



Council of the  
European Union

Brussels, 23. 10. 2019

LT 232/19

Ms Emily O'REILLY  
The European Ombudsman  
Avenue du Président Robert Schuman, 1  
CS 30403  
67001 STRASBOURG Cedex  
FRANCE

Subject: Complaint 1069/2019/MIG

Madam,

Thank you for your letter of 15 July 2019 concerning complaint 1069/2019/MIG on commercial sponsorship of the Presidencies of the Council of the European Union.

In your letter, you refer to a reply addressed to the complainant by the Press office in February 2019 indicating notably that the organisation of the Presidency, including the seeking of sponsorship for financing certain elements of the Presidency, is, in principle, a matter for the Members States concerned.

You further make reference to a letter sent by the Council in 2005 in the context of a previous inquiry concerning complaint 1487/2005/GG in which the General Secretariat of the Council indicated that the Presidency in office acts as part of the Council.

Finally, you indicate that the Council could consider providing some guidance to the Presidencies covering the issue of sponsorship and you ask the Council to submit a reply on the above matters.

I am pleased to provide you with the following information which is also the occasion for the Council to refine its position.

First of all, it is important to clarify that, to the extent it exercises the role vested in it by the EU Treaties and the Council's Rules of Procedure, the Presidency is to be functionally considered as part of the Council.

As specified in the Council's Rules of Procedure of the Council (CRP)<sup>1</sup>, the Presidency is mainly responsible for ensuring that the discussions within the Council are conducted smoothly. The Presidency notably coordinates and chairs meetings of the Council and its preparatory bodies, sets the draft agenda for the meetings' work, suggests compromise solutions and negotiates on behalf of the Council to reach agreements on legislative files with other institutions. In that regard, its activity cannot be dissociated from the activity of the Council.

In exercising those functions, the Presidency has the duty to be neutral and impartial as this is already explained in the practical advice given to Presidencies by the General Secretariat of the Council.<sup>2</sup> What is more, meetings of the Council and its preparatory bodies in the context of the decision-making process of the institution are, in principle, held in the premises of the Council which fall under the control of the General Secretariat of the Council and are financed by the Council's budget. The above constitute already safeguards that may palliate the concerns of the complainant.

However, the practice has been developed whereby Member States holding the Presidency use this period to promote themselves and organise other activities which do not fall within the institutional framework of the Council. For example, Member States when holding the Presidency organise cultural, touristic and scientific events (e.g. concerts, exhibitions, conferences, seminars or trips for Council preparatory bodies, also inviting other EU institutions, offices, bodies, agencies etc.) or hold different informal meetings, which are not Council's meetings and in which no decisions can be reached. Such meetings very often take place in the territory of the given Member State, holding the Presidency. Such activities remain under the responsibility of the Member State as such. They cannot be regarded as Council activities and are neither financed nor managed by the Council. Thus, the costs of meetings convened on the Presidency's initiative outside the institutional framework are financially exclusively covered by the Member State holding the Presidency.

The Council, which acts within the limits of the powers conferred upon it by the Treaty<sup>3</sup>, bears no responsibility for the managing of such activities and there are no rules that would enable the Council to act in that regard. Therefore, the organisation of such activities, including the decision to seek sponsorship, is indeed a matter for Member State authorities and not a matter falling within the Council's power of decision.

Yours faithfully,



M. RISLAKKI  
Chair of the  
Permanent Representatives Committee

<sup>1</sup> Article 20 of the CRP.

<sup>2</sup> <http://www.mvep.hr/files/file/2018/181212-handbook-of-the-presidency-02-2018-1.pdf>

<sup>3</sup> In accordance with Article 13 (2) TEU "*Each institution shall act within the limits of the powers conferred on it in the Treaties, and in conformity with the procedures, conditions and objectives set out in them.*"