European Ombudsman

Towards Good Practice Principles for Government Transparency in the Use of Recovery Funds

OECD Public Governance Policy Paper

OECD

BETTER POLICIES FOR BETTER LIVES

OECD Public Governance Policy Papers

Towards Good Practice Principles for Government Transparency in the Use of Recovery Funds

A joint document prepared by the OECD and the office of the European Ombudsman to enhance the role of ombudsman institutions in ensuring transparency and accountability in the use of Recovery Funds

About OECD Public Governance Policy Papers

This paper is published under the responsibility of the Secretary-General of the OECD. The opinions expressed and the arguments employed herein do not necessarily reflect the official views of OECD member countries. This document, as well as any data and map included herein, are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.

Note by all the European Union Member States of the OECD and the European Union:

The Republic of Cyprus is recognised by all members of the United Nations with the exception of Türkiye. The information in this document relates to the area under the effective control of the Government of the Republic of Cyprus.

This paper was authorised for publication by the OECD Director of Public Governance, Elsa Pilichowski.

Abstract

This policy paper, developed in collaboration with the European Ombudsman, provides guidance to governments on ensuring transparency and accountability in the use of COVID-19 recovery funds. With a specific focus on the funding provided through the European Union's Recovery and Resilience Facility (RRF), the paper identifies ways for local, national and EU administrations to promote access to information, enhance public communication, and strengthen citizen and stakeholder participation and oversight in the implementation phases of the recovery funding. Lastly, it highlights the role of regional, national and supranational organisations (such as the aforementioned European Ombudsman) in fostering the open government principles of transparency, accountability, and stakeholder participation throughout the public decision making and spending cycle, within the remits of their respective mandates.

Acknowledgements

Table of contents

Executive summary

The COVID-19 crisis has constituted a major challenge for both the European Union (EU) and global economies. The pandemic not only strained the capacity of healthcare systems and infrastructure, but also negatively affected employment, education, and industry, while uncovering and exacerbating existing structural inequalities. Against this backdrop, the European Commission committed to one of the most sizeable stimulus packages in history to mitigate the economic and social impacts of the pandemic, the Next Generation EU (NGEU). Its main instrument – the Recovery and Resilience Facility (RRF) – entered into force in February 2021. The RRF directs funding to Member States for much-needed reforms and investments to bolster resilience and foster a sustainable and equitable recovery, with a particular emphasis on the green and digital transformation.

Given the vast financial sums involved in the RRF, EU institutions, governments and civil society organisations alike have highlighted a necessity for increased transparency in its use. Many stakeholders have identified a need to strike a balance between the desire to channel funds in a rapid and flexible way and the importance of ensuring adherence to the open government principles of transparency, accountability, and stakeholder participation throughout the decision making process. As the outcomes of the national recovery plans affect all citizens, the ambitious goals of the RRF can only be achieved via a whole-of-society approach involving collaboration with key stakeholders and citizens, coupled with the joint efforts of the European Commission and Member States to ensure transparency, social accountability, and oversight of public decision making.

Furthermore, as noted by the 2018 report *The Role of Ombudsman Institutions in Open Government[1],* developed by the OECD in collaboration with the European Ombudsman, ombudsman institutions play an important role in advancing a wider open government culture across the public administration. In addition, they also monitor the activities of state authorities, address administrative irregularities, and act as redress mechanisms to consider complaints against public bodies. The role of the European Ombudsman is to promote good administration among the EU institutions, while also investigating complaints concerning maladministration and looking into broader systemic issues across the EU administration. The European Ombudsman also chairs the European Network of Ombudsmen, which brings together over 95 ombudsman offices and similar bodies in 36 European countries. Thus, ombudsman institutions at the regional, national and supranational level can ensure oversight, advance transparency and promote social accountability in the implementation of the recovery plans. Against this background, the OECD, together with the European Ombudsman and with the input provided by the European Network of Ombudsmen, has identified a first step towards common principles and good practices to ensure transparency and accountability in the use of the recovery funds.

The good practice principles set out a range of policy responses to support governments in this endeavour, including committing to proactive and reactive publication of information related to the RRF, improving systems for record keeping, and strengthening multilevel governance on transparency through high level coordination and commitment between levels of government. The principles also urge national authorities to develop effective communication strategies, with a view to raising awareness among stakeholders and citizens on the RRF, and to promote civic participation in the implementation phases of the plans. The principles stress the need to ensure standardised data collection on the progress of reforms, which should then be made available in open and re-usable formats to allow scrutiny from civil society. Finally, the paper highlights the potential of the European Network of Ombudsmen as a platform for knowledge exchange between ombudsman institutions, with a view to identifying common barriers and possible solutions to RRF-related challenges.

---

[1] https://www.oecd-ilibrary.org/governance/the-role-of-ombudsman-institutions-in-open-government_7353965f-en

Introduction: Background on the EU recovery funds

The creation of the Recovery and Resilience Facility

The COVID-19 crisis presented major and unprecedented challenges for both the European Union (EU) and the rest of the world. The pandemic strained the capacity of healthcare systems and heavily affected education, employment, industry and infrastructure while uncovering and exacerbating existing structural inequalities for vulnerable groups.[2] In 2020, the OECD emphasised the need for a sustainable approach to recovery from this crisis whereby "business as usual and environmentally destructive investment patterns and activities must be avoided".[3] With a view to promoting economic recovery, the EU identified an urgent need for investment and reforms, which would also improve the resilience of EU Member States against other challenges, such as climate change. Against this backdrop, the EU committed to one of the most sizeable stimulus packages in history, the Next Generation EU (NGEU), to mitigate the economic and social impact of the pandemic.[4]

The NGEU aims to increase the amounts allocated to existing European funding programmes, but also to provide direct loans and grants to Member States hardest hit by the pandemic.[5] The NGEU includes seven funding components, with the Recovery and Resilience Facility (RRF)[6] being the largest. Another component is the Recovery Assistance for Cohesion and the Territories of Europe programme (REACT-EU), which amounts to €50.6 billion and "continues, and extends the crisis response and crisis repair measures"[7]. Given its size, the RRF represents a historic intervention with the allocated amount of funding divided into €312.5 billion in grants and €360 billion in loans, totalling €672.5 billion for the 27 Member States[8].

The RRF entered into forced in February 2021. It primarily aims to promote the Union's economic, social and territorial cohesion and to improve the resilience of the Member States in line with six policy pillars: 1) green transition; 2) digital transformation; 3) smart, sustainable and inclusive growth; 4) social and territorial cohesion; 5) health, economic, social and institutional resilience; and 6) policies for the next generation.[9] EU Member States agreed to devote an amount which represents at least 20% of their plans total allocation to digital objectives, with many of the plans placing an emphasis on internet connectivity and digitalisation across various sectors such as healthcare and agriculture. Targets also included dedicating 37% of spending to the climate objectives. Thus far, Member States have exceeded these expectations with almost 40% allocated to the green transition and over 26% to digitalisation.[10] See Box 1 for examples of projects in selected countries.

---

[2] https://ec.europa.eu/info/live-work-travel-eu/coronavirus-response/jobs-and-economy-during-coronavirus-pandemic_en

[3] https://www.oecd.org/coronavirus/policy-responses/building-back-better-a-sustainable-resilient-recovery-after-covid-19-52b869f5/

[4] https://europa.eu/next-generation-eu/index_en

[5] https://europa.eu/next-generation-eu/index_en

[6] https://ec.europa.eu/info/strategy/recovery-plan-europe_en

[7] https://ec.europa.eu/regional_policy/en/newsroom/coronavirus-response/react-eu/

[8] https://ec.europa.eu/commission/presscorner/detail/en/qanda_21_3014

[9] https://ec.europa.eu/info/business-economy-euro/recovery-coronavirus/recovery-and-resilience-facility_en#:~:text=The%20Facility%20is%20structured%20around,policies%20for%20the%20next%20generation

[10] https://ec.europa.eu/info/business-economy-euro/recovery-coronavirus/recovery-and-resilience-facility_en

---

Box 1. Examples of projects outlined in national plans

Austria

Austria's plan consists of 32 investments and 27 reforms with 59% of the RRF allocation supporting climate objectives and 53% supporting digital transition. Some of the challenges outlined include reducing transport-related emissions and making the building sector more energy efficient.

Italy

Italy's plan consists of 132 investments and 58 reforms with 37.5% of the RRF allocation focused on the green transition and 25% on digital transformation. One of the core digitalisation objectives of the plan is to improve the digital skills of citizens and increase connectivity and networks around the country. One of the main projects will be to improve internet connectivity in different regions as well as in schools and medical facilities.

Finland

38 investments and 18 reforms make up Finland's plan with 50% of the RRF allocation dedicated to climate-related objectives and 27% to digitalisation. Finland places emphasis on the green transition, against the backdrop of its goal to achieve carbon neutrality by 2035. One of its initiatives is to invest in sustainable energy technology, for example solar energy, geo-energy, and wind power.

Slovakia

43% of the RRF allocation under Slovakia's plan relate to the green transition while 21% aim to support the digital transition. The government aims to increase digitalisation of the public administration and encourage broader uptake of digital tools in society. One example is a project entitled user-friendly e-government solutions, which aims to reduce administrative burden for public officials, citizens and stakeholders.

Source: https://ec.europa.eu/info/business-economy-euro/recovery-coronavirus/recovery-and-resilience-facility/austrias-recovery-and-resilience-plan_en#green-transition ; https://ec.europa.eu/info/business-economy-euro/recovery-coronavirus/recovery-and-resilience-facility/italys-recovery-and-resilience-plan_en ; https://ec.europa.eu/info/business-economy-euro/recovery-coronavirus/recovery-and-resilience-facility/finlands-recovery-and-resilience-plan_en; https://ec.europa.eu/info/business-economy-euro/recovery-coronavirus/recovery-and-resilience-facility/slovakias-recovery-and-resilience-plan_en

---

To finance the NGEU, the European Commission is borrowing from capital markets under advantageous conditions, due to the EU's high credit rating. The borrowed funds are additional to the annual budget and are not part of the Multiannual Financial Framework (MFF) or of the annual budgetary procedure. Member States can request disbursements of RRF funds up to twice a year. The Commission will approve the release of funds if it considers that Member States have met the agreed milestones and targets.[11]

Each national plan is assessed by the European Commission and is then approved by the Council of the EU on a case-by-case basis. Pre-financing was also available for any Member States that requested it, with 13% of the total funding being paid up front once their plans were approved. The Commission defines different criteria for two different portions of the total available funds for grants. For 70% of the total of €312.5 billion, the following factors are considered:

- The Member State's population;
- The inverse of its GDP per capita;

---

[11] https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R0241&from=EN

- The average unemployment rate over the past 5 years (2015-2019) compared to the EU average.[12]

Regarding the remaining 30%, the observed loss in real GDP over 2020 and the observed cumulative loss in real GDP over the period 2020-2021 were also taken into account, with the Commission calculating the revised allocation for this amount in June 2022.[13]

The RRF represents an unprecedented exercise of solidarity, not only because of the large amount of funding involved but also because of the novel collective borrowing led by the European Commission to finance it. Yet, as discussed in the following section, concerns have been raised given that it is not subject to the same transparency requirements as other existing EU funding instruments. In this context, it is crucial to ensure that mechanisms for transparency are in place to generate public trust across the EU as well as buy-in and legitimacy regarding how the funds are spent.

The process for implementation of the national Recovery and Resilience Plans

In 2021, the Commission issued guidance to Member States on how to draw up their national Recovery and Resilience Plans (RRPs).[14] While the guidance is not legally binding, it aims to ensure that there is coherence within and between all components of the plan. Additionally, the Commission offered technical expertise on the preparation of RRPs to EU Member States that request it through the "Technical Support Instrument".[15]

RRPs must include clear milestones and targets to be implemented by the end of 2026. Plans should also address challenges identified in the European Semester (the framework for integrated surveillance and coordination of economic and employment policies across the EU)[16], in particular the country-specific recommendations adopted by the Council[17]. Member States are also asked to include information on the institutional arrangements for the roll-out of the plan, any consultation processes with local and regional authorities, civil society organisations, and other relevant stakeholders, and the mechanisms for control and audit.[18]

For the purpose of monitoring and evaluation, the Commission launched a resilience scoreboard with 14 common indicators and a performance reporting system. The scoreboard displays available information on the RRF overall and on individual RRPs, such as the fulfilment of milestones and targets, disbursements to the Member States, and detailed tagging data on each of the RRPs. The Scoreboard is updated regularly across several aspects related to RRP implementation and the common indicators are updated twice a year.[19] This is to ensure that the public can follow the progress for each RRP on the Commission website in an easily accessible way.

The Commission has also defined a methodology for reporting on the reforms and investments with a social dimension, which are financed under the RRF.[20] Each reform and investment with a predominantly social dimension included in the RRP of a Member State should be associated to one of nine social policy

---

[12] https://ec.europa.eu/commission/presscorner/detail/en/qanda_21_3014

[13] https://ec.europa.eu/commission/presscorner/detail/en/qanda_21_3014

[14] https://ec.europa.eu/info/sites/default/files/document_travail_service_part1_v2_en.pdf and
https://ec.europa.eu/info/sites/default/files/document_travail_service_part2_v3_en.pdf

[15] https://ec.europa.eu/info/funding-tenders/find-funding/eu-funding-programmes/technical-support-instrument/technical-support-instrument-tsi_en#examplesofprojects

[16] https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/eu-economic-governance-monitoring-prevention-correction/european-semester_en

[17] https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/eu-economic-governance-monitoring-prevention-correction/european-semester/european-semester-timeline/spring-package_en

[18] document_travail_service_part2_v3_en.pdf (europa.eu)

[19] https://ec.europa.eu/commission/presscorner/detail/en/IP_21_6862

[20] EUR-Lex - 32021R2105 - EN - EUR-Lex (europa.eu)

areas under the four broader social categories of 1) employment and skills, 2) education and childcare, 3) health and long-term care, and 4) social policies. Measures with a social dimension that include a focus on children, the youth, or gender equality are also flagged.

In addition, the European Parliament has "established a number of channels for a regular exchange of views with the Commission" regarding the RRF.[21] The Commission provides the European Parliament working group with "an overview of its preliminary findings concerning the satisfactory fulfilment of the relevant milestones and targets included in the recovery and resilience plans of the Member States".[22] This working group can invite the Commission to discuss its assessment of Member States RRPs and can call for a dialogue on potential remedial, suspension or termination procedures in the case of inadequate implementation of objectives set out in RRPs.[23]

Throughout the implementation phase, the Commission is also assisted by an informal expert group, composed of representatives from Member States' authorities and chaired by a representative of Directorate-General for Economic and Financial Affairs (DG ECFIN) and / or the Secretariat-General's Recovery and Resilience Task Force (SG RECOVER).[24] This group serves as a forum for exchange between the Commission and Member States on questions that arise in the context of the implementation of the RRF. Lastly, the Commission publishes annual reports on the implementation of the RRF, with the latest review issued in July 2022.

Existing frameworks for transparency at EU level

Article 1 of the Treaty on European Union (TEU) states that decisions should be "taken as openly as possible and as closely as possible to the citizen", while article 10(3) states that "[e]very citizen shall have the right to participate in the democratic life of the Union" and that "[d]ecisions shall be taken as openly and as closely as possible to the citizen".[25]

Provisions in EU primary and secondary law set out transparency obligations both for EU institutions, bodies, offices and agencies and for Member States when they participate in EU decision making or when using EU funds. These obligations bind authorities to regularly release information and make it accessible to the public. Additionally, stakeholders can request information or documents that are not publicly available.

In recent years, the EU has made significant efforts to improve the transparency of legislative and decision making processes. In September 2021, all EU Member State governments, 50 members of the European Parliament, the European Commission and the European Ombudsman signed a Transparency Pledge[26] to "make the Council and the EU legislative process more transparent". The pledge represented an opportunity to showcase a joint commitment to transparency and social accountability with the parallel RRP implementation efforts. The pledge recognised the need to engage citizens in a discussion on how to foster a higher degree of transparency.

An example of how the EU implements its transparency obligations in practice concerns the rules on EU budgetary spending. The EU Financial Regulation obliges the EU institutions to publish accounts, budgets and reports of the EU. The Regulation also obliges Member States to publish information concerning

---

[21] https://www.europarl.europa.eu/doceo/document/A-9-2022-0171_EN.html#title9

[22] Article 25: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R0241&from=EN

[23] https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/659627/IPOL_BRI(2021)659627_EN.pdf

[24] https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupId=3772&fromMeetings=true&meetingId=31814

[25] Consolidated version of the Treaty on European Union (pdf) https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF

[26] https://um.dk/en/foreign-policy/denmark-in-the-eu/alliance-for-transparency

recipients ('beneficiaries') of EU funds (such as the European Structural and Investment Funds and the Common Agricultural Policy).[27] To comply with some of the financial regulations in spending, the EU created the Financial Transparency System (FTS), which allows stakeholders to search beneficiaries of EU funding and consult data on grants or contracts[28].

EU citizens have the right to access documents held by the EU institutions and which are not publicly available. This is established in the Treaty on the Functioning of the European Union (TFEU):

> *In order to promote good governance and ensure the participation of civil society, the Union's institutions, bodies, offices and agencies shall conduct their work as openly as possible. (…) Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have a right of access to documents of the Union's institutions, bodies, offices and agencies, whatever their medium (...).[29]*

Regulation 1049/2001 governs the right of access to documents held by the European Parliament, Council and Commission.[30] Its scope has been extended to other institutions, bodies, offices and agencies of the EU. The Regulation sets out the conditions for any citizen as well as any natural or legal person residing in the EU to file a request to access EU documents. 'Documents' are defined in the Regulation as "any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audio-visual recording) concerning a matter relating to the policies, activities and decisions falling within the institution's sphere of responsibility".[31]

Transparency commitments under the RRF

Unlike the main EU funding programmes, the regulation establishing the RRF (the RRF Regulation)[32] does not impose comparable requirements on transparency. Regarding transparency of the content of the plans, the Commission has provided the plans, as submitted, to both the European Parliament and the Council on equal terms. The RRF Regulation outlines "information, communication and publicity" requirements for Member States in that they should "acknowledge the origin and ensure the visibility of the Union funding".[33] The Commission works in partnership with Member States to ensure consistency in communication activities on the RRF. All Member States were invited to develop a communication strategy on their RRPs, with several doing so[34]. While all Member States are required to collect data on final beneficiaries of the funds, the Regulation does not require them to publish this information more widely, it is only made available to the Commission, upon request, for audit and control purposes. Similarly, Member States need to submit a summary of audits with each payment request, but they are not routinely shared on national websites nor submitted to the EU database created for this purpose.

While the RRF Regulation lacks clarity on the transparency obligations that apply to the RRF, a lot of information can be found on the website of the Commission and from Member States. The Recovery and Resilience Facility webpage set up by the Commission functions as a central portal with information on the

---

[27] https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32012R0966&from=EN

[28] https://ec.europa.eu/budget/financial-transparency-system/index.html

[29] Article 15: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN

[30] https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001R1049&from=EN

[31] https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001R1049&from=EN

[32] Regulation 2021/241 establishing the Recovery and Resilience Facility https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R0241

[33] Article 34: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R0241&from=EN

[34] An overview of the national RRF communication strategies is published on the RRF website by the Commission. See https://ec.europa.eu/info/sites/default/files/overview_national_rrp_communication_strategies_-_annex_i.pdf.

national plans of each Member State. The RRF webpage[35] provides an overview of the plans and explains the opportunities and challenges of each country in terms of the green and digital transition.

Some Member States have adopted voluntary transparency commitments in their respective national plans. However, a study conducted by the Open Spending EU Coalition – which is a collaboration of non-government organisations and professionals working to ensure that public procurement is carried out fairly, openly and efficiently in the EU – analysed 22 EU Member States and found an overall lack of commitment to transparency concerning their use of RRF funds[36]. According to the study, 20 of these Member States did not plan to publish the final recipients of funds.

Each Member State has set up a website, but the extent of the information shared on them varies widely. Member States can choose the methods to communicate spending at their own discretion, with some only using their national websites and others being more ambitious. The Commission has not explained whether it monitors the accuracy of the information contained in the national websites, even though the links are displayed on the RRF webpage.

As mentioned, the Commission's website hosts webpages providing details on each of the national plans in simple language. These webpages outline the specific opportunities and challenges of each country in terms of the green and digital transition and contain an overall assessment of the plan and the means of financing, as well as providing links to related press releases, Council implementing decisions and their annexes, and staff working documents. That said, the only way to measure and monitor the transparency of Member States national plans in practice is to directly assess the implementation of their commitments and the related information available on their progress.

Many RRF-related documents, such as studies drafted by national authorities in preparation of their RRPs, remain at Member State level. Regulation 1049/2001 will not apply to these documents, which will instead be subject to Member States' different legal frameworks on freedom of information. However, the Regulation applies to documents on the RRF sent by Member States to the European Commission and those prepared by the Commission itself. The Commission received over 120 initial requests for access to documents on the RRF. In response to these requests, the Commission has already disclosed more than 2000 documents related to different RRPs. According to the Commission, additional resources have been made available/redeployed to improve efficiency of the process for handling access to documents requests, both in the Directorate-General for Economic and Financial Affairs (DG ECFIN) and the Secretariat-General's Recovery and Resilience Task Force (SG RECOVER), the two areas of the Commission working directly on the implementation of the RRF.[37]

The role of the European Ombudsman and national ombudsman institutions

As the 2018 OECD report *The Role of Ombudsman Institutions in Open Government*[38] notes, ombudsman institutions play an important role in advancing a wider open government culture across the public administration. Ombudsman institutions regularly make important contributions and recommendations on public administration reforms, based on their expertise and insights about service delivery at national and sectoral level.[39] They also monitor the activities of state authorities, address administrative irregularities, and consider citizens' complaints against public bodies or officials who breach civic rights and freedoms. In this regard, some can submit proposals to amend legislation or revise unlawful practices of the bodies

---

[35] https://ec.europa.eu/info/business-economy-euro/recovery-coronavirus/recovery-and-resilience-facility_en#national-recovery-and-resilience-plans

[36] https://www.open-spending.eu/posts/analysis_finds_eu/

[37] Information provided in written form to the OECD by the European Commission.

[38] https://www.oecd.org/gov/the-role-of-ombudsman-institutions-in-open-government.pdf

[39] https://www.oecd.org/gov/the-role-of-ombudsman-institutions-in-open-government.pdf

of state authorities, to prevent a recurrence of such instances.[40] Ombudsman institutions can also promote transparency, accountability and stakeholder participation, with some national ombudsman institutions having the explicit mandate for dealing with complaints about access to documents or freedom of information.

The role of the European Ombudsman is to promote good administration across the EU administration, while also investigating complaints concerning maladministration and looking into broader systemic issues with the EU administration.[41] The European Ombudsman serves as the central non-judicial mechanism for European citizens who face difficulties exercising their right to access documents held by EU institutions. The European Ombudsman also works with other ombudsman institutions in Europe through the European Network of Ombudsmen, which consists of over 95 ombudsman offices across Europe, both national and subnational.[42] The Network helps to share information about EU law and its impact in EU Member States, and to promote best practices. It facilitates cooperation between ombudsmen, with a view to safeguarding the rights of EU citizens and individuals under EU law.

In February 2022, the European Ombudsman launched a 'strategic initiative' on the transparency and accountability of the Recovery and Resilience Facility.[43] As part of this initiative, the European Ombudsman set out a series of questions to the Commission concerning the transparency of the plans and their implementation, including:

- What mechanisms are in place to ensure transparency in the negotiations of the national plans?
- Will there be measures to enable public scrutiny of the evaluation of the Member States' milestones and reforms?
- What information must Member States make available to adhere to the information, communication and publicity requirements of the RRF Regulation?
- How will the audit and control mechanisms of the Member States be supervised?
- In what circumstances would the Commission request a detailed account of the final recipients of the funds from Member States?

The European Ombudsman has dealt with several complaints from individuals seeking public access to documents on the recovery and resilience plans of Spain, France, Germany, the Netherlands, Sweden and Denmark.[44] Some complaints concern the Commission's delay in replying to these requests.[45] The Ombudsman noted that, given the high public interest in the national recovery plans, the Commission could have made more information proactively available. The Ombudsman further suggested that the Commission could consider providing more information on the relevant documents it holds, for example, by recording them in its register of documents to speed up the handling of future requests.[46] Other complaints concern the Commission's refusal to disclose some of the documents requested invoking the exceptions set out in Regulation 1049/2001.[47] The Ombudsman is currently inspecting categories of documents to assess if the Commission's explanations for refusing access were reasonable.

---

[40] https://www.oecd.org/gov/the-role-of-ombudsman-institutions-in-open-government.pdf

[41] https://www.ombudsman.europa.eu/en/home

[42] https://www.ombudsman.europa.eu/en/european-network-of-ombudsmen/about/en

[43] https://www.ombudsman.europa.eu/en/case/en/59363

[44] https://www.ombudsman.europa.eu/en/opening-summary/en/149209, https://www.ombudsman.europa.eu/en/opening-summary/en/157578, https://www.ombudsman.europa.eu/en/opening-summary/en/151976, https://www.ombudsman.europa.eu/en/case/en/61847, https://www.ombudsman.europa.eu/en/opening-summary/en/155814.

[45]https://www.ombudsman.europa.eu/en/opening-summary/en/151976, https://www.ombudsman.europa.eu/en/opening-summary/en/149209 https://www.ombudsman.europa.eu/en/case/en/61847

[46] https://www.ombudsman.europa.eu/en/doc/correspondence/en/145914 https://www.ombudsman.europa.eu/en/doc/correspondence/en/145914

[47] https://www.ombudsman.europa.eu/en/opening-summary/en/155814, https://www.ombudsman.europa.eu/en/case/en/61897.

Ombudsman institutions at national level can also promote transparency, accountability and stakeholder participation, with - as mentioned above - some national ombudsman institutions having an explicit mandate for dealing with complaints about access to documents or freedom of information. Within the framework of European Network of Ombudsmen (ENO) conference 2022, the Latvian Ombudsman's office emphasised the importance of promoting civil society's involvement in discussions on the allocation of funds and decision making on the most relevant projects.[48] The Romanian People's Advocate stated that it can investigate any complaints regarding the implementation of the legislation on transparency in decision making. It also stressed that the principle of access to information is a cornerstone of the rule of law in a functioning democracy[49]. The Basque Ombudsman explained that it does not have an explicit mandate in its law to ensure transparency and stakeholder participation, however, it can promote these principles as part of its broader remit on ensuring sound public administration and human rights. Any breaches of the existing laws and regulations for access to information and stakeholder participation can be brought to the Ombudsman's attention. For example, the Institution regularly receives and processes complaints regarding participation in environmental policy making and suggests remedial action to the public bodies involved. This approach could help inform any work it may be called upon to undertake in relation to the RRF.

Addressing concerns surrounding transparency, accountability and stakeholder participation

Areas of improvement outlined by bodies of the European Union

Since the inception of the RRF, the European Court of Auditors has stressed the challenge of striking a balance between the European Commission's desire to channel funds in a rapid and flexible way and the need for proper oversight measures regarding how the RRF money is spent, noting that "the timely availability of support plays a key role, but not at the cost of sound financial management".[50] The director-general of the European Anti-Fraud Office (OLAF) has also warned of the potential for corruption and misuse of funds, given that there are fewer reporting obligations on Member States than with other EU funds.[51] Moreover, in its 2021 report, OLAF explained how it is advising Member States to update or create national anti-fraud strategies to consider the risks linked to the RRF[52]. Institut Jacques Delors, a think tank, has stated that OLAF may also need to "rely more on its own investigative capacities to detect fraud in the use of EU spending"[53].

In 2021, the European Economic and Social Committee (EESC) adopted a resolution 'Involvement of Organised Civil Society in the National Recovery and Resilience Plans – What works and what does not?', which states that, while significant efforts have been made in promoting stakeholder participation in recovery plans, the actual level of involvement and overall impact is falling short of expectations.[54] The EESC then held a public hearing to present the resolution and discuss how to protect the rule of law and

---

[48] Ombudsman institutions were invited to provide feedback on the draft *OECD Good Practice Principles* during and after the European Network of Ombudsmen (ENO) conference 2022.

[49] Ombudsman institutions were invited to provide feedback on the draft *OECD Good Practice Principles* during and after the European Network of Ombudsmen (ENO) conference 2022.

[50] https://www.eca.europa.eu/en/Pages/NewsItem.aspx?nid=16930; https://www.institutegreatereurope.com/single-post/2020/07/25/funding-the-recovery-from-covid-19-and-the-lack-of-accountability; and https://institutdelors.eu/wp-content/uploads/2021/04/PP262_Anti-Fraud_Rubio_EN.pdf.

[51] https://www.ft.com/content/2a44890b-75c7-4133-9b6f-94300467f412.

[52] https://anti-fraud.ec.europa.eu/system/files/2022-07/olaf-report-2021_en.pdf.

[53] https://institutdelors.eu/wp-content/uploads/2021/04/PP262_Anti-Fraud_Rubio_EN.pdf

[54] Civil Society and the Recovery and Resilience Plans | European Economic and Social Committee (europa.eu)

safeguard civic freedoms through these funds while preventing misconduct and mismanagement in relation to the RRF[55].

Concerns raised by civil society at national and international level

The ambitious goals of the RRF cannot be achieved by governments acting alone, but rather in collaboration with citizens and stakeholders while allowing for strong scrutiny and oversight of public decision making. Alongside mechanisms for institutional supervision, space for civil society to engage in dialogue on the use of funds and act as government watchdogs is crucial. Civil society has drawn attention to a number of potential issues for transparency and accountability in the RRF. In October 2020, 27 civil society organisations made a joint address to EU leaders prior to the approval of the Next Generation EU and the MFF. The address urged the European Council, Parliament and Commission to prioritise anti-fraud and anti-corruption measures. The joint address emphasised the need for open, data-driven and participatory oversight measures for the recovery plans. One recommended action included increasing the "availability and quality of critical data to monitor EU funds: budget, expenditure, contracting and companies, including beneficial ownership records".[56]

The Open Spending EU Coalition, composed of non-governmental organisations (NGOs) and experts, has claimed that the EU's intention to spend €672.5 billion on the COVID-19 recovery may be "at risk of corruption and misuse due to a serious lack of transparency and accountability mechanisms"[57] unless stringent measures are taken to ensure transparency. In a report, the Coalition analysed the national plans of 22 Member States and as indicated above, concluded that 20 countries are not planning to release information about the recipients of the funds.[58] A second report set out recommendations for Member States, such as the publication of all public procurement contracts that are funded through the RRF and information on the final recipients of funds, including data on contractors and sub-contractors and their beneficial owners.[59]

The journalistic platform "Follow the Money" started the #RecoveryFiles project with a team of around 20 European journalists from 16 EU Member States which is currently scrutinising how the plans were drafted and negotiated[60]. In order to do so, participants in the project have submitted requests for access to documents regarding discussions between the Commission and Member States on the content of the plans. One of the published articles notes that "[d]espite the risks of fraud and corruption with EU funds being above average, several countries are doing their utmost to avoid public scrutiny"[61].

Furthermore, while the Commission invited all Member States to consult and reflect the contribution of social partners, civil society organisations and other relevant stakeholders in the drafting and implementation of the recovery and resilience plan (as required under the RRF Regulation), some organisations have found these efforts unsatisfactory. For example, the European Policy Centre, a think tank, has noted that the process of developing national recovery plans has been opaque and closed to stakeholder input thus far.[62] On digital commitments in particular, research by Digital Europe in 2021, a

---

[55] https://www.eesc.europa.eu/en/news-media/news/transparency-needed-eu-recovery-money-be-delivered-properly

[56] https://images.transparencycdn.org/images/Joint-civil-society-letter-to-EU-leaders-Measures-to-protect-2021-2027-MFF-and-NGEU-14-October-2020.pdf

[57] https://www.access-info.org/2021-06-15/eu-recovery-resilience-lack-transparency/

[58] https://www.open-spending.eu/posts/analysis_finds_eu/

[59] EU Open Spending Coalition, Whitepaper on Opening up Recovery and Resilience Facility Spending https://www.open-spending.eu/

[60] https://www.investigativejournalismforeu.net/projects/the-recovery-files/

[61] https://www.ftm.eu/articles/member-states-sabotage-monitoring-of-european-corona-recovery-fund?share=Q3ctwyVTtHind0MNmP48AFGi1PR9eHsnuPNmvBSTV0vRIhT%2Bf6UclobzAuchd%2B0%3D

[62] https://www.epc.eu/en/Publications/National-Recovery-and-Resilience-Plans-Empowering-the-green-and-digit~3e58f0

trade association,[63] found that 15 Member States had not published a draft plan for public scrutiny on the digital part of the RRPs. To help address this, Digital Europe recommended that the European Commission establish a central repository for this purpose.[64]

Concerning the involvement of stakeholders, in 2020, the European Center for Not-for-Profit Law, and Civil Society Europe published a guidance note, specifically for civil society organisations, on engaging with governments in their preparation of national recovery and resilience plans.[65] This guidance included advice to:

- Inquire as to which ministry or ministries have lead responsibility for preparing the plans;
- Communicate with other civil society organisations operating both in their area of expertise and in other sectors to exchange information and enhance coordination;
- Share inputs and proposals with national government as well as their country desk in the European Commission;
- Suggest a structured consultation platform or mechanism for consistent dialogue with civil society;
- Insist on a transparent allocation of public funding using open and digital tools;
- Hold the government to account when the plans are published, by assessing whether their or other CSOs' suggestions were reflected in the final document[66].

In 2021, a survey by Bankwatch Network, an advocacy group composed of grassroots, environmental and human rights groups monitoring public finance institutions, showed that less than half of the 20 Member States surveyed intended to consult or seek input from the public or civil society.[67] An independent analysis by Social Europe, a digital media publisher and a forum for debate specialised on public policies, found that "at least 17 Member States engaged in extensive, formal, public consultation when preparing their RRPs".[68] However, according to the analysis, few of the plans included proposals that had been put forward by civil society.

The 2021 EESC resolution, mentioned above, called for the involvement of civil society organisations to ensure good governance, vigilance against corruption in the management of funds and democratic accountability.[69] Transparency International has stated that "[t]hrough working closely with affected communities, local civil society groups can help EU citizens themselves to become guardians of important public contracts that are meant to improve their lives".[70]

The Commission and Member States jointly organise Annual Events on the Recovery and Resilience Facility to discuss aspects of the implementation of the Recovery and Resilience Facility and ensure involvement of stakeholders and civil society.[71] In addition, besides the RRF, the Commission acknowledges that the European Semester has the potential to be a strong platform for the engagement

---

[63] https://www.digitaleurope.org/news/masters-of-digital-2021-alarming-lack-of-transparency-in-national-covid-recovery-spending-plan-process/

[64] https://www.digitaleurope.org/news/masters-of-digital-2021-alarming-lack-of-transparency-in-national-covid-recovery-spending-plan-process/

[65] https://ecnl.org/sites/default/files/2021-01/Guidance%20Note%20for%20CSOs%20to%20engage%20with%20the%20National%20Recovery%20and%20Resilience%20Plans_updated_0.pdf

[66] https://ecnl.org/sites/default/files/2021-01/Guidance%20Note%20for%20CSOs%20to%20engage%20with%20the%20National%20Recovery%20and%20Resilience%20Plans_updated_0.pdf

[67] Secrecy surrounding €672 billion in EU recovery funding jeopardises building back better - Bankwatch

[68] https://socialeurope.eu/will-european-recovery-ever-be-co-determined-by-social-actors

[69] https://www.eesc.europa.eu/en/civil-society-and-recovery-and-resilience-plans.

[70] https://www.transparency.org/en/press/mff-ngeu-public-contracting-eu-leaders-toughen-anti-corruption-measures

[71] https://ec.europa.eu/info/sites/default/files/com_2022_75_1_en.pdf.

of social partners, civil society and other stakeholders in the policymaking process, which would contribute to a more constructive dialogue and to greater ownership of reforms[72].

Towards Good Practice Principles for Government Transparency in the Use of Recovery Funds

The following section identifies a step towards common principles and good practices on how governments can ensure transparency in the use of recovery funds and the role that ombudsman institutions can play to promote accountability. These principles could aim to address the aforementioned risks through specific mechanisms for transparency and other pertinent policy and administrative responses.

1. Commit to proactive publication of information related to the RRF

Rather than requiring individuals to make requests for access to information[73] and documents, information related to the RRF should - to the greatest extent possible - be proactively disclosed. The Commission, in collaboration with national governments, could consider publishing as much information as possible in relation to the RRF. Given the public interest in the negotiation and approval of RRPs, the Commission could also review which preparatory documents could be made publicly available, such as preliminary evaluations and exchanges with national authorities. To complement the indicators from the Recovery and Resilience Scoreboard, as well as the information, communication and publicity requirements set out in the RRF Regulation, Member States could commit to publishing information related to final recipients; procurement or award processes; audit reports; and minutes of meetings with stakeholders. Governments could also consult with civil society and other stakeholders to understand what information is required for these actors to carry out their respective oversight and scrutiny roles.

As the 2017 *OECD Recommendation on Open Government* states, information and data should be "clear, complete, timely, reliable and relevant" and "available in an open and non-proprietary machine-readable format, easy to find, understand, use and reuse".[74] In its RRF website, the Commission could consider including more extensive explanations of national RRPs, alongside the existing links to the different national websites. Where external links are included, the Commission could periodically check that these websites remain accurate and up-to-date. Governments could also commit to **ensuring that the information provided in their national websites is published in a more user-friendly and standardised way. Aside from their own official languages, information could also be shared in other languages, where available.** This would better enable citizens and other stakeholders to hold their governments to account on whether their planned policies and projects are effective in realising their intended impact (see Good Practice Principles 7 and 8).

---

[72] https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/eu-economic-governance-monitoring-prevention-correction/european-semester_en and https://www.eesc.europa.eu/en/our-work/publications-other-work/publications/improving-european-semester-views-organised-civil-society.

[73] Access to information refers to the ability for an individual to seek, receive, impart, and use information effectively. In relation to public administration, access to information refers to the existence of a robust system through which government information is made available to individuals and organisations.

[74] OECD Recommendation on Open Government https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0438

> **Box 2. Examples in promoting transparency of the RRPs**
>
> **Italy**
>
> The Italian public administration established an online portal called Italia Domani.[75] The portal has two features. Firstly, it enables citizens and the administration to check all the calls for proposals related to the RRP in one single place, which is crucial given the number and variety of policy areas concerned. Secondly, it has a publicly accessible open data catalogue with several datasets related to the implementation of the plan, including some relevant for audit and control processes.
>
> **Austria**
>
> Austria has introduced "a state-of-the-art e-government service" through creating a transparency portal for business opportunities on a dedicated website, where individuals and businesses have access to public tenders in the context of RRPs[76]. The site displays subsidies that have been used, lists other potential benefits offered, and shows progress on subsidy requests online.
>
> Source: Information provided by the European Commission (SG.RECOVER and ECFIN)

2. Establish clear guidelines for access to information and documents

Institutions must ensure that the national legal frameworks and practice on access to information and documents are fully aligned and respected. Setting clear guidelines – at national and local levels – on the publication of information would guide public officials to apply their own legal frameworks on access to information in the most citizen-friendly way possible. This is of particular importance for 'watchdog' civil society organisations and investigative journalists, who need public information to fulfil their roles. Access to information and documents related to the recovery funds can be time sensitive and, as noted in the *OECD Recommendation on Open Government*, information must be made available in a timely manner in order to be useful. Access should be granted early enough for stakeholders to provide their input while they are still able to influence ongoing decision making. To this end, the Commission **could continue its efforts to improve efficiency in how it handles access to documents requests and avoid undue delays**. It could also consider **sharing common guidelines within the Commission to ensure consistency in handling requests concerning different RRPs.**

---

[75] https://italiadomani.gov.it/it/home.html

[76] https://www.bmf.gv.at/en/topics/budget-economic-policy/tansparency-portal.html

> **Box 3. Establishing guidelines for access to information alongside the law**
>
> **Norway – Guidelines from the Civil Ombudsman**
>
> The Access to Information Law in Norway was first passed in 1970, and then superseded by the current Act which was enacted in 2006. Its purpose is "to facilitate an open and transparent public administration" to encourage freedom of expression, strengthen democratic participation, enhance trust in government and allow citizens to hold the government to account. The law itself provides guidance through its provisions to the public administration on ensuring the right of access to information is fulfilled. In addition to the legislation, the Civil Ombudsman in Norway has produced guidelines on access to information. As the Ombudsman processed more than 300 cases about access to information in 2021, this guide was elaborated to offer additional insight to public officials on how to handle requests properly. The guide is unique is that it considers the perspective of both the individual or entity making a request, and the public official who will process such a request. In this sense, it clearly delineates the different responsibilities of the public administration in ensuring reactive disclosure. The guidelines also encourage further training on the law, so that the right to information is seen as a priority, rather than a burden.
>
> Source: https://www.sivilombudet.no/innsynsguiden/ ; https://lovdata.no/dokument/NLE/lov/2006-05-19-16

3. Improve systems for record keeping

Whether documentation is in physical or electronic format, a reliable system for record keeping is critical both for the government to function effectively and to ensure accountability. Thus, it is important for countries to invest sufficient time and resources in maintaining document management and registers. Poor record keeping can lead to undue refusals of access, incomplete disclosure or the disclosure of the wrong information. In addition, it can result in documents disappearing or becoming untraceable or unusable. In relation to the RRF, there is a public interest in documents related to the preparation and negotiations of the national plans as well as the award of grants and contracts. For these reasons, **institutions should ensure that their current systems for record keeping and archiving, as well as the digital infrastructure needed to support them, are up-to-date and allow for efficient searching and retrieval of information when requests for information are made**. The European Ombudsman, in response to a complaint related to public access to documents about the German RRP, has advised the European Commission to "consider providing more information on the relevant documents it holds, for example, by recording them in its register of documents".[77] Institutions could also offer **regular training to public officials on the importance of record keeping processes and their responsibilities.**

---

[77] https://www.ombudsman.europa.eu/en/doc/correspondence/en/145914.

Box 4. Innovative approaches to recordkeeping

Finland – Digitalisation and institutional responsibilities for record management

The Finnish Act on the Openness of Government Activities notes that "in order to create and realise good practice on information management, the authorities shall see to the appropriate availability, usability, protection, integrity and other matters of quality pertaining to documents and information management systems". To increase the accessibility of documentation, Finland has embraced the use of digital tools and technology. For example, in 2016, the National Archives of Finland announced the use of handwritten text technology to automatically transcribe and search images of documents. In 2019, the National Archives piloted a new mass digitisation process to improve the usability of materials. One of the main tasks of the National Archives is to train and guide public bodies on how to manage and preserve records.

In 2020, the Act on Information Management in Public Administration entered into force. The purpose of the Act is to "improve information management so that the authorities could provide their services in accordance with good administration and perform their duties effectively". The Act also established the Information Management Board to act as a responsible oversight body.

Source: https://kansallisarkisto.fi/en/the-national-archives-2/our-activities/mass-digitisation/pilot-project-of-mass-digitisation; https://oikeusministerio.fi/en/act-on-the-openness-of-government-activities#:~:text=The%20Act%20on%20Openness%20of,unless%20specifically%20otherwise%20provided%20for.; https://joinup.ec.europa.eu/sites/default/files/inline-files/Digital_Public_Administration_Factsheets_Finland_vFINAL.pdf

---

4. Ensure multilevel governance on transparency

As noted above, as the Member States are the recipients of funds under the RRF, the Commission interacts with national authorities only, and not with other levels of government, as with other EU funding programmes. This means that a more concerted effort towards multilevel governance is required from the national authorities. In order to achieve a unified approach across the different levels of government, there should be **frequent opportunities for dialogue, collaboration on priority setting, and platforms for knowledge exchange on promoting transparency and access to information between public officials**. These exchanges between the relevant ministries and public bodies at national and subnational level should occur on a scheduled rather than ad-hoc basis. As many of the plans involve initiatives and projects for the green and digital transition that are particularly pertinent for the subnational level, public bodies should engage officials at this level in these discussions when it comes to the roll out of the plans. According to the Commission, it invites Member States to organise annual events on their RRPs with stakeholders, including relevant regional and local public bodies. The Commission could also **consider enhancing its use of existing support programmes, like the Technical Support Instruments, to provide advice on how the different levels of administration can deliver an efficient implementation of the RRF**.

> ## Box 5. Whole-of-government approaches to transparency
>
> **Ireland – ATI guides across national and subnational level**
>
> In Ireland, the government provides codes of practice on the implementation of the access to information law for public officials at both the national and subnational level. The Local Government Management Agency (LGMA) and sectoral networks of access to information officers working at the local government level undertake a variety of tasks to support public access to information. The LGMA works collaboratively with all 31 local authorities to support a coordinated approach to access to information and policy making and service delivery at the local level.
>
> Source: 2020 OECD Survey on Open Government ; Ireland's Freedom of Information website https://foi.gov.ie/code-of-practice/# , Local Government Management Agency https://www.lgma.ie/en/about-us/access-to-information/

5. Strengthen public communication strategies

Clear and consistent public communication on the RRF is a crucial element of transparency, and a shared responsibility of the Commission and national authorities. **Member States could make further efforts to strengthen public communication campaigns** – understood by the OECD as "the government function to deliver information, listen and respond to citizens in the service of the common good"[78] – **on the RRF and national plans to raise awareness of their objectives, reforms and investments**. This could include elements such as clearly and widely indicating where projects or outputs related to RFF funding can be found. Information could be shared using a range of channels – from social media and other online platforms to traditional media channels, as well as project branding and marketing – to reach all segments of society. Improving public communication can build trust both in the national government and in the EU institutions, as discussed in the OECD Report on Public Communication. Lastly, it can also serve as an effective policy response to support governments in countering mis- and disinformation.[79]

> ## Box 6. Public communication on the RRF
>
> **France – Plan France Relance : le kit de communication**
>
> France has developed a communication kit for the institutions or organisations benefitting from the activities of the RRP as well as those receiving funds to undertake projects. The aim is to allow them to promote their *France Relance* projects and initiatives externally with their customers or the general public or internally with their employees or shareholders. The kit includes guidance on online communication at both national and local level, on branding and visual identity, on selecting communications channels, and on advertising/promotion. It also includes, for example, the government logos which should appear on any measures that are financed by France Relance, alongside the list of measures funded by the EU which must bear the EU logo.
>
> Source: https://www.economie.gouv.fr/plan-de-relance/kit-de-communication

---

[78] https://www.oecd.org/gov/open-government/oecd-report-on-public-communication-22f8031c-en.htm

[79] https://www.oecd.org/gov/open-government/public-consultation-draft-principles-good-practice-public-communication-responses-to-mis-disinformation.pdf

6. Strengthen stakeholder and citizen participation in the design and delivery of RRF activities

Governments should **promote an inclusive approach to the design and delivery of RRF activities from this point onwards**. In this regard, drafts of projects in the implementation phase of RRF plans could be published and shared widely for feedback on how they can be delivered. Public officials could consider the mechanisms for citizen participation recommended in the 2022 *OECD Guidelines for Citizen Participation Processes*, such as participatory budgeting, citizens' panels, advisory boards, community-led monitoring and evaluation, and other deliberative processes.[80] **Creating a government-led transparency task force for all the activities related to the RRF** could also help strengthen accountability. This task force could emulate the Open Government Partnership's Multi-Stakeholder Forum and could be composed of small and large civil society organisations, investigative journalists, subject-specific experts, and other interested actors.

Box 7. Boosting stakeholder and citizen participation at supranational level

European Commission – Pilot action for authorities managing cohesion funds to involve citizens and promote transparency

The European Commission, in collaboration with the OECD, supports five national and regional programmes to pilot innovative ways of engaging citizens in decisions about cohesion policy investments. The objective of the pilots is to promote active citizen and civil society participation in designing, implementing and evaluating cohesion policy projects, as well as boosting the culture of transparency and accountability of the public institutions involved. The managing authorities from Spain, Poland, Italy and two Interreg programmes (Belgium-the Netherlands and Bulgaria-Romania) benefit from targeted support. These pilots are part of a broader action announced by the Commission on providing financing to support innovative forms of citizen engagement coming from smaller and local civil society organisations.

Source: https://ec.europa.eu/regional_policy/en/newsroom/news/2020/07/07-10-2020-cohesion-policy-commission-and-oecd-help-5-eu-funds-managing-authorities-engage-with-citizens

---

7. Improve data collection and publication for greater social accountability

The RRF is a performance-based instrument. As such, the achievement of milestones and targets are measured through the Recovery and Resilience Scoreboard, but the Scoreboard does not reflect Member States' actual expenditure, since milestones and targets have no attributed cost. Instead, Member States report on RRF-related expenditure to Eurostat and the European Commission. In this context, Member States in cooperation with the Commission could improve the ability of stakeholders to monitor the impact of projects and to protect the financial interests of the EU. For example, the Commission could make efforts to ensure that the common indicators of the Scoreboard are understood in the same way by all Member States, to support consistent application across and within Member States. Individual Member States could also better publicise how their plans are advancing and how the funds are being spent. Lastly, **Member States could improve their own data collection and reporting systems to enhance the ability of stakeholders to monitor the impact of projects and to ensure that they are protecting the financial interests of the EU.**

---

[80] OECD (2022), OECD Guidelines for Citizen Participation Processes, OECD Public Governance Reviews, OECD Publishing, Paris, https://doi.org/10.1787/f765caf6-en.

Box 8. Tracking progress of public investments

Italy – Opencantieri

Italy has made efforts to produce and release data around public investment in open and machine-readable formats in order to facilitate their use and re-use by relevant and interested actors. The online portal Opencantieri, which is managed by the Ministry of Infrastructure and Transportation, provides up-to-date and downloadable information on ongoing public infrastructure projects. Alongside the data, the platform also provides "specific insights on issues such as financing, costs, timing and delays".

Source: https://www.oecd.org/g20/summits/osaka/G20-Compendium-of-Good-Practices-in-Infrastructure-Development.pdf ; OpenCantieri (mit.gov.it)

---

8. Ensure oversight and scrutiny from civil society in the implementation and evaluation phases

Public accountability is key to an inclusive recovery. For example, a free and pluralistic media can investigate and report on any potential cases of fraud or misuse of funds and can shed light on any opaque decision making. Academics and activists can work to evaluate projects in their particular policy domain and share any shortcomings that they identify. As the outcomes of national recovery plans affect all citizens, a whole-of-society approach is needed, whereby all stakeholders can scrutinise government decision making and the results of their policies and initiatives. In this regard, **institutions could commit to involving citizens, civil society actors and academics, as well as the private sector and trade unions, not only when plans are designed and implemented, but also as spending comes under assessment.** To make public accountability possible, the Commission in collaboration with Member States could **raise awareness about the complaint-handling mechanisms by which the public can raise concerns about suspected irregularities in the implementation of the RRF.**

> **Box 9. Involving marginalised groups in implementation and evaluation**
>
> **Portugal – Consultative Council for the Integration of Roma Communities**
>
> Under the purview of the High Commission for Migrations, the government of Portugal created the Consultative Council for the Integration of Roma Communities (CONCIG), which is composed of a variety of stakeholders from the public sector and civil society that are relevant to the integration of Roma communities in the country. The CONCIG's main function is to elaborate and coordinate the implementation, monitoring and evaluation of the National Strategy for the Integration of Roma Communities (ENICC). The ENICC for 2013-2022 (updated in 2018) has 8 strategic objectives and almost 40 measures, each with measurable indicators. Involving stakeholders in the elaboration, implementation and evaluation of policy documents is seen as particularly relevant in this initiative in order to better reflect the challenges and needs of the target population. The decision to engage citizens and civil society in the process aims to increase buy-in as well as the overall efficiency of public policies and services. Member States could draw this approach to improve oversight from civil society in the evaluation and evaluation phases of the RRF.
>
> Source: https://publications.iadb.org/es/divulgacion-de-informacion-y-desempeno-de-la-inversion-publica-el-caso-de-costa-rica ; https://www.iadb.org/es/reforma-modernizacion-del-estado/iniciativas-mapainversiones ; http://mapainversionescr.mideplan.go.cr/ ; https://www.acm.gov.pt/-/grupo-consultivo-para-a-integracao-das-comunidades-ciganas ; https://ec.europa.eu/info/sites/default/files/roma_portugal_strategy2_en.pdf

9. Promote the role of ombudsman institutions and other independent institutions in ensuring transparency and accountability

Ombudsman institutions have an essential role in **ensuring transparency and accountability in the use of recovery funds**. For example, ombudsman institutions that also serve as freedom of information bodies should specifically monitor whether access to documents or freedom of information requests are being handled correctly and collect data on the information or documents that are most frequently requested, with a view to encouraging the relevant institutions to disclose such information proactively. National ombudsman institutions could also more broadly ensure that governments are fulfilling the transparency requirements under national and EU law. In this regard, **the European Network of Ombudsmen could play a role in promoting the principles of open government more widely, especially regarding stakeholder participation.** The Network could be utilised **to promote further collaboration and knowledge exchange between ombudsman institutions** in sharing common challenges that they are facing in ensuring the transparency of the plans as well as any good practices from each country context. The ombudsman institution in each country could also **have a permanent (observer) role in the proposed government-led transparency task force**.

Box 10. Role of ombudsman institutions in promoting transparency and accountability

Cyprus – Commissioner for Administration and the Protection of Human Rights (Ombudsman)

The Cypriot Commissioner for Administration and the Protection of Human Rights (also known as the Cypriot Ombudsman) plays an important role in monitoring the implementation of the Facility, as it must issue a certificate of compliance with the EU Charter of Fundamental Rights before a project can be approved by the Managing Authority. To promote the exchange of knowledge, the Ombudsman holds regular meetings with NGOs and other bodies, including ministries and lawyers' associations. The Cypriot Ombudsman also exchanges views and good practices with other international and European institutions, including the European Ombudsman, the EU Fundamental Rights Agency, and the Council of Europe.

Source: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf ,
http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/page39_en/page39_en?opendocument,
http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/page32_en/page32_en?opendocument.