

Transparency NGOs call on EU not to restrict document access

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The groups worry that details of EU business will be kept secret from citizens and journalists (Photo: Koen Vereeken)

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EUOBSERVER / BRUSSELS - The EU is set to tightly restrict its freedom-of-information rules just seven years after they were introduced, says an alliance of some 180 human rights organisations, transparency pressure groups and journalist unions, which have called on the European Parliament to apply the brakes to proposed legislation.

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On the weekend a public letter signed by 56 investigative journalists and 131 groups including transparency and access-to-information campaigners and environmental NGOs warned that European Commission proposals that are set to be approved in the coming weeks will "substantially reduce the number of public documents" available upon request.

Under the new rules, originally proposed in 2008 and as of Tuesday (1 February) at committee stage before the parliament, only documents that are formally transmitted would be made available upon request to a member of the public.

As thousands of documents are informally passed between European policymakers, the alliance fears that such papers and emails will now be out of bounds to the public.

Such language could even encourage policymakers to begin engaging in administrative practices that actively avoid formal transmission of documents so as to prevent the public from gaining access to them.

The new rules would also allow member states to fix more robust powers to refuse access to their communications with EU institutions and restrict access to documents involved within disputes initiated by the commission against national capitals.

"Everyone in Europe has the right to know what their elected representatives are doing with the power entrusted to them and how the public's money is being spent," said Helen Darbishire, director of Access Info Europe, a group of lawyers that trains citizens how to demand documents from their governments. "Our representatives should be fighting to extend the rights of citizens, not reduce them."

The groups called on the parliamentary committee responsible for tackling the legislation ahead of a sitting of the full chamber, the Civil Liberties and Justice and Home Affairs Committee, to amend the legislation to strip out the language they feel is restrictive.

On Tuesday, the committee had an initial exchange of views on the proposed legislation. Amendments will be considered in the coming weeks.

The commission, for its part, says it "disputes the interpretation of the transparency groups", according to institutional affairs spokesman Michael Mann.

"We believe that in general any document handed out today would also be handed out under an amended regulation as suggested by the commission," he continued, saying that the proposal aims at unpicking the "vagueness" of what counts as a document "whether a few sentences on a paper, the beginning of a draft text etc. are to be considered a document."

However, he added, many member states have "accepted that there is an issue to be looked at" and the commission is "completely open to discuss alternative texts that achieve the same goal - greater legal clarity for both the applicant and for the official handling the application."

However, in the meantime, two groups involved have even been refused access to documents relating to these changes to access-to-documents legislation.

Parallel to the call, Access Info Europe and Client Earth, a group of environmental lawyers filed lawsuits to try to gain access to two documents concerning the changes. The first case was launched in 2009 after being refused permission to see one document showing the positions of the different member states on this issue and the second case was launched last September after being refused access to a key document covering the decision making process behind this legislation.

It's not the first time the proposals have been criticised. Shortly after they were first published by the commission in 2008, the European ombudsman, Nikiforos Diamandouros, warned: "The Commission's proposals would mean access to fewer, not more, documents. This raises fundamental issues of principle about the EU's commitment to openness and transparency."

"While there are some positive elements, such as making documents available to non-citizens and non-residents of the EU, many of the commission's proposals would narrow the right of access to EU documents," he went on, describing the move as: "step backwards for transparency."

The alliance also includes, amongst many others, such groups as the Dutch–Flemish Association of Investigative Journalists, the Estonian Newspaper Association, Farmsubsidy.org, the German Civil Liberties Union and a range of transparency groups from eastern Europe.