

MINISTRY OF JUSTICE, FINLAND
PRESS RELEASE

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Review of rules on access to documents held by the EU institutions

A review of the legislation on access to documents held by the institutions is ongoing in the EU. Today the Government sent a memorandum to Parliament on the Commission proposal to the review of the Regulation regarding public access to European Parliament, Council and Commission documents.

The functioning of the Regulation, adopted in 2001, is now being reassessed in the light of experience gained, relevant case law and decisions made by the European Ombudsman regarding the Regulation.

The Commission proposal includes some improvements contributing to a wider access to documents. For instance, the number of those entitled to apply for documents would be increased and the accessibility of legislative documents improved. If adopted in the proposed form, the proposal, however, would be more restrictive than the current rules on access to documents. The Commission proposes to exclude some document categories totally from the scope of implementation of the Regulation. The Commission also proposes that documents be accessible to the public only if they are registered and meet certain technical requirements.

Increased openness of the functioning of the Union has been one of the central objectives of Finland since it became a member of the EU. The Government finds that the regulation on access to documents has worked well on the whole and that there is no reason to change its fundamental principles. The Commission proposal would, if adopted as such, constitute a step backwards.

The Government considers that access of documents should be the guiding principle even in the future and that exceptions should be limited both in scope and number. The regulation should cover all documents held by the institutions, which should balance in each case the real harm that might be caused and the interest in releasing the document. The Government considers it important that registration or a certain technical form is not defined as a requirement for the availability of a document.

Negotiations on reforming the current regulation will be launched in the Council and in the European Parliament in the autumn 2008.

The regulation on access to documents concerns the accessibility of documents held by the EU institutions and has no immediate effect on national legislation.

Additional information

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