

Evidence of agencies relocation vote 'will be destroyed'



The decision for the relocation of the two London-based EU agencies will be taken at the so-called general affairs council (Photo: Council of the European Union)

By **PETER TEFFER**  

BRUSSELS, 9. NOV, 17:57

There will be no permanent record of how EU member states voted in the relocation process of two London-based EU agencies, it emerged on Thursday (9 November).

EU affairs ministers will cast their votes on 20 November to determine which of the 19 candidate cities will host the European Medicines Agency (EMA) after Brexit, and which of the eight cities the European Banking Authority (EBA).

The votes, in a maximum of three rounds, will be written down on physical pieces of paper, a source close to the Council presidency told journalists at a briefing on Thursday.

"The ballots ... will be destroyed after the voting," the official said.

The source later told EUobserver that this decision to destroy the ballots was made by the Estonian presidency and the secretariat of the Council.



Bulgaria calls for West Balkan EU integration after Brexit

8. NOV, 19:19

The UK leaving the EU gives an opportunity to bring the Western Balkans closer, Bulgaria's PM said in Brussels. Bulgaria will hold the upcoming rotating presidency, while Juncker said Serbia and Montenegro will be EU members by 2025.



UK pledges easy registration for EU citizens after Brexit

7. NOV, 18:22

Ahead of Brexit negotiations later this week, the UK government insists that its planned new system for EU citizens applying for a "settled status" after Brexit will be "streamlined, low-cost and user-friendly."

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It followed [a decision on the procedure at an EU summit in June](#), when EU leaders said the votes should be cast "by secret ballot".

The presidency source said that the final results will be made public at a press conference the same day.

But the decision to destroy the ballots immediately after the vote raises some questions.

By destroying the ballots, the Council is making it impossible for citizens to ever try to have them published through the EU's access to documents regulation.

The regulation only applies to existing documents.

In fact, it is unclear whether EU institutions are actually allowed to destroy documents, said the pro-transparency group Access Info Europe.

"We have checked with several legal experts, but we have not managed to get real clarity on the legality of the decision to destroy the ballots," said Helen Darbshire, executive director of the group.

It would have been easier to determine if the vote was part of a legislative process, she said.

But the vote is a matter of the Council only.

Only after the vote is the European Commission expected to table a formal proposal to amend the regulations that govern the two agencies.

But Darbshire added that "even if it strictly were legal" for the Council to destroy the ballots, "it is not the kind of open decision making that we expect in a modern democracy".

"As far as we are aware, there is no precedent for this kind of practice in the Council, and the fact that it's being introduced is a matter of serious concern," she added.

The voting process itself is somewhat complicated.

In the first round, member states will be able to cast six votes. They will have to give one vote worth three points, one vote worth two points, and one worth one point.

If a candidate city receives 14 three-point votes in the first round, this is the winner.

It is possible that a candidate receives the most points thanks to the two-point and one-point votes, but still loses to a candidate that has 14 three-point votes – similar to how in some democracies there is a difference between winning the popular vote and winning the presidency.

So in the scenario of a member state claiming to have won such a 'popular vote' but not being selected, there will be no way for press or public to determine if that statement is correct.

"EU institutions generally have broad powers to organise their own

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10. NOV, 17:41

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10. NOV, 15:34

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10. NOV, 13:21

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records, including document retention periods," said a spokeswoman for the European Ombudsman.

"From a good administration perspective, however, it is important that records of decisions that are of public interest are kept," she added.

Olivier Hoedeman, of the transparency lobby group Corporate Europe Observatory, told EUobserver he was also not able to say if the practice of destroying the ballot papers would be illegal.

But he noted that it is "clearly anti-transparent and undemocratic because it implies the intention to avoid being held accountable for decisions made".

This article was updated on 9 November, 22:42, to add the comments from the European Ombudsman

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Leaders lobby on EU agencies in summit margins

20. OCT, 16:57

The official agenda point on where to relocate the EU medicines and banking agencies after Brexit was over in "one minute", but lobbying took place in the corridors.



MAGAZINE

The EU Agencies Race

6. OCT, 07:43

In this edition of EUobserver's Regions & Cities magazine, we take a closer look at some of the EU agencies, exploring how their location matters and the benefits for cities and regions to host them.

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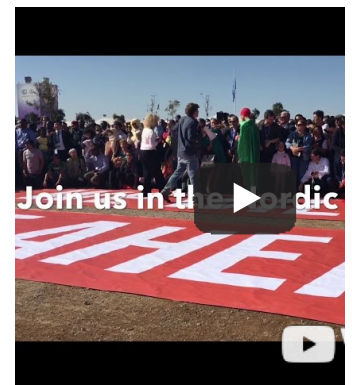
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10. NOV, 17:49

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10. NOV, 14:42

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10. NOV, 11:10

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10. NOV, 09:03

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INTERVIEW

EU agencies criteria - a big step forward

29. SEP, 07:22

Agencies expert Ellen Vos thinks "a lot of politics" will be involved in EU decision on new location for EMA and EBA, but accessibility should be a bigger factor.



ANALYSIS

EU agencies relocation could still end in political bargaining

20. JUN, 11:53

EU ministers are due to discuss the "objective criteria" for where to relocate the two London-based EU agencies after Brexit, but there is nothing to prevent horse-trading.

MEPs probing 'private' expenses oppose transparency

10. NOV, 09:03

MEPs in charge of making sure their counterparts do not commit fraud with public money opposed efforts to make sure those funds are transparent and publicly accountable.



Gas sector spends €100 million annually on lobbying EU

31. OCT, 09:20

The gas sector has some 1,000 lobbyists working for them in Brussels, according to a report by Corporate Europe Observatory.

