

GOOGLE TRANSLATION OF FINNISH INSTRUCTIONS TO EU AMBASSADOR AT COREPER

EUTORI / Eurodoc No.:

EU/2008/0952
EU/2011/0864

U-ID / E-code:

U 38/2008 vp
U 72/2010 vp

The purpose of processing and processing stage:

Tilogue mandate approval to begin negotiations with the European Parliament. President to present a compromise text, without the approval of the content of the discussion.

Documents:

9441/12

The EU's legal basis for a fair / decision-making process:

TFEU, Article 15, paragraph 3, the ordinary legislative procedure

Handler (s):

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Finland's stand / instructions:

Finland is highly critical of the proposed mandate for the content, but can not accept the fact that the President enter into negotiations with the European Parliament.

The statement by Finland highlighted that Finland can not support a negotiated settlement, which would make the EU more transparent. Finland believes that the compromise text presented by the Chairman does not have significant transparency-enhancing solutions. Several places in the opposite limit the transparency in relation to the current state (for example, the scope of exclusions, which limit the transparency of regulation outside the major part of the Commission's work). Treaty of Lisbon, one of the main objectives was to increase the transparency and public participation in decision-making opportunities for the Union, and also from the perspective of the mandate of this draft is very problematic (for example, legislative matters, as provided legal advice on the general presumption of confidentiality). Finland is also concerned that the President of the document contained a description of your balanced view on the state of negotiations in the Council.

The debate is not in principle necessary to bring out detailed positions that have been presented at working group level and occur several times over.

Finland is considering the option of leaving a positive transparency, together with other countries in the Coreper minutes of a statement in which it reveals that it can not support a draft mandate for the content of which would limit the Union's activities more transparent.

The main contents:

Transparency of Regulation (EC) No 1049/2001 renewal has been negotiated since 2008. The project is very important for Finland. The European Parliament adopted a report in December 2011, which aimed at transparency in a broad re-regulation to expand the transparency of writing in several sectors of activity. Danish low-season to begin the Council decided to enter into discussions on the reform of the Regulation on nine different bargaining issues:

1. The institutional scope of the Regulation (Article 2, paragraph 3)

The Commission presented in 2011, the institutional regulation for extending the scope of the Lisbon Treaty in accordance with all of the institutions, bodies and institutions. The proposal has the support of the Council in the past.

Finland supports the proposal.

2. Document Definitions (Article 3 and 3a)

In 2008, the Commission presented a more precise definition of the document. Finland is considered that the current broad definition of 'document to be stored, but it can be updated in accordance with law by reference to information contained in the databases. The President is now presenting the focus setting, which is to regulate it when the document will apply the transparency provisions of the Regulation. It is possible that XX COREPER object focus is taken. Finland has the same view as XX.

Finland does not feel that the issue does not necessarily need to regulate the Regulation and has been particularly critical of the Commission's proposal on the matter.

3. With the selection of protection (Article 4, paragraph 2)

The Commission presented in 2008 a new exception justifies the disclosure of the documents could be refused if a transfer would jeopardize the objectivity of the selection procedures.

Finland is considered that the current Article 4 (3) of outstanding issues concerning the protection of an exception condition may be applied to protect the data in question, but if desired, the regulation can be added to the exemption applicability-focusing reason for an exception.

4. Transparency of Regulation alignment with the Aarhus Regulation (Article 2, paragraph 6)

Finland has been proposed by the Commission in 2008, the objective of harmonizing the regulation on public access to environmental information in Aarhus with the correct setting. Chairman's proposal for a comprehensive harmonization will be discontinued. Aarhus-regulation legislation would reflect the viittaussäännöksellä incorporated in Article 2, as well as an agreement that the so-called Aarhus. Aarhus Regulation. In addition, transparency introduce a new Aarhus Agreement, a waiver under submission based on the breeding grounds of rare species.

Legally, the way is possible, but more comprehensive harmonization of regulations would facilitate the use of the public eye. Finland is in favor of a new rare species of breeding grounds for an exception basis to increase. It is known that XX may be present even in Coreper Aarhus Regulation, consideration of harmonization. Finland agrees with the XX's proposal.

5. Protection of privacy on the reason for an exception (4 (1) b of the Treaty)

The Commission presented in 2008 to protect the privacy of the grounds for derogation to write again to the transparency and the protection of privacy between the ratio could be defined more precisely.

Finland has held that the privacy of the reason for an exception must be rewritten, for example, as the President's proposal is now presented.

6. Scope of the Regulation (Article 2), Code of Conduct

In 2008, the Commission presented its own investigation of documents relating to its operations as well as some court documents totally from transparency regulation. The majority of delegations supported the proposal to be more precise, so that the violation of the documents relating to a clearly defined scope of the Regulation. We have also put forward its own documents delineating regulation. The President is now proposing to the Commission's original proposal be approved. It is known that XX may submit a proposal for an increase of Eurojust.

Finland takes absolutely critical in 2008, the Commission proposed Regulation, the scope of the restrictions and to keep them as contrary to the Treaty of Lisbon. Finland considers that the Commission's investigative activities related to the interests to be protected, but that the regulation now includes adequate exceptions to protect those interests. This also applies to infringement procedures related documents. Eurojust's concerns should be necessary to respond to regulation by developing criteria for an exception. Voluminous requests related problems should be answered primarily by developing procedures.

7. Member States from the documents (Article 4, paragraph 5)

The Commission presented in 2008, recording in which a Member State to justify any objections to it from the document on the transfer of the reference to domestic law, when an institution is to examine the suitability of this stock. Finland has found that in 2008, the proposed design would provide the Member States in practice the right of veto from the documents themselves. The President also proposes consulting the Member States relating to extension of the deadline to 10 days.

Finland has found that the Member States documents originating from the injunction is no need to write again. Finland considers that the regulation should refer to the relevant national legislations. As a compromise, Finland may nevertheless approve the proposed design. Finland considers that the Member States of the current 5-day period is very short, and so willing to accept the proposed extension of the deadline to 10 days. Procedural changes will not undermine the whole, however, the document calls for 'standing, for example, so that deadlines are formed for excessive periods. Chairman's proposal would extend the length as a whole extradition procedure, time limits considerably.

8. Access to documents legislation (Article 12, paragraph 1, and 4 (3b) and Article 4a)

Now presented by the President of the entry is based on the Commission's proposal in 2008 and its purpose is to record the current legal documents of the practice. In addition, the President proposes to the general hypothesis that the ongoing decision-making processes relating to legal advice and advice on any issue which EUTI has not yet adopted a position would jeopardize the protection of legal advice. The applicant would have the opportunity to show that there is an overriding public interest which is in favor of disclosure.

Finland considers that the legislation on access to documents has already been decided in the Lisbon Treaty, and that the EU Court of Justice defined principles provide a minimum of publicity. The current proposal would limit the confidentiality of legal advice clearly present law (Turco) set

out to interpret the law in matters of principle, is advising the public. Finland believes that participatory democracy is that all of the discussion of crucial documents (including legal advice) are in principle public when the matter is pending, and their processing is possible to take part. For all issues related to implementation of the publicity is not necessary to provide transparency in regulation.

9. The Information Officer Designation (15 (1a) of the Treaty)

President to submit an Information Officer appointed to all the Union's institutions, bodies and institutions). The proposal goes to the Commission's 2008 proposal for outside, but if all institutions are prepared to accept it, is it possible to negotiate.

Finland has found that the total transparency of regulation in practice relating to the application is no need to provide for regulation, but can not accept the proposal. Transparency Regulation, the application need to be improved.

National treatment:

The Commission's 2008 proposal has been treated by the Government legal issues – chamber 27 to 29/05/2008 (written procedure) of 9.6.2008 and 08.20.2008 and the EU Affairs Committee on 27.08.2008 and the EU Ministerial Committee on 29.8.2008. In addition, a number of U-follow-up letters, which have been dealt with legal issues - division.

The 2011 proposal has been dealt with legal issues, division 5-07.04.2011 (broad composition of the written procedure).

Parliament's views as of the book to be dealt with legal issues in the Section (Division 35) a comprehensive written procedure on the composition of from 16 to 19/01/2012.

Parliamentary Handling:

PeVL 22/2008 vp, LaUU 14/2008 vp, FvUU 23/2008 vp, FvUU 1/2009 vp, LaUU 1/2009 vp.

SuVX 111/2008 vp: "The committee agrees with the statements issued by the special committees of the Government's position.

The committee emphasizes that the Commission's proposal if implemented would represent a significant step backwards for the transparency and security of access to documents and is therefore contrary to the European Council repeated the targets agreed with.

The committee is concerned and it is reprehensible that the Commission proposal on a number of points used to support arguments that have been considered as incorrect and misleading. The procedure is likely to weaken the Commission's credibility in the eyes. "

In addition, a number of U-follow-up letters (OM 08/10/2008 vp, vp 13/01/2009 OM, OM 05/15/2009 vp, vp of OM and OM 02/09/2010 01/18/2012 vp), for which the parliament has endorsed the Government's position.

The Constitutional Committee has pointed out (Statement 17.2.2009) that it "is concerned about the fact that the negotiations on transparency to change the setting may be both the Council and the European Parliament, leading to a number of ways the transparency of a deterioration in the European Union. Committee to reform where relevant, 22/2008 vp to its views and urges the State Council to continue to continue to actively and positive activities in the proposed regulation to develop a more open direction. " The committee reiterated its call on 06.04.2009. The Grand Committee endorsed the Government's position on the constitutional committee position.

SuVX 20/2012 vp

Treatment in the European Parliament:

The European Parliament adopted a report on 12.15.2011 Transparency of Regulation on the reform of the first reading position. The responsibility for acting as a committee, LIBE Committee (Michael Cashman). Another responsibility of a committee acts as AFCO, which is lausunnonlaatijana Anneli Jäätteenmäki. The Government has worked very closely with the Jäätteenmäki with.

National legislation, incl. Åland's position:

In Finland, public access to documents laid down as the general law of Government Activities (621/1999), hereinafter referred to as Freedom of Information Act, as well as the specific legislation, such as information security obligations under international law (588/2004). The law of international security obligations is set out an explicit exception to the provisions of the FOIA. Protected according to the data file must be kept secret (6 § subsection 1), regardless of the consequences that would be providing this information to be protected interest.

Any other relevant factors:

Besides Finland, the positive openness to countries of the Council of SE, DK, EE, NL, SI and more variable in BU, HU, LI, Scotland. Finland has been the preparation of a very close co-operation with the President and coordinates the activities of the countries of the positive transparency.

Several factors would justify a declaration of other non-transparency of the positive with the Member States. Finland adopted a Declaration on Transparency in EU Accession Treaty in connection with, and has been active throughout the period of membership in order to increase transparency (Amsterdam, contract negotiations and other treaty negotiations, and negotiations with Regulation No 1049/2001). The Parliament has called on the Council of State to continue its active and positive activities in the proposed regulation to develop a more open direction. It is also important to communicate to other Member States and the European Parliament, that Finland is among the group of persons who would like the Lisbon Treaty and the EU Charter of Fundamental Rights in a spirit of greater transparency.