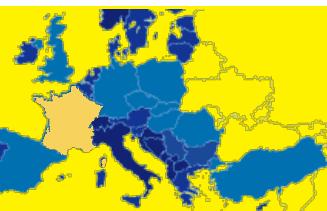




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EU struggles with being open about transparency

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BACKGROUND:

Entitlement to access European Commission, European Parliament and EU Council documents is considered a fundamental right of European citizens and a key element of the wider debate surrounding the transparency and openness of the EU institutions.

Since the adoption of the Lisbon Treaty, the Parliament has argued EU access to documents laws should be widened to cover all European institutions, bodies and agencies,

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EU member states are reluctant to reveal whether or not they support proposals by the European Commission to overhaul EU transparency law, a media investigation carried out this week reveals, triggering fears that the European Union is becoming less accountable to citizens.

Many of the documents that arrive in Helen Darbishire's mailbox have important parts blacked out, and many more don't arrive at all. That may be unusual for freedom-of-information requests, particularly given that the subject matter is government transparency.

Darbishire has asked the European Union's 27 member states for documents showing whether they support proposals by the European Commission to overhaul EU transparency law.

The Commission's proposed changes would limit public access only to those EU documents that have been "formally transmitted": a move transparency groups say would curtail the public's ability to track the lawmaking process.

"It would basically mean the European Union is less accountable," said Darbishire, of the transparency group Access Info Europe. "It will make it harder to know what the EU is doing and to verify the influence of lobby groups and others."

Responding to her requests, most EU member states refused to release anything, citing ongoing negotiations.

In the papers that were released, the names of countries proposing to change the transparency law were hidden. Darbishire was disappointed, and the EU's second-highest court ruled on Tuesday (22 March) that member states had acted wrongly.

"If citizens are to be able to exercise their democratic rights, they must be in a position to follow in detail the decision-making process," the EU General Court said.

Openness battle looms

Now a much bigger battle looms over how open the EU must be about its workings. As EU politicians prepare to vote on the Commission's transparency proposal in the coming months, they are deeply divided over how to balance transparent governance and the protection of real secrets.

"The strengthening of data protection must take top priority," said Renate Sommer, a German MEP (European People's Party). "It's a bit of a tightrope operation."

WikiLeaks wary

Online secrets disseminator WikiLeaks has shown the perils of total public access.

Cables the group has released have revealed embarrassing details of EU diplomatic exchanges, and even contributed to the popular anger that brought down Tunisia's government in January.

EU officials say they want to ensure the secrecy of documents that could cause confusion or compromise negotiations.

"If it's a draft that has not been validated, it could be misinterpreted that this is the official view," said Marc Maes, a Commission official who helped draft the proposal. "Those documents should not be released."

But critics say crucial details of EU work and the influence of special interests could be suppressed with the new rules.

"When you read the Commission proposal, it's pretty clear this would be a real step backward for transparency," said Anais Berthier, a lawyer with environmental group ClientEarth, which has sued the EU over transparency issues.

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A majority in the European Parliament supports widening public access. But most EU member states want tighter access rules, in line with the Commission's proposal, officials say.

With such divergent stances, the debate has already dragged on for three years - too long for the Commission, which on Wednesday announced a separate proposal covering the most pressing issues that it hopes to fast-track.

About 5,000 requests for EU documents are made each year, mostly by academics, interest groups and lawyers.

Whether such documents will be released in the future could come down to a single definition.

"The proposal basically defines when a document exists," said Maes. "We're trying to clear up a grey area."

(EurActiv with Reuters.)

External Links

European Union

- European Commission: [Public access to documents: The European Commission proposes to extend rules to all EU institutions](#) (Press release; 23 March 2011) [FR] [DE]
- European Commission: [Access to documents](#) (Portal) [FR] [DE]
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