

Press Release
Brussels, May 4th 2012

General Court ruling on In 't Veld vs Council strengthens transparency in EU

Sophie in 't Veld, MEP (ALDE, NL), welcomes today's ruling of the General Court of the EU on her request for access to the opinion of the Council Legal Service on the so called EU-US 'Swift agreement' on the transfer of bank data. "I am pleased the Court largely supported our claim, and puts the interest of the citizen before institutional interests. The Council will have to publish the document, with the exception only of those parts that could reveal the directives that might reveal the strategic objectives pursued by the EU in the negotiations, or the specific content of the agreement envisaged. It is a step forward for transparency in Europe, that the General Court makes it clear that negotiations on international agreements are not automatically exempt from EU transparency rules".

International treaties

Onno Brouwer and Jan Blockx, who represented Sophie in 't Veld before the EU Court, note: "It is of great significance that the Court confirms that the principle of transparency and widest possible access to documents applies unabridged to the decisionmaking of the EU regarding the conclusion of international treaties. It furthermore stresses that the subject matter of these treaties must be taken into account, when considering the interest of citizens to have access to documents relating thereto, in order to enable them to participate in the debate. Not just after the conclusion of an international agreement, but also prior to decisions being taken or treaties being signed."

Accountability

In 't Veld welcomes the notion that high standards of transparency are of particular importance when fundamental rights of citizens are at stake, as in the case of the large scale collection and transfer of personal data. "Citizens have a right to know all the relevant considerations when the EU institutions are legislating or concluding international agreements. A culture of secrecy has no place in a mature democracy and it is contrary to the values of the European Union. Transparency is an essential tool for accountability and democratic participation."

Secrecy must be the exception

In 't Veld sees that Commission and Council routinely classify documents as confidential or secret, invoking the exception to the transparency rules, in particular in case of international agreements. "At times where the European Union is rapidly evolving in the direction of a full fledged political union, transparency standards must be strengthened considerably. Transparency must be the rule, secrecy the exception. The practice of the Commission and Council to routinely classify all documents as confidential or secret whenever it suits their purposes must end." The General Court ruling states that the advantage of greater transparency is that it "enables citizens to participate more closely in

the decision making process, and guarantees that the administration enjoys greater legitimacy and is more effective and more accountable to the citizen in a democratic system." It stresses that these principles also apply to international affairs.

Review decision

The information in the requested document is not only essential for the assessment of the EU-US Swift agreement, but also for the current proposals for setting up an own EU system for collecting bank data of EU citizens. Moreover, it has high relevance for the current reform of the Regulation on Access to Documents. Upon this ruling In 't Veld expects the Council to review its decision in favour of transparency and citizens' rights, and against secrecy.

--