

Decision to lead to greater openness

◀ page 1 ALMOST two years after submitting its complaint, MaltaToday will be applying once again to the European Parliament to grant it access to the payments – daily allowances, assistants' salaries and travel allowances – paid to Malta's five MEPs after it was refused access back in August 2005.

Ombudsman Paraskavas Niforos Diamandouros has recommended the Parliament to reconsider MaltaToday's application and grant it access after finding the EP had no "appro-



Peter Hustinx

appropriate legal basis for rejecting the complainant's application for access".

He said the Parliament's arguments to refuse access were not convincing and unjustified. "This constitutes maladministration," Diamandouros said in his draft recommendation.

He said the fact that Parliament failed to even consider granting partial access to documents containing data related to assistants, for example by

blanking out the assistants' names, also constituted maladministration.

"The Ombudsman concludes that Parliament wrongly rejected in its entirety the complainant's access for access to the data... This constitutes maladministration."

The decision is important because it has won the public the right to know what their elected MEP earns every year, and to know how these funds are utilised by their MEPs to achieve what they achieved.

The European Parliament resisted granting access to MEPs' financial records when MaltaToday first submitted its application back in August 2005.

It argued that supplying this information to the public went beyond what was required for the sound functioning of Parliament's administration. It also said that since MEPs were not entitled to inspect the personal files and accounts of other MEPs, then there was all the more reason to deny it to persons outside Parliament.

But in his recommendation, the Ombudsman declared the Parliament's rules of procedures served only to organise its internal functioning and these could not be applied to Parliament's relations with citizens.

"Thus, they do not appear to constitute an appropriate legal basis for rejecting the complainant's application for access."

"The Ombudsman thus considers the arguments put forward by Parliament are not convincing and that, therefore, Parliament's refusal to grant complaint access to the data he requested, in so far as they



Paraskavas Niforos Diamandouros

relate exclusively to MEPs, was not justified. This constitutes maladministration."

Diamandouros also reiterated the opinion by European Data Protection Supervisor Peter Hustinx, who was asked to submit his views on the complaint.

In his observations, Hustinx said "it seems obvious that these data must be disclosed", and that although the case dealt with the personal data of MEPs, "in a transparent and democratic society, the basic consideration must be that the public has a right to be informed about their behaviour. MEPs must be aware of this public interest."

In his recommendation, Diamandouros said: "As the EDPS clearly states, MEPs have to be

aware of the public interest in their behaviour, particularly if this behaviour is, as in the present case, connected with the use of public funds. Therefore he takes the view that, in this aspect of the case, openness should prevail over the right to privacy..."

Diamandouros also said that Parliament's dismissal of MaltaToday's arguments that MEPs' accounts had to be subject to public scrutiny because these were already audited internally, was "not relevant".

"... the Ombudsman regards as invalid the argument put forward by an institution examining an application that the same end the applicant wishes to achieve by requesting access to certain documents may be achieved by other means... Par-

liament's reference to financial checks by the responsible bodies is not relevant in the context of this case."

Both the presidents of the European Parliament, socialist Josep Borrel and EPP MEP Hans-Gert Pöttering stood by the Parliament's refusal to grant MaltaToday access to the accounts.

In general, a Maltese MEP can earn a potential Lm40,000 a year in allowances and salaries, with all expenses paid for their political office. Their salary is the same as that of a Maltese MP, Lm540 (EUR1,257.86), which is a low salary, but the main allowances derive from travel and committee per diem allowances.

MEPs receive a Brussels/Strasbourg allowance of about EUR262 (Lm112.48) towards accommodation and subsistence costs, but this is subject to them participating in votes and signing a daily register to indicate their presence for any of the 150 or so working days for attending committee and group meetings and plenary sessions.

MEPs are also reimbursed for weekly travel from Malta by payment for the cost of an open economy ticket plus an allowance for distance travelled, per km covered from their point of departure to Brussels or Strasbourg. According to the European Parliament, this allowance is estimated to earn Maltese MEPs an extra EUR1,000 (Lm429), every week they travel for work.

They get several other grants – EUR3,500 (Lm1,502.55) a year for other travel; EUR3,785 (Lm1,624.90) in office expenses every month; EUR12,546 (Lm5,386) every month for the employment of their staff; EUR5,000 (Lm2,146.50) a year for language lessons; and a yearly allocation of EUR35,000 (Lm15,025.50) for a seminar or conference organised by each MEP.

it's time...

to start planting your garden

- Citrus Trees •
- Olive Trees •
- Soft Fruit Trees •
- Outdoor Plants •
- Flowering Bulbs •

F. Zammit Garden Centre

www.fzammitnurseries.com

22, Valletta Road, Qormi. Tel: 21485485, 27485485
Fax: 23711485 E-mail: fzammitnurseries@onvol.net

Opening Hours :

Monday to Friday: 7.00am to 7.00pm
Saturday, Sunday & Public Holidays: 8.00am to 1.00pm