



European Ombudsman

Annual Report 2020

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European Ombudsman

Annual Report 2020

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Introduction

Emily O'Reilly, European Ombudsman.

2020 was a tragic year for many people across the globe, as loved ones were lost through the COVID-19 pandemic and many others suffered, and continue to suffer, serious illness. The year was also a stark reminder of the importance of public administrations in whose competence and accountability we can trust. The pandemic upended people's lives and put profound strain on our health systems, our societies and our economies. At EU-level it demanded rapid decision making on EU funding, on the procurement of products and services to help tackle the pandemic, and on what policies to prioritise.

Yet it is precisely in challenging times that the highest standards of good administration are required to reassure and to comfort the public that the measures taken are the correct ones and will be properly implemented.

As European Ombudsman, it is our role to assist in that process. We therefore reminded the European Commission, in April, that all decisions related to the pandemic need to be taken as transparently as possible. We followed this up in July with informationgathering requests to the European Medicines Agency, the European Investment Bank and the Commission, and two inquiries concerning the Council of the EU and the European Centre for Disease Control. The aim is to ensure that all decision making related to the pandemic - whether it concerns the assessment of new medicines or the choice of projects to be funded - is clear, accessible, and justified. Wanting to ensure there was no interruption to our case-handling work, my Office made a fast transition to a digital workplace the number of new complaints handled were similar to those handled in 2019.

The year also saw inquiries with highly relevant conclusions for the entire EU administration. In one case, we found maladministration in how the European Banking Authority (EBA) handled a move by its Executive Director to a financial sector lobby group. Our recommendation was accepted and followed by the EBA. In a case concerning sustainable finance, we found that the relevant EU law is too vague to allow for an adequate assessment of conflicts of interest in the context of decisions for awarding of EU-funded contracts.

We carried out several important inquiries related to the transparency of decision making around environmental issues. These included an inquiry into why a 'sustainability impact assessment' was not finalised before the EU-Mercosur trade deal was agreed, and an inquiry into whether the European Investment Bank gives sufficient environmental information about the projects it finances. 6

An Ombudsman's work also entails following up on previous inquiries and making sure that recommendations that have been accepted are being implemented. I therefore launched a follow-up inquiry to examine how the European Border and Coast Guard Agency's (Frontex) 'complaints mechanism' – which established following a previous Ombudsman inquiry – works in practice.

The year 2020 was a special one for the European Ombudsman as it marked our 25th anniversary. This provided an opportunity to celebrate what the Office has become: a trusted upholder of transparency and ethical standards in the EU administration. We also looked back at the profile of cases over the years and the positive changes that EU institutions and bodies have implemented as a result of our work. We saw immediate results in many cases, but also a more general positive influence over time. Our review also strengthened our awareness of, and our gratitude for, the other rivers of influence that flow alongside our work, including an engaged and supportive European Parliament, a vibrant civil society, strong media, and EU institutions that believe in the value of an ombudsman's work.

In 2021, I look forward to implementing our new strategy 'Towards 2024', which sets out how I plan to achieve further positive impact with the EU administration, maintain the real-life relevance of our work and, by raising public awareness of our activities, enable citizens to further exercise the rights granted to them under the Treaties and the Charter of Fundamental Rights.

Emily O'Reilly

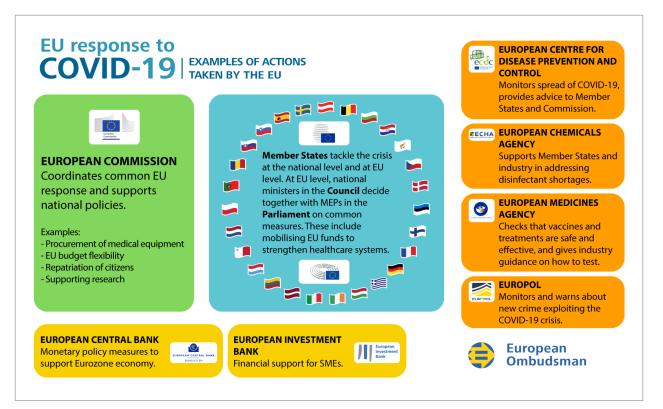
1 2020 at a glance



2 Key topics

The Ombudsman helps people, businesses and organisations as they engage with the EU institutions, bodies and agencies. Problems can range from lack of transparency in decision making, to refusal of access to documents, to violations of fundamental rights, and contractual issues. The profile of complaints changes according to the worries and concerns Europeans face in a given year. This year's annual report contains new sections on inquiries related to COVID-19 and transparency in environmental decision making. The various sections give an overview of the key cases related to a particular area.

2.1. COVID-19 related inquiries and initiatives



Infographic on the EU response to COVID-19 crisis: examples of actions taken by the EU.

In response to the unprecedented situation created by COVID-19, many of the EU institutions, agencies and bodies were required to adopt targeted measures and adapt their working processes to deal with the challenges of the emergency. These ranged from helping to coordinate the public health response in the EU and the approval of dedicated medicines to economic measures to address the social and economic impact of the crisis.

In April 2020, the Ombudsman began examining the work of the EU administration in the context of the COVID-19 crisis. She reminded the European Commission and European Council that their obligations concerning transparency were just as important during a crisis.

In July 2020, the Ombudsman sent three informationgathering requests – to the European Medicines Agency (EMA), the European Investment Bank (EIB) and the Commission – and opened two inquiries – concerning the European Centre for Disease Control (ECDC) and the Council of the EU – as part of the Office's role monitoring how the EU's frontline institutions were carrying out their work during the pandemic. The Ombudsman examined how the ECDC gathered and communicated data linked to the COVID-19 pandemic. In addition to inspecting documents related to the ECDC's role in managing information about the pandemic, the Ombudsman's inquiry team also conducted a meeting with ECDC representatives in October 2020. The Ombudsman then asked for more information on specific parts of the ECDC's work, including related to the transparency of its rapid risk assessment. The aim of the inquiry is to identify some of the issues that may have hampered the ECDC as it sought to tackle the pandemic.

In the inquiry concerning the Council, the Ombudsman assessed its decision to temporarily derogate from the standard way of taking decisions, and the implications this has had for the transparency of the process.

The Ombudsman asked the Commission about the transparency of the scientific advice it receives, its meetings with interest representatives, and its decisions related to emergency public procurement. The EIB provided the Ombudsman with information about how it ensures transparency and good administration while adopting measures to address the economic fallout of the crisis. In response to the Ombudsman's questions, EMA said it was committed to ensuring the independence of how it assesses medicines for COVID-19 and to publishing clinical data about those medicines.

The Ombudsman also opened several complaintbased inquiries related to COVID-19, including the Commission's decision not to grant paid extensions to projects affected by the COVID-19 pandemic. The complainants - researchers in the Marie Skłodowska-Curie Actions (MSCA) programme - argued that the measures taken by the Commission are insufficient, as they do not allow them to continue their research without additional funding. In a letter outlining her preliminary findings, the Ombudsman asked the Commission to consider providing the research community with a dedicated online platform through which they can raise problems they are facing due to COVID-19 restrictions. The Ombudsman also urged the Commission to continue its efforts to find solutions for all MSCA researchers whose work was affected by the COVID-19 crisis and to encourage the organisations that received grants to avail of these solutions. The inquiry continued into 2021.

European Ombudsman

We have asked @EU_Commission how it ensures #transparency in relation to:

- Lobbying during the **#COVID19** crisis
- Emergency public procurement
- Scientific advice concerning the pandemic

europa.eu/!Xk93Ry



We have asked the European Commission how it ensures transparency in relation to:

- Lobbying during the COVID-19 crisis
- Emergency public procurement
- Scientific advice concerning the pandemic

2.2. Ethical issues

Following complaints by Members of the European Parliament and a civil society organisation, the Ombudsman opened an inquiry into the Commission's decision to award BlackRock Investment Management a contract to carry out a study on integrating environmental, social and governance (ESG) objectives into EU banking rules. The Ombudsman's inquiry assessed how the Commission evaluated the company's offer in the context of the call for tenders for carrying out the study.

The Ombudsman found that the company's bid gave rise to concerns, since, as the world's largest asset manager, it has a financial interest in the sector at issue in the study. Furthermore, the low price of the company's bid could be perceived as part of a strategy to gain insights into, and influence over, the regulatory environment in this sector. As such, the Ombudsman found that the Commission should have been more rigorous in verifying that the company was not subject to a conflict of interest that may negatively affect its ability to execute the contract. However, given the limitations of EU rules on public procurement, the Ombudsman found that this did not amount to maladministration.

The Ombudsman suggested that the Commission update its guidelines on public procurement procedures for policy-related service contracts, giving clarity to staff as to when to exclude bidders due to conflicts of interest that may negatively affect the performance of the contract. The Ombudsman also suggested that the Commission consider strengthening the conflict of interest provisions in the Financial Regulation – the EU law governing how public procurement procedures financed by the EU budget are conducted. The Ombudsman wrote to the EU legislators to draw attention to her decision, particularly with regard to the Financial Regulation.



Decision to award a contract to @BlackRock to study integrating sustainable finance #ESG objectives into @EU_Finance rules – @EU_Commission should have been more rigorous in verifying whether there was a #conflictofinterest

PRESS RELEASE: europa.eu/!Xk47Tx



The European Commission should have been more rigorous in verifying if there was a conflict of interests when they took the decision to award a contract to BlackRock to study integrating sustainable finance Environmental, Social and Governance objectives into EU financial rules.

Emily O'Reilly: "Questions should have been asked about motivation, pricing, strategy and whether internal measure taken by the company in order to prevent conflict of interest were really adequate."

2.3. Fundamental rights

In November 2020, the Ombudsman opened an inquiry into how the European Border and Coast Guard Agency (Frontex) deals with alleged breaches of fundamental rights. The aim of the inquiry is to assess the effectiveness and transparency of Frontex's 'complaints mechanism' for those who feel their rights have been violated in the context of Frontex border operations, as well as the role and independence of Frontex's 'Fundamental Rights Officer'.



European Ombudsman

We have opened an inquiry into @Frontex. We will assess:

- effectiveness & transparency of their 'Complaints Mechanism'

- role and independence of their 'Fundamental Rights Officer'

europa.eu/!Jx49Qv



We have opened an inquiry concerning the functioning of Frontex.

- We will assess:
- \bullet the effectiveness and transparency of their 'complaint mechanism',

• the role and the independence of their 'Fundamental Rights Officer'.

In opening the inquiry, the Ombudsman sent a set of detailed questions to Frontex regarding how and when Frontex will be updating the mechanism to reflect its expanded mandate; what happens to complainants who are faced with forced return while their complaint is still being processed; what appeal possibilities are open to complainants; how Frontex monitors complaints against national authorities; how those who have been affected by Frontex operations but are in non-EU countries can complain about alleged breaches of fundamental rights; and the role of the Fundamental Rights Officer in this process. The Ombudsman also informed members of the European Network of Ombudsmen (ENO), with a view to their possible participation in the inquiry.

This own-initiative inquiry is a follow-up to the Ombudsman's recommendation in 2013 that Frontex set up an individual complaints mechanism, and that its Fundamental Rights Officer be in charge of the mechanism. Since then, such a mechanism was put in place and further developed, with a view to providing safeguards for fundamental rights in the context of Frontex's expanding mandate, as well as ensuring increased accountability and redress for those impacted by its actions.

Another key inquiry linked to fundamental rights focuses on how the Commission seeks to ensure that the Croatian authorities respect fundamental rights in the context of border management operations. The complainant, Amnesty International, raised concerns about border management by the Croatian authorities, drawing attention to alleged human rights violations linked to 'pushbacks' of migrants and other border operations. The complainant raised doubts as to whether Croatia has set up a 'monitoring mechanism' – which it was obliged to do in the context of the EU funding it received – to ensure that border management operations are fully compliant with fundamental rights and EU law.

The Ombudsman set out a series of questions to the Commission, seeking to establish the nature of the monitoring mechanism and how the Commission has verified it has been set up. If it has been created, the questions seek to establish how the Commission has verified its effectiveness and, more generally, how the Commission ensures that border management operations that receive EU funds ensure respect for fundamental rights.

2.4. Transparency in environmental decision making

In 2020, there were several inquiries concerning how decisions related to the environment and sustainability issues are taken. A group of civil society organisations turned to the Ombudsman after the Commission failed to finalise an updated 'sustainability impact assessment' (SIA) before the conclusion of the Mercosur-EU trade agreement in June 2019. The complainants argued that, by not taking this step, the Commission disregarded its own guidelines on SIAs and breached the EU Treaties, which contain sustainability goals for EU trade. The complainants also raised concerns about the fact that the interim impact assessment was not published when public consultations on the trade negotiations were ongoing and that, when it was published, it did not contain the latest information.

The Ombudsman put a series of questions to the Commission, including on how it intends to use the final report and whether the standard procedure for SIAs was followed.

The Ombudsman also looked into how the Commission ensures that the sustainability of gas projects is assessed before their inclusion on the EU's list of 'Projects of Common Interest' (PCIs) - cross-border energy infrastructure projects meant to help achieve EU energy and climate policy objectives. The Commission acknowledged that the sustainability assessment of candidate gas projects had been suboptimal, due to a lack of data and inadequate methodologies, and said it would update the criterion used for assessing the sustainability of projects that are candidates for inclusion on the next PCI list, which it will draw up in 2021. While the Ombudsman regretted that gas projects were included on previous PCI lists without having their sustainability properly assessed, she welcomed the Commission's pledge to ensure that this update is in place before the decision is taken on the next PCI list.

In July, the Ombudsman opened three inquiries – based on complaints from one environmental group – related to the disclosure of environmental information by the European Investment Bank (EIB). One inquiry concerns the EIB's refusal to grant public access to the minutes of meetings in which its management committee discussed the financing of a biomass project. The other two inquiries concern whether the EIB gives sufficient and timely environmental information about projects it finances either directly or indirectly.

In November, the Ombudsman closed an inquiry concerning how the Commission approves 'active substances' used in pesticides. In particular, the Ombudsman looked into the Commission's practice of approving active substances for which the European Food Safety Authority (EFSA) – the EU agency in charge of the scientific safety assessment – had identified



We made three suggestions to @EU_Commission to improve approval process of 'active substances' in pesticides:

- Approve only for uses deemed safe by @EFSA_EU
- Explain decisions in clear language

- Further limit use of the 'confirmatory data procedure'

https://europa.eu/!pg87PB



We made three suggestions to the European Commission in order to improve the approval process of 'active substances' used in pesticides:

- Approve only substances for uses deemed safe by the EFSA
- Explain decisions in clear language
- Further limit use of the 'confirmatory data procedure'

critical areas of concern or had identified no safe use. The Ombudsman also revisited the Commission's practice of approving substances for which additional data confirming their safety is needed (the 'confirmatory data procedure'). In the context of her inquiry, the Ombudsman set out in detail to the Commission why she considers that its current practices raise concerns. She closed the inquiry with three suggestions to the Commission: that it approve substances based only on uses that have been confirmed to be safe by EFSA; that the approval process is fully transparent; and that its use of the confirmatory data procedure is further restricted.

In April, the Ombudsman confirmed her finding of maladministration against the Council for not agreeing to proposals to improve the transparency of the decision-making process around the adoption of annual regulations setting fishing quotas. However, the Ombudsman welcomed the separate move by the Commission to make public documents related to proposals on fishing opportunities when they are transmitted to the Council.

2.5. Accountability in decision making

The Ombudsman has opened several inquiries aimed at improving the transparency of decision making, particularly by Member States in the Council. Her major inquiry in this area led to recommendations on improving legislative transparency in the Council, which were overwhelmingly supported by the European Parliament and many national parliaments. This led to some small but concrete improvements in 2020: the Council agreed to start proactively publishing progress reports on negotiations on draft laws, the Council mandate for negotiations with the European Parliament, and the calendar for trilogue meetings. These changes mark progress in one of the Ombudsman's key objectives - ensuring that citizens know what decisions governments are taking on their behalf in Brussels. The Ombudsman continues to encourage the Council to pursue its efforts to improve legislative transparency, notably by recording the identity of Member States when they express positions on draft laws.

highlight best practices when it comes to notifications by Member States, and will take stronger action if a Member State is suspected of abusing the right to make confidential notifications.

The Ombudsman in March concluded an inquiry into how the Commission ensures that scientific experts who advise it have no conflicts of interest. The inquiry was based on a complaint from a civil society organisation, which had raised concerns about the independence of experts who had contributed to a report on pesticides.

The inquiry focused more generally on the systems by which the Commission verifies the independence of experts that contribute under its 'Scientific Advice Mechanism'. The Ombudsman found these systems to be adequate but asked the Commission to ensure that, in future, all financial interests are included in experts' declarations of interests and that all such declarations are published.



This week we have launched the **#Eurogroup** document register, making it easier to access available documents. This step completes the list of measures to increase **#transparency** that were agreed in last

September's EG, and were welcomed by @EUombudsman

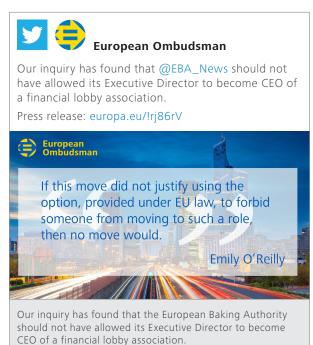
This week we have launched the Eurogroup document register, making it easier to access available documents. This step completes the list of measures to increase transparency that were agreed in last September's Eurogroup, and were welcomed by the European Ombudsman.

In another inquiry with important implications for accountable decision making, the Commission agreed to implement measures to strengthen the transparency and usefulness of its database detailing planned national technical regulations by Member States. Under the EU Single Market Transparency Directive, the Commission and Member States may examine national technical regulations that other Member States intend to introduce. The Commission runs a database giving the public access to information on the draft measures. However, Member States can request that their proposed measures remain confidential. The Commission said it plans to give a detailed explanation on its website about how it will treat comments by interested parties. The Commission also intends to

2.6. Lobbying transparency

The challenge of so-called 'revolving doors' – where EU officials take positions in the private sector, or where individuals join the EU institutions from the private sector – is an area of particular focus for the Ombudsman. Revolving door moves can in some cases be damaging for the institutions themselves and damaging to the public perception of the EU.

In January, the Ombudsman opened an inquiry into the decision by the European Banking Authority (EBA) to allow its then executive director to take up a position as CEO of the Association for Financial Markets in Europe (AFME), an association representing banks and other financial institutions.



Emily O'Reilly: "If this move did not justify using the option, provided under EU law, to forbid someone from moving to such a role, then no move would."

The Ombudsman found that the EBA should have forbidden the job move, and that the measures it put in place to prevent conflicts of interest were not sufficient to address the risks involved. She also found that, once the EBA had been notified of the planned move, it should have immediately withdrawn the executive director's access to confidential information.

The Ombudsman recommended that the EBA should, in future: forbid senior staff members from taking up certain positions after their term of office; set out criteria for when it will forbid such moves; and put in place internal procedures so that, once it is known that a staff member is moving to another job, their access to confidential information is immediately withdrawn.

In response to the Ombudsman's recommendations, the EBA said it intends to forbid senior staff from taking up certain positions when they leave. It also adopted a procedure for assessing post-employment obligations on staff, and a policy whereby it will suspend access to confidential information for staff known to be moving to the private sector. The Ombudsman welcomed the steps taken by the EBA and closed the case.

It is also important for institutions to monitor revolving door moves at staff level in the EU institutions, with desk officers having access to policy information that can be useful for the private sector. In one inquiry, a journalist turned to the Ombudsman because he sought public access to documents related to a corporate event attended by Commission staff members. He said he needed the documents to investigate whether a former Commission head of unit, who had taken up a position in a multinational company, acted in accordance with his legal obligations not to lobby former colleagues. While the Commission granted access to parts of the documents sought by the complainant, it refused to disclose the name of the former head of unit. The Ombudsman found that the former Commission head of unit must accept a certain degree of public scrutiny of his professional activities after his move to the private sector, and that the Commission's refusal to disclose the name of its former staff member therefore constituted maladministration.

Some inquiries concern the extent to which industry representatives or other interest groups have access to decision makers in the Commission, and how this access is documented. One such inquiry involved a journalist looking for documents related to a presentation by a biopharmaceutical company during a meeting with the Commission President in March 2020. The Ombudsman's inquiry is examining whether the Commission failed to provide sufficiently broad access to a presentation given at the meeting, failed to identify all documents related to this video conference, and failed to identify any documents related to other video conferences held in April 2020.

The Ombudsman's inquiry into corporate sponsorship of presidencies of the Council of the EU came to a successful close in June 2020 after the Council agreed to draw up guidance for Member States. The complainant, a German civil society organisation, had turned to the Ombudsman following sponsorship of the Romanian EU presidency (in the first half of 2019) by a major soft drinks company. The Ombudsman looked into the issue of sponsorship of presidencies more generally. In her recommendation, she noted that, as the presidency is part of the Council, its activities are likely to be perceived by the wider European public as being linked to the Council and the EU as a whole. The Ombudsman therefore found that the sponsorship of presidencies entails reputational risks which the Council should address. In addition to the Council's positive response, a number of Member States (including the German presidency in the second half of 2020 and future presidencies) indicated that they would no longer accept sponsorship in the context of their presidencies.

2.7. Access to documents



Flowchart outlining the steps to follow in order to request public access to EU documents.

EU citizens have broad rights to access documents held by the EU institutions. The Ombudsman is a redress mechanism for those who face difficulties gaining access to these documents.

Various Ombudsman inquiries in 2020 resulted in access being granted to documents that are of wider public interest. The Ombudsman closed an inquiry in November, after the Commission agreed to release information about miscellaneous costs – amounting to EUR 8320 – incurred during an official visit by the then President of the European Commission to Buenos Aires to attend a G20 summit. The Commission also agreed to proactively disclose information on the nature of such miscellaneous costs in future.

The European Economic and Social Committee (EESC) agreed to release information – such as flight details, ticket costs and seating class – related to a business trip by an EESC delegation to Shanghai, China, in July

💟 😑 European Ombudsman

In response to our proposals to improve transparency, notably regarding public access to documents, @Europol has set out a number of steps it intends to take or has taken: europa.eu/!uB68KW



In response to our proposals to improve transparency, notably regarding public access to documents, Europol has set out a number of steps it intends to take or has already taken.

2019. Closing the inquiry, the Ombudsman encouraged the EESC to establish a policy of proactive transparency about members' travel expenses.

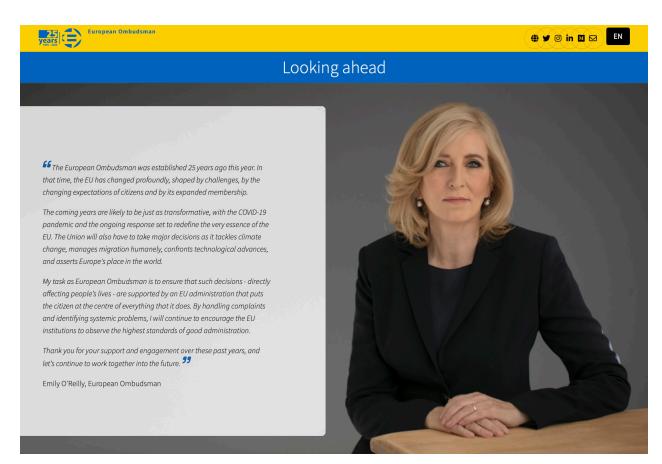
Another inquiry concerned a request by a journalist for access to the reviews of the ethical, legal and social aspects of bids that the European Defence Agency had received for carrying out defence research projects. The Ombudsman found that the EDA should not have taken such a restrictive approach to the reviews of those bids that had been awarded EU funding. The EDA agreed that successful proposals should not benefit from the same level of protection as unsuccessful proposals and gave the complainant almost unrestricted access to the documents in question.

The Ombudsman examined Europol's (the EU Agency for Law Enforcement Cooperation) refusal to provide access to various agreements it entered into with Member States to create 'Joint Investigation Teams' for combatting cross-border crime, and to documents regulating the Joint Liaison Task Force on Migrant Smuggling. The Ombudsman found that Europol was justified in refusing full access to most of the documents but should grant partial access to a document entitled 'The Joint Liaison Task Force – Migrant Smuggling, draft Process Description', which described the activity of the taskforce. Europol then granted partial access to the document, with redactions that the Ombudsman found justified. An inquiry concerning the European Council raised important questions about record keeping related to text and instant messaging. The complaint concerned a request for public access to mobile phone based messages sent by the President of the European Council to heads of state and government in 2018. The General Secretariat of the Council said that it did not hold any messages that would constitute a 'document', under the EU's rules on public access to documents. The complainants questioned this argument. The Ombudsman found no maladministration but noted that the EU institutions should reflect on how to ensure adequate record keeping when instant messages and texts are also used for communicating substantive information.

In October, the Ombudsman opened an inquiry into how Frontex deals with requests for public access to documents after receiving two complaints concerning difficulties with Frontex's dedicated online portal for dealing with such requests. Ombudsman case handlers met with representatives from Frontex to discuss how the portal was set up, how it is operated and why the public cannot submit access to document requests by other means, such as email.

The Ombudsman carried out a review of the 'fasttrack procedure' for dealing with complaints about public access to documents held by the EU institutions. This review demonstrated that these complaints are now being dealt much faster: four times faster in 2019 than in 2014. This is important given their often highly time-sensitive nature. However, the review also identified issues with the indicative timeline, as well as compliance by institutions with the Ombudsman's recommendations. This will help us to optimise the procedure and improve how it is framed to potential complainants. 3

25 years of the European Ombudsman



Last page of the special scrollable web story produced for the 25th anniversary of the European Ombudsman's Office.

The European Ombudsman celebrated its 25th anniversary in 2020. Since being set up in 1995, the Office has handled over 57 000 complaints, conducted more than 7 300 inquiries and raised ethical and accountability standards across a range of areas and EU institutions.

Over the years, various innovations have helped ensure the Ombudsman continues to have an impact and remain relevant for citizens. These include creating the European Network of Ombudsmen, devoting designated case handlers to carry out strategic investigations and introducing a Fast-Track procedure for access to document complaints.

The main areas of the Ombudsman's work concern access to information and documents, accountability and public participation in EU decision making, problems with EU tenders and grants, and respect for fundamental and procedural rights.



Emily O'Reilly presided the digital conference on the 25th anniversary of the European Ombudsman from the European Parliament in Strasbourg, while some of the speakers were at the European Parliament in Brussels.

European Commission

For 25 years, the @EUombudsman has been working to ensure that citizens' rights are respected – as enshrined in the #EUCharter of Fundamental Rights. This is essential for maintaining public trust in the EU. We are committed to working together ever more closely. #EO25Years



For 25 years, the European Ombudsman has been working to ensure the respect of citizens' rights – as enshrined in the EU Charter of Fundamental Rights.

This is essential for maintaining public trust in the EU.

We are committed to working together ever more closely.

Dealing with individual complaints is the core of the Office's work. However, in recent years, the Ombudsman has increasingly used own-initiative powers to help to tackle systemic problems in the EU administration.

As a result of Ombudsman inquiries, EU trade negotiations have become more transparent, the results of clinical trials of medicines evaluated in the EU are made public, complaints mechanisms have been set up for asylum seekers who feel their fundamental rights have been breached, and ethics rules for European Commissioners have been strengthened.

The Ombudsman has also focused on broad areas related to good administration, such as improving the transparency of law making and making sure that rules on revolving doors are properly implemented.

The Office has influenced the behaviour of the EU administration by publishing guidelines on various issues, such as on: good administrative behaviour;



The European Ombudsman with Jeanne Barseghian (left), Mayor of Strasbourg, and Julia Dumay (right), Deputy Mayor for European Relations and EU institutions, during the opening ceremony of the 25 years exhibition, outside the town hall in Strasbourg.

the use of the EU's 24 official languages by the EU institutions; and how EU civil servants should interact with interest representatives. An Award for Good Administration – launched in 2016 – shines a spotlight on projects and actions by the EU administration that deliver real benefits for the public, and encourages the sharing of good ideas across the EU civil service.

The Office marked the 25th anniversary on social media, through a dedicated webpage and with a leaflet outlining the main achievements since it was set up. A mobile exhibition featuring highlights of the Ombudsman's work since 1995 was displayed outside the town hall in Strasbourg from October to November with the opening ceremony attended by Strasbourg Mayor Jeanne Barseghian. The exhibition then travelled virtually and physically to other public spots in the city. A special conference – 25 Years of the European Ombudsman – brought together high-level speakers to discuss the future of the Office. Among the broad range of issues discussed were the merits of giving the Ombudsman binding powers in relation to access to document requests, and the role of the Ombudsman in supporting national ombudsmen who are under pressure in their efforts to uphold the rule of law.



In 2020, the Office drew up a new strategy 'Towards 2024', which sets out objectives and priorities for the current term. It builds upon the successful 'Towards 2019' strategy of the previous term, which aimed to increase the impact, visibility and relevance of the Office.

The strategy outlines the Ombudsman's mission to help support European citizenship by working with the EU institutions to create a more transparent, ethical and effective administration. It notes the changing context in which the Office operates and how it has shaped the public's understanding of what constitutes good administration.

It draws attention to the major policy issues facing the EU – such as climate change, the migration crisis, and rule of law problems within the EU – noting the importance of maintaining high ethical standards within the EU institutions so the public trusts the decisions and laws that are taken in the coming years.

The strategy aims to achieve four objectives:

• To make a **lasting positive impact** on the EU administration – priorities include developing a more systematic and substantive follow-up of the Ombudsman's work, and strengthening cooperation and dialogue with the EU institutions.

• To continue the **real-life relevance** of the Ombudsman's work – priorities include identifying the systemic trends in public administration, at EU and national levels, and assessing their implications for European democracy.

• Increasing **citizens' awareness** of the Ombudsman's work – priorities include developing a participatory approach with stakeholders and multipliers, such as civil society organisations, media, businesses, and other organisations.

• To further **increase the efficiency** of the Office's work – priorities include structuring the office, work processes and outreach in a flexible and adaptive way.

Concrete actions to achieve the objectives will be planned and evaluated on an annual basis.



We just published our strategy 'Towards 2024'! Our core objectives:

- achieve lasting impact on the EU administration
- ensure real-life relevance to citizens
- increase citizens' awareness of our work
- keep improving our efficiency

europa.eu/!Hc33bu



We just published our strategy 'Towards 2024'!

Our core objectives:

- · achieve lasting impact on the EU administration,
- ensure real-life relevance for the citizens of the European
- Union,
- · increase citizens' awareness of our work,
- keep improving our efficiency.

5

Complaints and inquiries: how we help the public

The European Ombudsman helps people, businesses and organisations facing problems with the EU's administration by dealing with the complaints they submit, but also by proactively looking into broader systemic issues with the EU institutions.

With a view to streamlining how the Office deals with complaints and carries out inquiries, the Ombudsman's case-handling operations were streamlined in 2020, notably through the creation of a single Inquiries Directorate. This directorate brings together all staff dealing with complaints within the Ombudsman's mandate, which has helped further improve the consistency and efficiency of Ombudsman inquiries.

Despite the backdrop of the pandemic, there was no fall off in the core work of the European Ombudsman. The Ombudsman's online complaints system meant that complainants saw no disruption in the Office's ability to help them. With a view to making it easier for the public to follow Ombudsman inquiries, and provide even greater transparency, the information about inquiries on the Ombudsman's website was improved and restructured in 2020. The changes include a central 'case page' for each inquiry, from which all relevant documents can also be accessed. Many of these case pages also now include a short descriptive overview of the inquiry and the latest developments.

The Office's diverse team of case handlers, and the website, reflect the Ombudsman's commitment to communicate with those seeking assistance in all 24 official languages of the EU. The website was also further improved in 2020, with a view to meeting high accessibility standards for persons with disabilities.

While the Ombudsman is not always in a position to inquire into all complaints received, the Office nonetheless tries to help all those who seek assistance, for example by providing advice on other possibilities for redress.

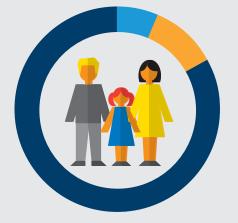
5.1. Type and source of complaints

5.1.1. Overview of complaints and strategic inquiries

The Ombudsman may open an inquiry only into complaints that are within her mandate and have fulfilled the necessary 'admissibility criteria', such as having previously tried to resolve the matter directly with the institution involved. However, the Ombudsman's Office endeavours to assist all those that submit complaints. The new office structure has led to further improvements in how the Ombudsman deals with complaints, with a further reduction in the amount of time taken to complete inquiries.

The themes of the Office's work derive from the Ombudsman's mandate and the complaints received, given these account for most cases. As with previous years, transparency remains the leading topic of complaints, and this is also reflected in the Office's strategic work. Advice, complaints and inquiries in 2020

20302 People helped



16892

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

2 148 New complaints handled

1262 Requests for information replied to by the Ombudsman's services

370 Inquiries opened



365

Inquiries opened on the basis of complaints

5 Own-initiative inquiries opened

394 Inquiries closed



392 Complaint-based inquiries closed

2 Own-initiative inquiries closed In addition to the Ombudsman's core work on complaints, the Ombudsman also conducts wider strategic inquiries and initiatives into systemic issues with EU institutions. In 2020, this included a series of inquiries and initiatives into the response by different EU institutions and agencies in the context of the COVID-19 crisis.

Topics of strategic work in 2020

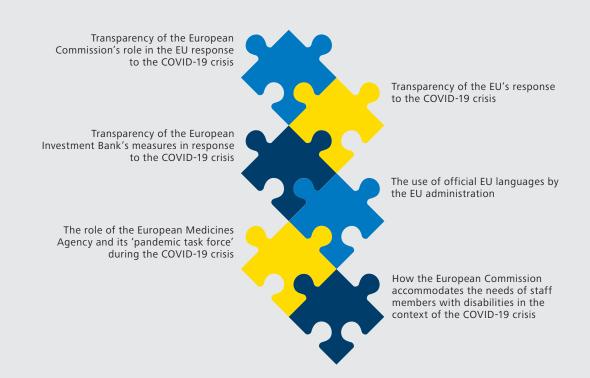
Strategic inquiries

How the European Border and Coast Guard Agency (Frontex) deals with complaints about alleged fundamental rights breaches through its 'Complaints Mechanism'



How the European Centre for Disease Prevention and Control gathered and assessed information during the COVID-19 crisis

Strategic initiatives (requests for clarification, not formal inquiries)



National origin of complaints registered and inquiries opened by the European Ombudsman in 2020



5.1.2. Complaints outside the Ombudsman's mandate

In 2020, the European Ombudsman processed over 1 400 complaints that did not fall within her mandate, mostly because they did not concern the work of the EU administration. The greatest numbers of such complaints came from Spain, Poland and Germany.

Out of mandate complaints primarily related to problems citizens encountered with national, regional or local public bodies, national or international courts (such as the European Court of Human Rights) and private entities (including airline companies, banks or online businesses and platforms). In the main, citizens complained about issues concerning court cases, healthcare, consumer protection, employment and equal treatment.

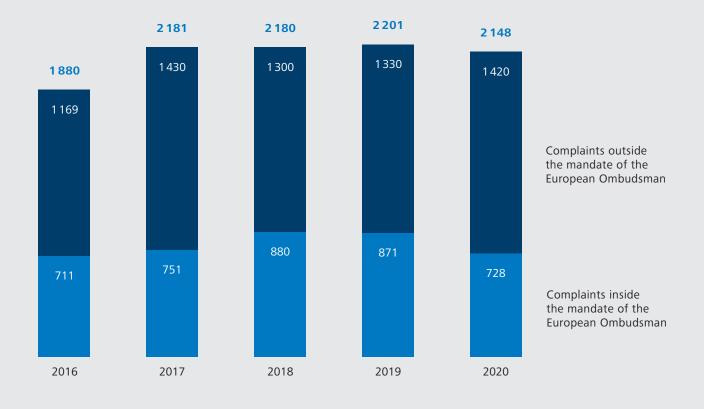
The Ombudsman also received a variety of out of mandate complaints related to the COVID-19 crisis, such as on issues like healthcare, travel, employment and education, linked to measures national authorities put in place in response to the pandemic.

Other out of mandate complaints concerned EU institutions but related to political or legislative work.

The Ombudsman replied to all those seeking help in the language of their complaint. These replies explained the Ombudsman's mandate and, as far as possible, advised complainants to turn to other bodies that could help. These were chiefly, national and regional ombudsman institutions, the Commission, the Parliament, and other organisations and national institutions. With the complainant's agreement, the Ombudsman also transferred complaints to members of the European Network of Ombudsmen (ENO).

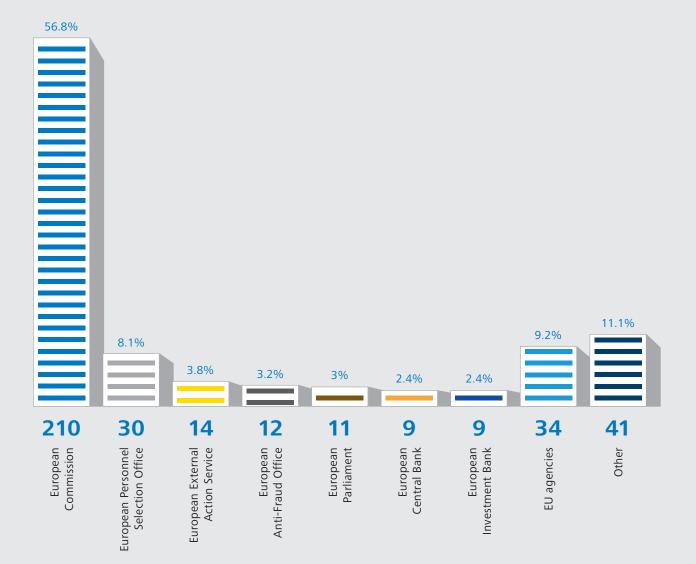
Where complainants were unhappy with specific EU legislation, the Ombudsman generally advised them to turn to the European Parliament's Committee on Petitions. She referred those who raised issues relating to the implementation of EU law to national or regional ombudsmen or to EU networks such as SOLVIT. Alternatively, the Ombudsman informed complainants about the possibility to submit an infringement complaint to the Commission.

Number of complaints 2016-2020



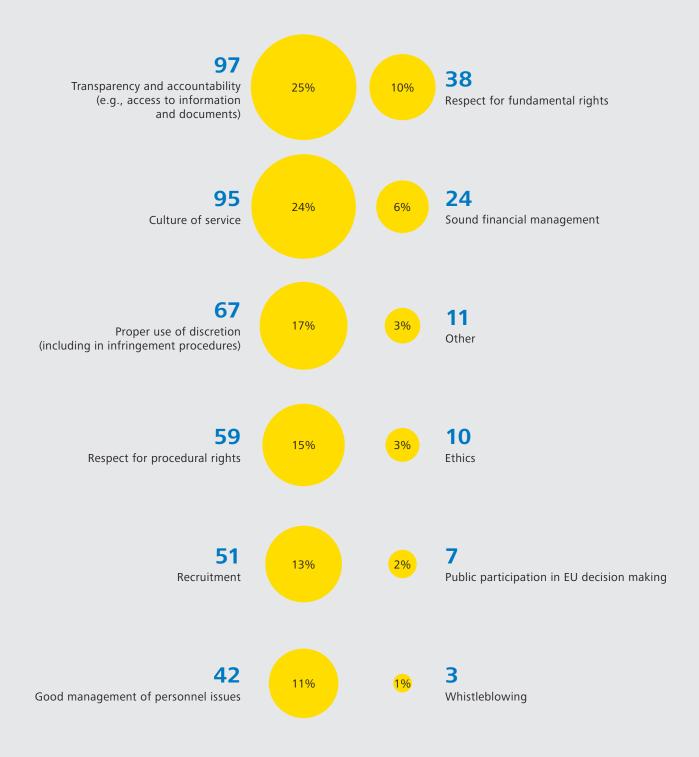
5.2. Against whom?

Inquiries conducted by the European Ombudsman in 2020 concerned the following institutions



5.3. About what?

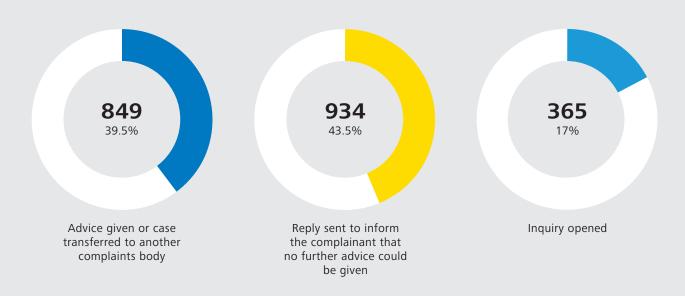
Subject matter of inquiries closed by the European Ombudsman in 2020



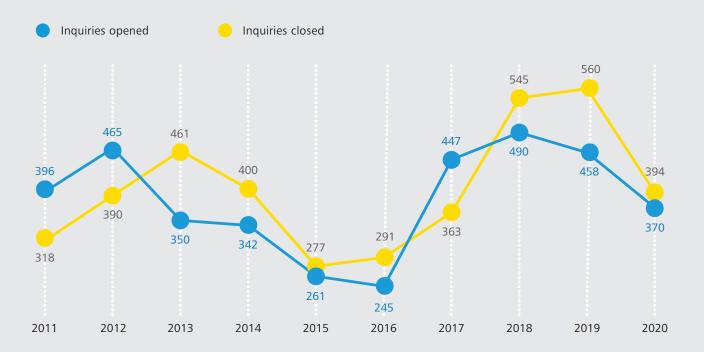
Note: In some cases, the Ombudsman closed inquiries with two or more subject matters. The above percentages therefore total more than 100%.

5.4. Results achieved

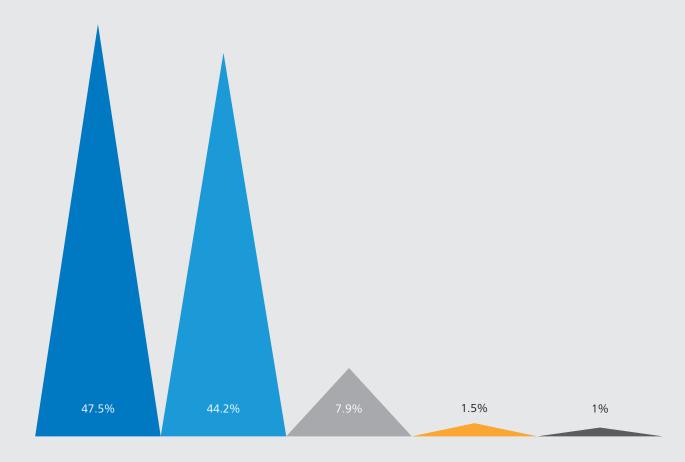
Action taken by the European Ombudsman on new complaints dealt with in 2020



Evolution in the number of inquiries by the European Ombudsman



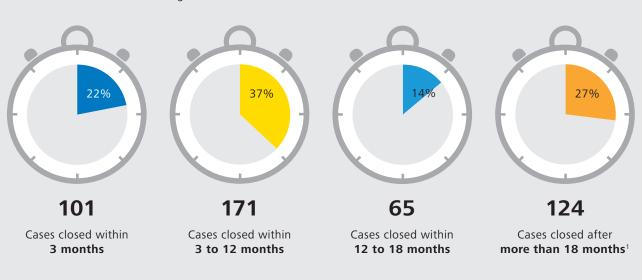
Results of inquiries closed by the European Ombudsman in 2020



- **187** No maladministration found
- 174 Settled by the institution, solutions achieved, solutions partly achieved
 - **31** No further inquiries justified
 - 6 Maladministration found, recommendation agreed or partly agreed
 - **4** Other

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

Length of inquiry of cases closed by the European Ombudsman



in 2013 (13 months on average)

in 2020 (less than 5 months on average)



1. Some complex cases require several rounds of consultations with the complainant and the institution concerned.

5.5. Impact and achievements

One of the overarching goals of the European Ombudsman is to achieve, through her inquiries and other work, tangible improvements for complainants and the public vis-a-vis the EU administration. This can be partially measured in statistics, in terms of how the institutions responded to the Ombudsman's proposals. However, a purely statistical approach fails to capture the broader impact of Ombudsman inquiries. The Ombudsman's annual *Putting it Right?* report, which looks back on the impact over the previous year, tried to capture this broader impact for the first time in this year's report (2019).

5.5.1. Broader impact

This impact includes inquiries in which the positive outcome was evident only after the inquiry was closed. Some of the Ombudsman's proposals are far-reaching, involve significant efforts and may imply reforming procedures and practices that have been in place for decades. In other instances, ongoing external momentum after an inquiry has closed may lead, at a later stage, to changes even though the institution may have responded negatively to a proposal while the inquiry was ongoing.

A specific example of this was the Ombudsman's inquiry into the process for appointing the Secretary-General of the European Commission, the EU's highest civil servant. The Ombudsman had asked the Commission to put in place a specific procedure for appointing its Secretary-General. In its reply to the Ombudsman, the Commission rejected her recommendation, and initially refused to make any changes. However, the Commission subsequently did as the Ombudsman recommended, towards the end of 2019, by initiating a specific appointment procedure for the post of Secretary-General, including a vacancy notice and a well-defined timeline. The new Secretary-General was selected in January 2020, following a transparent and fair procedure.

Another example concerns the issue of 'revolving doors' in the Commission. In 2018, the Ombudsman closed an inquiry into how the Commission handled the post-mandate employment of a former Commission President, and the role of its 'Ethics Committee' in this matter. The Commission rejected two recommendations and four out of five suggestions made by the Ombudsman. However, in 2019, in the context of a subsequent inquiry into how the Commission manages 'revolving doors', the Ombudsman made 25 proposals to ensure a more systematic and effective approach to dealing with former staff members moving to the private sector or people moving from the private sector to the Commission. In response, the Commission pledged to put in place almost all of the Ombudsman's proposals regarding how it implements its rules on revolving doors. These included asking the person moving to the private sector to provide more information about the organisation they are going to, and more detail about the nature of their new job.

5.5.2. Acceptance rate

The Ombudsman's annual *Putting it Right*? report also recorded the statistical 'acceptance rate' for 2019, which showed that the EU institutions responded positively to the Ombudsman's proposals (solutions, recommendations and suggestions) in 79% of instances. This represents an improvement on the previous year, and is a positive reflection on the EU institutions, which sought to put right what they did wrong and, more generally, improve their administrative practices.

Overall, the EU institutions reacted positively to 93 out of the 118 proposals the Ombudsman made to correct or improve their administrative practices. Out of 17 institutions to which the Ombudsman made proposals, 10 complied fully with all solutions, suggestions and recommendations. Communication and cooperation

6

6.1. Communication



The European Ombudsman launched a campaign during the summer with 10 recommendations on the use of the 24 official EU languages.

The Ombudsman's digital communications continued to evolve and improve in 2020, with the website being transformed into a more dynamic content hub for the Ombudsman's work. The website now has a news section, which includes easy-to-read news articles that delve into developments in prominent inquiries or explore other aspects of the Ombudsman's work. With a view to making it easier to follow Ombudsman inquiries, each inquiry now has a central 'case page', many of which also include a short teaser text explaining the inquiry and the latest developments. A new dedicated section on public access to documents was also launched.

In addition to regular content on the website, the Ombudsman's Office also started using other interactive online publication formats to make our work more interesting and accessible for a wider audience. A dynamic, scrollable web story about the European Ombudsman was developed to mark the Ombudsman's 25th anniversary. This is a format the Ombudsman's Office hopes to build on in the future.

The Ombudsman continued to expand the use of social media to provide information in a clear and engaging manner on what the Office does and who it helps, as well as providing updates and views on the latest developments in inquiries. On Twitter, in particular, the Ombudsman started to make use of more innovative ways to explain the Office's work, including through the use of threads. The Ombudsman's presence on our main platforms – Twitter, LinkedIn and Instagram – increased. Among the highlights of the year were the activities around the Ombudsman's 25th anniversary, which could be followed through the hashtag #EO25years.

In the context of the Ombudsman's work on the EU response to the COVID-19 crisis, the Office also provided an at-a-glance infographic and related news article, giving an overview of the roles and responsibilities of different EU institutions and agencies. The Office also carried out a campaign to promote Ombudsman's guidelines to the EU administration on the use of official EU languages when communicating with the public.

In 2020, the fastest-growing channel was Instagram. The audience grew by 71% during the year (1 068 new followers). On LinkedIn, the number of followers increased by 34% (+ 1 237), while on Twitter, where the Ombudsman has the largest audience, the number of followers reached 29 200 in December 2020, which represents an 11% increase (+ 2 870). The main communications event of the year was the annual conference, which was an occasion to mark the 25th anniversary of the European Ombudsman. With over 240 participants, the Ombudsman had to innovate to offer a quality online event. The conference made use of the Interactio platform and interpretation facilities provided by the European Parliament, to ensure real time interpretation. The Ombudsman also used Slido, an online platform for virtual events, enabling participants to ask questions and take part in polls in real time. This helped to make the conference truly interactive in spite of the challenges posed by its virtual nature.

| About Y What we do Y How to make a complain | | Le Your complaint login • I Contact EN English Search Q |
|--|---------------------------------|--|
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| NEWSROOM | News | |
| Press releases | FILTER BY | Showing 1 - 10 of 22 results |
| News | ₩ ² 2020 (22) | Ombudsman unveils new strategy 'Towards 2024' |
| Speeches | | News - Monday 07 December 2020 |
| Schedule and events 🗸 | | In 2020, the Office drew up a new strategy - 'Towards 2024'- to guide the current mandate of the European Ombudsman. It builds upon the successful 'Towards 2019' strategy which aimed |
| Multimedia 🗸 | | to increase the impact, visibility and relevance of the office. |
| Publications V | | the EU institutions to create a more transparent, ethical and effective administration. |

The news section provides a quick access to the different highlights of the work of the institution.

6.2. Relations with EU institutions

6.2.1. European Parliament

Following her re-election at the end of 2019, European Ombudsman Emily O'Reilly continued consolidating the strong ties between her Office and the European Parliament, a fundamental partner for the Ombudsman. In 2020, the Ombudsman addressed a plenary session of the European Parliament and, despite the difficulties posed by COVID-19, continued to hold regular video meetings with Members of the European Parliament from all sides of the political spectrum. The Ombudsman was also invited to speak at several meetings of different Parliament committees, as well as workshops relevant to the Office's work. Due to the pandemic, the handover of the Ombudsman's Annual Report to the European Parliament President took place through email on 5 May 2020.

6.2.2. Committee on Petitions

The Ombudsman and the European Parliament's Committee on Petitions cooperate to address European citizens' concerns regarding the accountability of the EU institutions. In 2020, the relationship between the Committee on Petitions and the Ombudsman was further strengthened. The Ombudsman took part in various committee meetings and there was continuous communication between the Ombudsman's Office and the Committee. Various resolutions of the Committee referred to the Ombudsman's work, particularly on the rights of persons with disabilities in the COVID-19 crisis. In the context of the 25th anniversary of the European Ombudsman's Office, Emily O'Reilly was delighted to receive messages of congratulations and best wishes for her work from several MEPs, and particularly from the Chair of the Petitions Committee, who also participated in the conference organised to mark the occasion.



Dolors Montserrat, Chair of the Petitions Committee, high-level speaker at the 25th anniversary digital conference.

6.2.3. European Commission

The European Commission is the EU's executive and has the largest administration of any EU body. It is only natural that the largest proportion of complaints to the Ombudsman concern the work of the Commission. The working relationship between the Commission and the Ombudsman was again very constructive in 2020, and Vice-President Maroš Šefčovič was a keynote speaker at the 25th anniversary conference. Close contacts were also maintained at services level to ensure that complainants' concerns could be addressed effectively.



Maroš Šefčovič, Vice-President of the European Commission, was the keynote speaker at the 25th anniversary digital conference.

6.2.4. Other institutions, agencies and organisation

It is important for the Ombudsman to also maintain fruitful relations with the other institutions, agencies, bodies and offices. In 2020, the Ombudsman was in contact with the heads of the European Investment Bank, the European Court of Auditors and the European Medicines Agency. The relations with different parts of the EU administration is an integral part of the Ombudsman's strategy 'Towards 2024'. Only through close cooperation can a long-lasting and positive impact on the EU administration be achieved.

6.2.5. UN Disability Rights Convention

As a member of the EU Framework, the Ombudsman protects, promotes, and monitors the EU administration's implementation of the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD). In 2020, the Ombudsman was chair of the EU Framework.

Together with the European Disability Forum, the European Parliament and the EU's Fundamental Rights Agency, the Ombudsman sent a joint letter to the European Commission, presenting the EU Framework's views on what a more ambitious and comprehensive post-2020 European Disability Strategy should contain. To this end, in July 2020, the EU Framework met Commissioner for Equality Helena Dalli, to continue the dialogue on the upcoming European Disability Strategy. European Ombudsman Emily O'Reilly also addressed a workshop that was organised by the European Parliament's Committee on Petitions on the disability strategy.

In June 2020, the Ombudsman launched a strategic initiative on how the Commission accommodates the special needs of staff members with disabilities in the context of the COVID-19 emergency. The Ombudsman wrote to the Commission, setting out a series of questions on issues such as the measures in place for remote working and health insurance, as well on lessons that could be learned for the Commission's wider interaction with members of the public with disabilities. The Ombudsman is currently assessing the Commission's reply, having sought the input of organisations representing persons with disabilities.

The Ombudsman inquired into a complaint on the use of European Structural and Investment Funds (ESI funds) for the construction of institutional care facilities for persons with disabilities in Hungary and Portugal. The complainant considered that the Commission should have taken action with regard to these projects, as they are at odds with the EU's obligations to ensure people with disabilities are supported to live in communitybased settings. After carefully examining the measures taken by the Commission, the Ombudsman closed the inquiry making suggestions for improvement, and will continue to monitor this important matter.



Today is the International Day of Persons with Disabilities #IDPD2020

The Ombudsman is committed to protecting, promoting, and monitoring the EU administration's implementation of the @UN Convention on Rights of Persons with Disabilities #UNCRPD

europa.eu/!UQ76uR



The health of a democracy can be measured by the extent to which it enables even the most vulnerable to participate to the fullest extent possible in every part of the life of that democracy.

Emily O'Reilly

Today is the International Day of Persons with Disabilities.

The European Ombudsman is committed to protecting, promoting, and monitoring the EU administration's implementation of the United Nations Convention on the Rights of Persons with Disabilities.

Emily O'Reilly: "The health of a democracy can be measured by the extent to which it enables even the most vulnerable to participate to the fullest extent possible in every part of the life of that democracy."

In the same area, the Commission has responded positively to suggestions made by the Ombudsman in her inquiry into how it dealt with allegations of human rights abuses in a social care institution for persons with disabilities. Following the Ombudsman's suggestion, the Commission stated that EU funds should, to the greatest extent possible, not be used to maintain institutions and should instead be used to support deinstitutionalisation.

The Ombudsman also dealt with a complaint concerning delays in the applicable procedure for reintegrating a staff member with disabilities. The Ombudsman closed the case after the Commission stated that it had reactivated the procedure to reintegrate the complainant.

6.3. European Network of Ombudsmen

The implications of the pandemic clearly affected working methods and procedures of many public bodies and transnational entities. This was naturally also the case for the European Network of Ombudsmen (ENO), which is an informal network consisting of 96 offices in 36 European countries and also includes the European Parliament's Committee on Petitions.

European Ombudsman Emily O'Reilly was in direct contact with members of the ENO from an early stage in the crisis, with a view to ascertaining how the network could best serve its members. Building on this, the European Ombudsman organised and hosted a webinar on 12 May 2020 on the implications of COVID-19 for ombudsmen. This webinar brought together ombudsmen or their equivalents from 33 member organisations, with a view to sharing experiences and promoting best practices in the crisis response.

The normal yearly focal point of the ENO, the annual conference, also took place in digital format. On 26 October (the same day as the Ombudsman's 25th anniversary conference), 106 participants from across Europe joined virtually to the network conference. In addition to the anniversary and the debate on the future of the European Ombudsman, the network conference discussed future cooperation over the coming term and possible topics and modalities for future parallel inquiries. The conference, which had a keynote address from Commissioner for Jobs and Social Rights Nicolas Schmit, also provided another opportunity to discuss the COVID-19 crisis and anticipate how this will affect the work of ombudsmen over the coming years.

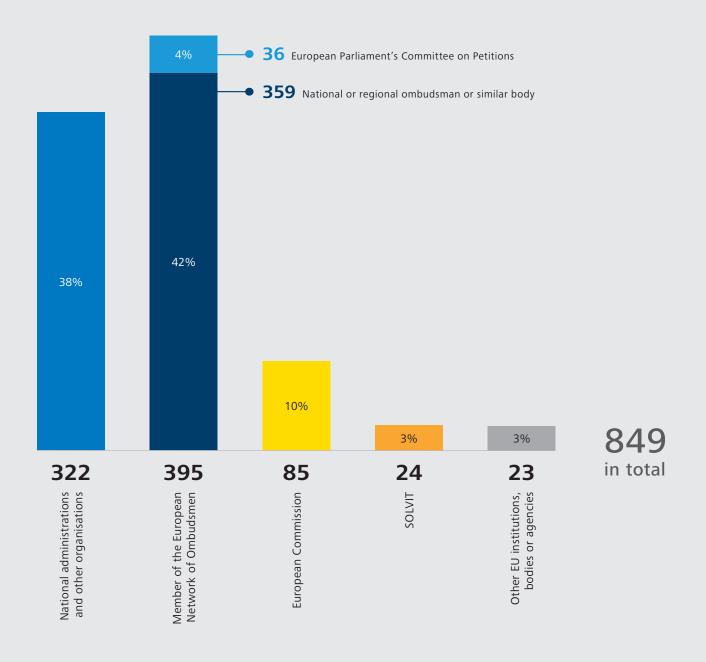


We now start the European Network of Ombudsman annual conference, discussing the impact of COVID-19 on its members, future parallel inquiries and #ENOnetwork cooperation: europa.eu/!tj97tX #EO25Years



annual conference, discussing the impact of COVID-19 on its members, future parallel inquiries and ENO network cooperation. We also celebrate the 25th anniversary of the European Ombudsman.

Complainants advised to contact other institutions and bodies by the European Ombudsman in 2020 and complaints transferred





7.1. 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 covers the expenditure resulting from general functions that the institution carries out. In 2020, budgeted appropriations amounted to EUR 12 348 231.

With a view to ensuring the effective management of resources, the Ombudsman's internal auditor regularly checks the 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.

7.2. Use of resources

Every year, the Ombudsman adopts an Annual Management Plan, which identifies concrete actions that the office expects to take to give effect to the objectives and priorities of the Ombudsman's five-year strategy 'Towards 2019'. The 2020 Annual Management Plan is the sixth to be based on this strategy. In December 2020, the Ombudsman adopted a new strategy, 'Towards 2024'.

The Ombudsman has a highly qualified multilingual staff. This ensures that the Office can deal with complaints in the 24 official EU languages and raise awareness about the Ombudsman's work throughout the EU. In March 2020, in response to the COVID-19 pandemic, the Ombudsman's Office made an efficient and quick transition to become a digital workplace, with no interruption to the core complaint-handling work. In 2020, there were 69 posts in the Ombudsman's establishment plan, in addition to which, there was an average of eight contract agents working with the Office, while 13 trainees gained work experience over the course of the year.

In September 2020, Rosita Hickey, who has been working in the Ombudsman's Office since 2001, was appointed Director of Inquiries following an open competition.

Detailed information on the structure of the Ombudsman's Office and the tasks of the various units is available on the Ombudsman's website.



Rosita Hickey was appointed Director of Inquiries in 2020.

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 Print
 ISBN 978-92-9483-264-1
 ISSN 1680-3809
 doi:10.2869/312426
 QK-AA-21-001-EN-C

 HTML
 ISBN 978-92-9483-218-4
 ISSN 1680-3922
 doi:10.2869/89951
 QK-AA-21-001-EN-Q

 PDF
 ISBN 978-92-9483-245-0
 ISSN 1680-3922
 doi:10.2869/325371
 QK-AA-21-001-EN-Q

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