



**Authority for European Political Parties
and European Political Foundations**

Brussels, 5 October 2020
APPF(2020/0080)

For the attention of:

Ms Emily O'Reilly
European Ombudsman
1 avenue du Président Robert Schuman
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France

Copy to:

Ms Dorien Laermans
responsible case-handler

By email only

To:

European Ombudsman - Registry
(Registry@ombudsman.europa.eu)

Subject: Reply to your questions of 28 July 2020 - Complaint 1094/2020/DL

Dear Ms O'Reilly,
Dear Ombudsman,

Thank you for your letter of 28 July 2020 (the "letter") in relation to Complaint 1094/2020/DL lodged by Mr [REDACTED] (the "complainant") on behalf of [REDACTED] and received by your services on 26 June 2020.

In the following, the Authority for European political parties and European political foundations (the "Authority") would like to address the questions you pose in your letter and would also like to take this opportunity to explain the functioning of the legal and practical framework of its operations, as well as a number of legal and practical constraints relating to its website.

The Authority appreciates the opportunity to provide comments already at this early stage of the inquiry. Should the Ombudsman decide that any of the allegations of the complainant amount to maladministration, the Authority looks forward to the opportunity to comment in more detail at a later stage on those allegations pursuant to Article 3(6) of the Decision of the European Parliament on the regulations and general conditions governing the performance of the Ombudsman's duties¹.

The Authority is a relatively new and very small body of the European Union. It was created at the end of 2016 and has today a total personnel of 8 staff members. The Authority is in charge of overseeing the activities of European political parties ("EU Parties") and European political foundations ("EU Foundations"). Since its very beginning, the Authority provided citizens and the general public with complete, clear, and timely information about EU Parties and EU Foundations in accordance with its founding Regulation (EU, Euratom) No 1141/2014².

2019 was the first year ever in which the Authority reviewed the financial accounts of EU Parties and EU Foundations. That exercise related to income and expenditure incurred during budget year 2018. Following that review the Authority started to publish the information on donations and contributions contained in those financial accounts, as foreseen by Regulation (EU, Euratom) No 1141/2014. Currently the Authority is in the middle of the second annual exercise of that review which covers budget year 2019. In this current exercise the Authority is taking into account the lessons learned from last year's exercise. In that context, the Authority is grateful for your comments and intends to take those into consideration when proceeding with publishing financial information for budget year 2019. That publication process is foreseen to start once the process of reviewing the financial accounts is completed.

As you are aware, the Authority has already, in several replies to the complainant and before a formal complaint was lodged with the Ombudsman, set out the legal requirements for publication of information/documentation about EU Parties and EU Foundations. The Authority also explained to the complainant which are the practical reasons why documents can be found on two separate websites, *i.e.* the website of the Authority and the website of the European Parliament and a number of other points.

In order to avoid repetitions, the Authority will not repeat all those arguments which the complainant has already transmitted to you as part of his complaint but will instead focus on the points you raise in your letter.

This document is divided into two sections, section I containing replies to the questions you raise in your letter of 28 July 2020 and section II commenting on some elements of the complaint.

¹ OJ L 113, 4.5.1994, p. 15.

² OJ L 317, 4.11.2014, p. 1.

Section I: Letter of the Ombudsman of 28 July 2020

1. Reference to the website of the European Parliament

As the Ombudsman points out in her letter, information about EU Parties and EU Foundations can be found both by consulting the Authority's website (www.appf.europa.eu) and by consulting the European Parliament's website (<https://www.europarl.europa.eu/contracts-and-grants/en/political-parties-and-foundations>). The information on both websites complement each other and therefore avoid duplications and potential inaccuracies.

Both websites are hosted on the IT infrastructure of the European Parliament and are provided and run by the IT services of the European Parliament.

The Authority's website has not been created for the purpose of publishing documents possessed by the European Parliament. The purpose of the Authority's website is to inform citizens and the public about the Authority's activities and to publish documents possessed by the Authority and destined for the public.

An approach that would oblige the Authority (and not the European Parliament as foreseen in Article 32(1) of Regulation (EU, Euratom) No 1141/2014) to publish documents that are in the remit of the European Parliament and which the Authority does not even possess, is neither in compliance with said Article, nor would it be in the public interest. Not only would the Authority need to depend on the agreement of the European Parliament to publish documents in European Parliament's possession, but also the Authority would be in no position to ensure that the information contained in those documents is correct and up to date.

The Authority therefore submits that no maladministration can be found in the fact that the Authority operates its own website in addition to the website of the European Parliament.

The Authority does, however, appreciate the point raised by the complainant and by the Ombudsman about the usefulness of a reference to be made on the Authority's website to the website of the European Parliament.

The Authority therefore intends to work with the IT services of the European Parliament to insert such a reference in 2021.

2. Information on sanctions

The Authority takes note of the comment by the complainant and by the Ombudsman that there is currently no information on the Authority's website relating to sanctions imposed by the Authority.

The simple reason is that until today no sanctions have been imposed by the Authority. Such a section would be empty and not contain any documents. The Authority consequently considered that such section would be devoid of purpose until the Authority imposes a sanction.

The Authority does, however, appreciate the point raised by the complainant and by the Ombudsman that under the current design of the Authority's website there might be a potential doubt whether any sanctions have been imposed or not.

The Authority therefore intends to work with the IT services of the European Parliament to insert a section on sanctions on the Authority's website in 2021.

In addition, the Authority will also assess whether other categories exist where the Authority does not yet possess any documents destined for publication but where an empty section should be added on its website in order to clarify that no such documents yet exist.

3. Language versions of the Authority's website

Next, the Authority would like to address the question of the Ombudsman about the availability of the Authority's website in English, French and German only, without the remainder of the official languages of the European Union ("official EU languages").

As a background, the website of the Authority is embedded in the IT infrastructure of the European Parliament, was developed and is maintained by the European Parliament.

The Authority's website was initially published and made available online in the very first days of 2017. It was launched in all 24 official EU languages.

Having the website in all official EU languages was the preference for the Authority and has been maintained as such until 18 December 2018. At the mentioned point in time, the HR/IT resources burden, due the characteristics of the IT tool used to host, develop and maintain the website became too heavy and disabled efficient, as well as timely updates on the website. This is because the Authority publishes large amounts of documents and the upload of those documents had to be carried out manually and separately for each single document in each language version of the website. This required a much larger amount of time than the IT services were able to allocate to that task.

The Authority recalls that its staff at that moment in time consisted of only one (later two) staff members plus the Director. The Authority was therefore faced with the practical choice between a website in all 24 official EU languages displaying incomplete and outdated information and a complete and up-to-date website in the three languages most requested by citizens. The Authority can further extend on the concrete technical difficulties and resource constraints involved in an additional submission if the Ombudsman deems it necessary.

The Authority was at the time also provided with the analytics/statistics regarding the visits of its website. Among other, the analytics/statistics reports have provided facts about the number of visits for each language version. Those reports also set out the percentage (%) of total visits per language version. The reports showed that most linguistic versions of the website - apart from English, French and German - had a limited amount of visits. Following the analysis of those reports, and the problems encountered with maintenance and updates of the 24 linguistic versions of the website, the Authority decided in December 2018 to address the technical and resource constraints by reducing the language versions of the website to the three - most frequently visited - languages.

The Authority also notes that the legislation applicable to EU Parties and EU Foundations as well as the decisions adopted by the Authority are still easily accessible for any reader in other official EU languages via the Authority's website. That website contains links leading to other official EU language versions of those legal acts (examples: *legislation* ([Multilingual](#)); *Authority's decisions* ([Multilingual](#))).

Nevertheless, the Authority takes note of the reference in the letter of the Ombudsman to her practical recommendations for the European administration regarding the use of official EU languages when communicating with the public. As can be seen from the initial approach taken by the Authority in the early phase, the Authority shares the view that information setting out the role of the Authority should, where technically possible, be available in all official EU languages.

The Authority therefore intends to work with the IT services of the European Parliament to make available in all official EU languages those parts of the Authority's website that are of particular interest to the public and do not require the regular upload of documents. This will, as per the practical recommendation of the Ombudsman, include the homepage and information about the Authority's role and contact details.

The Authority aims at finalising this process in 2021, the exact timing depending on the time necessary for the translation services and on the complexity of the technical aspects.

Section II: Document titled *Complaint about maladministration of 26 June 2020 (the "complaint")*

This section addresses some additional comments the complainant lodged with the Ombudsman on 26 June 2020. For the sake of clarity, it addresses the questions and remarks of the complainant in a chronological order and, where possible, using the complainants' numbering.

- *Part 4 of the Complaint*

The Authority's staff is continuously reflecting about ways to further improve the Authority's website including the comparability of information submitted by EU Parties and EU Foundations. As regards the concrete example of a more harmonised "*list of Members of the European Parliament who are members of an EU Party*", the Authority is considering proposing a template to EU Parties to be used when submitting updates to that list in the future.

- *Part 5 of the Complaint*

- *Step one suggested by the complainant*

As set out in Section I.1. above, the Authority takes into account the *step one* suggested by the complainant. More specifically, as proposed by the Ombudsman and by the complainant in the Addendum to its Report, the Authority's website is planned to be extended with an additional tab containing:

(i) *Exhaustive list of documentation set out in Article 32 of Regulation (EU, Euratom) No 1141/2014 that is published on the Parliament's website and not on the Authority's.*

(ii) *A link leading to the documentation published on the European Parliament websites.*

- *Step two suggested by the complainant*

The Authority publishes the list of donations (and contributions) under the tab "Donations and Contributions". This is done following the processing of reported donations/contributions. The

information regarding budget year 2018 are online. Information regarding budget year 2019 are foreseen to be published once the current review of the financial accounts is completed.

○ Step three suggested by the complainant

As set out in Section I.2. above, the Authority takes into account the complainant's point and plans to add a tab "Sanctions" on the Authority's website.

○ Step four suggested by the complainant

The financial statements and audit reports are published on the website of the European Parliament. In line with the planned changes set out under the Authority's reply to *step one* of the complaint, the Authority plans to add a link on the Authority's website leading to that documentation published on the website of the European Parliament. The same applies to the technical support provided to EU Parties and to the European Parliament's documents relating to the funding awarded to EU Parties and EU Foundations.

Regarding the "donations prior to 2018", the Authority notes that it was operationally set up on 1 January 2017 and was mandated to check donations and contributions received by EU Parties and EU Foundations from budget year 2018 onwards. The Authority therefore neither possesses information about donations prior to 2018 nor does it have a mandate to process and publish such donations. Donations prior to 2018 can be found in the audit reports of the respective parties and foundations at EU level on the website of the European Parliament. That said, as stated above, the Authority plans to add a link on the Authority's website to the European Parliament's website containing those audit reports.

As regards the complainants' comments about the format in which information on the Authority's website is published, the Authority first notes that to its knowledge there is no requirement of a certain document format to be used. Second, the Authority would like to inform the Ombudsman that documents authored by the Authority are published in pdf format, converted from Excel or Word documents and allowing the copying of text.

Finally, the complainant proposes the Authority should publish results of the elections to the European Parliament by summarising and simplifying election results and displaying them in a more graphical way. Such an approach would, however, disregard the Authority's legal obligation to publish the official results of the elections to the European Parliament, which each EU Party needs to submit to the Authority (see Article 1(2)(b) and Article 2 of Commission Delegated Regulation (EU, Euratom) 2015/2401 of 2 October 2015 on the content and functioning of the Register of European political parties and foundations³).

³ OJ L 333, 19.12.2015, p. 50.

Conclusion:

To conclude, this response addresses the points raised in the letter of the Ombudsman dated 28 July 2020 as well as issues brought forward by the complainant in *Complaint 1094/2020/DL*.

In light of the explanations set out in this response, the Authority submits that there has been no maladministration by the Authority.

Should the Ombudsman require any further information, the Authority looks forward to the opportunity to elaborate its response further and remains at the Ombudsman's disposal for any additional questions.

Yours sincerely,

A solid black rectangular box used to redact the signature of Michael Adam.

Michael ADAM
Director