

ACCESS INFO EUROPE

Madrid / Brussels, 16 June 2012



To:

Minister for European Affairs Nicolai Wammen

CC:

Ambassador Jeppe Tranholm-Mikkelsen

Ambassador Jonas Bering Liisberg

Mr Jakob Alvi

Ms Mette Nørgaard Dissing-Spandet

Re:

Regulation 1049 and Danish Presidency of the EU

Your Excellency,

We are writing once more to call on the Danish Presidency of the EU to make the most of the remaining opportunity to reach an agreement between the Council of the EU and the Parliament on at the very least a set of minimal changes to Regulation 1049 to bring it into line with the EU treaties post-Lisbon.

We believe that this is something which has to be done and we gather that there is still some room for manoeuvre to achieve this in the remainder of the Danish Presidency, or at least to keep the dossier moving forward.

It is important that the proposals on the table since 2008 are not left hanging in the air for any longer as they have become an excuse for not focusing on improving implementation and releasing documents.

The changes which in our analysis are essential and are required by the EU treaties include:

- » **Extending the Institutional Scope of the Regulation** – The transparency requirements of the Regulation should be expanded to include all offices, bodies and agencies of the European Union, and also the Court of Justice of the European Union, the European Central Bank and the European Investment Bank when exercising their administrative tasks.

- » **Ensuring legislative transparency** - The current version of Regulation 1049/2001 should be amended to incorporate specific provisions which would ensure transparency of the legislative process. These include appointing information officers, and proactively publishing documents which form the basis of legislative acts and other acts of general application, including preparatory documents, legal advice, impact assessments and

documents submitted by third parties with a view to influencing legislation. Financial information should also be made proactively available, as should administrative information on the workflows of each institution, including relevant contact information.

We note that proactive transparency of the documents most relevant to EU citizens would ease the administrative burden of responding to access to documents requests as well as ensuring compliance with the Treaty requirement that "*the Union institutions, bodies, offices and agencies shall conduct their work as openly as possible.*"

- » **Alignment with the Aarhus Convention** - Ensuring that when the information held in requested documents relates to the environment, the exceptions are applied in a way which is consistent with the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

- » **Balancing access to documents and personal privacy** – The adoption of the Lisbon Treaty recognised the right of access to EU documents as a fundamental human right, meaning that it now has to be balanced against the fundamental right to privacy. The formulation of the exception in the revised Regulation 1049 should require that a balance be struck on a case-by-case basis, weighing up the public interest in disclosure of personal data.

I look forward to your response and remain available to discuss this pressing issue further with you.

Yours Sincerely,



Helen Darbishire
Executive Director
Access Info Europe