

MEPs' allowances: Ombudsman welcomes more information, but criticises EP's failure to comply with transparency law

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The European Ombudsman, **P. Nikiforos Diamandouros**, has criticised the European Parliament (EP) for failing to comply with the law on transparency as regards the allowances received by Members of the European Parliament (MEPs). This follows a complaint from a Maltese journalist, whose request for details of certain MEPs' allowances was rejected by the EP on the grounds of data protection. The Ombudsman welcomed the EP's decision to publish general information on MEPs' allowances on its website, as well as its acknowledgment that the public has the right to know how MEPs spend public money. He regretted, however, that the EP has interpreted the law in a way that weakens the principle of transparency and conflicts with a relevant recent judgment of the Court of First Instance.

The EP's refusal to give public access to details of MEPs' allowances

In 2005, the EP rejected a journalist's request for information about the allowances paid to the five Maltese MEPs, on the grounds of data protection. The journalist lodged a complaint with the Ombudsman, arguing that taxpayers have a right to know how MEPs spend public money. The Ombudsman consulted the European Data Protection Supervisor, who took the view that, in a transparent and democratic society, the public has a right to be informed about the MEPs' behaviour. The Ombudsman then called on the EP to disclose the requested information, in the light of the public's legal right of access to documents.

The EP maintained its refusal on the grounds of data protection. It announced, however, that it would publish general information on MEPs' allowances on its website and alluded to the possibility of re-assessing the situation in 2009. The complainant was not satisfied with the EP's reaction and maintained his complaint. The Ombudsman issued a critical remark, regretting that the EP had not complied with the law as interpreted by the Court of First Instance.

Mr Diamandouros commented: "My role in dealing with this complaint concerned the principle of transparency and not the principle of financial accountability, which is the responsibility of the budget control authorities. I maintain my finding of maladministration



but, unlike the Court, I have no power to annul the EP's decision. I welcome the news that the EP plans to re-assess its position after the entry into force of the new Statute for MEPs in 2009, but that cannot excuse its failure to comply with the law now."

The full decision is available at:

<http://www.ombudsman.europa.eu/decision/en/053643.htm>

The EP's refusal to give information on the EP's pension scheme

In a related case, the EP refused to give access to the names of MEPs participating in the EP's supplementary pension scheme. The Ombudsman made a preliminary finding of maladministration and proposed a friendly solution, which the EP rejected. Since Parliament as a whole voted down a concrete proposal from its Budgetary Control Committee to publish the list of names, the Ombudsman closed the case on the grounds that the EP's action has made the issue one of political responsibility, for which it, appropriately, is accountable to the electorate and not the Ombudsman.

The full decision is available at:

<http://www.ombudsman.europa.eu/decision/en/060655.htm>