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Key Transparency Challenges in the European Union

Right to Know Day, 28th September 2017

The objective of this statement is to highlight key transparency challenges across Europe in order to provide a common basis for future campaigning to improve respect for the right of access to information, to increase citizen participation, and to ensure democratic accountability at both EU and national level.

This statement was drafted by members of the European Parliament together with NGOs, academics and journalists from different EU countries who gathered in the European Parliament on Right to Know Day 2017 to discuss common challenges and opportunities in the field of transparency.

1. Decision-making should be accountable and accessible

There should be greater decision-making transparency so that everybody can find out who is responsible for the decisions taken in the European Union, how the interactions between the EU institutions and Member States work, and how citizens can actively participate in the development of policy and legislation. Accurate and detailed records should be kept, and there should be proactive publication of information, including minutes of meetings, briefings, legal advice, and research materials, considered during political processes, and underlying data. For decisions that will have an impact on people, their rights, and the environment, public consultations should be regularly and openly conducted, including detailed feedback mechanisms. Contact points for media and public enquiries should be established and publicised, and there should be regular press briefings during the course of major decision-making processes.

2. There should be public scrutiny in the spending of public funds and the use of public resources

There is an urgent need to improve the transparency and accountability of the spending of public funds, particularly when it comes to subsidies, procurement and also the travel, office, and other allowances entrusted to public office-holders. All public spending, including publicly funded projects, should be determined through transparent processes, designed to eliminate vested interests. There should be

appropriate oversight by elected officials and robust, regular and transparent audits, as well as full training of public officials when it comes to spending. Detailed and accessible reporting, project-per-project, should become the norm including reporting by the EU for funds spent at the national level; and justifications for deviations from initial budgets should be made public.

3. Transparency for the powerful to avoid conflicts of interest, corruption and other threats

Information necessary for the public control of power or the spending of public funds including the names of individuals, salaries, allowances, and CVs should also be made public. Declarations of interest should be completed by all those entrusted with the exercise of public power, delivery of public services, and/or spending of public funds. They should be proactively checked and published in an easily accessible, open and machine-readable format. Robust mechanisms should be put in place to tackle corruption, nepotism and potential conflicts of interest – including those arising from the revolving door – particularly during selection procedures. Steps taken to remedy conflicts of interest should be publicly reported on. Whistleblowers who reveal wrongdoing or information in the public interest should be protected. Mandatory regulation of lobbying should ensure full transparency of the activities of lobbyists when trying to influence decision-making.

4. Transparency is a fundamental right that should be implemented properly

Transparency laws across Europe should be strengthened in line with international standards, and there should be sufficient resources and training to assure implementation and respect for requestors. As this right is an essential guarantor for the exercise of other human rights, such as the right to freedom of expression, and media freedom, exceptions should be rarely and narrowly applied, and information should only be withheld after considering any overriding public interest in disclosure. Disclosure of information should be timely to enable public participation in decision-making, all requests and responses should be published. Mechanisms for appealing denials – such as information commissioners - should be available, accessible, independent, free of charge, rapid, and binding.

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