

14 June 2012

Mr **Maroš Šefčovič**

Vice-President of the European Commission
responsible for Inter-Institutional Relations and Administration

Cc: Mr **José Manuel Durão Barroso**
President of the European Commission

Cc: Mr Marc Maes, Gerard Legris, Jens Nymand Christensen
Commission Secretariat General

Dear Commissioner Šefcovic,

We recently became aware of an article in the online publication EUobserver.com which quotes your official spokesperson, Mr. Anthony Gravili, making a series of highly inappropriate remarks with regards to the debate on the recast of Regulation 1049/2001 on access to documents held by the EU institutions (see <http://euobserver.com/18/116533>).

Your spokesperson is quoted as referring in vehement and exaggerated terms to information requests made by "nutty NGOs", claiming that "they think it's funny to waste officials' time" by making access to information requests.

The right of access to EU documents is a fundamental right of all EU citizens, enshrined in the Treaties and in the European Charter of Fundamental Rights. Transparency is also a fundamental tenet of good governance, and an effective tool for fighting corruption and for holding decision-makers to account. It also allows for citizen participation in policy-making. For an official spokesperson from the European Commission to make statements of this nature is shocking.

We therefore call on you to retract these statements and to publicly affirm that the European Commission respects the right of access to EU documents "whatever their medium", and that it values the importance of transparency for European citizens. In addition, the value of the democratic debate around the reform of the access to documents Regulation should be recognised, as should the role of "social watchdogs" (in the words of the European Court of Human Rights) working in the public interest.

We believe that it is important for the Commission to distance itself from these comments, which could reasonably be interpreted by the wider public as revealing an arrogant attitude towards European taxpayers, and which are not convenient messages to send, especially in these troubled times.

Furthermore, the simplified and exaggerated examples put forward by Mr Gravili reveal a lack of awareness of the real substance of the debate. International experts on freedom of information, Members of the European Parliament and Ministers from some of the Member

States involved in the negotiations have all publicly raised concern about the proposals aimed at restricting the right of access to EU documents. Telling them that the “debate is infantile and some people need to grow up” is disrespectful, and is a frankly unacceptable comment for any public servant to make, let alone the official spokesperson for the institution whose transparency and accountability is the subject of the discussion.

We note that over 20 non-governmental organisations have filed a petition to the European Parliament stating that the European Commission is repeatedly failing to comply with its transparency obligations, either by not replying to access to documents requests within the prescribed time period or not replying at all, or by applying exceptions without detailed argumentation or justification. In this context, it is clear that reforms to law and/or practice are needed and all parties should be engaging in an open and constructive debate on how to best achieve this. For example, in addition to transparency portal, what is the best approach to increasing proactive transparency in order to reduce the burden of answering access to documents requests.

Although Mr. Gravili’s outburst may have been the result of a temporary lapse of judgment, it is nonetheless imperative that the Commission now sets the record straight. We therefore call on you to publicly disown these comments.

Given the sensitive stage of the negotiations, it would be important that this clarification be provided as a matter of urgency, to avoid any impression that the Commission is using inappropriate means to improperly influence the dialogue discussions.

Yours sincerely,

Helen Darbishire, Access Info Europe
Anais Berthier, ClientEarth
Jeremy Wates, European Environmental Bureau
Paul de Clerck, Friends of the Earth Europe
Katrina Perehudoff, Health Action International Europe

CFFA

Béatrice Gorez, Coalition for Fair Fisheries Arrangements



Maurice Frankel, Campaign for Freedom of Information UK



Ronald Koven, European Representative, World Press Freedom Committee

IAITL



Sylvia Kierkegaard (Prof.), International Association of IT Lawyers;
Journal of International Commercial Law and Technology



Venkatesh Nayak, Commonwealth Human Rights Initiative



Jacinto Lara Bonilla, Asociación Pro Derechos Humanos de España



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Brian O'Riordan, International Collective in Support of Fishworkers



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