

## ‘Transparency still under wraps ...’ from Le Jeudi (12 April 2001)

**Caption:** On 12 April 2001, the Luxembourg weekly newspaper Le Jeudi reveals the concerns of the European Ombudsman about the decision to restrict access to documents of the institutions of the European Union classified as ‘sensitive’ and access to Council documents in particular.

**Source:** Le Jeudi. L'hebdomadaire luxembourgeois en français. dir. de publ. Fonck, Danièle ; RRéd. Chef Portante, Jean. 12.04.2001. Luxembourg: Editpress Luxembourg S.A. "Cachez cette transparence.", auteur:Ozolins, Marisandra , p. 7.

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**Last updated:** 10/08/2016

## Transparency still under wraps ...

### European Ombudsman's report for 2000

**Transparency is not yet a matter of course in the EU institutions. When European Ombudsman Jacob Söderman (Finland) presented his report for 2000 to the European Parliament on Tuesday, 10<sup>o</sup> April, he was blunt about his fears for a People's Europe.**

Marisandra Ozolins

The picture that the Ombudsman painted was not entirely black. Indeed, he pointed out that the year 2000 had actually been marked by the greatest progress towards a People's Europe since Maastricht, with the proclamation at the Nice European Council of the Charter of Fundamental Rights. Mr Söderman highlighted in particular 'the right to good administration' (Article 41) and, in the same context, welcomed the fact that the European Commission was drawing up a White Paper on 'good governance'.

In a special report to Parliament, the Ombudsman himself has already proposed the adoption, in the form of legislation, of rules on good administration that would apply to 'all the Community institutions and bodies'.

So much for the good news. In another special report, the Ombudsman has urged Parliament to contest the Commission's refusal to supply certain information to a UK importer of German beer. Considering himself to have been discriminated against by national legislation on beer supplies to pubs, which favoured British brewers, the importer had complained to the Commission and had subsequently asked it to name the parties who had made submissions concerning his complaint. The Commission refused, arguing that non-disclosure of the names was justified under the Data Protection Directive.

Mr Söderman dismissed the Commission's argument. The Directive not only supported the 'principle of transparency' in EU decision-making, it also sought to protect fundamental rights, but, as the Ombudsman pointed out, there was no 'fundamental right to supply information to an administrative authority in secret', and rules on data protection could not be used as a convenient new way of keeping administrative proceedings confidential.

The Ombudsman was also concerned about access to documents in general, especially those of the Council, following a decision — taken behind closed doors last summer — to withhold from the public documents that were 'sensitive' on grounds of military secrecy. While not denying the need for confidentiality in relation to security and defence, Mr Söderman believed that the vague wording of the Council decision left scope for a cloak of secrecy to be thrown over virtually anything.

The statistics published in the report for 2000 showed that the number of complaints received by the Ombudsman had risen from 1 577 in 1999 to 1 732; that they emanated mainly from France, Spain, Germany and Italy (with 2 % from Luxembourg); and that more than 80 % of them concerned the European Commission. The most frequent ground for complaint was, as ever, lack of transparency, but delayed payments, discrimination, abuses of authority and failings by the Commission in its role as 'guardian of the Treaties' were also high on the list.