



## **European Parliament taken to Court by journalists from all EU countries**

### ***EP denied the journalists' request for records about MEP's allowances***

20 November 2015 - For the first time ever journalists representing all European member states have teamed up to file complaints with the European Court of Justice against the European Parliament (EP). The institution refused to grant the journalists' requests for access to information related to how the 751 Members of the European Parliament (MEPs) spend their allowances. Journalists filed complaints with the Court of Justice on 13 November<sup>1</sup>.

The team of 29 journalists requested four years of copies of spending records of MEPs representing their own countries. Specifically, they asked for documents regarding the money MEPs receive on top of their salaries, including a general allowance, travel allowance, daily subsistence and funds for staffing. But the EP refused to open these expenditures to public scrutiny.

This European-wide freedom of information initiative – The MEPs Project – was formed in June when journalists representing all members of the EU teamed up and requested access to EP documents showing how, when and for what MEPs spent their general, travel, daily and staff allowances.

In 2014, according to the EP, 27 percent of the Parliament's 1,756 billion euro budget was dedicated to MEPs' expenses. This yearly amount of more than 474 million euros consists of their salaries, costs for travel, offices and the pay of personal assistants. The European public is entitled to know how almost half a billion euros of its taxes is being spent. The European Parliament spends 3.2 million euros each month solely on MEPs' general expenditure allowance (almost 40 million euros per year). No one is monitoring this spending. Meanwhile the MEPs, who are the only elected representatives of European citizens, have repeatedly voted down efforts to regulate this issue.

In September the European Parliament denied all of the journalists' requests for access to information on the grounds of personal data protection, as well as an alleged excessive workload that granting access to these documents could cause. The EP also said it did not hold any documents related to how MEPs spent their general allowances.

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<sup>1</sup> The complaint concerning Irish MEPs will be filed in due course.



The journalists are now turning to the European Court of Justice, seeking redress for the fact that the EP fails in its proclaimed function as the guardian of transparency, and thus disregards the Treaty of the EU.

*"By simply denying access to requested documents the European Parliament is effectively granting MEPs the right to secretive public spending and giving them full immunity from public monitoring of their dealings. We argue that the reasons given to the reporters for denying their requests have no basis in any European regulation,"* said the team's lawyer Nataša Pirc Musar, Slovenia's former Information Commissioner.

*"The MEPs Project is unprecedented. This is the first known European-wide collaboration of journalists in the area of Freedom of Information, specifically regarding access to what we believe are inarguably public records of a European body. The MEPs' allowances are intended to be spent exclusively for their professional, not personal needs, and should thus not be allowed to remain hidden from the European public,"* said The MEPs Project's leader, Slovenian journalist Anuška Delić.

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spending<sup>2</sup>. We asked the European Parliament for copies of pertinent bank documents, but they said they do not hold any such documents<sup>3</sup>.

The complete absence of monitoring of MEP's general allowances, in the amount of almost 40 million euros yearly, raises serious doubts that other spending by the 751 MEPs is monitored in a transparent, responsible and verifiable manner. The EP maintains, while denying our requests for access to documents, that all necessary checks and balances are in place. Faced with confirmed cases of spending fraud by MEPs in the past years, spanning from staffing family members to cheating on daily subsistence allowances, and allegations of further frauds, we would like to see evidence of the EP's claims.

In 2009, revelations of the misuse of expense reimbursement schemes by the UK parliament demonstrated that massive abuse of such programs can indeed occur. The only known remedy is transparency. We would be delighted to discover that MEPs have used their allowances in full compliance with the letter and spirit of the law. But we will not accept, as journalists and Europeans, that we are denied the right to see the truth for ourselves.

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<sup>2</sup> Decision of the Bureau of 19 May and 9 July 2008 concerning implementing measures for the Statute for Members of the European Parliament (2009/C 159/01) lists as allowed expenses: »office management and running costs, in particular rent and related charges (heating, lighting, insurance and cleaning); the cost of purchasing or renting office equipment; telephone, including mobile telephone, and postal charges; the cost of purchasing office supplies and stationery; the cost of purchasing books, periodicals and newspapers; the cost of using public data consultation networks; the expenses involved in equipping Members with communications equipment and maintaining that equipment, for example the purchase or rental of a telephone, a fax machine, a computer, a modem or communications card, a printer, other IT equipment, computer peripherals and software packages; the cost of a subscription to the Internet and to databases; representation activities; hotel bills and other related expenses incurred«.

<sup>3</sup> In EP's words: »MEPs are not obliged to establish separate private bank accounts for receiving their general expenditure allowance or to provide records of transactions on the bank account(s) to which they wish their salary and allowances to be transferred.«



## Statement by The MEPs Project

We firmly believe that records regarding MEPs' spending of public funds intended exclusively for expenses they incur during the exercise of their official mandates are and must be deemed public information. This is why we decided to invoke our civic as well as professional duties to monitor and analyze public spending in the name of the European Public<sup>1</sup>, beyond the European Parliament's efforts.

We do not demand access to records about how MEPs spend their salaries, which are intended for their personal and private use. We are demanding access to records that show details of how they spend all extra payments they receive on top of their salaries, and only those extras which are paid to them solely for the exercise of their professional public mandates as elected representatives of European citizens.

While MEPs should enjoy privacy in their private lives, they are employed by the people and for the people, who are entitled to know how public resources are spent. Therefore, the scope of privacy an MEP should expect to enjoy when performing a public function is smaller than that of an ordinary citizen, and rightly so. The team's legal representative and Slovenia's former Information Commissioner of two mandates, Nataša Pirc Musar, is convinced that "personal data protection rules were not properly interpreted and that the denial of access to requested documents was unjustified".

The European Parliament wrote that our requests were partly denied because it does not hold any relevant documents showing how MEPs spent their general allowances. We believe this fact illustrates perfectly that monitoring of MEPs' spending by the European Parliament is lacking in vigor. By the same token, this fact legitimizes the public's right to know and monitor public spending by this institution.

In the beginning of their mandate, MEPs are advised to open a separate bank account to receive their monthly general allowance payments, precisely to enable transparent

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<sup>1</sup> According to Article 42 of the European Charter of Fundamental Rights »any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the institutions, bodies, offices and agencies of the Union, whatever their medium.«