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## Talks collapse on access to EU documents

13.06.12 @ 16:17

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BY ANDREW RETTMAN

BRUSSELS - The Danish presidency has abandoned attempts to agree new rules on access to EU documents.

It took the decision on Tuesday (12 June) after EU countries and the European Commission last week rejected [its latest draft of the law](#).

It still wants MEPs to back a commission proposal to extend existing rules on freedom of information to all EU institutions - including its 31 agencies - however.

The existing rules go back to 2001. Pro-transparency advocates say they allow too much secrecy. EU officials say they waste time by ambiguity on what is open or not.

A big sticking point in the draft new law was access to legal opinions written by EU lawyers for their own policymakers.

Article 4.3b of the last Danish proposal said

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legal opinions should be made public unless it "would seriously undermine the institution's decision-making process" and if "there is an overriding public interest in disclosure."

MEPs and NGOs such as ClientEarth and AccessInfo believe people should be able to read them for the sake of democratic oversight.

For his part, Jean-Claude Piris, the former head of the EU Council's legal service, told EUobserver they are wrong.

He said that if lawyers think their papers will become public they will instead give oral advice at meetings of EU diplomats in what would amount to "a loss for the good legal application of the EU treaties."

He noted that off-the-cuff remarks only reach the people in the room. But written advice is drafted more carefully, translated into all 23 EU languages and circulated to all levels of the hierarchy in EU capitals and in Brussels.

EU diplomats' meetings are minuted. But even if the minutes come out, they only record the broad outline and conclusions of talks.

Piris added that disclosure can create confusion because legal opinions are non-binding and pertain to fast-changing texts, but outsiders see them differently.

"To make it public creates inconvenience - it seems as if the advice is a legal judgment by a court or a tribunal. It's not. It's just poor civil servants who are saying Yes, No or Maybe," he said.

"There is no government in the world that does this [publishes internal legal opinions] ... and I think it should be the same here."

The incoming Cypriot presidency might pick up where Denmark left off. But the failed talks have left behind a nasty atmosphere.

A commission spokesman said last week that "nutty NGOs" abuse the system and that "the debate is infantile ... some people need to grow up."

The British centre-left MEP handling the dossier, Michael Cashman, took it personally.

"NGOs represent the interests of civil society and citizens, and the European Commission, ultimately, needs to work on their behalf. This is a basic democratic principle that the European Commission should 'grow up' on," he said in a letter to this website.

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