

Report on the European Ombudsman's inspection of documents concerning Own-Initiative Inquiry OI/8/2015/JAS involving the European Parliament

Correspondence - 20/11/2015

Case OI/8/2015/JAS - **Opened on** 26/05/2015 - **Decision on** 12/07/2016 - **Institutions concerned** European Parliament (No further inquiries justified) | Council of the European Union (No further inquiries justified) | European Commission (No further inquiries justified) |

Institution or body concerned: European Parliament

Date and time: 18 November 2015, 10:00-13:00

Location: Brussels, SQM Building

Inspection carried out by :

- Mr Fergal Ó Regan, Head of Inquiry Coordination
- Mr Jan Stadler, Inquiry Coordination Unit

Introductory and procedural aspects

The Ombudsman representatives introduced themselves, thanked all services [1] for their cooperation and then set out the objective and purpose of the present inspection within the context of the Ombudsman's own-initiative inquiry on trilogues.

They then outlined the legal framework which applies to the Ombudsman's services when they carry out inspections and informed the Parliament staff present that if they identified any documents to be confidential, the applicable rules provide that no access may be granted to those documents [2] . The Ombudsman representatives further explained that a report on the inspection would be prepared, sent to the Parliament and published on the Ombudsman's website.

Objective of the inspection

The objective of the inspection was to inspect the Parliament's file on the trilogues concerning



the Mortgage Credit Directive [3] .

The inspection of the file

The Parliament representatives provided full access to the Ombudsman representatives to the documents in the above-mentioned file.

Following a general exchange of views on the subject of the inquiry, the Parliament representatives provided information about the legislative process leading to the adoption of the Mortgage Credit Directive. The Parliament representatives also explained the structure and nature of the files provided to the Ombudsman representatives.

The Ombudsman representatives then proceeded to a thorough inspection of the documents provided by the Parliament in order to get a better understanding of the different types of documentation usually produced in connection with trilogues.

As most of the documents tabled for the individual trilogue meetings had already been obtained during the inspection of the Commission's file [4] , the Ombudsman services asked only for, and obtained copies of, the following documents tabled during the meetings:

- 3rd political trilogue, 22/11/2012 - cancelled
- Draft agenda, with Annex list of technical drafting suggestions for approval, containing:
- Annex: list of proposals from technical meetings (conf.)

- 5th political trilogue, 19/03/2013
- 4 column table dated 13 March 2013
- 11th technical meeting, 11/04/2013
- 4 column table dated 27 March 2013

The Ombudsman services also asked for and obtained the following internal Parliament documents [5] :

- 1st political trilogue, 12/07/2012
- Chair's announcement - CARRP [6] mandate to enter in trilogue negotiations and minutes - CMT [7] meeting 18 June 2012
- 2nd political trilogue, 02/10/2012
- Chair's announcement - update on trilogue negotiations - CMT meeting 8-9 October 2012
- 1st silence procedure closing 29/11/2012
- List of technical drafting suggestions for approval based on the 4 column table dated 24 October 2012 (conf.)
- 2nd silence procedure launched on 17/12/2012
- List of technical drafting suggestions for approval (conf.)
- 3rd silence procedure launched on 31/01/2013
- List of technical drafting suggestions for approval (conf.)
- MEP [8] preparatory meeting, 06/02/2013



- Draft agenda (conf.)
- 4th silence procedure launched on 15/02/2013
- List of technical drafting suggestions for approval (conf.)
- Technical group drafting suggestions on ESIS Part A and B (conf.)
- MEP preparatory meeting, 19/02/2013
- Draft agenda (conf.)
- 3rd (a) political trilogue, 20/02/2013
- Chairs' announcement - update on trilogue negotiations - CMT meeting 26 February 2013
- MEP preparatory meeting, 06/03/2013
- Draft agenda (conf.)
- 4th political trilogue, 06/03/2013
- Chairs' announcement - update on trilogue negotiations - CMT meeting 11 March 2013
- MEP preparatory meeting, 18/03/2013
- Draft agenda (conf.)
- 5th political trilogue, 19/03/2013
- Chairs' announcement - update on trilogue negotiations - CMT meeting 20-21 March 2013
- MEP preparatory meeting, 10/04/2013
- Draft agenda (conf.)
- 6th political trilogue, 22/04/2013
- Chairs' announcement - update on trilogue negotiations - CMT meeting 24-25 April 2013
- Committee re-consultation after agreement, 20/05/2013
- Consolidated provisionally agreed text as approved by COREPER [9] , including non-agreed provision (ST 8895/13) (not req.)
- Chair's note (conf.)
- Plenary partial vote, 10/09/2013
- Text tabled to plenary – 4 September 2013 (not req.)
- Second Committee re-consultation, 02/12/2013
- Chair's note (conf.)
- Text tabled to plenary – 3 December 2013 (not req.)

The Parliament staff stated that, for the purposes of the inspection, the documents marked above as 'conf.' were confidential. The applicable rules provide that no access may be granted to those documents by the Ombudsman [10] . This is without prejudice to the right of citizens to request public access to these documents in accordance with Regulation 1049/2001 [11] .

Finally, the Ombudsman's services expressed their gratitude for the good cooperation of all three institutions involved and present.

The meeting then ended.

Brussels, 20 November 2015

Mr Jan Stadler Legal Officer (case handler)



Mr Fergal Ó Regan Head of Inquiry Coordination

[1] A representative each from the Council of the EU and from the European Commission attended along with their colleagues from the Parliament.

[2] Articles 13(3) and 14(2) of the European Ombudsman's Implementing Provisions.

[3] Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property and amending Directives 2008/48/EC and 2013/36/EU and Regulation (EU) No 1093/2010; OJ 2014 L 60, p. 34.

[4] Please see the relevant inspection report.

[5] The Ombudsman did not consider it necessary to request copies of certain documents, indicated in the list as 'not req.', since these documents were not required for the inquiry, already contained within other documents or otherwise readily available from other sources.

[6] The Mortgage Credit Directive used to be referred to as Directive on Credit Agreements Relating to Residential immovable Property (CARRP).

[7] Committee.

[8] Members of the European Parliament.

[9] Committee of Permanent Representatives.

[10] Articles 13(3) and 14(2) of the European Ombudsman's Implementing Provisions.

[11] Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ 2001 L 145, p. 43.