



Report of the European Ombudsman's inspection meeting on the European Commission's refusal to make public two invoices for expenses relating to an official visit to Buenos Aires by the then President of the Commission

Correspondence - 20/03/2020

Case 2165/2019/MIG - **Opened on** 20/12/2019 - **Decision on** 04/11/2020 - **Institutions concerned** European Commission (Suggestion(s) accepted by the institution) | European Commission (Solution achieved) |

COMPLAINT: 2165/2019/MIG

Case title : The European Commission's refusal to make public two invoices for expenses relating to an official visit to Buenos Aires by the then President of the Commission

Date: Monday, 10 February 2020 Location: Directorate-General for Human Resources and Security (DG HR) Present

European Commission:

Administrator, Ethics, Good Administration & Relations with the Ombudsman, SG

2 Administrators, Transparency, Document Management & Access to Documents, SG

Administrator, Legal matters and SLAs, PMO

Administrator, MiPS support, contract management and horizontal coordination, PMO

Administrator, European Civil Service Law and Social Dialogue, DG HR

Administrator, Appeals and Case Monitoring, DG HR

2 Administrators, Ethics and Ombudsman, DG HR

European Ombudsman:

Head of Unit

Case handler

Trainee case handler



Purpose of the inspection meeting

The purpose of the inspection meeting was to clarify how information on the missions cost is registered.

The documents at object in the complaint (two invoices related to the miscellaneous costs) had been provided by the Commission on 21 January 2020 and had been examined by the Ombudsman inquiry team prior to the meeting.

Introduction and procedural information

The meeting took place at the European Commission's premises on 10 February 2020 from 10:30h to 11:15h.

The Ombudsman's inquiry team introduced themselves, thanked the Commission representatives for their cooperation and set out the purpose of the meeting.

The Ombudsman's inquiry team clarified that the inquiry into this complaint focuses on two aspects:

- The manner in which the Commission registers and publishes details of the mission costs and
- The refusal to provide access to the documents falling within the scope of the complainant's request (two invoices related to the miscellaneous costs).

Discussion with the European Commission's representatives

First of all, the Commission's representatives thoroughly explained how missions' costs are registered in the Mission Processing System (MiPS).

They clarified that mission performers enter data concerning their business trips' costs in "MiPS" in order to receive the reimbursement of the expenses **they incurred** during the mission. As miscellaneous costs incurred by staff can be of a very different nature, the mission performers also specify in MiPS the category to which they belong (using a drop down menu). Based on such declarations, the authorising officer validates the mission orders in MiPS. After the mission, the authorising officer validates the declaration of expenses on the basis of supporting documents uploaded by the mission performer.

The Commission explained that there may be travel-related costs other than those declared by the person going on mission if they are directly invoiced to the Commission. In such cases, the invoices will be sent directly to the Commission by the relevant companies and will be registered in the Advanced Records System (ARES).

The Commission's representatives explained that in this case two invoices were sent to the Commission directly from the service provider. These were registered in the standard registration process for documents in ARES.

These costs were also registered in MiPS. However, no details about the nature of the costs were entered into the MiPS system. The Commission noted that this is the standard process followed for the registration of costs not incurred directly by the person performing the



mission.

The Commission pointed out that since 2018, after the new Code of Conduct for the Members of the Commission entered into force, it proactively publishes information pertaining to the mission costs of Members of the Commission every two months. [1] For every mission it proactively publishes the amount spent by the Commission in the following four categories: travel costs, accommodation costs, daily allowances and miscellaneous cost. [2] Such an overview however never specifies details on the miscellaneous costs and is technically impossible within the current system

The Ombudsman's inquiry team noted that the complainant is mainly interested in receiving *information* about the nature of these miscellaneous expenses. The Ombudsman inquiry team underlined that the complainant requested access to these documents only because the Commission's decision confirmed that there were no details of these miscellaneous expenses in the MiPS database and therefore access to the documents appeared the only way to know what the amount of 8320 Euro was spent on. The Commission representatives underlined that the request made by the applicant was a request for access to documents based on Regulation (EC) No 1049/2001 and the Commission handled it on this basis.

In light of this exchange of views, the Ombudsman inquiry team discussed the possibility of providing the complainant with information on the nature of the miscellaneous cost for this particular mission. The Ombudsman inquiry team noted that the Ombudsman has examined the invoices. The costs appear to be entirely legitimate and indeed entirely expected given the nature of the mission and the normal logistical and security requirement of the President and his team. At the same time, it is understandable that the public would require some information on the nature of the costs, since they represent a large amount in comparison to the overall mission costs. In that context, the Commission might consider disclosing some basic information about the nature of such costs (thus avoiding any speculation as regards these costs).

The Ombudsman's inquiry team also indicated that it would be a good practice to systematically proactively disclose information about the nature of the miscellaneous costs when a single cost exceeds a certain amount, or when these costs represent a large amount compared to the overall mission costs.

The Commission takes note that it will be given the opportunity to provide its views before the Ombudsman reaches conclusions on matters within the scope of the inquiry that have not been directly addressed in the Decision on the confirmatory application for access to documents, and specifically on issues related to the possible proactive disclosure of further information about mission expenses of Commissioners.

Conclusion of the inspection meeting

The Ombudsman's inquiry team explained that they would draw up a report on the meeting and that the Commission would have the opportunity to review the report before sending it to the complainant.

The Commission's representatives stated that they would convey the message internally to



the services concerned.

Brussels, 20 March 2020

Head of Inquiries Unit 2 Case handler, Inquiries Unit 2

[1] The Code of Conduct entered into force in February 2018 and the mission costs started to be proactively published after that date. See:
<https://ec.europa.eu/info/about-european-commission/service-standards-and-principles/ethics-and-governance>.

[2] In accordance with the Commission Guide to missions and authorised travel point 2.2. Miscellaneous costs are defined as “[a]ny other specific expenditure requiring prior approval from the authorising officer can be considered miscellaneous costs.”