



Der Generalsekretär

**REGISTERED LETTER**  
**WITH ACKNOWLEDGEMENT OF RECEIPT**

D 320967 08.12.2015

Mr Nicholas Aiossa  
Transparency International EU Office  
Rue de l'Industrie, 10  
1000 Brussels  
Belgium

**Subject:** Your requests for public access to documents  
Our ref.: A(2015)14430-35-36-37

Dear Mr Aiossa,

On 19 November 2015, the European Parliament received your applications for public access to documents related to expenditure and allowances of all Members of the European Parliament (MEPs), as laid down in the decision of the Bureau of the European Parliament of 19 May and 9 July 2008<sup>1</sup>. In particular, you have requested copies of documents showing details regarding:

- a) individual reimbursement claims for Travel Expenses (Articles 10-23);
- b) individual claims for Subsistence Allowance (Article 24);
- c) use of the General Expenditure Allowance (Articles 25-28), including a list of MEP's who have reimbursed unspent amounts of this allowance;
- d) individual expenses for Assistance from Personal Staff (Articles 33-42), including a detailed list of names of all current and past service providers employed by Members.

Your applications relate to all documents held by the European Parliament during the current (8<sup>th</sup>) legislative period.

The request has been examined in the light of Regulation (EC) No 1049/2001 laying down the terms and the conditions for public access to the documents of the European

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<sup>1</sup> Bureau Decision of 19 May and 9 July 2008 laying down implementing measures for the statute of Members of the European Parliament. OJ C 159 of 13 July 2009, p.1 ([http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C\\_.2009.159.01.0001.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2009.159.01.0001.01.ENG))

Union institutions<sup>2</sup>, and of Regulation (EC) No 45/2001 on the processing of personal data<sup>3</sup>.

### Background

Please allow me to clarify the following aspects related to your request. All MEPs are entitled to the same allowances<sup>4</sup>:

- 1) *Travel expenses*: MEPs are entitled to the reimbursement of the expenses incurred for duty travel undertaken in connection with meetings of the European Parliament (plenary, committee and political group meetings) in Brussels or Strasbourg. Reimbursement of such travel expenses is based on presentation of the relevant original bill or invoice. MEPs may also be refunded up to € 4,320 per year for other travel outside their own Member State undertaken as part of their work, and be reimbursed for up to 24 return journeys within their own Member State.
- 2) *Subsistence expenses*: MEPs are entitled to a flat-rate allowance to cover accommodation and related costs for each day that they are present on official business, provided that they sign a register to attest their presence. The allowance covers hotel bills, meals and all other expenses involved. The allowance is reduced by half, if MEPs miss more than half the roll-call votes on days when plenary votes are held, even if they are present.
- 3) *General expenditure allowance*: MEPs are entitled to a general expenditure allowance in the form of a lump sum to cover expenditure such as office rent and management costs, telephone and postal charges, computers and telephones. Financial information concerning unused appropriations of the General Expenditure Allowance is made available in the context of the annual Discharge procedure<sup>5</sup>. In consequence the most recent available figures correspond to the 2013 financial year<sup>6</sup>.
- 4) *Assistance from personal staff*: MEPs are entitled to assistance from personal staff, whom they may freely choose. They can make use of accredited parliamentary assistants (based in Brussels, Strasbourg or Luxembourg) and local assistants. The working conditions and job description of accredited parliamentary assistants are established by Council Regulation (EU) No 160/2009

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<sup>2</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145 of 31 May 2001

<sup>3</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, OJ L 8 of 12 January 2001

<sup>4</sup> Please see the Statute for Members, or rules governing the mandate for Members of the European Parliament, which entered into force on the first day of the 7th parliamentary term beginning in 2009: OJ L 262, 7.10.2005, p. 1–10

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:262:0001:0010:EN:PDF>)

<sup>5</sup> <http://www.europarl.europa.eu/committees/en/cont/discharge-procedure.html>

<sup>6</sup> See “Replies to the discharge questionnaire for 2013”, p.32, point 20 in the European Parliament section of the discharge procedure for 2013:

<http://www.europarl.europa.eu/committees/en/cont/discharge-2013.html?tab=European Parliament>

of 23 February 2009<sup>7</sup>. The scale of their basic salary was amended in 2014 and is currently established under Article 17 of Regulation (EU) No 423/2014 of the European Parliament and of the Council of 16 April 2014<sup>8</sup>. Local assistants are persons who are to assist them in their Member States of election and who have concluded an employment or service contract with them in keeping with applicable national law. The employment and service contracts with local assistants are governed by national law and administered by qualified paying agents established in a Member State. Defrayal in respect of services providers may not exceed 25% of the monthly amount defrayable in respect of all the personal staff.

For further details, the Parliament invites you to consult its website, which contains extensive information on the type and amounts of allowances to which MEPs are entitled in their parliamentary work<sup>9</sup>.

#### Assessment of your application

Documents that could fall within the scope of your application are held by Parliament for administrative and financial purposes only. These documents contain details covered by the definition of "personal data", as described by point (a) of Article 2 of Regulation (EC) No 45/2001.

Pursuant to point (b) of Article 4(1) of Regulation (EC) No 1049/2001, Parliament shall refuse access to documents where disclosure would undermine the protection of privacy and the integrity of the individual, in accordance with Community legislation on the protection of personal data (i.e. Regulation (EC) No 45/2001). It means that when assessing the legality of disclosure of personal data according point (b) of Article 4(1) of Regulation (EC) No 1049/2001, the provisions of Regulation (EC) No 45/2001 shall apply.

Under point (b) of Article 8 of Regulation (EC) No 45/2001, personal data shall only be transferred to recipients subject to the national law adopted for the implementation of Directive 95/46/EC, if the recipient establishes the necessity of having the data transferred, and if there is no reason to assume that the data subject's legitimate interests might be prejudiced.

The Parliament takes the view that, on the basis of your request for access to documents, the afore-mentioned provision does not allow for a transfer of the personal data contained in the above-mentioned documents. Indeed, neither have you demonstrated the necessity for the data transfer nor do the legitimate interests of the data subjects concerned allow for such a transfer.

Moreover, certain of the identified documents contain figures concerning the amounts invoiced for services provided, revealing in consequence information relating to the commercial activities of third parties.

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<sup>7</sup> OJ L 55, 27.2.2009, p. 1–8  
(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009R0160>)

<sup>8</sup> OJ L 129, 30.4.2014, p. 12–18  
(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014R0423>)

<sup>9</sup> <http://www.europarl.europa.eu/meps/en/about-meps.html>

Article 4(2), first indent of Regulation (EC) No 1049/2001 stipulates that *"The institutions shall refuse access to documents where disclosure would undermine the protection of commercial interests of a natural or legal person"*.

As regards the existence of an overriding public interest within the meaning of Article 4(2) of the Regulation, there is no evidence of such an interest in disclosure of the relevant parts that would outweigh the need to protect the commercial interests of the third parties concerned.

On the basis of the above considerations, and notably with regard to the exceptions provided under point (b) of Article 4(1) and Article 4(2), first indent of Regulation (EC) No 1049/2001, I regret to inform you that Parliament cannot grant public access to the documents containing the information falling within the scope of your request.

Finally, deletion of such personal data and commercial information, in order to grant partial access in the meaning of Article 4(6) of Regulation (EC) No 1049/2001, would not serve the purposes of your request, while at the same time constituting an excessive administrative burden for Parliament's administration, disproportionate as compared to the objectives of your application. In this regard, and according to recent case law, it flows from the principle of proportionality that the institutions may, in particular cases in which the volume of documents for which access is applied or in which the number of passages to be censured would involve an inappropriate administrative burden, balance the interest of the applicant for access against the workload resulting from the processing of the application for access in order to safeguard the interests of good administration.

I would like to draw your attention to the fact that, pursuant to Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to submit, within 15 working days of receipt of this letter, a confirmatory application with a reasoned request (in the light of the abovementioned considerations) for Parliament's position to be reconsidered.

Yours sincerely,



Klaus WELLE