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**TEXTS ADOPTED**

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**P9\_TA(2021)0082**

**Activities of the European Ombudsman - annual report 2019**

**European Parliament resolution of 11 March 2021 on the activities of the European Ombudsman – annual report 2019 (2020/2125(INI))**

*The European Parliament,*

- having regard to the annual report on the activities of the European Ombudsman in 2019,
- having regard to Articles 15, 24(3), 228 and 298(1) of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Article 10(3) of the Treaty on European Union (TEU),
- having regard to Decision 94/262/ECSC, EC, Euratom of the European Parliament of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties<sup>1</sup>,
- having regard to Articles 11, 41, 42 and 43 of the Charter of Fundamental Rights of the European Union (the 'Charter'),
- having regard to the UN Convention on the Rights of Persons with Disabilities,
- having regard to its previous resolutions on the European Ombudsman's activities,
- having regard to Rules 54, 142(2) and 232(1) of its Rules of Procedure,
- having regard to its resolution of 17 January 2019 on the Ombudsman's strategic inquiry OI/2/2017 on the transparency of legislative discussions in the preparatory bodies of the Council of the EU<sup>2</sup>,
- having regard to the European Code of Good Administrative Behaviour adopted by Parliament on 6 September 2001,
- having regard to the report of the Committee on Petitions (A9-0013/2021),

A. whereas the annual report on the activities of the European Ombudsman in 2019 was

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<sup>1</sup> OJ L 113, 4.5.1994, p. 15.

<sup>2</sup> OJ C 411, 27.11.2020, p. 149.

formally submitted to the President of Parliament on 5 May 2020 and whereas the European Ombudsman, Emily O'Reilly, presented the report to the Committee on Petitions in Brussels on 3 September 2020;

- B. whereas Emily O'Reilly was re-elected European Ombudsman by Parliament at its plenary sitting in Strasbourg on 18 December 2019;
- C. whereas Article 41(1) of the Charter states that 'every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union';
- D. whereas Article 43 of the Charter states that 'any citizen of the Union and any natural or legal person residing or having its registered office in a Member State has the right to refer to the European Ombudsman cases of maladministration in the activities of the institutions, bodies, offices or agencies of the Union, with the exception of the Court of Justice of the European Union acting in its judicial role';
- E. whereas it is essential that EU citizens have enough information to be able to follow EU policy and law making, and participate meaningfully in European democratic processes; whereas people's trust in public administrations is enhanced when they can see that institutions are working for the public good and maintaining high ethical standards;
- F. whereas the Ombudsman's main priority is to ensure that citizens' rights are fully upheld, in accordance with the Treaties and the Charter, and that the right to good administration reflects the highest standards expected of the institutions, bodies, offices and agencies of the Union, with the exception of the activities carried out by the Court of Justice of the European Union acting in its judicial role; whereas the Ombudsman plays a vital role in helping EU institutions become more open, effective and citizen-friendly with the aim of strengthening citizens' confidence in the Union;
- G. whereas the European Ombudsman launched a strategic initiative on the leave rights of certain EU staff members and the best interests of the child (SI/1/2019/AMF)<sup>1</sup>, which led to the harmonisation of the rules of the Commission and the Council on the leave rights of staff members who become parents through surrogacy; whereas no comparable results were produced at the European Parliament owing to an unwillingness to adapt its rules on leave;
- H. whereas 2020 marks the 25th anniversary of the establishment of the European Ombudsman; whereas since its opening, the Ombudsman's office has dealt with 57 000 complaints leading to over 7 300 inquiries; whereas the continuous efforts of the office and its staff towards respecting and upholding transparency, ethics and accountability in the EU administration should be duly recognised and commended;
- I. whereas, according to the Eurobarometer survey conducted in June 2019, 44 % of citizens trust the European Union and 46 % do not; whereas it is essential for the institutions to be held accountable so as to increase the level of satisfaction of EU citizens;
- J. whereas Article 10(3) TEU provides that 'every citizen shall have the right to

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<sup>1</sup> <https://www.ombudsman.europa.eu/en/opening-summary/en/113554>

participate in the democratic life of the Union’ and that ‘decisions shall be taken as openly and as closely as possible to the citizen’;

- K. whereas Article 24 TFEU provides that ‘every citizen of the Union may apply to the Ombudsman established in accordance with Article 228’;
- L. whereas Article 228 TFEU empowers the Ombudsman to conduct inquiries into maladministration in the activities of the Union institutions, bodies, offices, and agencies, with the exception of the Court of Justice of the European Union acting in its judicial role;
- M. whereas 19 619 citizens requested assistance from the Ombudsman in 2019, and 16 045 were given advice via the interactive guide on the Ombudsman’s website; whereas in 2019 the Ombudsman registered 2 201 complaints and received 1 373 requests for information;
- N. whereas of the 2 201 complaints dealt with by the Ombudsman, 879 fell within and 1 330 outside her remit;
- O. whereas of the 2 201 complaints, the Ombudsman provided advice to the complainant or passed the matter on in 862 cases, in 883 cases the complainant was informed that no additional advice could be provided, and 456 complaints gave rise to an inquiry;
- P. whereas of the inquiries closed by the Ombudsman, 26,9 % concerned requests for information and access to documents, 22 % concerned service culture, for example kindness towards citizens, language-related matters and time limits, 19,8 % concerned the appropriate use of discretionary powers, including in infringement proceedings, 13,2 % concerned respect for procedural rights, including the right to be heard, 13 % concerned the proper management of administrative and staff matters, 12,3 % concerned recruitment and 8.4 % concerned respect for fundamental rights;
- Q. whereas the length of most of the inquiries closed by the Ombudsman in 2019 ranged between three (43,4 %) and 18 months (10,2 %); whereas the average length of time needed to close an inquiry was less than seven months;
- R. whereas as part of her inquiries, the European Ombudsman is entitled to submit proposals to EU institutions and bodies on how to address a problem or improve their administrative practices; whereas these proposals take the form of solutions, recommendations and suggestions;
- S. whereas according to the annual ‘Putting it Right?’ report, published in December 2019, which analyses the institutions’ responses to the Ombudsman’s proposals in the context of inquiries closed in 2018, the implementation rate achieved by the EU institutions in response to the Ombudsman’s proposals is 77 %; whereas 11 institutions achieved an implementation rate of 100 %, while the Commission, the institution against which a majority of the complaints were lodged, achieved a rate of 70,9 %;
- T. whereas in her strategic work in 2019 the Ombudsman opened four new strategic inquiries: on transparency in the preparatory bodies of the Eurogroup, on the ‘revolving doors’ at the Commission, on the treatment of persons with disabilities under the EU Joint Sickness Insurance Scheme, and on the European Medicines Agency (EMA) and the activities prior to the submission of medicinal products with a view to their

authorisation;

- U. whereas in 2019 the Ombudsman opened nine strategic initiatives, including on the effectiveness of the mechanisms put in place by the Member States for dealing with complaints relating to the Structural Funds, on the transparency of the Brexit negotiations, on the transparency of EU lobbying and the EU Transparency Register, on the EU procedure for food risk assessment, on the transparency of meetings between the President of the European Council and interest representatives, on improvements to the European Citizens' Initiative, on the integration of children with disabilities into European Schools and on the right to leave of EU staff members who become parents through surrogacy;
- V. whereas the role of the European Ombudsman as a member of the EU Framework of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) is to protect, promote and monitor its implementation at the level of the EU institutions; whereas the European Ombudsman chaired the EU Framework in 2019;
- W. whereas Article 19 of the UNCRPD provides that the parties 'recognise the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community';
- X. whereas on 12 February 2019 Parliament approved its draft regulation laying down the regulations and general conditions governing the performance of the Ombudsman's duties (Statute of the European Ombudsman)<sup>1</sup>; whereas this new regulation is now awaiting approval by the Council;
- Y. whereas in 2019 the European Ombudsman opened 458 inquiries, of which 2 were opened on its own initiative, while closing 560 inquiries (552 complaint-based and 8 own-initiative); whereas the greater part of the inquiries once again concerned the Commission (274 inquiries or 59,7 %), followed by the European Personnel Selection Office (EPSO) (44 inquiries or 9,6 %) and the EU agencies (33 inquiries or 7,2 %), and the rest were distributed as follows: Parliament (21 inquiries or 4,6 %), the European External Action Service (EEAS) (17 inquiries or 3,7 %), the European Investment Bank (7 inquiries or 1,5 %), and other institutions (54 inquiries or 11,8 %);
- Z. whereas the proper application of EU law and the fulfilment of the obligations arising therefrom are the responsibility of the institutions and bodies of the EU, in line with the obligations stemming from the Treaties and the Charter;
- AA. whereas the Ombudsman launched an inquiry into the decision of the European Banking Authority (EBA), announced publicly on 17 September 2019, to allow its Executive Director to become Chief Executive Officer (CEO) of the Association for Financial Markets in Europe (AFME), a lobby organisation for the financial industry; whereas the Ombudsman found instances of maladministration by the EBA in its failure to mitigate the risks of conflicts of interest when it approved the job move and in continuing to give its outgoing Executive Director access to confidential information;

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<sup>1</sup> OJ C 449, 23.12.2020, p. 182.

- AB. whereas the Ombudsman launched an inquiry following a complaint concerning corporate sponsorship of the Presidency of the Council of the EU; whereas the Ombudsman noted that the use of sponsorship by the Presidency entails reputational risks for the EU as a whole and recommended that the Council issue guidance to Member States on the issue of sponsorship of the Presidency in order to mitigate these reputational risks;
- AC. whereas on 30 July 2019 the Commission issued an invitation to tender for a study in order to develop tools and mechanisms on integrating environmental, social and governance (ESG) objectives into EU banking rules; whereas the Commission decided to award the contract to BlackRock Investment Management, a company managing investments in large fossil fuel companies and systemically important banks, which are sectors impacted by new rules on ESG issues at EU level; whereas the Ombudsman found in her inquiry related to this case that the Commission should have been more vigilant and that its decision to award the contract to BlackRock did not provide sufficient guarantees to exclude the risk of conflicts of interest with serious negative consequences on the performance of the contract, as the company manifestly had an interest in the development of future EU regulation that will impact on itself and on its clients;
1. Welcomes the annual report for 2019 presented by the European Ombudsman;
  2. Congratulates Emily O'Reilly on her re-election as European Ombudsman and on her excellent work; endorses her commitment to continuing her efforts to 'ensure that the EU delivers the highest standards of administration, transparency and ethics', and to guaranteeing the accessibility and quality of the services that the EU provides to EU citizens; reiterates that transparency is a principle complementary to the rule of law and democracy and that its implementation should be aimed at allowing citizens to participate in the decision-making process;

### ***Transparency and ethics***

3. Expresses satisfaction with its fruitful relationship with the European Ombudsman, a key and indispensable partner of the European Parliament, which re-elected the outgoing Ombudsman, Emily O'Reilly, for a second term of office and endorsed her proposal for a special report on transparency in the Council by adopting a resolution approved by a plenary majority in January 2019;
4. Welcomes the close cooperation between the Ombudsman and her team and the Committee on Petitions, which makes it possible to improve the quality of European administration and the accessibility and quality of its services for EU citizens;
5. Stresses the need for the EU institutions to maintain the maximum level of transparency and objectivity, so that citizens can follow and take an active part in the decision-making process in order to strengthen their trust in and feeling of proximity to the institutions, while guaranteeing access to all relevant information so that they can fully exercise their democratic rights and ensuring a genuine capacity to hold the institutions to account; underlines that the Ombudsman opened an inquiry into the Commission's refusal to give public access to documents concerning the purchase of vaccines against COVID-19; calls for the full publication of contracts and other agreements signed with pharmaceutical companies, including documents related to the negotiations held with

the latter, for the development, manufacturing, purchase and deployment of vaccines against COVID-19, as well as the full transparency of all results concerning clinical trials related to these vaccines;

6. Highlights that the lack of transparency of the EU legislative process increases citizens' distrust and weakens the legitimacy of the decision-making process as a whole;
7. Welcomes the European Ombudsman's ambition to maintain in all circumstances a high level of vigilance in upholding the highest possible standards of transparency and ethics, including in a health crisis;
8. Urges the European Ombudsman to continue promoting greater transparency in legislative discussions in the preparatory bodies of the Council of the European Union, as regards both public access to its legislative documents and its decision-making process, so that its deliberations can be more readily understood;
9. Urges the Council to implement the European Ombudsman's recommendations, and to revise its confidentiality policy to ensure the highest level of transparency in its work so that timely public access to legislative documents is easily available; calls for the transparent and systematic identification of Member State governments when they set out their positions, since as co-legislator the Council must be held accountable to the public for its actions; recalls the suggestions made in its resolution on the Ombudsman's strategic inquiry OI/2/2017 on the transparency of legislative discussions in the preparatory bodies of the Council of the EU;
10. Regrets the practice of Member States holding the Presidency of the Council of accepting corporate sponsorship; believes that such a practice must be prevented in order to preserve the reputation and integrity of the Council and of the EU as a whole;
11. Urges Member States to be more diligent in meeting their obligation to cooperate with the Ombudsman;
12. Notes that, in keeping with the European Ombudsman's recommendations, the Commission and the Council have maintained a high level of transparency in the legislative process throughout the negotiations on EU-UK relations, publishing more than 100 negotiating documents and making the Chief Negotiator's timetable available to citizens, and urges them to do the same when drawing up the future free trade agreement; calls more broadly on the Commission to fulfil its obligations regarding sustainability impact assessments of all EU trade agreements;
13. Points out that for years transparency, and in particular access to documents, has been the main subject of complaints, and welcomes the fact that in connection with a number of inquiries the European Ombudsman has called for public access to be granted; deplores, however, the fact that the European Ombudsman's recommendations are not always implemented and that OLAF's report on the use of a loan granted to the German car manufacturer Volkswagen has still not been published; calls for EU legislation on access to documents (Regulation (EC) No 1049/2001<sup>1</sup>) to be updated in order to

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<sup>1</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

facilitate the European Ombudsman's work; urges the Council to reopen its discussions on the basis of the resolution of the European Parliament of 12 June 2013 on the deadlock on the revision of Regulation (EC) No 1049/2001<sup>1</sup>;

14. Welcomes the more ambitious approach taken to the transparency of the bodies preparing meetings of the Eurogroup, which agreed, following a request from the Ombudsman, to publish the dates and draft agendas of Eurogroup meetings earlier than before, to provide more details in the letters summarising the meetings and to include more information on the Eurogroup website concerning its activities;
15. Welcomes the European Ombudsman's repeated efforts to combat conflicts of interest; stresses the need for increased transparency in the Council; strongly supports the recommendations issued by the Ombudsman to the General Secretariat of the Council in relation to case 1946/2018/KR; welcomes the publication, following this inquiry, of the minutes of meetings held between lobbyists, the President of the European Council and the members of his cabinet, and highlights the need for the adoption of a fair and ambitious legal act on the Transparency Register in order to make it fully mandatory and legally binding for all EU institutions and agencies and to create obligations for third parties and interest representatives, thereby ensuring the full transparency of lobbying; notes the Commission's decision not to follow the recommendations of the Ombudsman in case 1302/2017/MH and not to grant access to the documents relating to the opinions of its Legal Service concerning the Transparency Register;
16. Supports the Ombudsman's activity performed in her inquiry 853/2020/KR concerning the BlackRock case and firmly believes that the Commission must follow the Ombudsman's recommendations in this regard; calls, therefore, on the Commission to update and strengthen all applicable rules concerning public procurement procedures, including its guidelines, in order to prevent the occurrence of any conflicts of interest; calls on the Commission to adopt all necessary measures to preserve the integrity and credibility of policy-making related to the adoption of new rules on ESG issues at EU level;
17. Welcomes the fact that, following a complaint lodged in 2019 regarding the use of sponsorship during the Romanian Presidency, the European Ombudsman took a clear stance on the issue of Presidency sponsorship<sup>2</sup>, as the perception of outside influence may undermine the integrity of the EU as a whole; takes note of the steps taken by the Council in response to the Ombudsman's recommendation that guidance should be provided to the Member States on the issue of Presidency sponsorship; encourages the Council to follow up on the issue without delay; welcomes the decision of the German Presidency to refrain from any sponsorship and encourages other Member States to follow suit;
18. Notes the undertaking given by the Commission, following an inquiry by the Ombudsman, to publish the agendas and minutes of meetings of the 'advisory bodies' which influence EU policy-making and the comments made by participants in previous groups, and, for any future such group, to apply the same standards of transparency as those adopted by the expert groups;

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<sup>1</sup> OJ C 65, 19.2.2016, p. 102.

<sup>2</sup> <https://www.ombudsman.europa.eu/en/decision/en/129649>

19. Highlights the importance of public access to documents containing the positions taken by Member States in decision-making processes; supports the findings of the Ombudsman in relation to case 2142/2018/EWM and deplores the Commission's continued refusal to grant access to the requested documents dealing with the risk assessment of pesticides on bees;
20. Notes that the Commission has committed to implementing many of the European Ombudsman's proposals, such as asking individuals who switch to the private sector to provide additional information about the organisation they are joining and more details about the type of professional activity they are embarking on; emphasises that such transfers cannot be taken lightly, as they could lead to conflicts of interest when former public officials take up a job with a firm to lobby on policies that they previously legislated or worked on; notes that according to a recent report<sup>1</sup> 99 % of requests for transfer into the private sector were approved by the Commission, with a rejection rate of only 0,62 %, which points to the need to strengthen oversight; recalls that ethics rules are not a mere formality and should be adhered to by all institutions; urges the Commission to implement all recommendations made by the Ombudsman, to take a more robust approach to the issue of 'revolving doors' and to follow through with the proposed measures, including forbidding new activity when there is evidence that this activity would lead to a conflict with the public interest and publishing, directly on its ethics website and in a timely manner, all related information on each case of former senior staff members assessed with a view to implementing the one-year lobbying and advocacy ban;
21. Points out that the EU public administration must improve those of its rules and standards designed to prevent conflicts of interest and guarantee respect for the duty of discretion and integrity; calls on the European Ombudsman to promote the highest ethics rules and standards throughout the EU institutions, agencies and bodies, ensuring that they are fully and consistently implemented; calls for the evaluation of the declarations of interests submitted by Commissioners-designate to be carried out independently by appropriate means; underlines the need to revise the current rules and practices in order to strengthen integrity requirements for Commissioners both during and after their mandates and stresses that Commissioners' post-term-of-office notification periods must be increased;
22. Underlines the urgent need for the existing Code of Good Administrative Behaviour to be improved and upgraded by adopting a binding regulation on the matter;
23. Commends the Ombudsman's activities on revolving doors cases which have led, inter alia, to the EBA revising its policy on the assessment of post-employment restrictions and prohibitions for staff, as well as improving its procedures for the immediate suspension of access to confidential information for staff known to be moving to another job; calls on the Ombudsman to continue her efforts to ensure that all EU institutions and agencies introduce effective rules aimed at preventing revolving doors cases and any possible conflicts of interest;

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<sup>1</sup> Corporate Europe Observatory, 'From Facebook friends to lobby consultants – EU revolving door rules not fit for purpose', 22 October 2020 (<https://corporateeurope.org/en/2020/10/facebook-friends-lobby-consultants> ).



24. Fully endorses the European Ombudsman's confirmation of her finding that four instances of maladministration marred the appointment process of the most senior Commission official, and welcomes the new Commission's introduction in 2019 of a specific appointment procedure for its Secretary-General, which includes the publication of a vacancy notice and the inclusion of the appointment on the agenda of the weekly meeting of Commissioners, with sufficient time for it to be given proper consideration;
25. Notes that, following the own-initiative inquiry undertaken by the Ombudsman, the EMA introduced measures aimed at improving the independence and objectivity of the marketing authorisation process for medicinal products and increasing transparency in areas such as clinical trials; calls on the EMA to implement the Ombudsman's new recommendations in order to ensure its independence and impartiality and avoid any conflict of interest;
26. Welcomes the increased and necessary importance attached by the European Ombudsman to problems involving procurement procedures;
27. Welcomes the consolidation of the Award for Good Administration, which aims to reward initiatives and projects by the EU administration that have a positive impact on the lives of EU citizens; congratulates the Commission on its receipt of the award in recognition of its strategy to reduce plastic pollution; considers that greater media coverage of this award would show EU citizens that the EU institutions are working to provide tangible solutions;
28. Welcomes the European Ombudsman's increased focus on cases concerning the Commission's management of EU-funded projects; urges the Commission to guarantee the transparent distribution and management of funds; insists that the Commission improve the transparency of its preparation process for the annual Work Programmes for the funds it manages; calls, in particular, on the Commission to ensure that resources made available through the European Structural and Investment Funds are disbursed by the Member States in accordance with the requirements laid down in the UNCRPD on independent living for persons with disabilities;
29. Invites the Committee on Petitions to examine cases in which the Ombudsman's proposals to the EU institutions were not acted upon;

### ***Disability***

30. Welcomes the European Ombudsman's role in protecting, promoting and monitoring the implementation of the UNCRPD by the EU administration, and in strengthening the EU agenda for the rights of persons with disabilities; calls on the Ombudsman to closely monitor the proposals made by the Commission concerning the new European Disability Strategy for the post-2020 period; considers it urgent to address the lack of an appropriate legal basis ensuring that EU spending complies fully with the UNCRPD;
31. Congratulates the European Ombudsman on her strategic inquiry into the accessibility of Commission websites for persons with disabilities, and welcomes the Commission's efforts to put her ideas into practice by providing more information in easy-to-read formats; notes, however, that a complex approach is needed to make the EU institutions' home pages accessible to persons with all kinds of disabilities, including

national sign languages; suggests that disabled persons' organisations should be involved in this process;

32. Congratulates the Ombudsman on having opened a necessary inquiry into the accessibility of online tools used by the European Anti-Fraud Office (OLAF), following a complaint by a person with a visual impairment;
33. Calls on the Commission to propose a comprehensive, ambitious and long-term European Disability Strategy for the post-2020 period in order to make possible, inter alia, the full and consistent implementation of the UNCRPD;
34. Acknowledges the rise in the number of people helped by the Ombudsman's office in 2019 compared to 2018 (19 619 up from 17 996), as well as its efforts to find practical solutions to citizens' problems, whether by providing advice through the interactive guide on the website and replying to requests for information, or in its handling of new complaints (2 201 such complaints in 2019); points out the need to ensure that the office has the necessary budgetary and personnel resources to continue helping EU citizens in an adequate and efficient manner;

### ***Complaints***

35. Notes that in 2019 the Ombudsman received numerous complaints from EU citizens residing in a Member State other than their own who encountered difficulties in trying to register for and/or vote in the 2019 European Parliament elections, and points out that the right to vote in elections is a fundamental right recognised in the EU Treaties;
36. Congratulates the Ombudsman on the inquiries opened in 2019, which covered the following main topics: transparency in the EU institutions, the transparency of lobbying activities, service culture, fundamental rights, ethics issues, citizens' participation in EU decision-making, the proper management of staff issues and recruitment, and sound financial management;
37. Notes that in 2019 the Ombudsman dealt with 1 300 complaints which did not fall within her mandate, mainly because they did not concern the activities of an EU institution or body; endorses the Ombudsman's approach of replying to everyone who seeks her assistance, explaining her mandate to them and providing advice, and redirecting them, as far as possible, to other bodies which may be able to help them, and encourages her to continue to do so;
38. Urges the European Ombudsman to remain vigilant and resolute in handling complaints concerning fundamental rights, including equality, non-discrimination and the right to be heard; welcomes her inquiry into the European Asylum Support Office and her interviews with asylum seekers, and her inquiry into the Commission's handling of a complaint concerning discrimination against Roma in Italy;
39. Notes that the number of inquiries concerning EPSO rose from 23 in 2018 to 44 in 2019; urges the European Ombudsman to monitor closely the proper implementation of anti-discrimination measures which apply to all recruitment procedures; suggests a strategic inquiry into the methods used by EPSO and other agencies in order to ascertain that principles of fairness and openness are fully in place in all recruitment procedures;
40. Notes that the number of complaints falling outside the Ombudsman's mandate has

remained relatively stable (1 330 cases in 2019 compared to 1 300 cases in 2018); takes the view that better and coordinated communication at the level of all the EU institutions as to the competencies of the European Ombudsman could help to reduce the number of complaints falling outside its mandate and streamline the response to citizens' problems;

41. Welcomes the European Ombudsman's commitment to the right of citizens to be involved in the EU democratic process, as demonstrated by her organising of the annual conference of the European Network of Ombudsmen in April 2019 on the need to strengthen citizens' participation in the democratic process; endorses her decision to reply to all those seeking assistance in the language of their complaint, and calls on the EU public administration to make every effort to ensure that citizens are able to communicate effectively with her in the 24 official languages of the EU and in national sign languages; welcomes the European Ombudsman's draft guidelines on the use of languages on the websites of the EU institutions; underlines that such guidelines are of the utmost importance in protecting Europe's rich linguistic diversity; notes that the websites of the EU institutions should better exemplify the equality of all 24 official EU languages; deplores the fact that many sections of the EU institutions' websites and the publications uploaded to them continue only to be available in certain popular languages and never get coverage in all 24 official EU languages as required by the principles of the Union;
42. Endorses the efforts of the EU institutions to follow the Ombudsman's recommendations (77 %) and encourages them to continue in this direction; remains concerned at the persistent rate of non-compliance (23 %); is aware that the Ombudsman's suggestions are not legally binding; urges the institutions, bodies and agencies to react promptly, effectively and responsibly to the Ombudsman's recommendations and critical remarks;
43. Welcomes the fact that, on average, the length of inquiries into cases closed by the European Ombudsman in 2019 was less than seven months; notes, however, that closure of some cases can take up to 18 months; calls on all the EU institutions to improve their cooperation with the office of the Ombudsman in the interest of EU citizens, who expect swift answers to their problems;
44. Welcomes the redesign of the Ombudsman's website, making it a more accessible and functional instrument for EU citizens; encourages the Ombudsman to further develop the translation of her publications into the different languages of the EU;
45. Acknowledges the important contribution made by the European Network of Ombudsmen to the exchange of best practices and in providing information on the remit and competences of its members and the proper implementation of European law; suggests that this network could be more closely involved in overseeing the proper use of EU funds; suggests that it could also offer support to national or regional ombudsmen who come under strong pressure from their governments, particularly in connection with violations of rights guaranteed by the Charter; calls on this network to consider the role that national and regional ombudsmen could play in increasing the involvement of EU citizens in the EU decision-making process; stresses that the network could also contribute to promoting a culture of good administration at the level of the Member States by enhancing cooperation and raising awareness among national ombudsmen of the importance of defending the rights of citizens; points out that resources allocated to

the network should be strengthened; calls on the European Ombudsman to organise, at the European Ombudsman's seat, a regular meeting of the European Network of Ombudsmen, whose core task is to ensure respect for fundamental rights;

46. Strongly welcomes the European Ombudsman's strategic initiative on the leave rights of certain EU staff members and the best interests of the child; takes the position that the inconsistency of the European Parliament's rules with those of the other institutions<sup>1</sup> with regard to the leave rights of staff members who become parents through surrogacy, such as infertile, same-sex and single parents, ignores the primacy of the overriding best interests of the child and places such staff members at a significant risk of discrimination; recalls the conclusions of the Ombudsman regarding the importance of protecting the best interests of the child; calls for Parliament to engage in interinstitutional dialogue and to adopt a decision harmonising these rules with those of the Council and the Commission;

### ***Statute and powers***

47. Calls on the Council to engage in dialogue with the European Parliament regarding the revision of the Statute of the European Ombudsman, so that the Ombudsman's office is better able to promote the highest standards of ethical behaviour in the institutions and is properly mandated to perform its tasks effectively;
48. Calls for Parliament to overhaul the nomination process for the election of the European Ombudsman, so that the election at the beginning of the parliamentary term can take place in a more informed, uniform, transparent and orderly manner; calls specifically for a more detailed description of the time limits for the collection of signatures and the campaigns of the nominees;
49. Congratulates the European Ombudsman on her previous five-year strategy 'Towards 2019', which introduced a more strategic approach to promoting good administration; welcomes the publication on 7 December 2020 of the new strategy 'Towards 2024', which will have to take account of the unprecedented situation facing Europe in the context of the COVID-19 pandemic;
50. Recalls that the seat of the Ombudsman is that of the European Parliament; encourages the Ombudsman, therefore, to prioritise the use of the premises available in Strasbourg;
51. Calls on the Ombudsman, in the interests of transparency, to continue publishing the events which she intends to host, stating where each event will take place;

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<sup>1</sup> The Commission grants staff members who become parents through surrogacy 20 weeks of special leave, in addition to 10 days for the birth of each new-born, as codified in its March 2020 decision ( [https://egalite-online.eu/wp-content/uploads/2020/03/C\\_2020\\_1559\\_F1\\_COMMISSION\\_DECISION\\_EN\\_V3\\_P1\\_1043892.pdf](https://egalite-online.eu/wp-content/uploads/2020/03/C_2020_1559_F1_COMMISSION_DECISION_EN_V3_P1_1043892.pdf) ). The Council applies the same rule on an ad hoc basis. Parliament has specified that it would only grant staff members in a similar situation the 10 days of leave for each new-born, because maternity leave requires the production of a medical certificate of pregnancy; Parliament does not envisage the use of special leave for this purpose.

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52. Instructs its President to forward this resolution and the report of the Committee on Petitions to the Council, the Commission, the European Ombudsman, the governments and parliaments of the Member States, and their ombudsmen or similar competent bodies.