



Statewatch



SEMINAR

Should there be an EU Freedom of Information Act?

Hotel Silken Berlaymont, 11-19 Boulevard Charlemagne, 1000 Brussels

Thursday 19th April 2007

Article 255 of the Amsterdam Treaty, implemented through Regulation 1049/2001 of 30 May 2001, grants a right of access to European Parliament, Council and Commission documents to any Union citizen and to any natural or legal person residing, or having its registered office, in a Member State. Access to documents is an essential requirement for modern governance. It facilitates citizens' understanding, democratic participation and debate. It can provide a safeguard against abuse, mismanagement and corruption. Openness and transparency in the decision-making process can also assist in developing citizens' trust in the European Union's actions and in maintaining a civil and democratic society. How the institutions apply or improve their own rules on access to documents is indeed an important test of their real willingness to reform and reach out and involve citizens.

This is especially important since recent years have shown an increased disengagement from European politics – below 50% average turnout at the European elections. The so-called EU “democratic deficit” is not simply an issue of institutional reform and strengthening the powers of the European Parliament; it is also connected to the “information deficit”. Eurobarometer surveys show both the under-information of citizens and their desire to receive more information.

The European Commission has launched several initiatives aiming to “connect the EU with the citizens”. Vice President of the European Commission Siim Kallas has recently launched the European Transparency Initiative which aims to generate increased confidence in the EU. The Commission has launched ‘Plan D’ and the White Paper on a European Communication Policy, both with the aim of creating and steering mechanisms for increased dialogue between the EU and its citizens, and stimulating citizens' participation in the debate about the future of Europe. Vice President of the European Commission Margot Wallström has suggested that information rights could be included in the Berlin Declaration for the 50th Anniversary of the Treaty of Rome.

The European Commission is now expected to put forward a Green Paper on access to documents as the next step in the European Transparency Initiative. The publication, which is expected for early April 2007, will be accompanied by the launch of a three-month period of public consultation which will be followed by legislative proposals to change the Regulation.

Seeking to improve public access to documents and stronger democratic standards, European Citizen Action Service, Statewatch, the International Federation of Journalists and the European Environmental Bureau have joined forces to contribute to the consultation process. For background information, please see the [ECAS publication](#) “*Should there be a freedom of information act for the EU? Report on the application of regulation 1049/2001 on access to documents*” and very complete documentation on the [Statewatch website](#). This one-day networked Seminar is intended to facilitate access to information during the consultation period and put forward concrete recommendations.

We are grateful for the support of the Heinrich Böll Foundation

PROGRAMME
SHOULD THERE BE AN EU FREEDOM OF INFORMATION ACT?

9.15: **Welcome and introduction by the Chairman**
Chair: **Michael Cashman**, MEP, rapporteur on access to documents

OPENING SESSION

Jens Nymand-Christensen, Director: Better Regulation and Institutional Matters -
Directorate E of the Secretariat-General of the Commission

Questions and discussion

10.30: **Coffee break**

11.00: **PANEL DISCUSSION – How well has the Regulation worked in practice?**

Steve Peers, Professor of Law at the Department of Law of the the University of Essex
Onno Brouwer, Partner at the international law firm Freshfields Bruckhaus Deringer
Marc Maes, Secretariat-General of the Commission: Transparency, Relations with
Stakeholders and External Organisations

Jakob Thomsen, Secretariat-General of the Council of the European Union: Press,
Communication and Transparency - Access to Documents

Questions for discussion

- Are refusal rates too high?
- Does the existing system of exceptions function as it should?
- What has been the position of the European Court of Justice?

12.20: **Lunch break**

14.00: **Access to documents, transparency and good administration**

P. Nikiforos Diamandouros, European Ombudsman *

Questions and discussion

15.00: **PANEL DISCUSSION – How to improve the Regulation?**

Tony Bunyan, Director of Statewatch

Aidan White, General Secretary of the International Federation of Journalists (IFJ)

Ralph Hallo, Senior Adviser on European Affairs and former President of the
European Environmental Bureau (EEB)

Tony Venables, Director of the European Citizen Action Service (ECAS)

Questions for discussion

- How to improve access to documents for third parties?
- How to improve registers of documents and information to the public?
- Is Freedom of Information a better alternative?

17.00: **Concluding Remarks and Recommendations**

Deirdre Curtin, Professor of European and International Governance at the University
of Utrecht in the Netherlands

17.30: **End of Seminar**

* *To be confirmed*