



Der Generalsekretär

312732    20.07.2015

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

Mr Nils Mulvad  
Investigative Reporting Denmark  
25 Ellebjergvej  
DK-8240 Risskov  
Denmark

**Subject:** Your request for public access to documents  
Our ref.: A(2015)8732

Dear Mr Mulvad,

The European Parliament has received your application for public access to documents related to expenditures and allowances of the Danish 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 public access to copies of records, reports and other relevant documents related to:

- a) Chapter 4 (travel expenses, subsistence expenses, general expenditure allowance) and Chapter 5 (assistance from personal staff) of the above-mentioned decision;
- b) copies of MEPs' bank records of the separate accounts to which the general expenditure allowance is transferred.

Your application relates to all documents held by the European Parliament from 6 July 2011 to 6 July 2015.

Your 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.  
[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>.

Preliminary remarks on the requested documents

Please allow me to clarify the following aspects related to your request. All MEPs are entitled to the same allowances, independently of their nationality<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 allowances*: 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. MEPs are not obliged to establish separate private accounts for receiving their general expenditure allowance or to provide records about transactions on the bank account(s) to which they wish their salary and allowances to be transferred<sup>5</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 of 23 February 2009<sup>6</sup>. The scale of their basic salary was amended in 2010 and is currently established under Article 17 of Council Regulation (EU) No 1239/2010 of 20 December 2010<sup>7</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

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

<sup>5</sup> Article 6(1) of the above mentioned Bureau decision of 19 May and 9 July 2008.

<sup>6</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009R0160>

<sup>7</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32010R1239>

by national law and administrated by qualified paying agents established in a Member State.

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>8</sup>.

#### Assessment of your application

As far as documents under point b) of your application are concerned, the Parliament does not hold any copy of MEPs' bank records and, thus, it cannot provide you with the documents you are requesting.

Other documents that could fall within the scope of point a) 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.

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

Moreover, deletion of such personal data, 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

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<sup>8</sup> <http://www.europarl.europa.eu/meps/en/about-meps.html>

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,

A handwritten signature in black ink, appearing to be 'K. Welle', written in a cursive style.

Klaus WELLE