

January 2011

## **OPEN LETTER: MEPs called upon to protect EU transparency**

### **To all Members of the European Parliament**

In the coming months MEPs will be called upon to vote on amendments in the recast of Regulation (EC) 1049/2001 regarding access to European Parliament, Council and Commission documents. The legislation sets out the conditions under which the public may have access to documents held by EU institutions.

Access to information is fundamental to transparency, openness, and the democratic rights of European citizens. According to its founding treaties, the European Union (EU) aspires to create an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen. However, the EU Ombudsman and others have warned that a proposal put forward by the Commission would mean access to fewer, not more, documents. The proposal would restrict access most notably by creating a narrower definition of what constitutes a document for the purpose of the regulation; by adding new exceptions to the right of access to documents, in particular in relation to documents drawn up within dispute settlement proceedings initiated by the Commission against Member States; and by granting more discretion to Member States to refuse access to documents they transmit to the EU institutions.

We call on MEPs to amend the Commission's proposal so as to prevent the access to documents regulation from becoming more restrictive than before and to expand the right of the public to have access to EU institutions, bodies, offices and agencies' documents.

### **To this end we call on the Members of the European Parliament to:**

**Support measures to align the regulation with the Lisbon Treaty** to extend the scope of the regulation to all EU bodies, offices and agencies in addition to the institutions.

**Maintain the current definition of a document to cover all documents** and not only ones that have been formally transmitted to some recipients or registered. The definition should also include all information recorded in all formats, including databases.

**Bring the regulation in line with the relevant pro-transparency decisions of the Court of Justice of the EU** which has ruled that legal advice from legal services of EU institutions in legislative proceedings should be publicly accessible and that Member States do not have an unconditional right of veto regarding disclosure of documents they have transmitted to EU institutions.

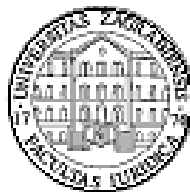
**Maintain the deadline** of 15 days for EU institutions to reply to confirmatory applications and reject the Commission's proposal to extend this to 30 days.

**We call on MEPs to protect the rights of European citizens to access information and ensure transparency of EU institutions.**

**Signed:**

**European Region**







**Global**



שקיפות בינ"ל-ישראל (שביל)  
Transparency International-TI ISRAEL (A.R.)



The National Security Archive  
The George Washington University



Fundación Directorio Legislativo



Commonwealth Human Rights Initiative



official websites the INSTITUTE government bodies rights i-technology  
access to information for INFORMATION human rights protection openness  
e-government transparency justice law FREEDOM rule of law declassification  
society monitoring expertise raising awareness DEVELOPMENT constitution

Réseau des Constitutionnalistes Africains  
African Network of Constitutional Lawyers

## **Organisations**

### **European Region**

Åbenhedstinget, Denmark – Editor, Nils Mulvad

Access Info Europe, Spain – Executive Director, Helen Darbishire

Access to Information Programme, Bulgaria – Executive Director, Gergana Jouleva, Ph.D

ActiveWatch, Romania – President, Mircea Toma

Agentia pentru Informarea si Dezvoltarea Organizatiilor Neguvernamentale, Romania – Mihai Lisetchi

Aliancia Fair-play, Slovakia – Zuzana Wienk

Amigos de la Tierra, Spain – Environmental Director, Liliane Spendeler

Article 19, UK – Senior Legal Officer, Sejal Parmar

Associação para a Cooperação Entre os Povos, Portugal – Director, Fatima Proença

Asociación de la Prensa de Madrid, Spain – President, Fernando González Urbaneja

BilgiEdinmeHakki.Org, Turkey – Director, Yaman Akdeniz

Birdlife International, European Division – Director, Angelo Caserta

Bureau of Investigative Journalism, UK – Managing Editor, Iain Overton

Campaign for Freedom of Information, UK – Director, Maurice Frankel

Campaign for Freedom of Information in Scotland, UK – Carole Ewart

Centre for Advanced Legal Studies, Serbia – Vladimir Vodinelić PhD

Centre for Democracy and Law "Miko Tripalo", Croatia – Professor Josip Kregar

Centre for Development and Democratization of Institutions, Albania – Executive Director, Ilir Aliaj

Centre for Environmental Information and Education, Bulgaria – Daniel Popov

Center for Independent Journalism in Bucharest, Romania – Ioana Avadani

Centre for Legal Resources, Romania – Executive Director, Georgiana Iorgulescu

Citizen Control – Animal Defence, Bulgaria – Board Chairman, Georgi Serbezov

Civil Rights Project Sisak, Croatia – Milana Kreca

ClientEarth, UK – CEO, James Thornton

Climate Action Network Europe – Director, Matthias Duwe

Community Media Forum Europe, Belgium – President, Pieter de Wit

Confederación de Consumidores y Usuarios, Spain – Vice President, Ana Etchenique

Corporate Europe Observatory, Belgium – Research and Campaigns Coordinator, Olivier Hoedeman

Cyprus EU Association, Cyprus – Derviş Musannif

Danish Association for Investigative Journalism (FUJ) – Brigitte Alfter, Jacob Mollerup, Denmark

Dutch–Flemish Association of Investigative Journalists VVOJ, Belgium/Netherlands – Director, Margo Smit

eGovernance Academy, Estonia – Member of the Executive Board, Ivar Tallo

Eötvös Károly Public Policy Institute, Hungary – László Majtényi and Máté Dániel Szabó

Estonian Newspaper Association, Estonia – Managing Director, Mart Raudsaar

European Environmental Bureau – Secretary General, John Hontelez

European Federation of Journalists (EFJ/IFJ), Belgium – Co–Director, Renate Schroeder

European Public Health Alliance, Belgium – Director of Policy and Strategy, Luiza Bara

EU Transparency – Executive Director, Jack Thurston

Farmsubsidy.org and Fishsubsidy.org – Co–founder, Jack Thurston

Fonds Pascal Decroos voor Bijzondere Journalistiek, Belgium – Director, Ides Debruyne

Forest Peoples Programme, UK – Responsible Finance Programme Coordinator Tom Griffiths

Foundation Open Society Institute, Macedonia – Dance Danilovska – Bajdevska

Friends of the Earth Europe – Director, Magda Stoczkiewicz

Fund for an Open Society, Serbia – Transparency, Accountability and Public Integrity Program Coordinator, Miodrag Milosavljevic

Fundacja Reporterow – Centrum Wspierania Dziennikarstwa w Europie Wschodniej, Poland – Director, Wojciech Ciesla

German Civil Liberties Union (Humanistische Union e.V.), Germany – Sven Lueders

Global Witness, UK – Co–Founder and Co–Director, Charmian Gooch

GONG, Croatia – Executive Director, Sandra Pernar

Greenpeace European Unit, Belgium – Deputy Director, Mahi Sideridou

Greenpeace International, Netherlands – General Counsel, Jasper Teulings

Health & Environment Alliance, Belgium – Director, Genon K. Jensen

Hungarian Civil Liberties Union, Hungary – Tivadar Huttli

IKME: Sociopolitical Studies Institute, Cyprus – Director, Alecos Tringides

Iuridicum Remedium, o.s., Czech Republic – Helena Svatošová

K-Monitor Association, Hungary – Júlia Keserű

MANS: Mreza za afirmaciju NVO Sektora, Montenegro – Director for Citizens Initiatives, Zorica Čeranić

Naturefriends International, Brussels Office – EU Policy Officer, Sandra Roling

Netzwerk Recherche, Germany – Dr. Manfred Redelfs

N-ost: Network for Reporting on Eastern Europe, Germany – Christian Mihr

Observatorio de Responsabilidad Social Corporativa, Spain – Lea Brumter

Open Data España, Spain – Jacobo Elosua

Open Data Network, Germany – Daniel Dietrich

Open Society Archives at Central European University, Hungary – Counsellor, Ivan Szekely

Partnership for Social Development, Croatia – President, Munir Podumljak

Peace Institute in Ljubljana, Slovenia – Brankica Petkovic

PRO MEDIA, Macedonia – Klime Babunski

Providus, Latvia – Linda Austere

PublicMedia Association, Romania – Cosmin Pacuraru

Publish What You Fund, UK – Director, Karin Christiansen

Rainbow Warriors Core Foundation, Aruba, Kingdom of the Netherlands – President, Milton Ponson

Romanian Center for Investigative Journalism, Romania – Co-Founder, Stefan Candea

SOMA Foundation for Investigative Journalism, Hungary – Chairma, András Lőke

Statewatch, UK – Tony Bunyon

Sustentia, Spain – Carlos Cordero

Svenska Journalistförbundet, Sweden – Senior Adviser, Anita Vahlberg

Tax Justice Network, UK – John Christensen

The Access Initiative European Partner Organizations – Dr. Csaba Kiss

Transparency International, Hungary – Executive Director, Ádám Földes

Transparency International, Latvia (Delna) – Inese Voika

Transparency International Liaison Office to the EU, Belgium – Ronny Patz

Transparency International Secretariat, Germany – Andrea Figari

Transparency International, Spain – President, Jesús Lizcano

Transparency Zero Corruption, Macedonia – President, Slagjana Taseva Ph.D

Transport & Environment, Belgium – Director, Jos Dings

Tutkiva, Association for Investigative Journalism, Finland – Chairperson, Minna Knus–Galán

WhatDoTheyKnow.com – Alex Skene

Wobbing.eu – Editor, Brigitte Alfter

World Press Freedom Committee – European Representative, Ronald Koven

WWF European Policy Office – Advisor, Sandra Jen

## **Global**

5th Pillar, India – President, Vijay Anand

Africa Freedom of Information Centre, Uganda – Gilbert Sendugwa

African Network of Constitutional Lawyers – Access to Information Working Group, Fatima Diallo

Alianza Regional por la Libertad de Expresión e Información, Latin America – Executive Secretariat, Karina Banfi

Arab Freedom of Information Network – President, Said Essoulami

Association Green Alternative, Georgia – Executive Director, Nino Gujaraidze

Asociación por los Derechos Civiles, Argentina – Executive Director, Alvaro Herrero

Bahrain Transparency, Bahrain – President, Abdulnabi Alekry

Bank Information Center, USA – Middle East and North Africa Program Manager, Amy Ekdawi

Canadian Association of Professional Access and Privacy Administrators, Canada – National Chair, Sharon Polsky

Centro de Archivos y Acceso a la Información, Uruguay – Edison Lanza

Centre for Independent Journalism, Malaysia – Masjaliza Hamzah

Centre for Law and Democracy, Canada – President, Toby Mendel

Center for Promotion of Freedom of Expression and Access to Information, Moldova – President, Vasile Spinei

Citizens' Campaign for Right to Information, Nepal – General Secretary, Tanka Aryal

Commonwealth Human Rights Initiative, India – Maja Daruwala's

Egyptians Against Corruption, Egypt – Engi M. El Haddad

Electronic Privacy Information Center, USA – Marc Rotenberg



Freedom Forum, Nepal – Chairperson, Taranath Dahal

Freedom of Information Center, Armenia – Shushan Doydoyan

Freedom of Information Programme at the South African History Archive, South Africa – Support Officer, Gabriella Razzano

Freshwater Action Network, Mexico – M.Sc. Nathalie Seguin

Fundación Directorio Legislativo, Argentina – Executive Director, María Baron

Fundacion Pro Acceso, Chile – Presidente, Federico Allendes S.

Fundar, Centro de Análisis e Investigación, Mexico – Miguel Pulido

Georgian Young Lawyers’ Association, Georgia – Tamar Kordzaia

Institute for the Development of Freedom of Information, Georgia – Director, Giorgi Kldiashvili

Institute for Information Freedom Development, Russia – Board Chair, Ivan Pavlov

Instituto de Derecho y Economía Ambiental: IDEA, Paraguay – Executive Director, Ezequiel Santagada

Jamaicans For Justice, Jamaica – Executive Director, Carolyn Gomes

National Security Archive, George Washington University, USA – Director, Tom Blanton

Open Society Georgia Foundation, Georgia – Deputy Executive Director, Tamuna Kaldani

Open Society Institute – Assistance Foundation, Azerbaijan – Fidan Bagirova

Poder Ciudadano (TI–Argentina), Argentina – Hernan Charosky

Right to Know Coalition of Nova Scotia, Canada – President, Darce Fardy

Socio–Economic Rights & Accountability Project, Nigeria – Executive Director, Adetokunbo Mumuni

Suma Ciudadana, Peru – Coordinator, Javier Casas

Transparency International, Israel – CEO, Galia Sagi

Transparency Maroc, Morocco – Access to Information Project Coordinator, Saâd Filali Meknassi

Transparency International, Russia – Marina Savintseva

Water Governance Institute (WGI), Uganda – Executive Director, Henry Bazira

Zero Corruption Coalition, Nigeria – National Secretary, Babatunde Oluajo

## **89 European Organisations**

## **42 Global Organisations**

**Total : 131**

**À titre personnel:**

Alexander Kashumov, Attorney at law, Bulgaria

Andres Mejia, Colombia/USA

Andrew Ecclestone, Honorary Senior Research Fellow, Constitution Unit, University College London, UK

Angie Zelter, Wales, UK

Annette Schiøler, Journalist, Denmark

Anni Løndal de Lichtenberg, Denmark

Bent Øberg, Denmark

Blanka Hancilova, Austria

Bryan Charles, Belgium

Christian Bartels, Journalism Student, Denmark

Ciarán Toland, Barrister-at-Law, The Law Library, Republic of Ireland

Codru Vrabie, Civil society representative on the National Integrity Council, Romania

David Goldberg, Law lecturer/FOI expert, Scotland, UK

Ermal Nazifi, Lawyer, Albania

E. Plebani, Reporter, Italy

Eduardo Bertoni, Director, Center for Studies on Freedom of Expression and Access to Information, Palermo University School of Law, Argentina

Eduardo Esclapés, Spain

Felipe Vicente, Spain

Francesca Fanucci, Lawyer and Freelance consultant on freedom of expression, transparency and freedom of information, UK

Giner Rico, Spain

Greg Michener, Brazil

Heather Brooke, writer, journalist and activist, UK

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Heike Mayer, Germany

Ian Davis (Dr.), Human Security and Arms Control Consultant, Scotland, UK

Jaume Cot del Valle, Spain

Jesus Cabrera, Photographer, Spain

John McCarthy, USA

José Cavani Ríos, Journalist, Peru

Katrine Birkedal Christensen, Journalist, Denmark

Kenneth Konrad Knudsen, Journalist, Denmark

Laura Robinson, Journalist, Canada

Leo Sisti, investigative reporter, contributing reporter for "L'Espresso" and "Il Fatto Quotidiano", Italy

Manuel Sánchez de Diego Frdez. de la Riva, Law Professor, Spain

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Mario Gutiérrez Sanchez, Student, Spain

Marion Brians, France

Marjan Kroflič, Slovenia

Markus Knigge, Belgium

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Mónica Caballo, Librarian, Spain

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Prashant Sharma, Doctoral Researcher, India

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Tom Devine, USA

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W Mecklenburg (Dr.), Lawyer and Physicist, Germany

Walter Keim, Norway

**56 individuals + 131 organisations:**

**Total: 187 signatures**