

Transparency in Europe 2015 - a work in progress!

Decision Making Info

Access Info launches Europe wide investigation

Lobbying
International Standards
launched at OGP Mexico

Ireland
✓ excellent
info on
lobbying in
Brussels

UK
X backtracking
(defeated 2016)

DE+UK
✓ open company
registers

Luxembourg
X draft law
X whistleblowers

DE "no info"
on migrants!!

Brussels/EU

Detection of Migrants

X Only 6/33 countries
provided full info!

→ implementation of
access rules
→ lobby transparency
→ Ask the EU

France
X poor response rates
to chair OGP

Transparency Media Ownership

✓ CSOS support
✓ Council of Europe
✓ OSCE
✓ European Council

Spain
New transparency
law!

Spain
Regional
transparency
law

Italy

Government
promises new FOIA
and allocates
budget

- but docs on OGP refused
→ court cases
✓ Madrid City Hall advances on transparency

No
Lillehammer
training investigation
journalists

Sweden
Full info
provided
on migrant
detention

Finland
Excellent
information
on decision
making

Lithuania
Good info
provided on
migrant
detention

Poland
Lobby documents
published proactively

Germany
Court case to
access company
registers

Czech
✓ Company
register

Albania
Good new law

Greece
joins OGP
requests
on decisions

Tr
Training
journalists

Slovenia
Costs for requests
proposal defeated

It / Perugia
International Journalism
Festival

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Message from the Executive Director

2015 was a year in which Access Info Europe increased its focus to promoting transparency in practice while at the same time promoting the highest-standard transparency laws and pushing for new standards in areas where they do not exist, such as regulation of lobbying.

While huge strides have been made in recent years and in making much government data open to the public, when the question is "why was that decision taken?" or "which lobbyists did the public officials meet with before taking the decision?" we find it's much harder to get the documents.



Decision-Making Transparency Mapping

In 2015, Access Info Europe focused on researching and mapping actual levels of transparency in practice as part of our decision-making transparency project, being carried out with partner organisations across the region. This is the first mapping of its kind ever carried out in Europe.

The initial – rather troubling – findings are included in this report. They include the finding that in 11 out of 12 jurisdictions surveyed there is no obligation to record minutes of meetings. Our next step is to test access in practice.

As part of upgrades to the Access Info Europe website, we have set up an interactive page which shows which information we can and cannot obtain. There are also some fascinating case-studies, such as that into sugar lobbying, which revealed that some governments were against using health as a criterion for EU rules on whether food should be labelled as to how much sugar it contains.

Transparency for Human Rights Protection

Human rights remain another priority for Access Info Europe, and again the question is "can we actually get the information we need to protect human rights in Europe?"

In 2015 we published the shocking results of a two-year study into detention of

migrants which found a paucity of information about number and locations of migrants detained, with only six out of 33 countries providing full information.

The report and recommendations are being used by partner organisations to press for better and standardised data collection at the national and EU level in order that we can have a full and true picture on migration.

National Focus in Southern Europe

Access Info's special focus on Spain continued in 2015, and we were excited about the fact that the new transparency law was in force and we could start submitting requests. As we tell the story here – a series of anecdotes told by our office pet, the Data Shark [pictured!] – there were numerous frustrations and set-backs during the year, including great difficulties simply in submitting requests.

The situation in Spain underscores the *raison d'être* for Access Info to have our headquarters here: the challenge in Spain is typical of that in many southern European countries (and indeed in many countries worldwide) where a law is not enough and much work needs to be done on achieving the cultural change that securing true open government implies.

During the year, Access Info Europe has also continued work in other countries, including in Austria, Cyprus, and Italy, where we conducted legal analyses, and participated in public debates on how to improve transparency in law and practice. Working with civil society organisations we have ongoing campaigns in these countries to introduce stronger access to information laws.

Standards and Policy Work

Promoting the highest standards for transparency remains a core part of our remit, and on this we work at the global level.

In 2015 at the Open Government Partnership Summit in Mexico City, we launched the International Lobby Regulation Standards, developed together with Transparency International, the Sunlight Foundation and the Open Knowledge Foundation, and finalised after receiving input from many other CSOs, government officials, and lobby professionals. Already these standards have been used in campaigns at the national level and have been presented to international bodies.

Access Info Europe's work on Transparency of Media Ownership also began to have an impact during 2015 as the recommendations were referred to and taken up by inter-governmental bodies, including the Parliamentary Assembly of the Council of Europe and the European Commission, as well as being used as a reference by civil society at the national level.

Access Info Europe continues to run the RTI Rating website which is a regular point of reference for civil society, government and experts on the quality – on paper – of access to information laws.

With gratitude and pride

Last but not least, 2015 was a year in which we bid farewell to two key staff members, each of whom had been with Access Info Europe for over five years: Victoria Anderica went to head up Transparency at the Madrid City Government and Pamela Bartlett Quintanilla moved to Brussels as a transparency and democracy advisor for the Green/EFA group in the European Parliament.

The entire Access Info team is incredibly proud of Vicky and Pam and while sorry to see them go, we wish them every success in their new positions. There are far too few access to information experts working in civil society in Europe, and Access Info is very proud, through its staff and its internship program, to be contributing to a growing pool of people with in-depth knowledge about the right.

Last but not least we express our gratitude to our funders – including during 2015 the Open Society Foundations and the Adessium Foundation – for the essential support that permits us to continue our work to promote open, participatory, and accountability government.



Helen Darbishire
Executive Director

PS: Pictured above is our famous Data Shark– the real boss at Access Info! – and here the entire team, including Executive Board and International Advisory Board members



1. Decision-Making Transparency

Can European citizens find out basic information about core decision-making processes at the national or EU level? Do we have the information we need to participate? Can we find out what meetings were held and which documents were submitted by lobbyists so that we can hold decisions to account?

Access Info Europe and our partners across have become increasingly aware that, for all the progress we have been making with access to information and open government, much basic information about how decisions are taken and by whom remains out of the reach of citizen.

Lack of information puts a wall between the public and policy makers, a wall that is a huge barrier to civic participation in decision making.

So in 2015, working with partner organisations from across Europe, we began exploring real levels of decision-making transparency in eleven countries and at the EU level in one of our biggest projects to date.



TheStory.ie



The first phase of research was to assess in detail the quality of the legal framework in each jurisdiction, asking key questions such as whether decision-making information may be requested under the national access to information law, whether there are obligations to keep records of meetings and decisions, and whether documents submitted by interest groups and lobbyists can be requested.

The countries part of this study include those with the best and worst access to information laws in the world as evaluated by the RTI Rating, a website run by Access Info Europe and the Centre for Law and Democracy. This range was reflected as we started getting a clearer picture of the nature, shape and size of the wall between citizens and decision makers.



Which side of the Transparency Wall is your country on?



»The public can't request all decision-making information in Austria, Greece and Spain.

»In Finland, Germany and Spain the law only applies to the administrative tasks of the legislature, whilst in Austria and Poland it is not included at all.

»Decision making is an absolute exception in Austria and Greece, is not subject to a harm test in Ireland and Poland, and is not subject to public interest test in Germany and Italy.

»Privacy is an absolute exception in Austria, Greece and Poland, is not subject to a harm test at in Ireland, Slovenia, and the EU, and is not subject to a public interest test in Italy.

»In 11 out of 12 jurisdictions surveyed we found no legal obligation for public institutions to compile or record minutes of meetings related to a particular policy or decision-making process.

»No country has clear requirements to publish proactively minutes of meetings related to particular policies or decision-making processes.

»11 out of 12 jurisdictions have no obligation to make public information about lobbying during decision-making processes.



»In Finland only some decision-making processes are subject to a decision-making exception, whereas the Polish access to information law does not contain a decision-making exception.

»In Spain basic identifying information such as names and job titles, this does not fall under the privacy exception.

»In Greece there is an obligation to record minutes and these should include the names of those present.

»Only Poland has clear requirements regarding the publication of documents submitted by lobbyists during a decision-making process.



2. Lobby Transparency: Standards and Practice

The first global civil society standards on lobbying, the **International Lobby Regulation Standards** were launched in October 2015 as part of the OGP summit in Mexico.



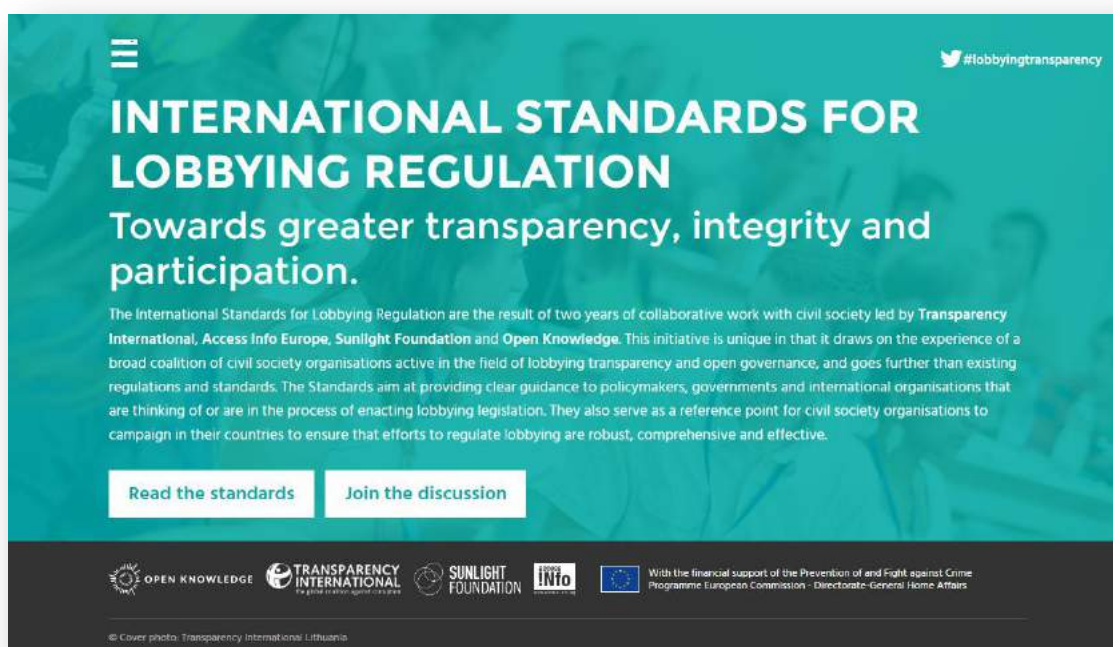
The two-year initiative to draft standards based on international best practices was led by Access Info Europe, Transparency International, the Sunlight Foundation and the Open Knowledge Foundation and received the input of many other CSOs, government officials, and lobby professionals.

The standards contained recommendations on proactive publication of information about lobbying.

A dedicated website presents both the Standards and Guiding Notes. Inter-governmental organisations are being urged to take up the Standards while civil society will promote them in national regulatory reform initiatives.



The International Lobby Regulation Standards fill an important gap and provide a structure for future lobbying regulation laws around the world.



2.1 Testing Lobby Transparency in Practice

Access Info Europe is always asking ourselves "can we get the information in practice?" so in parallel with campaigning for stronger rules on lobby transparency, we engage in research into key decisions, of high public interest, to check what we can find out about whether lobbying had an impact on the outcome.

One such investigation was into the debate in Europe about whether to label foods in a clear way – the "traffic light system" – to bring attention to their sugar content. We knew that the proposal had been dropped during discussions in Brussels and wanted to see if we could find out why using the EU access to documents rules.

We found that one reason the traffic-light proposal failed was that the European Parliament rapporteur in charge of the file did not support the idea. However, it was impossible to determine whether this position was influenced or not by third parties or lobbyists, primarily because the EU's access to documents rules do not cover papers submitted by lobbyists to MEPs, and the European Parliament's files do not include voting recommendations.

In terms of Council of the EU, where representatives of Member States meet, we found that the Spanish government, which had acted as Council Presidency at that time, was against the traffic-light system arguing, rather remarkably, against using consumers' health as a criterion for defining the content and form of food labelling systems.

In November 2015 the report on this research "**Lobbying: the Sweet Smell of Success**" included the following recommendations:

» The EU must broaden the application of Regulation 1049/2001 to include documents drawn up and received by MEPs during their term in office

» The European Union must guarantee comprehensive documentation of decision-making processes, and ensure the information is easily searchable and well maintained in order to enable maximum transparency

» EU institutions must create and improve upon their current lobby transparency regime, in particular by establishing a mandatory lobby register which captures who is lobbying whom in Brussels.



2.2 EU Lobby Transparency

It is often said that Brussels is the second largest lobby capital in the world, after Washington D.C – with all kinds of interests seeking to influence European Union decision-making.

With so much lobbying going on, Access Info's work throughout 2015 has been driven by the simple question, "can citizens find out who is trying to influence EU legislation and rules?"

To find an answer, we have worked strategically with civil society organisations as part of the ALTER EU coalition to uncover secret lobbying at the EU level and to advocate for full lobbying transparency.

We have found that it's hard: **research shows** that the current voluntary register of Brussels lobbyists – known as the Transparency Register – is full of unreliable or even misleading entries making it highly insufficient in providing full transparency on Brussels lobbying.

Furthermore, coordinated access to documents requests with ALTER EU revealed that in one part of the Commission, the Directorate for financial regulation, revealed that for junior officials, who do not have to report on meetings with lobbyists, over 90% of meetings were with lobbyists representing corporate interests. Furthermore, around 20% of these were not in the EU's register of lobbyists, the Transparency Register.

Hence for Access Info a stronger register of lobbyists is a core campaign demand. We even brought the issue directly to the office desks of President Juncker and Vice-President Timmermans in a letter endorsed by **113 organisations**, calling for a mandatory register that could provide a true picture of EU lobbying.



In 2015, our demand for lobbying transparency was strategically incorporated by activists and civil society in a number of actions across Europe as part of the **Full Lobby Transparency Now!** campaign, which was launched with a high-profile **debate**, with Commission Vice-President Timmermans and Access Info's Pam Bartlett Quintanilla participating as panellists.



3. EU Transparency and AsktheEU.org

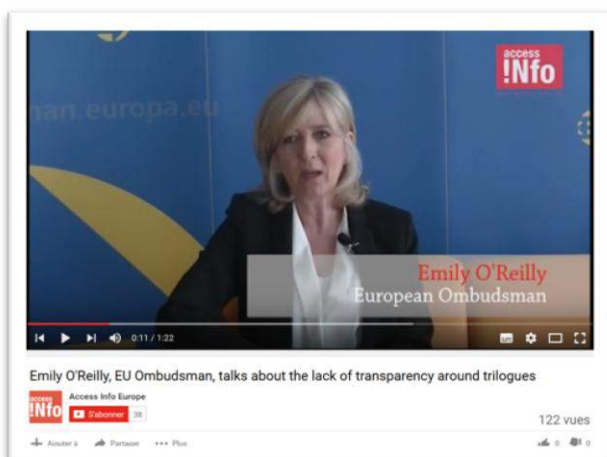


Getting my own hashtag - **#BerlaymontSnail** - was surely one of the highlights of the year! I became known as the cheeky creature that draws attention to the **bizarre postal address policy** of the European Commission.

In fact, this year we finally found out the reason why the Commission has me running around Europe like crazy: **only one case of "abuse" over the last 14 years!** I'm glad Access Info presented this to the Ombudsman as evidence in support of their ongoing case against this postal address policy. I'm kind of hoping for an early retirement..

Meanwhile, Access Info **wrote (by e-mail) to Vice-President Timmermans** to urge the EU institutions to bring the EU's access to documents rules into line with international standards and to look into reducing the practical obstacles to access.

They also sent a letter to the Commission with European Digital Rights (EDRi) and 16 signatory organisations **calling for reform of "trilogues"** in favour of greater proactive publication.



Access Info later welcomed the **Ombudsman's public investigation** into the lack of transparency of trilogues which will be completed in 2016.

As if Access Info hadn't done enough to promote transparency in the EU, they even wrote to MEPs calling for them to push for **the EU to sign up to the Open Government Partnership**.



It was a hot summer in 2015. I really needed to rest, but those letters don't deliver themselves, do they? Access Info was busy too responding to the **public consultation by rapporteur Sven Giegold MEP** on his Own-Initiative Report for Transparency, Integrity and Accountability in the EU institutions with suggestions for improving EU transparency in law and in practice.

With 157 other organisations, Access Info also called upon MEPs to commit to strong binding rules on **transparency around the extraction of 'conflict minerals'**. MEPs listened and passed legislation on the mineral extraction industry in a vote soon after.

Access Info spent time collaborating with HEC-NYE EU Law Clinic to submit a complaint to the EU Ombudsman about **lack of transparency in selection of judges for the European Court of Justice**.

They even had time to **file a complaint before the EU Ombudsman** challenging the exception of protecting privacy of evaluation committee members of a procurement tender in Serbia!

Mathias Schindler
@presol

Oh @EU_Commission. If only there was some way to send documents from one place to another using some sort of network



Hehehe...

And to make these really cool infographics on the use of exceptions by EU institutions!





[AsktheEU.org](#) is a platform for submitting requests to the European Union, which Access Info Europe launched in 2011. It is based on the "Alaveteli" software developed by UK-based organisation mySociety.

Regularly used both as a tool and as a source for information by campaigners and journalists in Brussels and elsewhere in Europe, by the end of 2015 the website had over 2450 requests.

AsktheEU.org is a rich source of data on how well (or not) EU transparency is working, and it helps us to identify specific problems as well as letting everyone see the responses to requests.

One response received via AsktheEU.org that was widely circulated in 2015 revealed a major lack of transparency around tobacco lobbying of EU institutions.



Many people submit their first ever requests via AsktheEU.org. Access Info runs a help desk, which provides guidance to requesters as well as to EU public officials handling requests. When requesters come from outside the EU, such as American journalists and academic researchers, we help submit requests.

AlaveteliCon

In May 2015 Access Info Europe together with mySociety hosted [AlaveteliCon](#), the world's only conference on Freedom of Information technologies.



In total 47 participants from 23 different countries came to Madrid for two days to debate strategies for how best to use information technology to increase government transparency.

Video interviews with participants are available [here](#).

Germany As part of its campaign on accessing company register data in Europe via the right of access to information, Access Info filed an appeal to the Berlin Administrative Court seeking to gain access to its business register.

United Kingdom In a submission to the government-appointed FOI Commission, **Access Info warned** that any move by the UK government to amend the FOI law by expanding blanket exceptions to decision-making transparency or by extending a political veto over disclosure, would be an attack on international standards, calling for this veto to be abolished.

Spain Throughout 2015 Access Info worked to improve transparency in law and practice in Spain. You can read more in detail about this work on page 15.

Italy In the spring Access Info welcomed the **launch of the Italian version of the Alaveteli request platform, called "Chiedi"** by NGO Diritto di Sapere. It is aimed at making access to Italy's public records and data easier, and at strengthening transparency and accountability in the country.

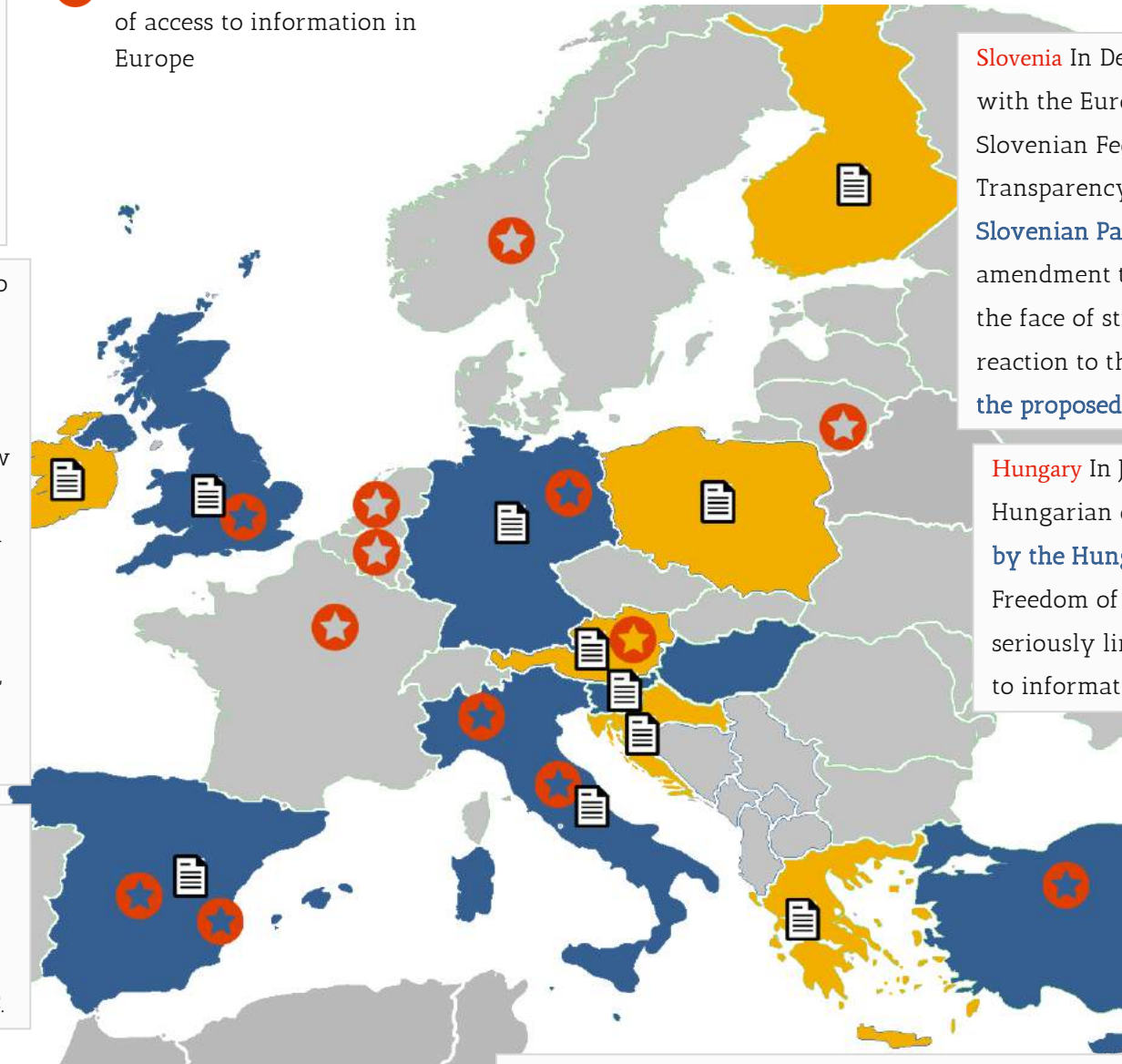


Access to information requests submitted



Events: promoting the right of access to information in Europe

4. Campaigning for Transparency across Europe



Slovenia In December, Access Info Europe along with the European Federation of Journalists, the Slovenian Federation of Journalists and Transparency International Slovenia **called on the Slovenian Parliament** to reject a last-minute amendment to impose charges on FOI requests. In the face of strong national and international reaction to this proposal, the Parliament **withdrew the proposed charges** the following day.

Hungary In July, Access Info Europe joined Hungarian civil society to **condemn the proposal by the Hungarian government** to amend the Freedom of Information Act in ways that would seriously limit the exercise of the right of access to information in Hungary.

Turkey Access Info Europe worked with UNESCO to deliver a **Legal Leaks training in Ankara** aimed at empowering Turkish journalists to access information from European institutions and public bodies in Europe.

Cyprus Access Info Europe urged the government of Cyprus to **greatly improve its draft access to information law** in order to meet basic international transparency standards in a submission sent to the Justice Minister Ionas Nicolaou. Later in the year, Access Info welcomed the Minister's declared **commitment to adopt a strong FOI law**, meant to be "one of the best in the European Union".

5. Spain: First steps in a cultural shift away from secrecy



As summer approaches, Access Info Europe's Data Shark lounges in the office balcony and reflects upon an exciting year of campaigning for more transparency in Spain...

What an exciting year: After years of campaigning in 2015 we could finally start working on the implementation of the new transparency law!

Yet what a frustrating start! Nobody can make an information request using the Transparency Portal unless they have an electronic ID certificate.

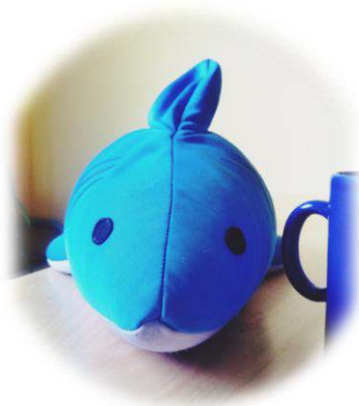
But at last Access Info Europe's director Helen Darbishire got the documentation necessary to submit her first request ... and asked what Spain is doing to implement the Open Government Partnership action plan.

But then... What a shock! The answer to Access Info's first request resulted in denial of access to reports about work related to the Open Government Partnership on the grounds that they are "internal documents".

Then the regional and municipal elections in 2015 happened, and brought to power a number of governments with a strong commitment to transparency, including here in the capital Madrid.



Meanwhile, cooperation with the Transparency Council progressed: in multiple meetings and events we discussed and agreed on further steps to improve transparency in Spain.



What's great is that once the team was back in the office, the fun begun: Access Info submitted its first appeals to the Transparency Council... **and won!**



In November I was a bit lonely when the Access Info Europe team **went on a day trip to Navarra to discuss its transparency law**. They left me in the office to make my own coffee!



December was a month full of emotions. Faced with impossibility of providing a request service to the public because of the ID requirements, Access Info and partner organisation Civio decided to shut down the **TuDerecho a Saber** request platform.

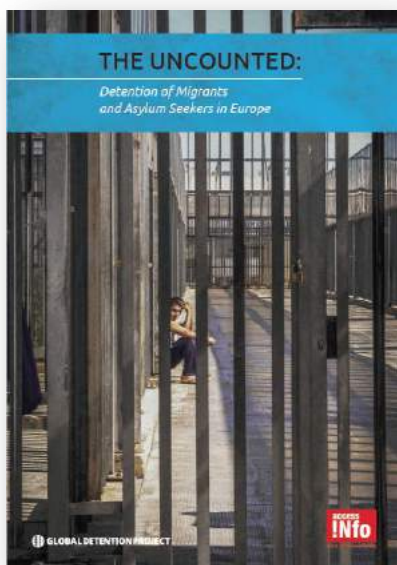


But on a positive side note, I got to be in the campaign trail! The Access Info team **analysed the programs of all the main political parties** and had a number of meetings with candidates urging them to recognise a right of access to information... Four included this in their election manifestos.



6. Human Rights: Detention of Migrants

There is a lack of publicly available information about the locations of migrant detention centres and the number of detained migrants, including minors and asylum seekers. Access Info revealed in a [report](#) published in December with the Global Detention Project.

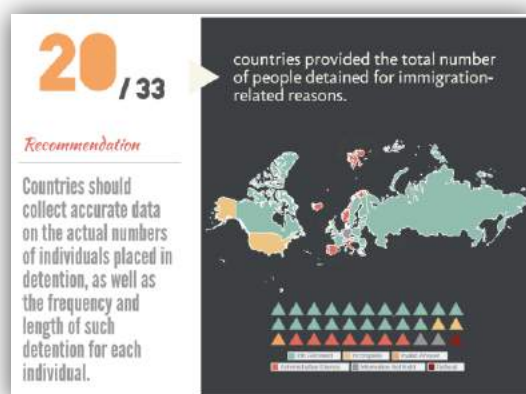
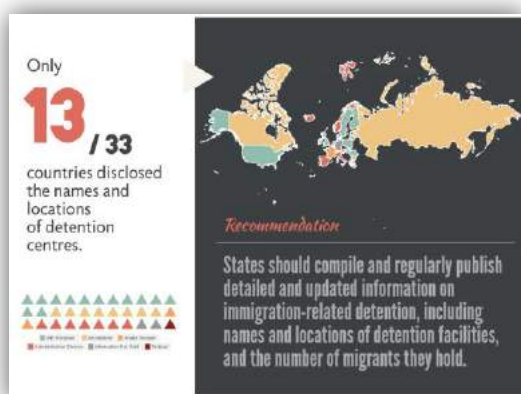


Of 33 countries surveyed using access to information requests resulted only six – Hungary, Lithuania, Luxembourg, Poland, Slovakia, and Sweden – provided full information.

Strikingly, Germany responded that it did not hold any of this information as it is held at the Lander level. Slovenia was unable to answer the question on the total number of migrants in detention. Even when officials could provide statistics on the number of people detained, a number of countries – including Finland, Ireland, the Netherlands, and Switzerland – could not provide numbers on detained asylum seekers, stating they do not hold disaggregated data on reasons for detention.

A priority recommendation in the report is that the European Union develop a harmonised definition for what constitutes “immigration-related detention” and how facilities should be categorised.

We also recommend that the EU should set up a region-wide mechanism for the collection of statistics on immigration detention so as to ensure that all people deprived of their liberty in any type of facility for reasons related to their immigration status are accounted for.



7. Campaigning for Transparency of Media Ownership

During 2015, Access Info Europe was actively engaged in promoting our 10 Recommendations for Transparency of Media Ownership:



In total 10 international civil society organisations and 40 national and regional organisations signed up in support, as well as various individuals, a media outlet and a private company.

The European Union has made references to the Ten Recommendations in events and documents and they have been actively promoted by the Parliamentary Assembly of the Council of Europe.



Advocacy Pack: For anyone wanting to run a transparency of media ownership campaign in his or her country, we have a full advocacy pack available for download [here](#).



Investigative Journalist Testimonies: Testimonies from 10 academics, journalists, activists and media experts working on issues to do with media freedom are available on line on the [interactive web page](#).



New Transparency Roles

2015 saw some changes in the Access Info Europe team, and while we were sad to see them go, we are very proud that Victoria Anderica and Pam Bartlett Quintanilla have new roles promoting transparency:



Vicky now leads the Transparency Project for the new Government of the City of Madrid, while Pam has moved to Brussels to work in the European Parliament on defining and developing the Greens/EFA group's position on transparency and democracy issues.

We also bid farewell to Alvaro Rodríguez who since 2011 has ensured that all our IT systems, websites and computers have been running smoothly.

After four months with Access Info Europe, Claudio Cesarano returned to his native Italy to take up a position as Project Manager at our Italian partner organisation, Diritto di Sapere.

Warm welcome!



We bid a warm welcome to Alba Gutiérrez Fraile, who joined Access Info Europe as a Right to Information Campaigner and Researcher, working on our campaigns at the EU and national level across Europe, with a focus on Spain.

Alba joined the team with a wealth of experience in transparency and accountability projects, with a special focus on human rights, social justice, and international development.

Thanks also to...

Access Info is always very grateful to our interns and volunteers. Special thanks to those who were with us in 2015: Elli Palaiologou, Kristina Lani, Javier Martín, Shikha Parakh, Andrés del Teso, Daniel Luke and Pau Salarich.

Income and Expenditure Accounts

Financial Year 1 January 2015 – 31 December 2015

This is a summary presentation in English of the original accounts prepared under Spanish law by:

Numéritas, SL

ALCALA 75 3°IZQ

28009 MADRID

CIF: B83593764

Income

Grants and Project funds	358,011.80
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These funds comprise:

» Open Society Foundations	239,669.42
» Sticking Adesium	102,000.00
» mySociety	7,412.00
» ALTER-EU	5,100.00
» UNESCO	2,630.38
» UNCAC Coalition	1,200.00

Honoraria Conferences & Consultancies	2,590.90
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Reimbursement travel / Per diems	2,537.40
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Donations private individuals	53.97
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Interests / reimbursements tax / other	122.78
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Total Income	€ 363,316.85
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Expenditure

Personnel & Management Costs

Executive Director (with tax and insurance payments)	60,984.00
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Staff and professional collaborators (inc. tax and social security)	112,042.27
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Consultants & Researchers	14,007.80
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Accountant, Payroll	4,745.88
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Legal services	331.93
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<i>sub-total</i>	€ 192,111.88
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Operating and Project costs	
Accommodation	2,882.98
Bank charges (includes transfer fees)	643.48
Conference Room Hire + Event Refreshments	6,471.90
Depreciation Office Equipment & Furniture	1,098.99
Design - Graphic & Web	1,871.00
Gifts (in lieu of accommodation) and presents	215.20
Insurance – Office, Liability, Travel, Health	1,241.25
Office & IT Equipment	472.60
Office cleaning	2,446.28
Office rental	26,136.00
Office supplies, consumables, newspapers, books	846.98
Postage and couriers	248.62
Printing	3,669.73
Repayment Loan 2009 (with exchange rate costs)	4,085.86
Refreshments, business meals, per diems	2,649.10
Re-Grants to Partners	5,000.00
Software	32.81
Telephone/internet/mobile/Skype	1,964.84
Translators / Interpreters	950.00
Travel (includes long distance and local ground transport)	12,312.37
Utilities – Electricity, Gas & Water	1,352.62
Web domains	380.40
Web hosting	989.06
<i>sub-total</i>	€ 77,962.07
Total Expenditure	€ 270,073.95
BALANCE	€ 93,242.90

Approved by the Executive Board (*Junta Directiva*)