



## Letter from the European Ombudsman to the European Commission on the transparency and accountability of the Recovery and Resilience Facility

Correspondence - 07/10/2022

**Case SI/6/2021/PVV - Opened on 24/02/2022 - Institution concerned** European Commission |

Ms Ursula von der Leyen

President

European Commission

Dear President,

I am writing to you concerning the Commission's letter of 1 July 2022, which was in reply to my request for information of 24 February 2022. In that request, I asked for your views on several matters in relation to the transparency and accountability of the Recovery and Resilience Facility (RRF). These concerned the transparency of the national recovery and resilience plans and their evaluation; the information, communication and publicity requirements of the RRF; and the mechanisms put in place to supervise the spending of the funds.

In its reply, the Commission acknowledged the importance of high standards of transparency and accountability in the implementation of the RRF. As you may know, my Office has in the meantime received several complaints on how the Commission dealt with public access to documents requests concerning national recovery and resilience plans. [1] It is encouraging to read that the Commission continues to look into ways to increase further the proactive publication of documents related to the RRF.

My inquiry team has carefully analysed the Commission's reply and, based on this, I have now identified certain matters on which I would like to receive further clarifications from the Commission. I have set out questions to this end in the annex to this letter.

I would appreciate it if you would reply with the Commission's views on these matters by 1 December 2022 if possible. Should any further information or clarifications be required,



Commission staff can contact Ms Leticia Díez Sánchez.

Yours sincerely,

Emily O'Reilly European Ombudsman

Strasbourg, 05/10/2022

## **Annex**

### **1. Transparency of the national recovery and resilience plans and their evaluation**

In its reply, the Commission explains that the RRF Regulation does not contain a clause on the publication of national plans. The Commission adds that, "*from the moment the plans are reflected in the Council Implementing Decision, their implementation becomes a Union budget implementation matter*".

#### **Could the Commission please explain what parts of the national plans are "reflected" in the Council Implementing Decision?**

The Commission also states that the plans officially submitted by the Member States were shared with the European Parliament and the Council, in accordance with Article 25 of the RRF Regulation. In its Report on the implementation of the Recovery and Resilience Facility, [2] the Commission said it provided English machine translations of all submitted plans to the European Parliament and the Council to facilitate their review.

#### **Would the Commission be ready to make public these translations of the national plans, with the appropriate disclaimers?**

The Commission further notes that it has received 110 requests for access to documents on the RRF and that, in reply, it disclosed around 1600 documents related to different national recovery and resilience plans.

#### **Could the Commission please indicate the nature of the documents to which it granted public access? In view of the significant number of documents disclosed upon request, has the Commission identified any categories of documents that it would consider disclosing proactively going forward?**

### **2. Information, communication and publicity**



The Commission states that it has no legal basis to oblige all Member States to follow a common approach concerning the information, communication and publicity of national plans and the use of recovery funds. I understand that Member States included an outline of their national communication strategies in their plans, and that the Commission checked whether these communication strategies fulfilled the minimum visibility and communication requirements applicable to EU funds as defined by the RRF Regulation as well as Regulation (EU) 2021/241. [3]

**Could the Commission please explain how it assessed the information, communication and publicity requirements of national plans?** To this end, the Commission may refer to the internal guidelines and checklists it produced ahead of its assessment.

### 3. Supervisory mechanisms

In its reply, the Commission explains that the Commission will implement ex-post audits on milestones and targets, and will conduct system audits of monitoring and control systems.

**Could the Commission please explain exactly what control and audits mechanisms it will implement, and under what circumstances they will be used?**

The Commission furthermore states that Member States *may* be requested to provide access to data on final recipients for purposes of control and audit. I refer to my previous letter, in which I asked the Commission under what circumstances it will request a detailed account of the final recipients of the funds from Member States.

**Could the Commission please clarify what circumstances could trigger a request for data on final recipients by the Commission ?**

Lastly, the Commission says that publication of *certain* information concerning final recipients of the funding may be compulsory pursuant to *certain* EU rules, for instance related to anti-money laundering purposes.

**Could the Commission please explain what information Member States would need to publish, and under what rules?**

[1] These concern the Danish and Swedish

( <https://www.ombudsman.europa.eu/en/case/en/61681> ), the French ( <https://www.ombudsman.europa.eu/en/case/en/61897> ), the Dutch ( <https://www.ombudsman.europa.eu/en/case/en/61847> ) and the German



(<https://www.ombudsman.europa.eu/en/case/en/60962>) national recovery and resilience plans.

[2] [https://ec.europa.eu/info/sites/default/files/com\\_2022\\_75\\_1\\_en.pdf](https://ec.europa.eu/info/sites/default/files/com_2022_75_1_en.pdf) .

[3] Ibid.