

# ENDING THE TUG-OF-WAR OVER UKRAINE



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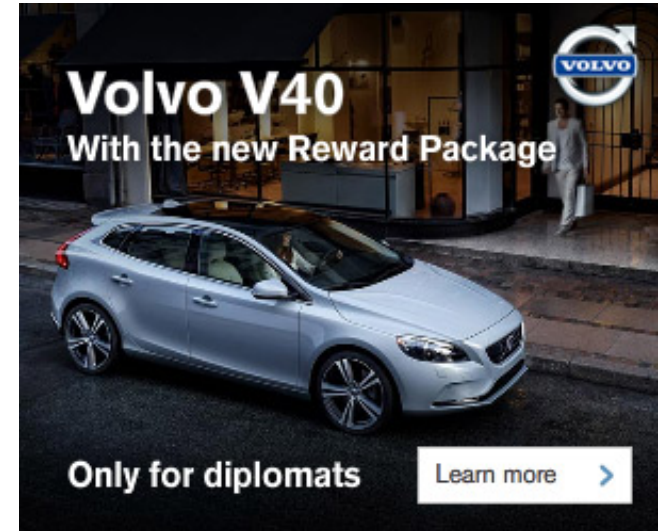
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Member states need to be more transparent, says the European Court of Justice (Photo: Alfonso Salgueiro)

## Transparency ruling challenges EU states

22 10 13 @ 08:54



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BY NIKOLAJ NIELSEN  

BRUSSELS - Europe's top court has ruled against member states wanting to withhold information on the EU legislative process in what is said to be a landmark case for greater transparency.

People requesting documents from the Council of the European Union - representing national governments - receive them with the names of member states blocked out.

Madrid-based Access Info Europe, an international human rights organisation, challenged the practice and the policy and won.

"The importance is for civil society, for journalists, for members of the general public to know what our governments are doing inside the Council and what positions they are taking," Helen Darbishire, Access Info Europe executive director, told this website on Monday (21 October).

The NGO says people should have the right to know the positions of member states early on in the legislative process.

The Luxembourg-based European Court of Justice agreed.

Last Thursday, the court ruled the European treaties require the European Parliament and the Council to "ensure publication of the documents relating to the legislative procedures."

Darbishire said the council would now find it very difficult to justify withholding the names of member states whenever someone asks for the documents to be released.



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“It would have to be on a very specific case by case basis,” she noted.

She added: “It doesn’t necessarily apply to other decisions but it would definitely apply to discussions around future EU legislation.”

The spat dates back to late 2008 when the NGO received redacted documents from the Council. They challenged the Council in the general court in March 2011 to receive all the information. They won but the Council appealed.

The Council argued that releasing the names of the member states in the document requested would seriously undermine the decision-making process.

Revealing positions in the early stages of the legislative decision-making process, they added, could restrict the member state delegations’ “room for manoeuvre” as a result of pressure from public opinion.

The Council’s appeal, supported by Greece and the UK and Ireland, said there was no overriding public interest in revealing the names of the member states.

The top court has now overturned it in a final decision.

Darbishire said the level of transparency at the EU level would further increase if member states apply the ruling to other documents and not just to those that reveal member states’ positions early on.

Member states, for their part, are set to discuss the ruling in its working party on information on Monday (28 October).

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