

# Privacy and efficiency as dark sides of democracy

Conference 2014-04-10

The Greens/European Free Alliance

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## Latest Releases

### Trans-Pacific Partnership Agreement - Environment Chapter

2014-01-15

Today, 15 January 2014, WikiLeaks released the secret draft text for the entire TPP (Trans-Pacific Partnership) Environment Chapter and the corresponding Chairs' Report. The TPP transnational legal regime would cover 12 countries initially and encompass 40 per cent of global GDP and one-third of world trade. The Environment Chapter has long been sought by journalists and environmental groups. The released text dates from the Chief Negotiators' summit in Salt Lake City, Utah, on 19-24 November 2013.

### Trans-Pacific Partnership Agreement - IP Chapter

2013-11-13

Today, 13 November 2013, WikiLeaks released the secret negotiated draft text for the entire TPP (Trans-Pacific Partnership) Intellectual Property Rights Chapter. The TPP is the largest-ever economic treaty, encompassing nations representing more than 40 per cent of the world's

## WikiLeaks Archives

### U.S. (2010) 9/11 tragedy pager intercepts

WikiLeaks [released](#) over half a million US national text pager intercepts. The intercepts covered a 24 hour period surrounding the September 11, 2001 attacks in New York and Washington.

### India (2009) Confidential plans for 1.2 billion ID cards: Creating a Unique ID for every resident

Wikileaks released a [confidential working paper](#) (49 pp) presents the current plan for India's Unique ID Database Project, it will be the world's biggest citizen identification scheme.

### U.K. (2008) Military protocol for counter-intelligence operations

On 2008 WikiLeaks released the [UK military protocol](#) for all security and counter-intelligence operations. The document includes instructions on



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## SECRECY FOR SALE: INSIDE THE GLOBAL OFFSHORE MONEY MAZE

# Leaked Records Reveal Offshore Holdings of China's Elite



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By Marina Walker Guevara, Gerard Ryle, Alexa Olesen, Mar Cabra, Michael Hudson and Christoph Giesen | January 21, 2014, 4:00 pm

**Files shed light on nearly 22,000 tax haven clients from Hong Kong and mainland China.**

*Note: A Chinese version of this story is available [here](#)*

Close relatives of China's top leaders have held secretive offshore companies in tax havens that helped shroud the Communist elite's wealth, a leaked cache of documents reveals.

The confidential files include details of a real estate company co-owned by current President Xi Jinping's brother-in-law and British Virgin Islands companies set up by former Premier Wen Jiabao's son and also by his son-in-law.



Illustration: Tim Meko

Nearly 22,000 offshore clients with addresses in mainland China and Hong Kong appear in the

KEY FINDINGS

# The whistleblower



I can't allow the US  
government to  
destroy privacy  
and basic liberties

the guardian

[guardian.co.uk](http://guardian.co.uk)

# Investigative reporting is NOT about:

- Outbreak of war
- Elections
- Adopted legislation
- EU-summits
- Natural disasters
- Sex scandals (if only private gossip)

# Investigative reporting IS about:

- Conditions or patterns, unknown or badly understood

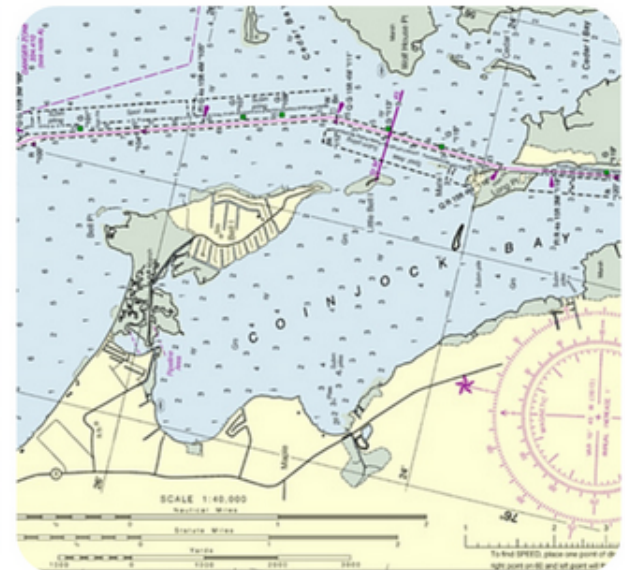
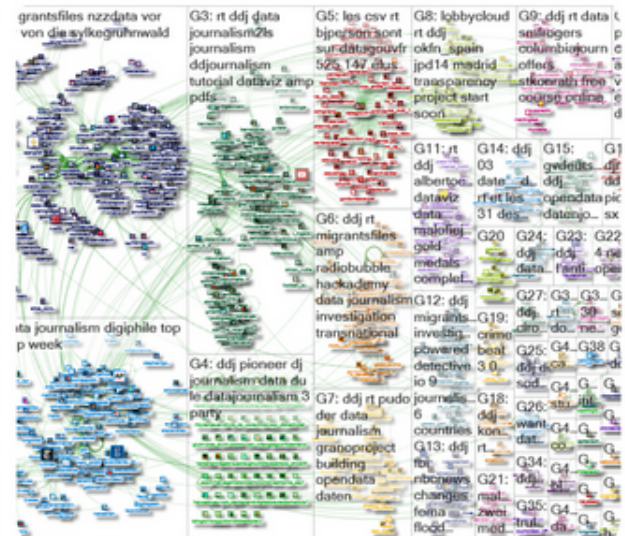
and/or

- Changes, and processes WHILE THEY ARE HAPPENING, instead of the final results

# The Migrants Files

A database on the more than 23,000 migrants who died on their way to Europe since 2000.

Start to explore





## AUSLANDNACHRICHTEN

«The Migrants' Files»

# Die Toten vor Europas Toren

Sylke Gruhnwald, Alice Kohli Mittwoch, 2. April 2014

Empfehlen

307

Twittieren

28

+1

36



Beim Versuch, die spanische Enklave Ceuta schwimmend zu erreichen, starben am 15. Februar 2014 mindestens 15 Personen. (Bild: Keystone / EPA)

Eine Gruppe von Journalisten hat untersucht, wie viele

### LESERTREND

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KOMMENTIERT

Österreichs hausgemachter Braindrain

[Wirtschafts- und Finanzportal](#) Dienstag, 05:30

Eine präventive Konterrevolution

Die Toten vor Europas Toren

Putins Schuss in den eigenen Fuss

Der Schriftsteller Urs Widmer gestorben

▼ Mehr anzeigen

### DATA

«The Migrants' Files»

[Daten einer Tragödie](#)



Tausende Migranten sterben jedes Jahr auf ihrem Weg nach Europa. Doch wer



## Welcome to farmsubsidy.org!

The European Union spends around €55 bn. a year on farm subsidies. This website helps people find out who gets what, and why.

### Latest news & reports from the farmsubsidy.org network

#### [New privacy rules keep 92% of Common Agricultural Policy beneficiaries secret](#)

Farmsubsidy.org estimates that fewer than one in ten beneficiaries of EU farm subsidies has been published this year. The total value of payments published is ...

#### [New funding](#)

New funding secures farmsubsidy.org's future as a data journalism project for the next two years.

#### [Let The Sunshine In](#)

We're calling for new rules to increase transparency in farm subsidies. Will you add your voice to our campaign?

### All Time Top Recipients

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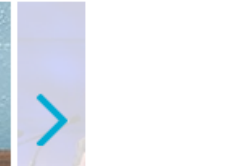
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## Queen's Sandringham estate receives £7m farming subsidies from EU

By SAM GREENHILL

UPDATED: 00:27 GMT, 5 March 2012

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The Queen has received £7million in farming subsidies funded by taxpayers over the past ten years, it emerged yesterday.

And the Duke of Westminster – one of Britain's richest men – has been given around £6million.

They are among a roll call of millionaire land owners who have accepted bonanza payouts from Brussels.



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### BabySam

## FORÅRSBAZAR

**Spar 25%**

### MASSER AF VILDE TILBUD OG NYHEDER

**Spar 60%**

**Spar 40%**

# ERSTES LEAK des deutschsprachigen TTIP Mandats für die Geheimverhandlungen zwischen EU und USA

★ ★ ★ [HIER GEHT ES ZUM KOMMENTIERTEN DOKUMENT](#)



ORIGINAL  
DOKUMENT

Die EU-Kommission verhandelt auf Grundlage dieses Mandats mit den USA über TTIP. Anstatt eines breiten Diskussionsprozesses in Parlament und in der Öffentlichkeit über die Ziele des Mandats gab es nur Geheimniskrämerei. Dieses Mandat wurde ohne Beteiligung des Europaparlaments vom Rat verabschiedet und ist offiziell immer noch nicht für die Öffentlichkeit zugänglich.

**Wir wollen die TTIP-Verhandlungen transparent machen.** Dazu gehört, dass das Mandat öffentlich zugänglich ist. Außerdem fordern wir für die Zukunft ein Mitentscheidungsrecht des Europaparlaments bei der Erstellung von Verhandlungsmandaten.

DRAMATISCHE  
FOLGEN DES TTIP  
ABKOMMENS:



Intransparenz



Wettbewerb



Daseinsvorsorge



Klagen



*„TTIP droht der Demokratie die soziale und ökologische Kontrolle über den Binnenmarkt zu entziehen.“*

Sven Giegold  
[www.sven-giegold.de](http://www.sven-giegold.de)



*„Argumente gegen EU-US Handelsabkommen gesucht: mehr als genug in diesem Dokument!“*

Rebecca Harms  
[www.rebecca-harms.de](http://www.rebecca-harms.de)



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## ARTIKLER



THE DANISH MINISTER FOR TRADE AND EUROPEAN AFFAIRS NICK HÆKKERUP (PHOTO: FOREIGN MINISTRY).

## ELECTED POLITICIANS EXCLUDED FROM EU-US NEGOTIATIONS

**Members of parliaments are left out of negotiations on transatlantic trade and investment deal and the media coverage is controlled. But Danish Minister for Trade and European Affairs Nick Hækkerup states his communication on the deal is not affected by the Commission media strategy.**

AF STAFFAN DAHLÖF, 19/12-2013

On a meeting between EU member state representatives 15. November one item on the agenda was how to keep elected politicians out of the negotiations on a trade and investment agreement between the EU and the US.

Among other things, access has been prohibited for the US Congress members and members of the European Parliament to documents that reveal positions of the counterpart.

*Danish version:* [POLITIKERE OG PRESSEN MÅ IKKE FORPURRE EN EU-USA AFTALE](#)

The European Commission, which negotiates on behalf of the 28 EU member states, specifically told participants on the meeting that the US Congress had not been allowed access to information on the EU position.

The Congress also have limited access to documents that reveal proposals of its own government. Congress members are allowed only to read these documents in a closed "reading room".

### Secrecy

To not bother the American government and to prevent leaks, even governments of EU member states have restricted access to the relevant documents.

According to information obtained by NOTAT, EU governments are only allowed access to documents that reveal specific American proposals if they assign to one of the following procedures:

- Documents are handed over with individual markings, so that leaks can be traced back to the individual recipient.
- Representatives of EU member state governments are only allowed to read American documents in a "reading room" from which the documents cannot be removed or copied.

However, members of EU national parliaments remain as barred from information on the American proposals, as the Congress in Washington is about the European proposals.

FÅ NOTAT  
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KUN 295 KRONE  
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## Press release

**INVESTMENT** Brussels, 21 January 2014

### Commission to consult European public on provisions in EU-US trade deal on investment and investor-state dispute settlement

EU Trade Commissioner Karel De Gucht today announced his decision to consult the public on the investment provisions of a future EU-US trade deal, known as the Transatlantic Trade and Investment Partnership (TTIP). The decision follows unprecedented public interest in the talks. It also reflects the Commissioner's determination to secure the right balance between protecting European investment interests and upholding governments' right to regulate in the public interest. In early March, he will publish a proposed EU text for the investment part of the talks which will include sections on investment protection and on investor-to-state dispute settlement, or ISDS. This draft text will be accompanied by clear explanations for the non-expert. People across the EU will then have three months to comment.

EU Trade Commissioner Karel De Gucht said: "Governments must always be free to regulate so they can protect people and the environment. But they must also find the right balance and treat investors fairly, so they can attract investment. International investment agreements like TTIP should ensure they do both. But some existing arrangements have caused problems in practice, allowing companies to exploit loopholes where the legal text has been vague. I know some people in Europe have genuine concerns about this part of the EU-US deal. Now I want them to have their say. I have been tasked by the EU Member States to fix the problems that exist in current investment arrangements and I'm determined to make the investment protection system more transparent and impartial, and to close these legal loopholes once and for all. TTIP will firmly uphold EU member states' right to regulate in the public interest."

In June 2013 EU governments instructed the European Commission to negotiate a new EU-US trade and investment agreement, the TTIP, on their behalf. This included measures on



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[Commission to consult European public on provisions in EU-US trade deal on investment and ISDS](#)

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#### Related documents



Court of Justice of the European Union

**PRESS RELEASE No 110/10**

Luxembourg, 9 November 2010

Press and Information

Judgment in Joined Cases C-92/09 and C-93/09  
Volker und Markus Schecke GbR and Hartmut Eifert v Land Hessen

---

**European Union legislation on the publication of information relating to the beneficiaries of European agricultural funds is partially invalid**

*The obligation to publish the names of natural persons who are beneficiaries of such aid and the exact amounts which they have received constitutes, with regard to the objective of transparency, a disproportionate measure*

EU law on the financing of expenditure coming under the common agricultural policy provides that Member States are to ensure the annual *ex-post* publication of the names of beneficiaries of the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD) and of the amounts received by each beneficiary under each of those Funds<sup>1</sup>.

The website of the German Federal Office for Agriculture and Food ('the Bundesanstalt') makes available to the public the names of beneficiaries of aid from the EAGF and the EAFRD, the place in which those beneficiaries are established or reside and the postcode of that place, in addition to the annual amounts received. This site also has a search tool.

Volker und Markus Schecke GbR, an agricultural firm (Case C-92/09), and Hartmut Eifert, a full-time farmer (Case C-93/09), applied, for the financial year 2008, to the competent local authorities for funds from the EAGF or the EAFRD. Their respective applications were approved by decisions of December 2008.

In their respective actions, Volker und Markus Schecke GbR and Hartmut Eifert ask the

## Member State websites providing information on beneficiaries of CAP payments (shared management)

Please note that the websites linked to are under the control of Member states of the European Union and are not under the control of the Commission services. The content of these sites is the sole responsibility of the Member states concerned. The European Commission therefore cannot guarantee the accuracy or completeness of the data or information provided, nor does it accept responsibility or liability for any use made thereof.



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## ► Transparency on farm support back on the agenda

25/09

2012



Farmers, land owners and other beneficiaries of EU farm subsidies will be brought back to the public scene again. The Commission suggests most of the receivers will have to accept openness on what they get from Brussels from 2014 and onwards. Good, but we lost two critical years, says transparency activist Jack Thurston.

The two lost years refer to the time passed since the European Court of Justice in november 2010 banned official web sites revealing what and how much subsidies individual farmers got. This publication violated the receivers right to privacy, the Court found, after two German farmers had brought the public disclosure to the Court's attention.

The judgment meant a stop for an ongoing process of shedding light on the farm subsidies, triggered not the least by [Farmsubsidy.org](http://Farmsubsidy.org), a network of agricultural experts, pro-transparency campaigners and journalists. After the public disclosure was stopped by the EU court in Luxembourg Farmsubsidy.org continued to publish data on the subsidies payed out, based on data requested directly from the national authorities. The group has also provided a [rating](#) of how transparent the national authorities are.

### Vital to inform citizens

EU spendings on farm subsidies makes up a third of the annual budget, some € 55 billion per year, as a part of the CAP (Common Agricultural Policy).

"At a time when many Member States' national budgets are being squeezed, I consider it vital to inform citizens how the aid from the Union's Common Agricultural Policy is being spent," stated commissioner Dacian Cioloș, when the proposal was presented in Brussels.

The proposed new rules for will put names, addresses and amounts of support on most of these spendings. Farmers or other receivers getting less than € 500 – 1000 per year (€ 200 on Cyprus and Malta) will not be covered by the suggested change.

### "The great shame"

The news from Brussels was welcomed by Jack Thurston from Farmsubidy.org, but not without objections:

"The great shame about this proposal is that it's so late in coming. The delay for two years means the public has lacked information on the CAP at just the time when we need it most: when the most important decisions are being

# Regulation (EU) No 1306/2013

## Article 111

”Member States shall ensure annual ex-post (...) **the name** of the beneficiary and **the amounts** of payment corresponding to each measure financed by the Funds.”

But:

- available for **two years**
- in accordance with the requirements of **Directive 95/46/EC**, where personal data is concerned



## Højt KOLESTEROLTAL?

Forskningsundersøgelse indruller deltagere. Læs mere ▶



# EU Wins Top Court Fight Over Bavarian Lager's Access to Lobbyist Meeting

Save +

By Stephanie Bodoni | Jun 29, 2010 11:29 AM GMT+0200 | [0 Comments](#) [Email](#) [Print](#)

The **European Commission** won an appeal against a U.K. beer importer in a case that could have forced EU regulators to give companies greater insight into their decision-making process.

The **European Court of Justice**, the European Union's top court, today backed a decision by the commission to reject Bavarian Lager Co.'s bid to get the details about a 1996 meeting between EU officials and lobbyists from a brewery association. The ruling overturned a 2007 **decision** in favor of the company.

"The commission was right to reject the application for access to the full minutes of the meeting," the Luxembourg-based court said. Bavarian Lager had failed to provide "any express or legitimate



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## European Court of Justice rules in favour of greater transparency of the Council of the EU



*Madrid/Luxembourg, 17 October 2013* — In a case brought by Access Info Europe, the European Court of Justice today rejected arguments by the Council of the European Union that it should be able to keep secret the identities of Member States making proposals in the context of negotiations on future EU legislation.

This is the **final ruling** – by the highest court of the EU – in an important legal battle for greater transparency of the legislative process in Brussels in line with the EU treaties which require the European Parliament and the Council to "ensure publication of the documents relating to the legislative procedures".

The Council of the EU had fought to defend its policy of releasing legislative drafting documents with the names of Member States tabling amendments blacked out.

Access Info Europe won access to the document it requested before the **General Court** in **March 2011** but the Council appealed, joined by the Czech Republic, France, Greece, Spain and the UK.

The European Parliament, arguing in favour of openness of the legislative process, joined the case in an historic move to support Access Info Europe in its quest for wider access to documents.

The European Court of Justice today rejected the Council's arguments that it should be able to withhold information from the public in order to preserve the "effectiveness of the legislative decision-making process". The ECJ confirmed that "the mere fact that the request for disclosure was made at a very early stage in the legislative process was not sufficient to allow the application of that exception".



Access Info works to advance and protect the right to know in Europe and globally. We are against excessive secrecy and believe that access to information is key to protecting human rights.

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## Upcoming Events

21 February - 22 February - Victoria Anderica will be participating on the 3rd Congress of Open Government and Open Data, organised by Openkratio, in Seville.

**More events**

2. The above litigation concerned the application, in on-going legislative procedures, of Article 4(3), first sub-paragraph, of Regulation 1049/2001 on public access to documents. This requires access to be refused in an on-going procedure where access would seriously undermine an institution's decision-making procedure (and there is no overriding interest in disclosure). The Council had argued that the public disclosure from an early stage of the negotiating positions taken from by individually identified Member States from would deprive such delegations of the flexibility needed to ensure the effectiveness of the Council's decision-making process. The Court however held that Council had not proved that the disclosure of Member States' identities would give rise to a genuine risk of undermining the Council's decision-making procedures.

3. **DELETED**

4. **DELETED**

5. **DELETED**

6. **DELETED**

7. **DELETED**

# But thanks to leaks (from Statewatch.org):

2. The above litigation concerned the application, in on-going legislative procedures, of Article 4(3), first sub-paragraph, of Regulation 1049/2001 on public access to documents. This requires access to be refused in an on-going procedure where access would seriously undermine an institution's decision-making procedure (and there is no overriding interest in disclosure). The Council had argued that the public disclosure from an early stage of the negotiating positions taken from by individually identified Member States from would deprive such delegations of the flexibility needed to ensure the effectiveness of the Council's decision-making process. The Court however held that Council had not proved that the disclosure of Member States' identities would give rise to a genuine risk of undermining the Council's decision-making procedures.

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3. Coreper is therefore invited to determine whether the practice of the Council should now be either:
  - a) to give access as a matter of course to references to the identities of individual Member State when giving access to documents recording the positions taken in on-going legislative procedures; or
  - b) In view of the impact on Member States' negotiating flexibility, to cease recording the identities of individual Member States in such documents.
4. Coreper is also asked to confirm the Council's position that, in relation to on-going legislative procedures, public access should be granted as matter of course to all preparatory documents circulated to members of the Council (including Coreper and it preparatory groups) either automatically on circulation or upon request (where such documents are marked "LIMITE") save where such documents, in whole or part, fall within the scope of the Article 4 of Regulation 1049/2001. In such cases any decision to grant or withhold access shall be determined in accordance with the requirements of the Regulation.

# What they consider:

”a) to **give access** as a matter of course to references to the identities of individual Member State when giving access to documents recording the positions taken in on-going legislative procedures; **or**

b) In view of the impact on Member States' negotiating flexibility, **to cease recording the identities of individual Member States** in such documents.”



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## European Union

WOB value

### ► Secrecy rules despite Court judgement

26/03

2014



**EU-ministers have postponed implementing a judgement on transparency and rejects to disclose alternatives discussed – and leaked. Six member states vote against secrecy. The European Ombudsman is asked to step in.**

More than five months have gone since the European Court of Justice in October last year [decided](#) that the public has a right to see what positions Member States hold in the Council working parties before a final decision is taken by ministers. Effectiveness of the legislative decision-making procedure cannot be used as an argument to blank out the identities of the member states' positions, the Court said.

This judgement was hailed as a victory for openness by

[Access Europe](#), the Madrid-based NGO that brought the case to trial.

#### Won't say

So now we are all able to see how Bulgaria argues on asylum seekers protection, or how France objects to new environmental rules?

Nope.

#### Related

[07/02/2014](#) Council obstructs ruling on transparency

[16/09/2007](#) Brussels-journalists against 'routine secrecy'

[19/07/2007](#) Pro-transparency opinion in important court case

#### Documents



rejection of access.pdf



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