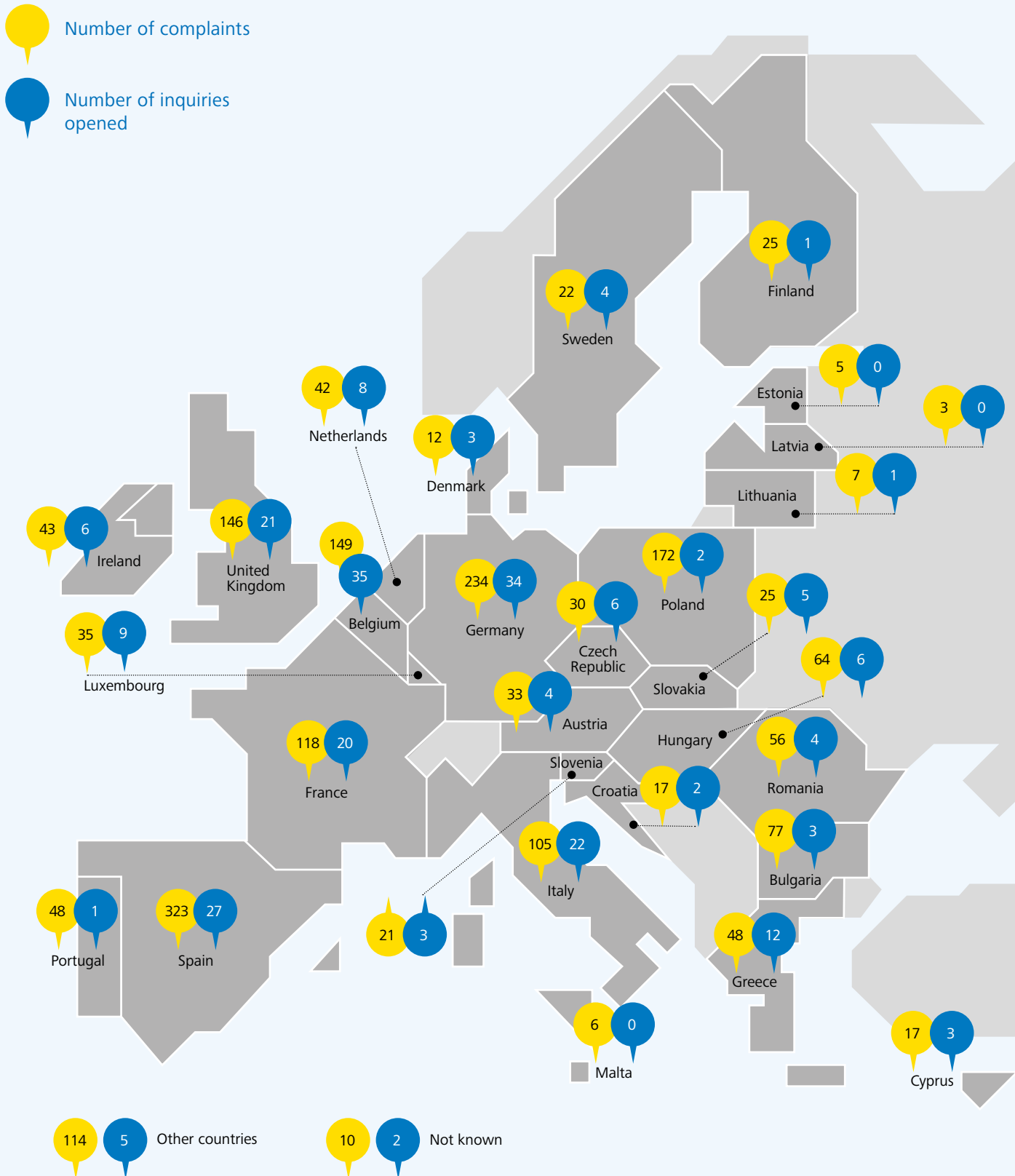
Number of complaints inside the mandate of the European Ombudsman 2003-2015



Number of complaints outside the mandate of the European Ombudsman 2003-2015

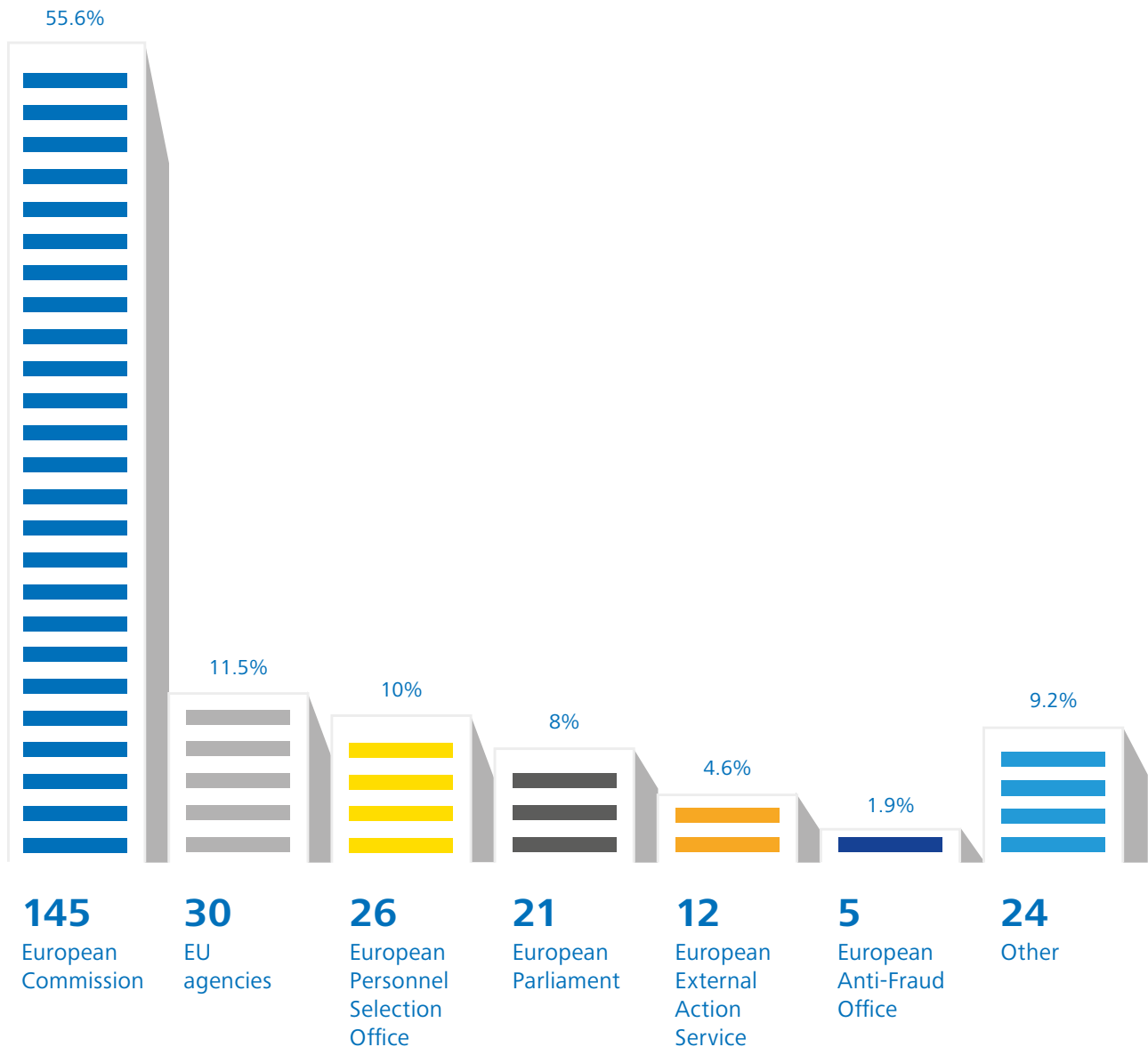


National origin of complaints registered and inquiries opened by the European Ombudsman in 2015





Inquiries conducted by the European Ombudsman in 2015 concerned the following institutions

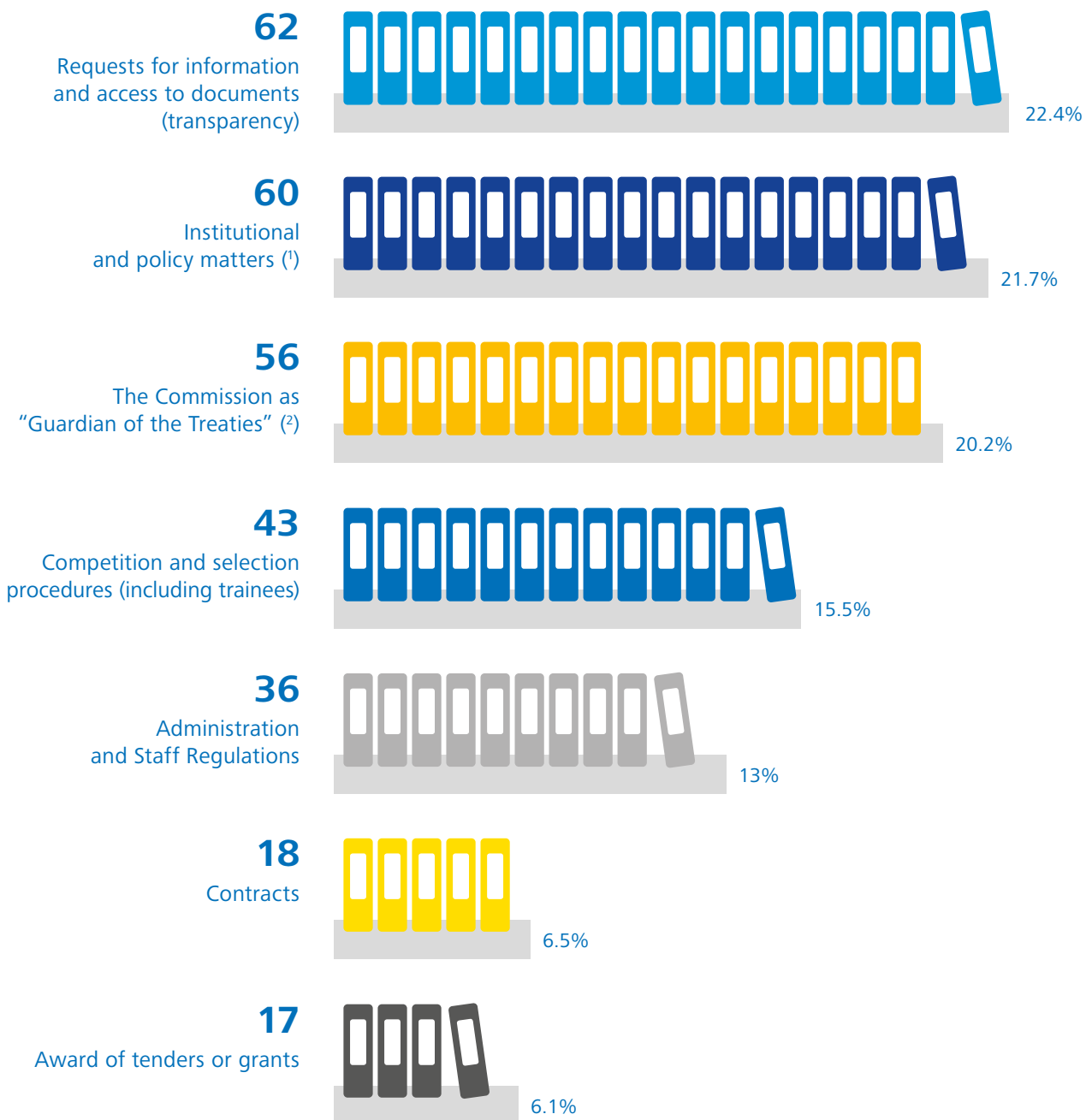


Note: One own-initiative inquiry opened in 2015 (on trilogue transparency) concerned more than one institution. The above percentages therefore total more than 100%.



Chapter 9 About what?

Subject matter of inquiries closed by the European Ombudsman in 2015



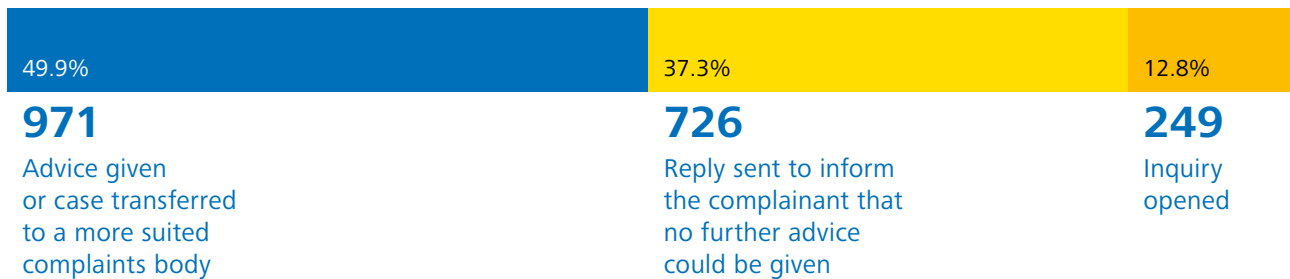
Note: In some cases, the Ombudsman closed inquiries with two or more subject matters. The above percentages therefore total more than 100%.

⁽¹⁾ For example, conflicts of interest or delays and other shortcomings in the institutions' procedures.

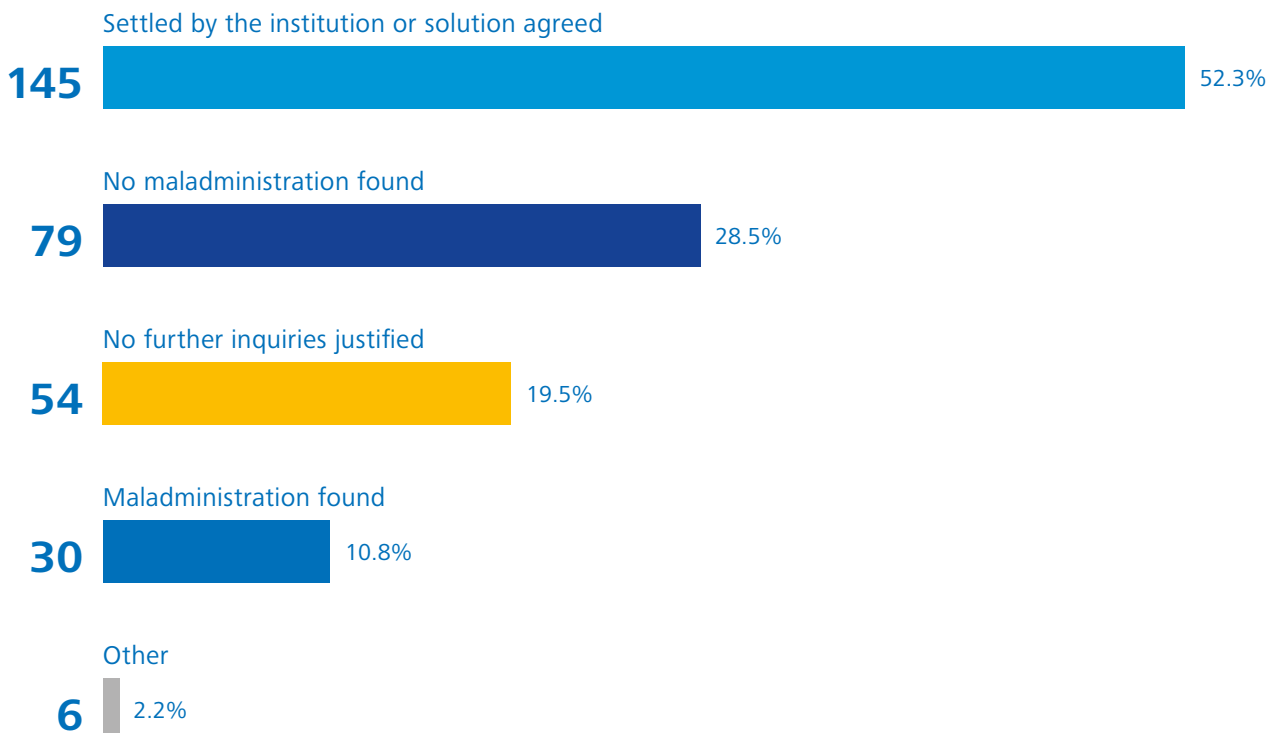
⁽²⁾ For example, the Commission's procedures as regards alleged infringement of EU law in a Member State.



Action taken by the European Ombudsman on complaints received in 2015



Results of inquiries closed by the European Ombudsman in 2015

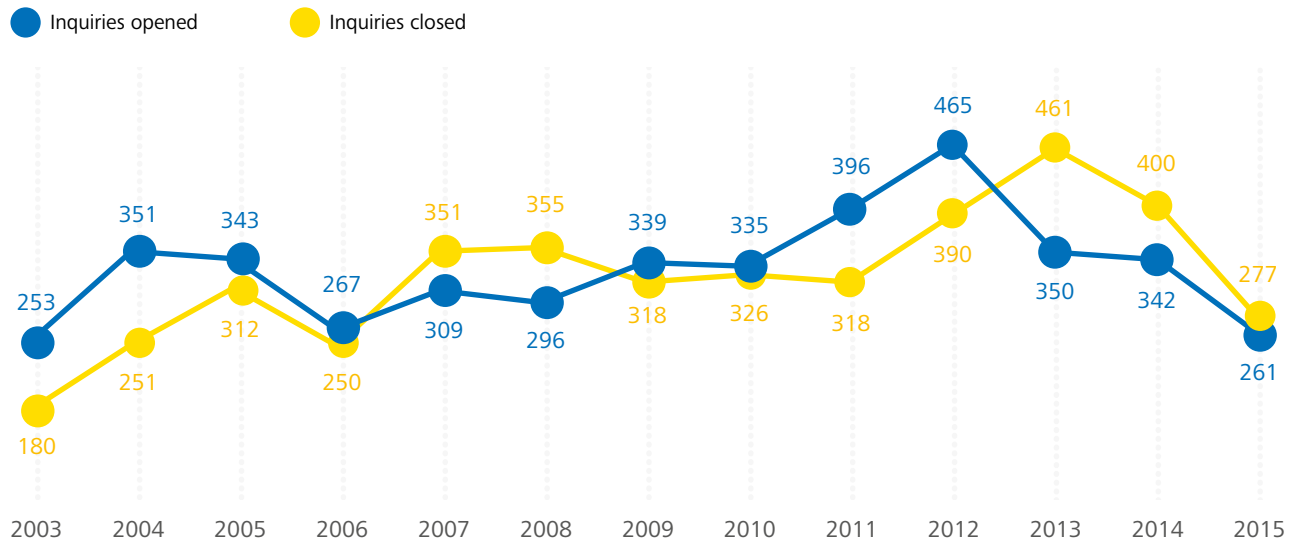


Note: In some cases, the Ombudsman closed inquiries on two or more grounds. The above percentages therefore total more than 100%.

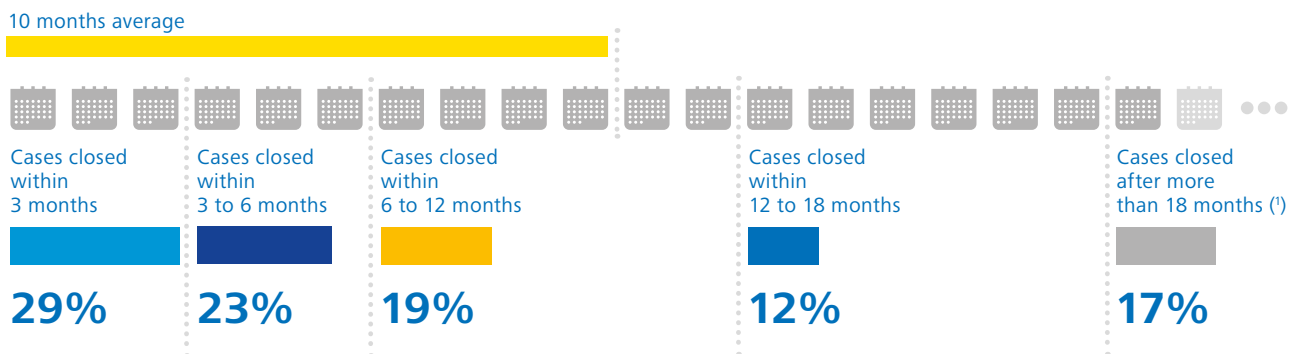
Inquiries where maladministration was found by the European Ombudsman in 2015



Evolution in the number of inquiries by the European Ombudsman



Length of inquiry of cases closed by the European Ombudsman in 2015



(!) Some complex cases require several rounds of consultations with the complainant and the institution concerned. In this way, the office of the European Ombudsman not only fully establishes the facts, but also tries to reach a solution that is acceptable to both parties.



The Ombudsman puts strong emphasis on conducting strategic inquiries which are in the public interest. However, the main part of her work is dedicated to cases based on complaints from citizens, companies, associations, NGOs, and other organisations.

The Ombudsman ensures that the free complaint service is as fair, transparent, and straightforward as possible. Complainants can submit their complaint by any means of written correspondence, including through an [online complaint form](#). Every complainant is assigned a specific case-handler as a contact person.

When a complaint is outside the Ombudsman's mandate, the office as far as possible advises the complainant about other bodies that might be able to help. It may also decide to transfer complaints to other bodies, for example to a member of the European Network of Ombudsmen, if the complainant agrees.

If a complaint does not fulfil the admissibility criteria, or if there are insufficient grounds for opening an inquiry into an admissible complaint, the Ombudsman rejects it. In her letter to the complainant, she provides advice whenever appropriate, in particular as regards whether another body at national or EU level can help the complainant.

When the Ombudsman decides to open an inquiry, she first examines whether the complainant's grievances can be resolved quickly. She may, for example, rapidly inspect the file related to the dispute, or her case-handler may call the institution to discuss the possibility of a rapid solution.

Full scale inquiries are necessary when the complaint is complex, or clearly requires the input of various specialised services of the institution concerned. Several options are available to the Ombudsman. She may propose a solution or issue a recommendation in which she asks the institution to correct any maladministration. If it is not possible to find a solution, she may decide to issue critical remarks.

Improved case-handling procedures

In late 2015, the Ombudsman began a review of her case-handling procedures in order to make them more efficient and have a greater impact. Revised procedures will be introduced in 2016 following the completion of this review and consultation with the European Parliament.



Compliance with the Ombudsman's proposals

Compliance with the European Ombudsman's proposals in 2014



Every year, the Ombudsman publishes a comprehensive account of how EU institutions respond to the Ombudsman's proposals to improve the 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 2014* reveals that the EU institutions complied with the Ombudsman's proposals at a rate of 90%. This is by far the highest figure achieved to date. Since the office started recording compliance statistics in 2011 the institutions have on average been complying at a rate of 80%. As the report shows, the rate of compliance can vary significantly from one institution to another – from 100% in some cases, to 0% in the worst case. The Commission, for instance, complied at the rate of 86% (up from 73% in 2013). Given its size in the EU administration, the Commission accounts for the highest proportion of inquiries conducted by the Ombudsman.

The report for 2015 will be available at the end of 2016.



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

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