



**European Committee  
of the Regions**

The President

Brussels, *date of the official registration*

PCab/RLC/SoB/ssch D 402/2023

Ms Emily O'Reilly  
European Ombudsman

### **Ombudsman's Complaint 795/2022/OAM**

Dear Ms O'Reilly,

You transmitted to the European Committee of the Regions (hereinafter, 'the CoR') a proposal for a solution to overcome its current refusal to grant full access to the travel expenses incurred by and the flat-rate travel and meeting allowances paid to its former member [REDACTED]. The proposal was registered on 16 February 2023.

Since December 2020, the complainant, [REDACTED], has been requesting access to certain CoR documents concerning former and current Irish members for, allegedly, double funding of some travel expenses and other allowances reimbursement claimed both to the CoR and to their local councils for overlapping events. The complainant especially focused on the reimbursements received by [REDACTED]. Although the CoR initially refused to grant access to probatory documents, it subsequently disclosed to the complainant some information about whether [REDACTED] attended the relevant meetings and whether [REDACTED] was reimbursed without displaying the actual amounts or any other confidential information<sup>1</sup>. This decision followed on from the CoR's internal investigation which showed some inconsistencies in travel expense claims with regard to some car expenses from Dublin airport to [REDACTED] private address corresponding to nine journeys carried out from 2015 to 2019, for which [REDACTED] was apparently reimbursed by both the CoR and the local authorities. Having declared that [REDACTED] was unable to locate the relevant documents to justify these expenses, [REDACTED] agreed *de bona fide* to reimburse the CoR for the car expenses that [REDACTED] was alleged to have received unduly, amounting in total to EUR 380.16. [REDACTED] repaid this amount to the CoR in November 2021.

---

<sup>1</sup> I am referring to the CoR's decision of October 2021 to grant partial access to the requested information through an Excel table indicating for each of the relevant meetings whether [REDACTED] attended them and whether [REDACTED] was reimbursed per item ('yes' or 'no'), without displaying the actual amounts reimbursed or paid [REDACTED] or any other data. The exact details of the journey, such as the itinerary, time schedule or place of origin were not necessarily part of the member's public sphere.

By sharing this information with the complainant, the CoR went, in its opinion, beyond the requirements established by the General Court of the European Union (especially in its Psara case<sup>2</sup>) and by some Ombudsman's decisions<sup>3</sup>.

In parallel, OLAF opened an investigation into this matter<sup>4</sup> and the CoR transmitted to it the same information, explanations and documentation already provided to the complainant. OLAF dismissed the case on the grounds of insufficient suspicion and informed the CoR by letter to the President of the CoR on 26 September 2022.

Nevertheless, you consider that the facts in the case at hand differ from the circumstances of the Psara ruling. You especially underline the fact that the complainant has provided specific concerns about inconsistencies in the reimbursement claims of [REDACTED] with detailed evidence obtained from the Irish local authorities, namely reimbursement claims for national events. Moreover, you highlight that the fact that [REDACTED] having reimbursed the CoR for certain expenses after the CoR had carried out its internal investigation would seem to confirm the complainant's concerns. This led you to the conclusion that the complainant met the conditions provided for in Article 9(1)(b) of Regulation (EU) 2018/1725 for the requested documents to be disclosed.

Having analysed your proposal for a solution, the CoR has reconsidered its position to date and is willing to disclose the parts of the documents sent to you under the conditions set out in your letter, specifically disclosing solely those pages entitled '*Statement of travel and subsistence expenses*' and '*Claim for reimbursement of travel expenses and travel and meeting allowances*' and redacting all non-relevant personal data<sup>5</sup>.

Your balanced proposal and the reassessment of the case by the CoR in view of the combined interpretation weighing Article 4(1)(b) of Regulation (EC) No 1049/2001 and Article 9(1)(b) of Regulation (EU) 2018/1725 has led it to reconsider the position it has maintained to date.

Pursuant to Article 15(3) of Regulation 2018/1725, the CoR will inform [REDACTED] that [REDACTED] personal data will be processed for a purpose other than the one for which they were collected.

Yours sincerely,



Vasco Alves Cordeiro

---

<sup>2</sup> Judgment of the General Court of 25 September 2018 in joint cases T-639/15, T-666/15 and T-94/16, 'Psara and Others v Parliament', paragraphs 69, 72 and especially 77. See also the judgment of the General Court of 15 July 2015 in case T-115/13, 'Dennekamp v Parliament', paragraphs 59, 77, 117.

<sup>3</sup> Decision in case 221/2021/DL on the European Commission's refusal to give public access to documents concerning travel expenses related to an official trip by a staff member of the European Anti-Fraud Office (OLAF). See especially the last paragraph of its point No 6 and point No 7. See also Decision in case 143/2019/TE on the European Parliament's refusal to give access to documents showing the expenses and allowances received by Irish members of the European Parliament.

<sup>4</sup> OLAF case No OC/2022/0405

<sup>5</sup> Such as the names of CoR staff, car licence plate numbers, bank accounts and signatures.