

Odločba v zadevi 1094/2020/DL o tem, kako Organ za evropske politične stranke in evropske politične fundacije zagotavlja preglednost informacij o evropskih političnih strankah in fundacijah

Odločba

Primer 1094/2020/DL - Preiskava uvedena dne 28/07/2020 - Odločba z dne 25/01/2021 - Zadevna institucija ali organ Organ za evropske politične stranke in evropske politične fundacije (Nadaljna preiskava ni utemeljena) |

Zadeva se je nanašala na to, kako Organ za evropske politične stranke in evropske politične fundacije izpolnjuje zahteve glede preglednosti, zlasti obveznosti glede razkritja in objave. Pritožnik je menil, da Organ za evropske politične stranke in evropske politične fundacije informacij v zvezi z evropskimi političnimi strankami in fundacijami ni objavil na popoln, ažuren in uporabniku prijazen način.

Med preiskavo, ki jo je vodila evropska varuhinja človekovih pravic, se je Organ za evropske politične stranke in evropske politične fundacije zavezal k izvedbi sprememb, namenjenih obravnavi nekaterih vprašanj, navedenih v pritožbi, in sicer je na primer vključil povezave do ustreznih informacij na spletnem mestu Evropskega parlamenta, na svojem spletnem mestu vstavil razdelke, namenjene zagotovitvi manjkajočih informacij, in pripravil predlogo za usklajeno pridobivanje informacij od evropskih političnih strank. Evropska varuhinja človekovih pravic se je tako odločila, da zadevo zaključi, saj nadaljnje preiskave niso bile upravičene.

Vendar pa je varuhinja človekovih pravic menila, da bi lahko Organ za evropske politične stranke in evropske politične fundacije dodatno izboljšal svoje spletno mesto za zagotovitev, da so zagotovljene informacije jasne, popolne in primerljive ter da jih je mogoče pridobiti. Zato je podala tri predloge za izboljšave in zaprosila Organ za evropske politične stranke in evropske politične fundacije, naj poroča v roku šestih mesecev.

Background to the complaint

Context

1. European political parties and foundations fulfil an essential role in European democracy,



establishing a direct link between citizens and the political system. Given their importance in the democratic and political process, EU citizens, journalists and other stakeholders should have appropriate access to information about their funding and functioning.

2. Following the adoption, in 2014, of Regulation 1141/2014 on the statute and funding of European political parties and European political foundations [1] , European political parties and foundations could become European legal entities, gaining greater access to funding from the EU budget as a result. In 2018, Regulation 1141/2014 was amended [2] to further improve transparency and to strengthen enforcement.

3. Regulation 1141/2014 established an independent body, with its own legal personality, to register, control and impose sanctions on European political parties and foundations: the Authority for European Political Parties and Foundations (APPF) [3] . The APPF became operational in January 2017.

4. The APPF is responsible for verifying donations and contributions received by European political parties and foundations, as well as supervising the funding they receive from the general EU budget or from any other source. According to its mandate, the APPF also publishes and manages a Register of European political parties and foundations.

5. Regulation 1141/2014 provides for the transparency of information about European political parties and foundations by stipulating what information needs to be published by the European Parliament, under the authority of its Authorising Officer or under that of the APPF. In particular, information concerning the application, registration, finances, potential sanctions, technical support and members of European political parties and foundations should be made available on a website created for that purpose. [4]

The complaint

6. The complainant is a consultancy firm working on issues concerning democracy, transparency and efficiency in the EU.

7. In carrying out research, at the beginning of 2020, on the reform of European political parties, the complainant took the view that the APPF did not comply with its statutory transparency requirements. [5] In particular, the complainant had several concerns regarding the availability of information about European political parties and foundations on two separate websites, as well as the completeness, clarity and format of the information.

8. The complainant drafted a report listing the APPF's shortcomings and included recommendations aimed at tackling them. It sent its report to the APPF in March 2020 and asked for a reply within three months.

9. In April 2020, the APPF replied to the complainant, stating that it complies with its transparency obligations, and stressing that the Parliament is also responsible for publishing



information about the parties and foundations. [6] The APPF invited the complainant to check its website regularly for updated information. It added that it would take into account the complainant's recommendations on improving its website should the website be redeveloped.

10. After a further exchange, the complainant turned to the Ombudsman in June 2020.

The inquiry

11. The Ombudsman opened an inquiry into the complainant's concerns that information about European political parties and foundations should be: published on a dedicated website; complete and accessible; published in a harmonised, clear and user-friendly format.

12. In the course of the inquiry, the Ombudsman received the APPF's reply to her request for reply and the comments of the complainant on that reply.

13. Given that the transparency requirements concerning European political parties and foundations refer to both the APPF and the Parliament [7] , the Ombudsman also asked the Parliament to comment on the complaint.

Dedicated website for European parties and foundations

Arguments presented to the Ombudsman

14. The **complainant** considers that all information and documents relating to European political parties and foundations should be published on one website "*created for that purpose*". [8] It believes this should be the APPF's website.

15. The complainant considers that the current situation, by which parts of the relevant information are made available on two separate websites, makes it difficult for the public to access this information.

16. The complainant fails to understand why the APPF has difficulty obtaining information from the Parliament, given that the APPF and the Parliament are closely interlinked - in the same building, with the Parliament providing administrative support to the APPF [9] - and both websites are hosted by the Parliament and managed by its IT staff [10] . Moreover, European political parties and foundations are required to submit directly to the APPF documents relating to finances, audits and donations [11] , as well as any information the APPF requests for carrying out its supervisory tasks [12] .

17. The complainant therefore considers that the APPF should make available all information on its own website, rather than part of the information being hosted on the Parliament's website.



18. In the **APPF's** view, according to Regulation 1141/2014 [13] , both the Parliament and the APPF should each publish information falling under their respective responsibilities. For example, the APPF considers that it should publish the names and statutes of all registered European political parties and European political foundations [14] , whereas the Parliament should publish an annual report with a table of the amounts paid to each European political party and foundation [15] .

19. The APPF argued that, if it published documents that are the responsibility of the Parliament, it would need to conclude a formal agreement with the Parliament. As this information is collated by the Parliament, the APPF could not itself ensure the information published would be accurate and up-to-date.

20. However, the APPF stated that it would in future provide a reference on its website to the relevant information on the Parliament's website. It also committed to provide on its website an exhaustive list of documents that are published on the Parliament's website, and include links leading to the relevant information.

The Ombudsman's assessment

21. Given the role they play in the EU's democratic system, information concerning European political parties and foundations should be made available in a consistent, comparable and timely manner.

22. While the recently adopted EU Open Data Directive [16] does not apply to the APPF, as an EU body, the Ombudsman finds it relevant to cite one of the provisions underpinning it: *"Making public all generally available documents held by the public sector - concerning not only the political process but also the legal and administrative process - is a fundamental instrument for extending the right to knowledge, which is a basic principle of democracy. That objective is applicable to institutions at every level, be it local, national or international."*

23. The complaint questions in essence whether the current practice of publishing the information on two different websites is user-friendly. The Ombudsman considers that the APPF's commitment to include links to the relevant sections of the Parliament's website will address this issue, by making it easier for visitors to the APPF's website to access this information. [17] It is also, arguably, more reliable to link to the website of the body responsible for publishing the information in question (in this case, the Parliament). As such, the APPF can be reassured that it is linking to the latest available information from the responsible entity. The Ombudsman thus welcomes this commitment.

Complete and accessible information



Arguments presented to the Ombudsman

24. The **complainant** considers that certain information is unavailable, incomplete or outdated.

25. There is no information published on the APPF's website concerning donations received by European parties and foundations for the period prior to 2018. While the complainant recognised that the APPF is legally required [18] to publish such information for the budget year 2018 onwards only, he considered that nothing prevents the APPF from publishing information from before 2018 and that this would be more transparent. The complainant contended that the information about donations is incomplete. [19]

26. The complainant said that other information is not provided at all, such as the contributions from and the identity of member parties or organisations which made those contributions [20] and the final reports on the implementation of the work programmes or actions of European political foundations [21] .

27. The complainant also pointed out that there is no section on the APPF's website concerning sanctions imposed on political parties and foundations [22] . This means the public cannot find out if or when the APPF imposed any sanctions.

28. Finally, the complainant argued that, while for each European party there is a list of its Members of the European Parliament (MEPs), there is no single consolidated list, as required under Regulation 1141/2014 [23] . The complainant argued that the APPF should not only provide this information but also include supplementary information such as the country of the MEP, national party affiliation and parliamentary group. [24]

29. The **APPF** reiterated that its mandate covers only donations and contributions from the budget year 2018 onwards. Therefore, the APPF considers it should not publish any information from prior budget years.

30. Concerning the completeness of financial information, the APPF stated that its review of the 2018 budget year was its first, and that it is currently in the middle of the second annual exercise, which covers budget year 2019. It stated that it *"would consider the complainant's comments"* in this context.

31. The APPF further stated that information on sanctions imposed on political parties and foundations is not available because it has never imposed any sanctions. However, it acknowledged that the absence of a section on sanctions could create confusion as to whether sanctions have been imposed or not. It committed to creating a section on sanctions on its website by 2021. It further committed to assessing whether other categories exist for which it does not yet possess any documents but where it could create sections on its website.

32. The APPF also committed to addressing the lack of a consolidated list of MEPs. It stated it would introduce a template to be used by political parties when submitting information in the future, so that the information it publishes is consistent and coherent.



33. Finally, in reply to the Ombudsman's opening letter [25] , the APPF committed to making available in all official EU languages those parts of the its website that are of particular interest to the public and include relatively static content.

The Ombudsman's assessment

34. The Ombudsman considers that, given the crucial role of European parties and foundations in the EU democratic process, the APPF should make available as much information about them as possible, in particular financial information. This is essential for public scrutiny. To this end, as a bare minimum, the APPF should publish all information it is required to under the applicable legislation.

35. The Ombudsman thus suggests the APPF publish on in its website any information that is supposed to be published (according to Regulation 1141/2014) but is not currently [26] .

36. The Ombudsman acknowledges that the APPF has no legal obligation to publish information on donations received by European parties and foundations on its website for the budget years prior to 2018. This information is available on Parliament's website. The Ombudsman welcomes the APPF's commitment to provide a link to the relevant information on the Parliament's website, which would go some way to addressing the complainant's concern. The Ombudsman suggests that it would provide greater clarity for the public if the relevant page on the APPF's website included a short explanation of why it publishes information only from 2018 onwards.

37. The Ombudsman welcomes the APPF's commitment to creating a page on its website concerning sanctions, as well as for other categories of information, even where it does not yet have the relevant information. In the interim, these pages could contain a description of the APPF's role in this area. The complainant indicated that he is satisfied with this solution, so the Ombudsman considers this issue settled.

38. The Ombudsman welcomes the APPF's commitment to introduce a template to obtain information in a clear and harmonised manner from European political parties. Nonetheless, a consolidated list of all MEPs by party affiliation, as is legally required [27] , is missing. The Ombudsman therefore suggests that the APPF publishes such a list.

39. Finally, the Ombudsman welcomes the APPF's commitment to follow up on her practical recommendations on the use of official EU languages [28] and to make available in all official EU languages the most relevant sections of the website.

Format



Arguments presented to the Ombudsman

40. The **complainant** considers that information should be provided in formats other than PDF, in particular machine-readable formats such as XLS, XML or CSV. Making the information available only in PDF format means the data cannot be extracted. This is not user-friendly.

41. The complainant argued that the APPF should create its own database to centralise the information on European political parties and foundations, and create appropriate templates to obtain from them all information required.

42. The **APPF** argued that it is not legally obliged to provide information in a format other than PDF. It adds that it converts documents from XLS or DOC formats to PDF format, to allow for the text to be copied.

The Ombudsman's assessment

43. Regulation 1141/2014 does not indicate in what format the information should be made available. Nonetheless, given that one of the objectives of Regulation 1141/2014 is to enhance visibility and transparency of European political parties and foundations, information should be provided to the public in the most user-friendly and accessible format to make it easily extractable, comparable and consistent.

44. The Ombudsman considers that, in line with the recently adopted EU Open Data Directive [29], the EU administration should make available information in an open data format where possible. Although this directive applies only to Member States, it provides a useful source on which any administration that is keen to operate transparently can draw.

45. In light of the above, the Ombudsman suggests that the APPF should, in the future, make available on its website all information that it is required to publish under Regulation 1141/2014 [30] (such as financial information about European parties and foundations) in an open data format. The APPF should also improve its website, with a view to making it more user-friendly and accessible, including by providing a search function.

46. The Ombudsman further emphasises the importance of providing information in a format that it is accessible for persons with disabilities. [31] In particular, websites and contact forms of the EU administration should be accessible to persons with disabilities, and efforts should be made to increase significantly the availability of 'easy-to-read' information about the EU administration's work. [32]

47. Taking into account the APPF's limited staff and administrative resources it could look for support from the European Open Data Portal [33] in exploring digital solutions and implementing the necessary changes.



Conclusion

Based on the inquiry, the Ombudsman closes this case with the following conclusion:

In light of the commitments made by the Authority for European Political Parties and Foundations in the course of the inquiry, no further inquiries are justified.

The complainant and the APPF will be informed of this decision .

Suggestions for improvement

In order to improve further access to information and readability of the APPF's website, the Ombudsman makes the following suggestions:

- 1. The APPF should publish on its website any incomplete or missing information on European political parties and foundations it is required to under the applicable legislation.**
- 2. The APPF should follow up on its commitment to publish on its website references and links to information about European political parties and foundations that is published on the Parliament's website, and include explanations where relevant.**
- 3. The APPF should, in the future, make information available on its website in an open data format.**

Emily O'Reilly European Ombudsman

Strasbourg, 25/01/2021

[1] Regulation 1141/2014 of the European Parliament and of the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations, available at:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R1141-20190327> [Povezava].

[2] <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT> [Povezava]

[3] Article 6(1) and (2) of Regulation 1141/2014.

[4] Article 32(1) of Regulation 1141/2014.



[5] As defined in Article 32(1) of Regulation 1141/2014.

[6] Due to a different interpretation of Article 32(1) of Regulation 1141/2014.

[7] Article 32(1) of Regulation 1141/2014 refers to both the European Parliament and the APPF.

[8] Article 32(1) of Regulation 1141/2014 stipulates “ *the European Parliament shall make public, under the authority of its Authorising Officer or under that of the Authority, on a website created for that purpose, the following : [categories of information to be published (a-k)]*”.

[9] Article 6(4) of Regulation 1141/2014.

[10] Article 6(9) of Regulation 1141/2014.

[11] In accordance with Article 23(1) of Regulation 1141/2014.

[12] Article 24(4) of Regulation 1141/2014.

[13] Article 32(1) of Regulation 1141/2014.

[14] Article 32(1)(a) of Regulation 1141/2014.

[15] Article 32(1)(c) of Regulation 1141/2014.

[16] Directive 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information, available at:
<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1561563110433&uri=CELEX:32019L1024>
[Povezava]

[17] This is in line with the Ombudsman letter of 27 July 2020 opening the inquiry: “ *at present, it appears that the information can partially be found by consulting two separate websites, the APPF's and Parliament's website, and my inquiry team has not found a reference on the APPF website to the relevant information on Parliament's website. This makes it difficult for the public to obtain a clear and complete overview of information relating to European political parties and foundations*”. The letter can be consulted here:
<https://www.ombudsman.europa.eu/en/correspondence/en/132149> [Povezava].

[18] Article 40 and 41 of Regulation 1141/2014.

[19] The complainant argues that the publication of the donations does not fulfil the requirements set out in Article 32(1)(e).

[20] As defined in Article 32(1)(f) of Regulation 1141/2014.



[21] Article 32(1)(d) of Regulation 1141/2014.

[22] Article 32(1)(h) read in conjunction with Article 27 of Regulation 1141/2014.

[23] Article 32(1)(k) of Regulation 1141/2014.

[24] The complainant refers to the list produced by the Parliament along with its search function as a useful model: <https://www.europarl.europa.eu/meps/en/full-list/all> [Povezava].

[25] In the letter of 27 July 2020 opening the inquiry, the Ombudsman noted that the APPF website is available only in English, French and German. She referred to the Ombudsman practical recommendations for the EU administration on the use of EU languages when communicating with the public:

<https://www.ombudsman.europa.eu/en/correspondence/en/129519> [Povezava].

[26] Within the scope of Article 32(1) of Regulation 1141/2014.

[27] Article 32(1)(k) of Regulation 1141/2014.

[28] <https://www.ombudsman.europa.eu/en/correspondence/en/129519> [Povezava].

[29] See footnote 16 above.

[30] Article 32 of Regulation 1141/2014.

[31] Accessibility and digital administration was one of the areas of improvement identified by the Ombudsman in her contribution to the Commission's post-2020 European Disability Strategy: <https://www.ombudsman.europa.eu/en/letter/en/123643v> [Povezava] .

[32] Providing information in an accessible format for persons with a disability may concern, for example, specific visual features and format of the information and content displayed on the APPF's website. Overall accessibility to the information displayed on a website for all users may be enhanced by, for example, providing a digital search tool to extract relevant information.

[33] <https://data.europa.eu/euodp/en/home> [Povezava].