



Europejski Rzecznik
Praw Obywatelskich

Przejrzystość i rozliczalność Instrumentu na rzecz Odbudowy i Zwiększania Odporności

Sprawa otwarta

Sprawa SI/6/2021/PVV - Otwarta 24/02/2022 - Decyzja z 12/09/2023 - Instytucja, której sprawa dotyczy Komisja Europejska |

Ms Ursula von der Leyen

President

European Commission

Dear President,

I recognise the European Commission's important work in setting up the Recovery and Resilience Facility, which by making over EUR700 billion available, is already playing a crucial role in addressing the economic and social impact of the COVID-19 pandemic, and helping Europe emerge stronger from this unprecedented crisis.

Since the outbreak of the pandemic I have stressed that the EU must maintain high standards of transparency and accountability, and have monitored the work of the EU administration to this end. Given the important role that this large amount of loans and grants play, there must be transparency concerning how the funds are spent [1] and I welcome the Commission's commitment on this front. [2] It is indeed of the greatest importance to provide accessible information about the loans and grants and the projects supported by them.

The public should be reassured that Member States comply with any conditions attached to the loans and grants. This is particularly relevant given their environmental objectives and the growing concerns about how the EU budget risks being deployed in certain Member States to undermine the rule of law.

It is in this context that I have identified certain questions which I would appreciate if the



Commission could clarify. Please find enclosed an annex with the questions.

I would appreciate it if you could reply with the Commission's views on these matters by 24 May 2022, if possible. Should any further information or clarifications be required, Commission staff can contact Ms Leticia Díez Sánchez and Ms Patricia López Martín.

Yours sincerely,

Emily O'Reilly European Ombudsman

Strasbourg, 24/02/2022

Annex

1)

Transparency of the national recovery and resilience plans and their evaluation

Concerns have been raised about insufficient transparency surrounding the negotiation and approval of the national recovery and resilience plans. [3] The Ombudsman has raised with the Commission in the past that it should ensure transparency requirements form part of negotiations, given the important public interests at stake. [4]

What mechanisms has the Commission put in place to ensure transparency in the negotiations of the national plans? Looking forward, what transparency measures will the Commission take to allow for public scrutiny of the evaluation of the Member States' milestones and reforms?

As regards access to documents, the Ombudsman is currently looking into the Commission's failure to reply to date to a confirmatory application for public access to documents relating to the evaluation of Germany's plan. [5] **Has the Commission taken measures to facilitate the handling of future similar requests?**

2) Information, communication and publicity

The Recovery and Resilience Facility (RRF) Regulation [6] imposes obligations on Member States on the publicity of the funding. In its Guidance to Member States, [7] the Commission invited national governments to present in their recovery and resilience plans (RRPs) an outline of their national communication strategy.

Could the Commission clarify **what information Member States must make available, and how, to comply with the "Information, communication and publicity" requirements of the Regulation?**

According to the Guidance, the Member States and the Commission need to work together to raise awareness about the Facility. For instance, Member States that set up a dedicated web space on their RRP and related projects should communicate the link to the Commission. While the Commission's website already contains a lot of information, it might



be difficult for citizens to navigate the information provided there. **Is the Commission planning on making the information on national plans and projects more accessible to the public, for instance by means of a dedicated website listing all the respective national links? What other actions, if any, is the Commission considering for the dissemination of information about the Facility?**

Lastly, as part of its communication strategy, does the Commission intend to **make available information on the audits** that are carried out, once these have been completed and acted upon?

3) Supervisory mechanisms

The RRF Regulation gives Member States a central role in the protection of the EU's financial interests. Member States need to ensure compliance with Union and national laws, including the effective prevention, detection and correction of conflict of interests, corruption and fraud, and avoidance of double funding. The Commission in turn should ensure that national control mechanisms are effectively fulfilling this obligation.

In order to reassure the public that the Facility will be used appropriately, **what mechanisms are there in place to supervise the proper functioning of the audit and control mechanisms of the Member States? Under what circumstances will the Commission request from Member States a detailed account of the final recipients of the funds?**

[1] To this end, my Office, in cooperation with the OECD and with the help of the European Network of Ombudsmen, is currently preparing a document outlining "Good Practice Principles for government transparency in the use of recovery funds" which will be published in the coming months.

[2] The European Commission's reply to the European Ombudsman's letter on how the Commission dealt with a request for public access to documents concerning Germany's recovery and resilience plan under the Recovery and Resilience Facility (RRF), at <https://www.ombudsman.europa.eu/en/doc/correspondence/en/148333> .

[3] See the Recovery Files by Follow the Money available at:
https://www.ftm.eu/articles/recovery-files-eu-transparency?utm_source=twitter&utm_medium=social&utm_ca
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[4] This was signalled to the Commission in the context of access to documents related to the COVID-19 crisis available at:
<https://www.ombudsman.europa.eu/en/decision/en/141706>

[5] See: <https://www.ombudsman.europa.eu/en/case/en/60962> .

[6] Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February



2021 establishing the Recovery and Resilience Facility

[7] Commission Staff Working Document, 'Guidance to Member States: Recovery and Resilience Plans', available at:

https://ec.europa.eu/info/sites/default/files/document_travail_service_part1_v2_en.pdf