

EU Transparency Priorities

As the EU embarks on its next five-year term with the new Commission and Parliament coming into place, Access Info Europe sets out some of the urgent transparency challenges to be addressed.

Access Info Europe is a human rights organisation dedicated to promoting and protecting the right of access to information in Europe, as a tool for defending civil liberties and human rights, for facilitating public participation in decision-making and for holding governments accountable. Our mission is that the right of access to information be enshrined in law and work in practice.

The priorities include bringing the legal framework for requesting documents and information up to date, and limiting the scope of the exceptions.

In this document Access Info Europe sets out its planned campaign activities for each EU transparency priority.

Partners who wish to work with us to improve EU transparency are invited to contact our campaign team by writing to: pam@access-info.org.

Why prioritise EU Transparency?

The EU institutions take decisions that affect its 500 million citizens. These decisions affect our economies, energy, environment, health, food, and medicines. The EU sets policies which affect our fundamental human rights including privacy and freedom of movement. It has been estimated that as many as 50% to 80% of national laws are shaped by Brussels policy-making.

The EU institutions play an important role in our lives but this role is not always transparent. Polls show that citizens feel alienated and voter turnout is at record lows whilst interest representatives, including companies, NGOs and trade unions, gather together in Brussels to lobby the EU institutions. To address this problem, Access Info works to make the EU's decision-making processes transparent, open to citizen participation, and accountable to all.

Below you will find a list of Access Info's priority actions in the field of EU transparency for the next few years, including details of how interested organisations can collaborate with us to advance the openness and accountability of the EU institutions.

Transparency in law

REFORMS TO RULES ON ACCESS TO EU DOCUMENTS

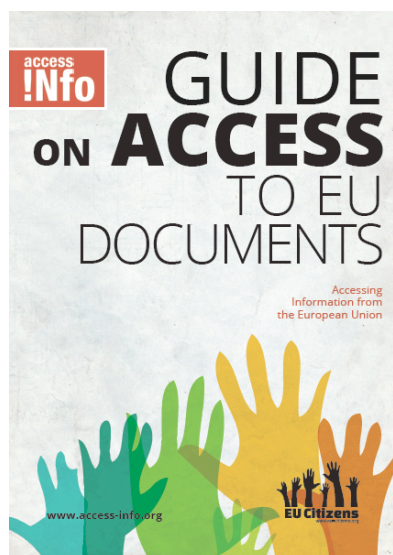
The EU's transparency Regulation (1049/2001) has to be modified to expand its scope to cover all offices, bodies and agencies as required by the Treaty of Lisbon. The last time this was proposed, both the Commission and many Member States sought to weaken the EU's transparency rules. Access Info is concerned that this may happen again, and urges that all regressive amendments be blocked.

Access Info's Scope of action

We will be ready to launch a public reaction if proposals are made to weaken the right of access to EU documents. We will be pushing for important improvements to the Regulation, such as calling for a public interest test to be applied to all exceptions, which would bring the rules fully into line with international standards. For this we will prepare a briefing for EU officials with specific recommendations.

What you can do

Join the coalition of more than 200 CSOs which successfully fought off regressive amendments last time around. It's particularly important that national CSOs in the EU Member State call on their governments to stand up for EU transparency. If you would like to be involved in this campaign contact us now to plan activities and fundraising.



GUIDE ON ACCESS TO EU DOCUMENTS

In May 2013, Access Info Europe published a Guide on Access to EU Documents to help citizens and civil society use the EU Regulation on access to public documents (Regulation 1049/2001) to get access to information that they need. If you have any doubts on how to access EU information using this law, Access Info can assist you.

To download the guide go to the [Toolkits](#) page at the Access Info website.

Transparency in practice



ASKTHEEU.ORG

Access Info launched AsktheEU.org in September 2011 to make it easier for citizens to request and obtain EU information and to observe how transparency is being applied in practice by the EU institutions in order to make specific recommendations. All requests and responses are published online in real time, which allows Access Info to identify where there are barriers to access that must be tackled. Requesters can create campaign pages to highlight problematic areas, and they can also download a widget which can be embedded in their websites in order to call for greater transparency, for example, in how [EU Commissioners spend taxpayers' money](#).

Access Info's Scope of Action

- Research and write reports on the transparency performance of various EU institutions (European Commission, EIB, EMA, etc), including tailor-made recommendations for improvement based on practice observed via the AsktheEU.org request platform;
- File requests to follow a particular EU decision-making or legislative process and map out the areas of opacity;
- Litigate or appeal to the Ombudsman where information is systematically denied, or where an exception to access is applied too broadly;
- Launch and promote AsktheEU.org campaign pages to call for greater transparency on issues of public interest that other CSOs are working on.

What you can do

- Send requests about a particular issue or to an EU institution you are interested in and team up with us to analyse and campaign on levels of transparency.
- Work with us to send requests to get information about a particular EU decision-making or legislative process you are following and then evaluate levels of transparency.
- Submit requests jointly with us so that we can then help you to file appeals if the information is denied. You can also approach us for legal advice on transparency issues.
- Set up a transparency campaign page on AsktheEU.org if there is a lack of transparency on the issues you are working on. You can also embed an AsktheEU.org widget on your website, which counts the number of people that click "I also want to know" on your request. This way you can prove that there is a high public interest in the information you are requesting.

"BLACKSPOTS", OR OBSTACLES TO TRANSPARENCY

Over the years, Access Info has identified a series of problematic areas, where exceptions are regularly used to deny the public access to EU documents. We will seek to map out and challenge these black spots, through campaigns, appeals to the EU Ombudsman, and cases before the European Court of Justice (ECJ).

Access Info's Scope of Action

We are particularly interested in tackling blackspots which impede public access to the EU's decision-making process, whether this be via campaigning or by appealing to the European Ombudsman or the European Court of Justice (ECJ). To date, Access Info has identified the following-black spots as areas of priority:

- **Personal privacy** has been used to deny, inter alia, information about [how much Commissioners earn or spend](#) on official travel. It has also been used to deny information about the names of lobbyists participating in meetings with the EU Commission and the names of recipients of EU farm subsidies.
- **Protection of decision-making** has been used to deny access to the names of Member States making legislative proposals in Council negotiations. Access Info successfully challenged this before the ECJ and we continue to monitor that the pro-transparency ruling is complied with. We are interested to tackle the application of this exception by other EU institutions as well.
- **International relations** is an absolute exception, which means that there is no need to take into account the public interest in the information requested. This is problematic because it means that third countries, who may be less transparent than the EU, can block the publication of documents related to important international negotiations.
- **Infringement proceedings** are processes which tend to be shrouded in secrecy as the European Commission investigates Member States for failing to comply with EU law. Transparency of these investigations is essential to ensure accountability at the EU and national level.
- **Record-keeping** is also an issue because there are no clear rules on what needs to be recorded by EU officials in order to ensure public accountability. We have found that there are often holes key decision-making processes because no record is kept.

What you can do

If you have also come across these "black spots" or barriers to access and feel that they are negatively impeding your work as a watchdog or blocking public scrutiny of the EU's decisions, then team up with us to send requests for access to information that you have had trouble obtaining, and when these are denied, we will challenge them together before the European Ombudsman, the European Court of Justice or the EU Parliament's Petitions Committee.

LOBBYING TRANSPARENCY

Access Info works on lobbying transparency as part of our work on open decision-making, with the aim of permitting the public to monitor the decision-making process and to ensure that decisions are taken in a way which is in line with the greater public interest. Lobby transparency is also essential for ensuring a level playing field so that all relevant stakeholder interests feed into decisions in a balanced way.

Access Info's Scope of Action

- **Global Guidelines on Lobbying Transparency:** Access Info is working together with leading transparency organisations such as the Sunlight Foundation, Transparency International, Open Knowledge Foundation and members of the ALTER EU Coalition such as Corporate Europe Observatory, to define a set of global standards for lobbying transparency which can be used for advocacy at the national level.
- **Campaign for lobby transparency in the EU Institutions:** Access Info works as part of the Steering Committee of the Alliance for Lobbying Transparency and Ethics Regulation to campaign for lobby transparency at the EU level. We work to promote a mandatory lobby register for the EU institutions, as well as detailed reporting of lobby contacts by relevant EU officials.
- **Campaigning for national lobby transparency:** Access Info will lead a campaign in Spain for lobbying transparency and provides advice on transparency issues to campaigners in other countries. A pan-European lobby transparency campaign is due to start in 2015, contingent on fundraising.

What you can do

- Provide your input on the Global Guidelines on Lobbying Transparency.
- Join the Alliance for Lobbying Transparency and Ethics Regulation (ALTER EU)
- Join the pan-European campaign for lobby transparency: You can either lead the campaign for lobbying transparency in your country in coordination with ALTER EU, or lend support in whatever way you can (outreach, translations, etc.)