



Council of the
European Union

Brussels, 8 July 2020
(OR. en)

9480/20

API 93
INF 136
OMBUDS 17
JUR 323
INST 138

COVER NOTE

From: Ms E. O'Reilly, European Ombudsman
date of receipt: 7 July 2020
To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

Subject: Complaint 1069/2019/MIG to the European Ombudsman - Presidency
Sponsorship

Delegations will find in the Annex a copy of a letter sent by the European Ombudsman to the Council concerning the closing decision on complaint 1069/2019/MIG.



European Ombudsman

Emily O'Reilly
European Ombudsman

Mr Jeppe Tranholm-Mikkelsen
Secretary-General
Council of the European Union

jur.ombudsman@consilium.europa.eu
cc. Ms Thérèse Blanchet

Strasbourg, 29/06/2020

Complaint 1069/2019/MIG

Decision of the European Ombudsman in the above case on sponsorship of the
Presidency of the Council of the European Union

Dear Mr Tranholm-Mikkelsen,

Please find enclosed a copy of my above decision, which has been sent
to the complainant, *foodwatch international*.

On the basis of my inquiry into this complaint, I have decided to close it
with the following conclusion:

**The Council of the EU has accepted the Ombudsman's
recommendation on guidance for Member States on the issue of sponsorship
of the Presidency. The Ombudsman urges the Council to follow-up on the
issue without delay.**

Yours sincerely,

Emily O'Reilly
European Ombudsman

Enclosure: Decision on complaint 1069/2019/MIG

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European Ombudsman

Emily O'Reilly
European Ombudsman

Decision

of the European Ombudsman in case 1069/2019/MIG on sponsorship of the Presidency of the Council of the European Union

This case concerned corporate sponsorship of the Presidency of the Council of the EU. The complainant considered that the Council should regulate or prohibit such sponsorship. The Council refused to address the matter, arguing that the sponsorship of the Presidency was the sole responsibility of the Member State government holding the Presidency.

The Ombudsman noted that, as the Presidency is part of the Council, its activities are likely to be perceived by the wider European public as being linked to the Council and the EU as a whole. As such, the use of sponsorship by the Presidency entails reputational risks which the Council should address. The Ombudsman therefore recommended that, to mitigate those risks, the Council should provide guidance to the Member States on the issue of sponsorship of the Presidency.

The Council accepted the Ombudsman's recommendation, announcing its intention to consider issuing best practice guidance to the Member States. The Ombudsman welcomed the Council's decision and closed the inquiry.

Background to the complaint

1. The complainant, the non-profit organisation *foodwatch*, took issue with the increasingly common practice of Member States holding the Presidency of the Council to use sponsorship to cover related costs. Such sponsorship often involves allowing companies to present their names and logos alongside official Council Presidency logos and to state that they "support" the Council Presidency.
2. In June 2019, the complainant wrote to the Council, calling on it to regulate such sponsorship.
3. When the Council refused to address or comment on the matter, the complainant turned to the Ombudsman.

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The Ombudsman's recommendation

4. The Ombudsman noted that the Council Presidency is functionally a part of the Council and that it has an important and influential role to play in the EU policy- and lawmaking process. She therefore considered that there is a risk that the use of sponsorship by the Presidency could be perceived by the wider public as giving a sponsor some influence over EU policy- and law-making, thus jeopardising the reputation of the Council and the EU as a whole.

5. The Ombudsman concluded that it was the Council's responsibility to take measures with a view to addressing the risks associated with sponsorship. She therefore made the following recommendation:

The Council of the EU should issue guidance to Member States on the issue of sponsorship of the Presidency, to mitigate the reputational risks to the EU.¹

6. The Council maintained its previous position that many of the Presidency's activities, such as cultural events or informal meetings of ministers, fell outside the Council's remit. It stated that the Presidency bore the sole responsibility for such activities, including how they are financed. The Council was also of the opinion that the public was able to distinguish between such activities and activities of the Presidency that come within the Council's remit.

7. The Council agreed, however, that reputational risks to the EU should be avoided and said that it would consider providing "*best practice guidance*" to the Member States to raise awareness about the risks sponsorship of the Presidency entails.²

8. The complainant responded that the Presidency's activities could not be dissociated from the activity of the Council and that, if the Presidency uses sponsorship, the average citizen does not draw any distinction. The complainant therefore considered that reputational risks to the EU arising from sponsorship of the Presidency could be prevented only if such sponsorship was prohibited.

The Ombudsman's assessment after the recommendation

9. The Council replied that it would consider issuing "*best practice guidance*" to raise awareness about the reputational risks of sponsorship among the Member States.

¹ The full text of the Ombudsman's recommendation is available at: <https://www.ombudsman.europa.eu/en/recommendation/en/123134>.

² The full text of the Council's reply is available at: <https://www.ombudsman.europa.eu/en/correspondence/en/127596>.



10. The Ombudsman welcomes the Council's positive response accepting her recommendation and considers that the complaint has been resolved. She urges the Council to follow-up on the issue without delay. In this respect, she underlines again the reputational risk, for the Council and the EU, of not addressing this issue promptly and properly.

Conclusion

Based on the inquiry, the Ombudsman closes this case with the following conclusion:

The Council of the EU has accepted the Ombudsman's recommendation on guidance for Member States on the issue of sponsorship of the Presidency. The Ombudsman urges the Council to follow-up on the issue without delay.

The complainant and the Council will be informed of this decision.

Emily O'Reilly
European Ombudsman

Strasbourg, 29/06/2020