



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR COMMUNICATION

Spokesperson's Service

Brussels, 14 September 2020
COMM.SPP/EM

Subject: How the European Commission dealt with a news agency's request for accreditation (Ref. Complaint 477/2023/EIS).

██████████,

In my role of the Chief Spokesperson of the European Commission, I would like to thank you for consulting the Spokesperson's Service regarding a complaint which the Ombudsman has received from the *mts Deutsche Textservice Nachrichtenagentur* against the European Commission for not being included in the mailing list of EUROSTAT.

I am pleased to provide you with the clarifications to all the questions raised hereafter:

1. *The Ombudsman understands that the main purpose of the inter-institutional media accreditation is to enable holders to access the press zones of the European Commission, Council and Parliament.*

The inter-institutional media accreditation is a practical arrangement which ensures that professional journalists have physical and when applicable also remote access to EU institutions (European Commission and Council designated press zones, and to Parliament both in Brussels and Strasbourg) for performing their journalistic work on EU news affairs.

Accreditation is granted by the Directorate-General for Communication, Spokesperson's Service at the recommendation of the Accreditation Committee, which comprises representatives of the European Commission Directorate-General for Communication, the International Press Association (API-IPA), the Council of the European Union and the European Parliament press services.

The security services of the host country must be able to carry out prior security checks on holders of the inter-institutional media accreditation cards – this is of course related to the fact that these holders can enter without any constraints the premises of EU institutions for media related events.

1.1. *Could the Commission please clarify if it is standard practice for all its press services to include on their mailing lists only media professionals that have inter-institutional media accreditation? If so, could it explain the reasoning for this?*

By answering this question, it is necessary to distinguish between the press material and documents under embargo, and all the other information available to the press.

When the Commission Spokesperson's Service sends press material and documents under embargo to the accredited journalist who requires them to prepare for timely publication of time-sensitive issues, the embargo period is to be respected and therefore, this press material and these documents are not to be in any way released, made public or referred to before the date and time expressly indicated by the Spokesperson's Service.

This service is offered only to accredited journalists, as defined in the Declaration of acknowledgment of the Spokesperson's Service's embargo conditions (further in the text – the Declaration) and used as standard practice within all policy areas.

In order to be included in the mailing list of the Spokesperson's Service press material under embargo an accredited journalist and the Editor in chief (or Media Director of the media organisation to which s/he works) must sign the Declaration. By signing the Declaration journalist commits to respect the embargo, and acknowledges that, in case of breach, s/he will be subject to exclusion from receiving press material (the sanctions may also apply to the entire editorial staff of a given medium), documents and access to the off-record and background briefings by the Spokesperson's Service under embargo. Having an inter-institutional accreditation is therefore a requirement which empowers the Spokesperson's Service to implement these measures in case of breach.

However, it is worth mentioning that the Spokesperson's Service in no way limits journalists as such from receiving all press related information from the Commission when they are made public.

I would like to emphasise that any person can be added to the Spokesperson's Service general distribution list for public press material, e.g. Daily News, press notifications and agenda by emailing to COMM-SPOKESPERSONS@ec.europa.eu. In addition, any person can subscribe online to the notifications of new press releases in different policy areas via [Press corner](#).

2. *If it is not standard practice, could the Commission please explain why Eurostat insists on this requirement in order to be added to its mailing list for Euro indicators? In doing so, could it please also take into account the complainant's claim that making residence in Belgium a de facto precondition for being eligible to receive Euro statistics in advance is contrary to Articles 2(1)(b)2 and 18(1)3 of*

Regulation 223/20094, which stipulate that access to statistics should be based on

equal treatment and the principle of impartiality.

The inter-institutional media accreditation enables journalists, film crews and photographers to obtain badge that provides physical access to the European Commission, Council and Parliament (in Brussels and Strasbourg) buildings.

Journalists applying for media accreditation must *inter alia* fulfil the criteria of being based in Belgium. The proof of a valid main or secondary Belgian residence, a prerequisite for each first application, is required in order to perform a security screening that at present has to be done by the Belgian National Security Authority.

In concrete terms, this refers, for example, to access to the Council buildings or other international meetings where participants, visitors, suppliers and also journalists are screened and a Security certificate is sent to the Council to inform about the outcome of the screening.

Therefore, the restriction of inter-institutional accreditation to Belgium based journalists is necessary to ensure security at EU institutions and essentially for the general public.

The Commission Spokesperson's Service is not in charge of the flow of press material sent by EUROSTAT, nor other EU institutions or/and bodies. For sending press material to journalists and counterparts EUROSTAT has its own system. According to EUROSTAT '[Protocol on impartial access to Eurostat data for users](#)' it only sends flash estimates of HICP and GDP/euro-indicators under embargo to a limited number of accredited Agencies in Brussels. To be able to establish that the news agency is accredited (bona fide) media organisation EUROSTAT staff dealing with the press consult the Directory of accredited journalists to the European institutions.

The Spokesperson's Service cannot comment on EUROSTAT preconditions for being eligible to receive Euro statistics in advance.

3. *It was not clear for the complainant that only natural persons can apply for annual media accreditation to the EU institutions. On its website, the Commission indicates that media organisations may apply for annual media accreditation to EU institutions, but it does not appear to expressly state that such accreditation must be applied for by a natural person. Could the Commission please consider explaining this requirement in an explicit manner on its website, to ensure that all interested parties are adequately informed that*

media organisations alone cannot be granted inter-institutional accreditation, but should have a natural person applying for it instead?

On the Commission website for [Annual media accreditation to EU institutions \(europa.eu\)](https://european-council.europa.eu/media/1234567890/attachment/?id=1234567890) it mentions that “Brussels-based media professionals reporting on the European Union can apply for an annual inter-institutional accreditation”.

In the first chapter on ‘How to apply’ it clearly states that “Journalists applying for media accreditation to the European Institutions must fulfil the following criteria:

- They must be an employee of a bona fide media organisation or a freelance journalist who regularly covers EU affairs for a bona fide media organisation.
- Be based in Brussels.
- Journalism must be their main source of income”.

Above mentioned criteria can only refer to a natural person, same as documents which must be attached to each application, e.g. identity card or passport, proof of main or secondary residence in Belgium, proof of journalist status i.e. a reference to profession in an official document, or a valid press card.

Yours Sincerely,

(e-signed)
Eric MAMER
EC Chief Spokesperson

Annex: *Declaration of acknowledgment of the Spokesperson’s Service’s embargo conditions.*

C.C.:

[REDACTED]



EUROPEAN COMMISSION
DIRECTORATE GENERAL FOR COMMUNICATION

Spokesperson's Service

Declaration of acknowledgment of the Spokesperson's Service's embargo conditions

For the purposes of this Declaration, the following definitions apply:

- **Embargo:** requirement by the Spokesperson's Service of the European Commission that the information or news provided cannot be in any way released, made public or referred to before the date and time expressly indicated by the Spokesperson's Service.
- **Accredited journalist:** permanent or temporary correspondent in Brussels of a media organisation, who has been accredited to the European Commission, Council and Parliament. To obtain the inter-institutional media accreditation, a journalist must be an employee of a bona fide media organisation or a freelance journalist who regularly covers EU affairs for a bona fide media organisation; be based in Brussels (Belgium) or be part of news agencies and international media with a permanent accredited correspondents in Brussels; and journalism must be the main source of his/her income. Paper or online publications which are communication outreach or advocacy publications of non-governmental or non-profit organisations, think tanks or interest groups do not qualify for inter-institutional media accreditation.
- **Accredited media organisation:** the media organisation for which the accredited journalist signing the Declaration reports, including other colleagues reporting for the same media organisation.
- **Declaration of acknowledgment of the Spokesperson's Service's embargo conditions (the "Declaration"):** the Declaration by which the Accredited journalist commits to respect the above defined embargo, and accepts the measures defined below in case of breach.

When the European Commission Spokesperson's Service sends press material and documents under embargo to the Accredited journalist who requires them to prepare for timely publication of time-sensitive issues, the embargo period is to be respected and therefore, this press material and these documents are not to be in any way released, made public or referred to before the date and time expressly indicated by the Spokesperson's Service.

This service is offered only to accredited journalists, as defined in this Declaration.

The Spokesperson's Service reserves the right of deciding what press material and documents to send under embargo.

The Commission cannot guarantee correct transmission or be responsible for the consequences of technical problems in the transmission of the press material and documents provided under embargo. It is the responsibility of the Accredited journalist to provide the European Commission with a valid e-mail address capable of receiving large attachments.

It is the responsibility of the Accredited journalist to ensure that information under embargo is handled with appropriate care, discretion and confidentiality to avoid embargo breaches and insider dealing.

The sharing by the Accredited journalist of the press material and documents received under embargo, or of their content, either orally or in writing, constitutes a breach of the present Declaration, with the exception of sharing on a needs basis within the Accredited media organisation for which the journalist is assigned for purposes of filing or editing communication material. In case the information is shared on a needs basis, the Accredited media organisation also need to respect the embargo.

By the present Declaration, the Accredited journalist commits to respect the Embargo, and acknowledges that, in case of breach of the present Declaration, s/he will be subject to the following measures:

1. First breach of the Declaration: **one-month** exclusion of the Accredited journalist from receiving press material, documents and access to the off the record and background briefings by the Spokesperson's Service under embargo. The Spokesperson's Service may reduce the one-month exclusion period for the first breach on a case-by-case basis and after careful consideration of circumstances in which the breach occurred.
2. Second breach of the Declaration within a period of 12 months from the first breach: **four-month** exclusion of the Accredited journalist from receiving press material, documents and access to the off the record and background briefings by the Spokesperson's Service under embargo.

3. Third breach of the Declaration within a period of 12 months from the second breach: **definite** exclusion of the Accredited journalist from receiving press material, documents and access to the off the record and background briefings by the Spokesperson's Service under embargo.

At the end of the relevant exclusion period, the Accredited journalist can again receive the press material, documents and gain access to the off the record and background briefings by the Spokesperson's Service under embargo.

In case of definite exclusion, the Accredited journalist can receive the press material and documents under embargo 12 months after the date of the breach - for a temporary probation period of 12 months. Provided that during the probation period the Accredited journalist adheres to the Declaration, the Spokesperson's Service can again grant access to the press material and documents under embargo.

The Accredited journalist may appeal the Spokesperson's Service decision on imposed sanctions to the Spokesperson's Service Chief Spokesperson. The Spokesperson's Service after receiving a consent from the concerned journalist, will inform the President of the International Press Association/ Association de la Presse Internationale (API/IPA) about the appeal and will provide full access to the information related to the given case. API/IPA President will have the possibility to present its opinion to the Chief Spokesperson and take active part in the appeal procedures.

The appeal must be filled in within 5 working days of notice of the Spokesperson's Service decision. The opinion of the President of API/IPA should be sent to the Chief Spokesperson within 2 weeks from the appeal of the journalist.

Surveillance relies on a peer monitoring system under which all Accredited journalists signing a Declaration with the European Commission Spokesperson's Service monitor the timing of release of other journalists and Accredited media organisations, and can denounce embargo breaches to the Spokesperson's Service at: COMM-SPP-MIDDAY-PLANNING@ec.europa.eu. The Spokesperson's Service can also conduct direct monitoring of the respect of the present Declaration.

The Spokesperson's Service maintains the right to evaluate breaches and impose additional measures, on a case-by-case basis to the Accredited journalist and the media organisation that breached the embargo rules. In the same way the Spokesperson's Service may also evaluate the breaches and, if needed, impose additional measures concerning the Accredited media organisation to which the Accredited journalist was reporting for at the time of the breach.

The Spokesperson's Service after carefully examining the case, may also decide on imposing above sanctions only on the concerned media organisation, and release the journalist from liability, if it is proven that he has acted in good faith and that he has not participated in the breach of the Declaration.

*The European
Commission*

For the Subscriber

*I agree with and undertake to respect the
conditions included in the present Declaration*

(signed)

(signed)

*(signed) **

Chief Spokesperson

(Name of accredited journalist;
name of accredited media organisation(s)¹)

(Name of Director, Chief Editor or Brussels
Bureau Chief of the accredited media
organisation(s))

*not applicable to freelancers

Date:

¹ In case an accredited journalist starts reporting for a media organisation not mentioned explicitly in the present Declaration, s/he shall inform the Spokesperson's Service without delay.