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## **MEP: New Step in Battle for More Transparency in the EU**

Today, Dutch Member of the European Parliament, Sophie in 't Veld (D66/ALDE) shows new efforts in her battle for more transparency within the administration of the European police agency Europol. In reply to Europol's letter in which the agency denied access to an expert-report on the work of Europol, MEP In 't Veld demands Europol to reconsider its decision and to give access to the requested document. It is one of many access-to-document cases in which In 't Veld criticizes European institutions for their lack of transparency. "For years D66 has been trying to obtain access to documents in order to gain insight in the workings of the European institutions. I have initiated many access-to-documents requests and I am party in transparency cases before the Court of Justice in Luxembourg. In a fully grown-up democracy, there is no place for a culture of secrecy."

### **Banking data**

In her letter to Europol In 't Veld asks for access to a report in which the implementation by Europol of the so-called TFTP-Agreement between the European Union and the United States is evaluated. The *Terrorist Finance Tracking Program-Agreement* allows the United States to request Europol for practically all data concerning international payments by European citizens. Europol withholds the report from public access by arguing that public access would undermine public security and would be harmful to international relations. The police agency states that public access to the report would also be problematic as regards the fulfilment of Europol's tasks.

### **License to secrecy**

MEP In 't Veld regards the reasoning of Europol to be a slap in the face of European citizens. "Europol is trying to fob off European citizens, while they are the ones who are giving Europol access to their data. When citizens ask what Europol is doing with their data, they refuse to take notice." In 't Veld finds it unlikely that each and every paragraph of the report contains sensitive information. "Europol's arguments are neither convincing, nor in line with the relevant case law." In case Europol would indeed have valid reasons to withhold certain information, it is possible to simply cover certain parts of sentences, in order to make these parts unreadable, says In 't Veld. "Withholding the report in its entirety is a disproportional measure. If we allow this, we would provide the EU institutions with a general license to secrecy. This is particularly worrying as citizens should be able to scrutinise the work of the public administration."

### **Values**

In 't Veld recognizes that public security and transparency do not always go together. "However, Europol is still bound by the rule of law and is obliged to balance any interest to the fundamental rights of citizens in a fair way." In this case, transparency is of even greater importance, for the European Parliament adopted the TFTP-Agreement very hesitantly. The European Commission had made the unambiguous promise that the European Parliament would be able to "closely monitor" the implementation of the agreement. In 't Veld is now determined to know which phrases of the report are classified and why. "The text of the agreement itself is disclosed, and the tasks of Europol are clearly formulated. With regard to any activity outside Europol's legal competences, Europol should either be summoned to stop those activities, or at least be subject to public scrutiny."

### **Own rules**

The MEP for D66/ALDE emphasises that the experts who drafted the report do not have any objections to the disclosure the document. Europol withholds the report from scrutiny because it was requested to do so by the United States. In 't Veld finds this unsettling. "The American request for secrecy should not have been a factor. Within the EU we have our own rules and laws to abide by. A request from overseas does not change that." Europe is developing fast towards a full-fledged political union. Transparency should be the rule in our political system, while secrecy has to be the exception, states In 't Veld. "Transparency is an essential instrument for public accountability and democratic participation."

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