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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Sponsorship of the Presidency of the Council of the European Union: guidance on best practice

1. Further to a complaint from Foodwatch International and the subsequent procedure, of which the full history can be found in document 5476/20, the Ombudsman made on 6 January 2020 the draft recommendation that the Council should issue guidance to Member States on the issue of sponsorship of the Presidency to mitigate the reputational risks to the EU (document ST 5315/20).
2. The draft Council's detailed opinion to this draft Recommendation was discussed during the meeting of the Working Party on Information on 31 January 2020 (document 5476/20).
3. In this meeting, many delegations supported the possibility to issue guidance on Presidency sponsorship, most stressing that such guidance should be general and of a non-binding nature and that any decision in this regard should belong to each Presidency, based on a case-by-case assessment (see Outcome of Proceedings document 5909/20, point 2 c)).

4. In line with this Outcome, a detailed opinion to the Ombudsman's Draft Recommendation was approved by written procedure by the Council on 6 May 2020 and transmitted to the Ombudsman the same day (document 7516/20).
5. This detailed opinion provides in its conclusions that: *taking into account the Ombudsman's concerns as regards the reputational risk to the EU possibly caused by sponsorship of activities organised by Member States while holding the Presidency of the Council, the Council will explore the possibility of providing best practice guidance so that the Member States holding future Presidencies are aware of such a risk when assessing the possible recourse to sponsorship.*
6. As a follow-up to these conclusions, and taking into account the support and comments of delegations, a draft suggestion for such guidance is contained in the Annex. The draft text builds on the responsibilities of the Member State holding the Presidency for financing the costs entailed by such Presidency and for deciding if and how having recourse to sponsorship. It includes general best practice which may help the Member States when taking such decisions. It also contains some guidance as regards the transparency of internal rules adopted by Member States on that sponsorship and the list of sponsors. To stress the non-binding character of this guidance, this draft text would be inserted by the GSC, after duly taking into account comments from delegations, in the Handbook for the Presidency under the section on financial responsibility.¹

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

Draft Guidance for Presidency best practice on the use of sponsorship

The Member State holding the six-monthly Presidency is responsible with regards to how it will finance the costs not covered by the Council's budget, in particular as regards the organisation of informal meetings, seminars, social and cultural events on the occasion of the Presidency.

In this respect, some Member State holding the six-monthly Presidency have in the past used private sponsors to cover some costs of the above-mentioned activities. Future Presidencies are advised to carefully consider all possible impacts of the possible use of sponsorship.

Should the Presidency decide to use private sponsorship, it should avoid any actual or perceived conflict of interests and any possible reputational risks for the Council or the EU arising out of the sponsorship. It should be avoided that the sponsored activities are perceived as an activity of the Council. The sponsorship cannot affect in any way, or be seen to affect, the decision-making of the Council or be provided in exchange of a specific visibility for the sponsors in relation to the policy making of the Council. In particular, the name of the Council (or its logo) cannot be used by the sponsor in its activities.

Presidencies should establish ex-ante clear and transparent rules on sponsorship selection and what the sponsorship would comprise. Such rules as well as the list of sponsors should be made publicly available.
