

## **Decision in case 1501/2019/MIG on the European Parliament's decision to declare inadmissible requests to verify that two 'European political parties' comply with core EU values**

Decision

**Case 1501/2019/MIG - Opened on 17/09/2019 - Decision on 17/09/2019 - Institution concerned** European Parliament ( No maladministration found ) |

The case before the Ombudsman concerned a decision by the European Parliament to declare inadmissible two requests from an NGO to initiate a procedure to verify if two political parties in Parliament should continue to enjoy the status of 'European political parties'. A 'European political party' enjoys certain benefits, including funding.

An independent 'Authority', appointed by the European Parliament, the Council and the Commission, is empowered to grant a political party the status of 'European political party' provided the party meets certain conditions. One of these conditions is that the party complies with the core values of the EU, namely respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.

Parliament can decide, either on its own initiative, or in response to a request from a 'group of citizens', to ask the independent Authority to verify if a European political party continues to comply with these core values. Parliament's Rules of Procedures state that such requests can be submitted by a group of at least 50 EU citizens.

The complainant provided Parliament with a list of persons who it claimed supported its two requests. Parliament informed it that, in accordance with its Rules of Procedures, these persons should sign the requests. When the complainant did not provide signed requests, Parliament informed the complainant that the requests were inadmissible.

The Ombudsman found that Parliament was entitled to ask the complainant to provide it with signed requests. Since the complainant did not provide the signed requests, despite a number of reminders, the Ombudsman found no maladministration by Parliament.

## **Background to the complaint**



1. EU rules on the statute and funding of European political parties and European political foundations [1] provide that a party can obtain the status of a 'European political party' if it meets certain conditions. One of these conditions is that the party must comply with the values on which the EU is founded, namely respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. [2] One consequence of being a 'European political party' is that the European Parliament can provide funding to the party to help reimburse expenditure.
2. The rules provide for an independent 'Authority' that verifies if a party meets the criteria for being a 'European political party'.
3. Parliament (or the Commission, or the Council), at any time, can ask the Authority to verify whether a political party continues to comply with the core values of the EU as set out above. [3] Parliament can decide to do so on its own initiative or following a reasoned request by a 'group' of European citizens.
4. If the Authority finds that there has been a **manifest and serious breach** of the core values of the EU, the Authority can issue a decision which can lead to the party losing its status as a 'European political party'. The Authority can only make such a finding after consulting a 'Committee of independent eminent persons'. Any such decision of the Authority shall be communicated to Parliament and the Council and enter into force only if Parliament and the Council have no objection.
5. In February 2019, the complainant, the Spanish NGO *The Good Lobby*, submitted two requests to Parliament to ask the Authority to verify whether two European political parties continued to comply with the core values of the EU.
6. Parliament informed the complainant that, to prove that at least 50 citizens support it, a request must be signed by at least 50 identifiable citizens. It noted that the requests in question were submitted on behalf of the NGO, and not by a group of citizens.
7. The complainant then provided Parliament with a list of 57 persons, their e-mail addresses, their nationalities and their countries of residence.
8. Parliament replied that the list provided to it did not contain any signatures. It invited the complainant, again, to provide it with the signatures of the persons supporting the requests.
9. The complainant then provided Parliament with 50 forms, which it stated were signed by the citizens supporting the requests.
10. Each form contains a person's name, his or her e-mail address, his or her nationality, and his or her country of residence. In addition, each form contains an information box, which the person submitting the form can tick to indicate support for the requests. The forms, however, are not signed.



**11.** Parliament informed the complainant that, since the forms were not signed, they did not constitute proof that the persons in question support the two requests. It asked the complainant, again, to submit signed requests.

**12.** When the complainant replied that it did not need to submit any signatures, Parliament informed it that the requests were inadmissible.

**13.** The complainant then turned to the Ombudsman.

## **The inquiry**

**14.** The Ombudsman opened an inquiry into the following aspects of the complaint:

- 1) whether Parliament was justified in requesting proof in the form of signatures, and
- 2) whether Parliament sufficiently explained to the complainant how to prove that 50 citizens supported the requests for verification.

**15.** The Ombudsman has based her assessment in this case on the material submitted by the complainant, which includes Parliament's replies to it. It was not necessary to obtain a reply from Parliament on the two aspects of the case.

## **Arguments put forward by the complainant and Parliament**

**16.** The complainant argues that it provided Parliament with sufficient proof that at least 50 citizens supported the requests. It argued that Parliament's view, that citizens must sign a request, has no legal basis and goes against the spirit of Regulation 1141/2014.

**17.** Parliament maintains that, in order to prove that the citizens support a request, the request must be signed by at least 50 citizens.

**18.** In its complaint to the Ombudsman, the complainant also insists that Parliament never explained how the complainant could prove that 50 citizens supported the requests for verification.

## **The Ombudsman's assessment**

**19.** Regulation 1141/2014 states that Parliament, acting on its own initiative or following a reasoned request from a group of citizens, submitted in accordance with the relevant provisions of its Rules of Procedure, may lodge with the Authority a request for verification that a specific European political party continues to comply with the core values of the EU.



20. The Ombudsman notes that the possibility for citizens to introduce such requests deepens the democratic nature of the EU by allowing citizens to participate more closely and intensely in a procedure aimed at ensuring that the core values of the EU are respected.

21. Regulation 1141/2014 states that the citizens making a request must follow Parliament's Rules of Procedure.

22. Parliament's Rules of Procedure state that 'a group of citizens' must consist of at least 50 citizens. [4]

23. The Ombudsman notes that the procedure in question is used to verify if a European political party no longer complies with core EU values, such as democracy, or the respect for human rights. This is a very serious allegation. [5] If proven, the allegation has serious consequences, namely the loss of the status as a European political party. Rules should always be interpreted in light of their purpose. In light of this purpose, it is reasonable to interpret the Rules of Procedure as creating a requirement aimed at proving that the persons making such an allegation are real persons and that they are EU citizens.

24. Such an interpretation is also consistent with the practice in other areas where citizens are empowered to participate in the EU's democratic life. For example, the European citizens' initiative [6] is another instrument of participatory democracy that allows citizens to suggest concrete legal changes in any field where the European Commission has power to propose legislation. Once an initiative gathers one million **signatures** (with minimum thresholds reached in at least seven countries), the European Commission must decide whether to take action. The signatures can be in written form or in the form of electronic signatures. [7]

25. The conclusion that a request should be signed by each citizen can also be inferred from a careful reading of Parliament's Rules of Procedure. While those rules do not *explicitly* state that the citizens making up the group must each sign the request, they do state that a request cannot be launched or signed by MEPs [8] . This wording *implies* that a request should be signed by those persons who are entitled to make a request (that is, by citizens who are not MEPs).

26. The Ombudsman is of the view that the requirement to provide signatures does not render it unreasonably difficult or practically impossible to make a request for verification. The number of required supporters, 50, is relatively small. By way of comparison, the number of signatories for a European citizens' initiative is one million.

27. Parliament's request for signatures was therefore reasonable and proportionate.

28. In addition, the Ombudsman considers that Parliament properly informed the complainant of the need to provide signatures in that its responses of 22 February, 18 March and 30 April 2019 stipulated that the requests should be **signed** by at least 50 identifiable citizens.



**29.** Despite this clear instruction, neither the list nor the forms were signed. Parliament was therefore justified in rejecting the complainant's requests for verification as inadmissible.

**30.** The right of EU citizens to request the verification of compliance with core EU values by a European political party is a very important democratic right. EU citizens should be encouraged and empowered to exercise this right. The Ombudsman therefore encourages Parliament to make available adequate information about how to make a request to verify the compliance of European political parties with core EU values. This should encompass information on the protection of the personal data of citizens making a request.

## Conclusion

Based on the inquiry, the Ombudsman closes this case with the following conclusion:

**There was no maladministration by the European Parliament.**

The complainant and Parliament will be informed of this decision .

Emily O'Reilly

European Ombudsman

Strasbourg, 17/09/2019

[1] Regulation 1141/2014 on the statute and funding of European political parties and European political foundations:

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02014R1141-20190327&from=EN>  
[Link].

[2] Article 3(1)(c) of Regulation 1141/2014.

[3] Article 10(3) of Regulation 1141/2014.

[4] Rule 223a(3) of the Rules of Procedure of the European Parliament:

[http://www.europarl.europa.eu/doceo/document/RULES-8-2019-03-25-RULE-223-1\\_EN.html](http://www.europarl.europa.eu/doceo/document/RULES-8-2019-03-25-RULE-223-1_EN.html)  
[Link].

[5] This is reflected in Preamble (13) and Article 10(3) of Regulation 1141/2014, which sets out that a European political party should be de-registered only in the event of a manifest and serious breach of EU values.



[6] See Regulation 211/2011 on the citizens' initiative:

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02011R0211-20190530&from=EN> [Link].

[7] The Ombudsman encourages Parliament to process requests that are electronically signed in accordance with Regulation 910/2014 on electronic identification and trust services for electronic transactions in the internal market:

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0910&from=EN> [Link].

[8] Rule 223a(3) of the Rules of Procedure.