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EU Transparency

Citizens' access to documents is a fundamental right that must be defended

Access to documents is a fundamental right in the European Union and is an important tool for citizens, journalists and civil society organisations to be able to seek and receive information from the EU institutions and to challenge excessive secrecy in the decision-making process.

Greens/EFA MEP **Heidi Hautala** has consistently been an avid defender of citizens' right to request information and to hold their government representatives to account. In her role as part of the European Parliament's committee on legal affairs (JURI), Heidi has drafted an opinion on the application of the EU access to documents regulation in the year 2014-2015. The opinion was adopted yesterday by the JURI committee.

The JURI opinion, which must now be examined by the European Parliament's Civil liberties, Justice and Home Affairs committee (LIBE), has called for a series of improvements to the way the access to documents rules are applied in the EU so that citizens can better access and control how decisions are taken in Brussels.

Transparency of trilogues

Trilogues are an informal and increasingly common part of the EU's legislative process, but it is notoriously difficult for citizens and civil society groups to find out what occurs during those negotiations between the three main institutions (Parliament, Commission and Council). Indeed, the European Ombudsman has launched [an own-initiative inquiry](#) on the matter, including [a public consultation](#) that is open until 31 March 2016.

The JURI committee's opinion, adopted yesterday, included several references to improve the transparency of trilogues. Notably, the opinion makes clear that trilogue documents are an integral part of the legislative process which means that they should be subject to high standards of transparency.

The JURI committee has also specifically called for minutes, agendas, and summaries of the outcomes of trilogues to be made available on a public register. The JURI committee also requested that a list of all trilogue meetings be made public.

Transparency of the Council of the European Union

The JURI committee's opinion specifically refers to the need to make debates amongst Member States within the Council of the EU more transparent so that citizens can follow what is being discussed and understand how and why certain decisions have been taken. This would minimise the scope for Member States to continue to blame Brussels for decisions in which they were also actively involved, which is also known as "policy-laundering".

Clarity on exceptions

The JURI committee has also made clear that access to information is the rule, and secrecy is the exception. The opinion clearly states that exceptions to disclosure of public information must be applied case-by-case and only after thorough justification that there is a real and substantial risk that the information would seriously undermine the institutions' decision making process. Even then, the information would need to be disclosed if it was in the public interest.

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