



## Report on the meeting with the European Commission in the European Ombudsman's strategic inquiry OI/1/2019/MIG concerning the transparency of the bodies involved in preparing Eurogroup meetings

Report - 08/10/2019

**Case** OI/1/2019/MIG - **Opened on** 13/05/2019 - **Decision on** 03/12/2019 - **Institutions concerned** Council of the European Union | European Commission ( No further inquiries justified ) |

Inquiry: OI/1/2019/MIG

**Case title** : Transparency of the bodies involved in preparing Eurogroup meetings

**Date** : Monday, 15 July 2019

**Location** : European Commission, Charlemagne building

### Present

#### European Commission

Head of Unit and Deputy Head of Unit, Secretariat for the Eurogroup/EWG (DG ECFIN)

Head of Sector, Secretariat of the EFC and EPC, Financial markets (DG ECFIN)

Administrator, Transparency, Document Management & Access to Documents (SG)

Assistant to the Director-General (DG ECFIN)

Deputy Head of Unit and Assistant, Interinstitutional relations and communication (DG ECFIN)

Administrator, Control, data protection and security (DG ECFIN)

Assistant, Control, data protection and security (DG ECFIN)



Assistant, HR business correspondent team and business continuity (DG ECFIN)

2 Administrators, Ethics, Good Administration & Relations with the Ombudsman (SG)

Administrator, Legal Service of the Council of the EU (Observer)

## European Ombudsman

Fergal O' Regan, Head of Unit, Inquiries Unit 2 & Strategic Inquiries Unit

Michaela Gehring, Case Handler, Inquiries Unit 2

Tanja Ehnert, Case Handler, Strategic Inquiries Unit

Louise Olander, Trainee, Inquiries Unit 4

## Purpose of the meeting

The purpose of the meeting was for the Ombudsman's inquiry team to inspect the Commission's files on requests for public access to documents related to the Eurogroup and the three bodies involved in the preparation of Eurogroup meetings [1] . The focus was on requests submitted after the Eurogroup adopted proactive transparency measures in February 2016. The Ombudsman's inquiry team wanted to gain a better understanding of how the Commission, which provides secretarial support to these bodies, deals with such requests. They also wanted to find out what kind of documents related to these bodies are published or listed on the Commission's document register.

A similar meeting took place between the Ombudsman's inquiry team and Council representatives on 9 July 2019.

## Introduction and procedural information

The Ombudsman's inquiry team introduced themselves, thanked the Commission representatives for receiving them, and set out the purpose of the meeting. They outlined the rules governing Ombudsman inspections and meetings, in particular that the Ombudsman will not disclose any information outside the Ombudsman's Office without the Commission's prior agreement [2] .

The inquiry team explained that they would draw up a report on the meeting to be sent to the Commission.



## Information exchanged

As a general remark, the Commission explained that the Eurogroup is an intergovernmental informal forum, which does not adopt formal decisions and whose statements are devoid of legal effects. It prepares the discussions and decisions which are taken by the Ecofin Council the following day or decisions by the European Stability Mechanism (ESM) governing bodies [3] for programme related issues [4]. The meetings of the Eurogroup are largely prepared by the Eurogroup Working Group (EWG), which is a special configuration of the Economic and Financial Committee (EFC) and, to a more limited extent, by the EFC and the Economic Policy Committee (EPC). The discussions at the EWG and Eurogroup are based on written inputs mainly prepared by the Commission. They are published on the Eurogroup website as long as the author does not object to publication, they are not marked sensitive, and they are not work in progress:

<https://www.consilium.europa.eu/en/council-eu/eurogroup/>

Such documents relate to the opinions on the draft budgetary plans (prepared by the EWG), thematic discussions (prepared by the EPC) and post-programme surveillance of Eurozone countries that have received financial assistance, which are published as Commission reports bi-annually (prepared by the EFC). Those documents are also published on the Commission website:

<https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/eu-economic>

[https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/eu-financial-](https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/eu-financial)

## On access to documents requests received by the Commission

Regarding requests for public access to documents, the Commission stated that, since February 2016, it has received 38 requests, which in some way related to discussions in the Eurogroup and the work of the EWG, the EFC and the EPC. 36 of these requests have been dealt with by the Commission's Directorate-General for Economic and Financial Affairs (DG ECFIN), one by its Structural Reform Support Service (SRSS) and one by the Secretariat of the Eurogroup/EWG. Most of the requests concerned documents that were already publicly available. Some of the requests concerned the same documents. Most notably, 25 of the applicants requested access to the 2017 Commission opinion on the draft budgetary plan of Italy.

Full public access to the requested documents was granted in all but two cases. For one of them [5], which concerned a social welfare review in Greece, a confirmatory application was submitted, but rejected on the basis of the need to protect international relations [6] and the financial, monetary or economic policy of the Union or a Member State [7]. The reason



for the rejection - among others - was that among the documents covered by the request were confidential documents originating from the World Bank, which had been consulted and had objected to the disclosure of these documents.

The second request concerned the reform of the water sector in Ireland. [8] In this case, the Commission granted full public access to post briefing documents that had already been published [9] , and refused access to other internal preparatory briefing documents based on the need to protect its decision-making [10] . The request also concerned documents that had been drawn up by the European Central Bank and the International Monetary Fund. The Commission informed the complainant that it did not hold these documents. No confirmatory application was made to challenge the Commission's decision.

The Commission provided the Ombudsman with a file containing:

- 1.) The relevant requests for public access to documents from February 2016 to the present,
- 2.) The decisions of the Commission on those requests,
- 3.) The requested documents themselves (with the exception of those relating to access requests number 37 and 38).

## On the Commission's management and publication of documents related to the Eurogroup in general

The Ombudsman's inquiry team asked about the Commission's system for making publically known and/or available documents that have been disclosed following a request under Regulation 1049/2001. They also wanted to know whether agendas and dates of meetings of the EWG, the EFC and the EPC are published.

The Commission stated that most of the documents that have been requested under Regulation 1049/2001 since February 2016 had already been made available on the Commission's website before the access requests were received. Moreover, the Commission stated that the documents were easy to find as the website in question:

<https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/eu-economic>

had been restructured and aligned to President Juncker's 10 priority areas to increase the accessibility of documents in January 2017. In addition, references to these and similar documents can be found in the Commission's general register of documents. However, after the disclosure of a document under Regulation 1049/2001, the Commission does not check whether this document is already listed and/or made available in its online register. It is therefore possible that not all of the documents related to the Eurogroup, which have been disclosed since February 2016, can be found on the Commission's register.

Regarding the publication of dates, agendas and minutes of meetings of the EWG as the main body involved in the preparation of Eurogroup meetings, the Commission explained



that these are currently not published. However, this issue will be discussed by the Eurogroup at its meeting in September 2019. The Commission also noted that, thus far, it has not received any requests for information or for public access concerning the dates, agendas and minutes of the meetings of the EWG, the EFC and the EPC as far as the preparation of Eurogroup meetings is concerned.

As a point of information, the Commission added that the agendas of the EWG closely follow those of the Eurogroup itself, and meetings normally take place around 10 days before the Eurogroup meets. The Commission agreed to provide the Ombudsman with a confidential copy of a recent sample EWG agenda.

## Conclusion

The inquiry team thanked the Commission representatives for their time and for the explanations provided, and the meeting ended.

Brussels, 8 October 2019

Fergal O' Regan Michaela Gehring

Head of IU2 and SIU Case Handler, IU 2

[1] The Eurogroup Working Group (EWG), the Economic and Financial Committee (EFC) and the Economic Policy Committee (EPC)

[2] Article 4.8 of the European Ombudsman's Implementing Provisions.

[3] See <https://www.esm.europa.eu/about-us/how-we-work/esg/esg-governance> .

[4] The ESM provides financial assistance to euro area countries experiencing or threatened by severe financial problems. For example, it can grant a loan as part of a macroeconomic adjustment programme.

[5] Number 38 in the list of requests provided by the Commission.

[6] Under Article 4(1)(a), third indent of Regulation 1049/2001.

[7] Under Article 4(1)(a), fourth indent of Regulation 1049/2001.

[8] Number 37 in the list of requests provided by the Commission.



[9] See

<https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/eu-financial->

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[10] Under Article 4(3) of Regulation 1049/2001.