

Decision of the European Ombudsman on complaint 71/2002/PB against the European Parliament

Decision

Case 71/2002/PB - Opened on 21/01/2002 - Decision on 29/10/2002

Strasbourg, 29 October 2002

Dear Mr B.,

On 6 January 2002, you made a complaint to the European Ombudsman concerning allegedly discriminatory funding of the *European Movement*.

On 21 January 2002, I forwarded the complaint to the President of the European Parliament. Parliament sent its opinion on 12 April 2002. I forwarded it to you with an invitation to make observations, which you sent on 19 June 2002.

I am writing now to let you know the results of the inquiries that have been made.

THE COMPLAINT

In January 2002, the complainant, a Member of the European Parliament, submitted allegations against a decision taken by the Bureau of the European Parliament.

The decision in question was a negative reply to the complainant's request for funding of a seminar organised by an organisation named *SOS democracy*. It was taken at the Bureau's meeting on 28 November 2001.

At the same meeting, the Bureau decided to fund another event which was organised by the *European Movement*.

The complainant makes the following allegations:

1. The European Parliament's Bureau has breached the principle of non-discrimination by deciding in favour of financial support to the *European Movement* and by not supporting a seminar organised by *SOS-Democracy*.
2. The Bureau's decision to give financial support to the *European Movement* was furthermore



tainted by bias because a majority of the Bureau's members are also members of the *European Movement* .

THE INQUIRY

The Parliament's opinion

The complaint was forwarded to the European Parliament, which submitted, in summary, the following opinion.

The complainant's request for funding had been made in a letter dated 22 November 2001 to the then President of the European Parliament. It related to a seminar to be held on Parliament's premises in Brussels by *SOS democracy* , an unofficial intergroup chaired by the complainant. It was to be attended by 70 journalists from candidate countries.

What the complainant asked for was that a) rooms be made available for events organised by his group and/or *SOS democracy* , b) that a large number of visitors be admitted to Parliament and c) that the travel and subsistence expenses of about 20 journalists invited to attend the seminar and the conference be reimbursed.

Following a vote, the Bureau decided to respond negatively to these requests.

The Bureau based its decision on the rules on meetings held simultaneously with part-sessions (one of the days was a Strasbourg part-session day). Under those rules, adopted by the Conference of Presidents on 14 May 1998, the plenary session is the main forum for parliamentary business and no other meeting may as a general rule be held simultaneously. In accordance with that principle, no meeting of a parliamentary body or any other meeting attended by one or more Members may be authorised during, *inter alia*, voting time.

Although *SOS democracy* may not be a formally established official intergroup, it should be pointed out that the Rules governing the establishment of intergroups, adopted by the Conference of Presidents on 16 December 1999, stipulate that technical infrastructure, conference rooms and interpretation facilities may be made available by the political groups - normally the facilities requested by intergroups are the responsibility of the groups - only if intergroups comply with the same timetabling restrictions as apply to meetings of Parliament's official bodies. In particular, furthermore, meetings are prohibited at voting time during Parliament part-sessions.

Second, it should be pointed out that following the events of 11 September 2001 the Bureau, at its meeting of 3 October 2001, adopted a raft of security measures, including suspension of derogations from the maximum number of guests a Member may receive on Parliament's premises each day (nine persons) and suspension of large-scale events or meetings held at the same time as Parliament part-sessions, given that part-sessions themselves involve a considerable additional workload for the security services.

Lastly, it should be stressed that, within the European Parliament, there is no legal basis or



precedent for Parliament to refund travel or subsistence expenses incurred by journalists invited by a Member, a political group or a grouping of Members. However, it is appropriate to restate the fact at this point that the appropriations entered in Item 3701 of Section 1, Parliament, of the general budget of the Union are expressly intended to cover, inter alia, expenditure on political information activities conducted by the political groups and non-attached Members in connection with the European Union's political activities.

While the rules concerned prevented the Bureau from acceding to the complainant's requests, it should also be pointed out that alternative solutions were found. In her letter of 7 December 2001, the then President of the European Parliament said that she was prepared by way of a highly exceptional measure, and without creating a precedent, to authorise admittance of about 180 visitors. On the basis of special visitors' groups arrangements, the travel and subsistence expenses of the 220 visitors who actually attended the event were defrayed by Parliament.

The decision taken by the Bureau on the same day, concerning a request by another MEP, was entirely different. It concerned a request for a subsidy for the organisation, by the *European Movement*, of an event entitled 'Citizens' Assembly 2004' from 13 to 15 December 2001 at the Heysel Exhibition Centre in Brussels in parallel with the Laeken European Council. In deciding to grant a € 25 000 subsidy to the event, the Bureau observed the criteria applicable, i.e. Community relevance of the event, multinational profile of the participants, targeting of opinion multipliers, and the presence of MEPs.

In reply to the complainant's question about a possible conflict of interest, Parliament has not been told which MEPs are members of the *European Movement* or of the Movement's national councils. Membership of that organisation, as of others, is a matter of personal choice for each individual, and no conflict of interest has been identified.

The complainant's observations

The European Parliament's opinion was sent to the complainant for observations.

In his observations, the complainant maintained that there had been discrimination against *SOS democracy* in favour of the *European Movement*.

The complainant also stated that it was important to know what members of the Bureau were members of the *European Movement*, and whether this interest was declared before the funding-decisions were taken.

THE DECISION

1 Discrimination

1.1 The complainant alleges that the European Parliament's Bureau has breached the principle of non-discrimination by deciding in favour of financial support to the *European Movement* and by not supporting a seminar organised by *SOS-Democracy*. He argues that the arrangements proposed by the two organisations were similar for funding-purposes.

1.2 The European Parliament argues that the rules concerned prevented the Bureau from



acceding to the complainant's request for funding for SOS-Democracy seminar, whereas in deciding to subsidise the event organised by the European Movement, the Bureau acted in accordance with the applicable criteria.

1.3 The principle of non-discrimination implies that members of the public who are in the same situation shall be treated in a similar manner (1) .

The Ombudsman considers that the European Parliament's explanation of relevant differences between the two cases appears reasonable. The Ombudsman therefore finds no maladministration as regards this aspect of the complaint.

1.4 On the basis of the Ombudsman's inquiries, it appears that there has been no maladministration as regards this aspect of the complaint.

2 Conflict of interest

2.1 The complainant alleges that the Bureau's decision to give financial support to the *European Movement* is tainted by bias because a majority of the Bureau's members are also members of the *European Movement* .

2.2 The Parliament states that it is unaware of what MEPs are members of the *European Movement* or of the Movement's national councils. It considers that Membership of that organisation, as of others, is a matter of personal choice for each individual, and no conflict of interest has been established.

2.3 The Ombudsman notes that, according to the information published on its website, the European Movement is a non-profit association. Moreover, the Ombudsman notes that the funding decision in question concerned an event organised by the European Movement rather than funding of the association itself. In these circumstances, the Ombudsman does not consider that possible membership of the European Movement by members of the Bureau who made the funding decision could constitute a conflict of interest.

2.4 On this basis, it appears that there has been no maladministration by the European Parliament.

3 Conclusion

On the basis of the Ombudsman's inquiries into this complaint, there appears to have been no maladministration by the European Parliament. The Ombudsman therefore closes the case.

The President of the European Parliament will also be informed of this decision.

Yours sincerely,

Jacob SÖDERMAN

(1) Cf. Article 5 of the European Code of Good Administrative Behaviour that has been



submitted by the Ombudsman and approved by the European Parliament. The Code is available on the Ombudsman's website (<http://www.ombudsman.europa.eu>).