



Europäisches Parlament

Der Generalsekretär

D 310627 27.11.2020

REGISTERED LETTER  
WITH ACKNOWLEDGMENT OF RECEIPT

Mr Nikolaj Nielsen  
EUobserver  
Avenue d'Auderghem / Oudergemlaan 150  
1040 Brussels, Belgium

**Subject:** Your application for public access to documents  
Our reference: **A(2020)11766** (to be quoted in future correspondence)

Dear Mr Nielsen,

On 22 October 2020, the European Parliament registered your application for public access to documents relating to contracts awarded in 2019 by Identity and Democracy political group. With that application, you seek access to:

- 1) A copy/copies of the "newspaper advertising" awarded to Beck Carsten and the name of the person who awarded that contract;
- 2) A copy of the types of travel services offered, destinations of those services, the names of the MEPs who used the services, and the name of the person who awarded the contract;
- 3) A copy of the "Community Management - Video Post production-Newsletter" and name of person who awarded the contract;
- 4) A link to the "Website" contracted to Nation Builder and the name of the person who awarded that contract.

Parliament considered your application 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 Union institutions<sup>1</sup>.

### **Assessment of your application**

Parliament assessed the documents it holds, and it hereby confirms that it did not receive and does not hold the documents you requested under points 1), 2), 3), and 4), which concern contracts awarded in 2019 by Identity and Democracy political group. Since it does not hold the requested documents, the institution is not in a position to accede to your request.

Political groups make use of European Parliament funds specifically set aside for them in order to procure different kind of services for their own political and communication activities. They do it in accordance with the Rules on the use of appropriations from budget item 400<sup>2</sup>. According to those rules, the procurement of services by political groups is managed by the groups themselves, and the services that were provided do not need to be handed over to Parliament. Therefore, in principle, newspaper advertising, websites and other services the provision of which was contracted by a group would be held by the secretariat of the group itself, but not by Parliament.

In this regard, Rule 122 (2) of the Rules of Procedure of the European Parliament confirms that in accordance with Article 4 of the Statute for Members of the European Parliament<sup>3</sup>, the documents drawn up by individual Members or political groups are not Parliament documents for the purpose of public access to documents if they have not been tabled in accordance with the Rules of Procedure.

Since you recently applied for public access to articles written for non-attached Members, which were disclosed, it is worth pointing out, for the sake of clarity, that the contracting of services by non-attached Members is not subject to the exact same rules as the contracting of service by the political groups. In accordance with Article 2.9 of the Rules on the use of appropriations from budget item 400, Parliament is indeed more involved in the procurement of such services and may come in possession of the service provided to non-attached Members for verification purposes.

### **Conclusion**

In view of the foregoing, Parliament hereby refuses to accede to your application for access to documents under points 1), 2), 3) and 4), on the basis of Article 2(3) of Regulation (EC) No 1049/2001, since it does not hold them.

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<sup>1</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, 31.5.2001, p.43

<sup>2</sup> Rules on the use of appropriations from budget item 400 adopted by the Bureau on 30 June 2003:  
[http://www.sib.ep.parl.union.eu/SIB/download.do?file=/Documents/10\\_Recueil/3/3.1/422537\\_net\\_en.pdf](http://www.sib.ep.parl.union.eu/SIB/download.do?file=/Documents/10_Recueil/3/3.1/422537_net_en.pdf)

<sup>3</sup> "Documents and electronic records which a Member has received, drafted or sent shall not be treated as Parliament documents unless they have been tabled in accordance with the Rules of Procedure."

Your attention is drawn 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 for the European Parliament's position to be reconsidered.

Yours sincerely,

A handwritten signature in black ink, consisting of a series of connected, fluid strokes that form a stylized representation of the name 'Klaus Welle'.

Klaus WELLE