

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

Correspondence - 05/12/2019

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 : Tuesday, 09 July 2019

Location : Council of the European Union, Justus Lipsius building

Present

Council of the European Union

Head of Unit, Transparency Unit

Administrator, Transparency Unit

Administrator, Legal Service

Head of Unit, European Commission (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

Diesmer de Jonge, Trainee, Inquiries Unit 2

Purpose of the meeting

The purpose of the meeting was for the Ombudsman's inquiry team to inspect the Council'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 inquiry team wanted to gain a better understanding of how the Council deals with such requests. They also wanted to find out what kind of documents related to these bodies are published or listed on the Council's document register.

A similar meeting took place between the Ombudsman's inquiry team and European Commission representatives on 15 July 2019.

Introduction and procedural information

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

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

Information exchanged

As an introduction, the representatives of the General Secretariat of the Council ('the Council') gave a short presentation on the nature and tasks of the three bodies at the centre of this strategic inquiry, namely the Eurogroup Working Group (EWG), the Economic and Financial Committee (EFC) and the Economic Policy Committee (EPC).

On access to documents requests received by the Council

The Council then explained that, since February 2016, it has received 14 requests for public access to around 90 Eurogroup, EWG, EFC and EPC documents [3] . Eleven of these requests



were submitted by researchers/students, two by NGOs, and one by a law firm.

The majority of the requests for public access to documents were granted fully or partially. In one case, the Council received a confirmatory application after it had refused public access. At the confirmatory stage, the Council granted partial public access.

Where public access was denied, the Council relied either on the need to protect the financial, monetary or economic policy of the Union or a Member State [4] or on the need to protect its decision-making [5] .

Regarding proactive publication, the Council explained that the majority of the requested documents had not been made public previously as they predate the Eurogroup's transparency initiative.

The Council had prepared a file containing:

- 1) The relevant requests for public access to documents from February 2016 to the present;
- 2) the decisions of the Council on those requests; and
- 3) the requested documents.

It was agreed that a copy of this file would be provided to the Ombudsman shortly after the meeting.

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

The Council noted that the Eurogroup is an informal gathering of Finance Ministers of the euro area which does not adopt formal decisions. The GSC provides logistics support (meetings are normally held in the Council buildings) as well as procedural assistance to the Eurogroup President, while secretarial tasks as regards substance are provided by the EFC secretariat [6] .

The Council's website includes a dedicated section for each Eurogroup meeting where preparatory documents and documents reflecting the outcome are available, including notably [7] :

- draft annotated agendas,
- lists of participants,
- background information and documents [8] ,
- remarks by the President,



- EG statements,
- press releases,
- summing-up letters.

Regarding the EPC and the EFC, the Council explained that only some of their work is Eurogroup-related. As provided for in their respective Statutes, their proceedings are generally confidential. As regards the EWG, the Council recalled that it is a special configuration of the EFC (composed only of the euro countries) and that, it is the entity which is mainly responsible for preparing the meetings of the Eurogroup. The EWG is a preparatory body of an informal gathering of Ministers. Asked by the Ombudsman's inquiry team, the GSC representatives confirmed that the EWG is not a preparatory body of the Council and is therefore not mentioned separately on the list of Council bodies [9] . The Council also referred to the ongoing reflection at Eurogroup level as regards the possibility of taking additional measures to further increase transparency of Eurogroup proceedings (also concerning the EWG work).

Regarding the public register of Council documents, the Council stated that, in principle, documents in relation to the performance of tasks of support to entities other than the Council, including the Eurogroup, are published in the register only if they have been submitted to the Council or circulated to delegations to serve as a basis for the Council's work. Documents published in the register include for instance:

- documents that relate to the work of the Eurogroup such as draft budgetary plans of Member States,
- documents that are, among other recipients, addressed to the Eurogroup for information, such as Commission communications/staff working documents/country reports (notably on the European Semester),
- other documents such as parliamentary questions which the GSC was entrusted to deal with or exchanges of letters of the Eurogroup President circulated to delegations.

The Council had prepared a file containing a list of documents that are listed or available on its register. A copy of this file was provided to the Ombudsman shortly after the meeting.

Conclusion

The Ombudsman's inquiry team thanked the Council 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, IU2

[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] The GSC applies Regulation (EC) 1049/2001 to assess requests for documents it holds which are relevant to the work of the Eurogroup.

[4] In accordance with Article 4(1)(a), fourth indent of Regulation 1049/2001.

[5] In accordance with Article 4(3) of Regulation 1049/2001.

[6] See Working Methods of the Eurogroup,
<https://www.consilium.europa.eu/media/21457/08-10-03-eurogroup-working-methods.pdf> [Link].

[7] <https://www.consilium.europa.eu/en/council-eu/eurogroup/> [Link].

[8] Documents typically published notably on the "Main results" page of every Eurogroup meeting include the Post Programme Surveillance Reports, statements on ERM-II related issues, Letters to the President of the European Council, Draft Budgetary Plans, Commission Opinions on DBPs, European Economic Forecasts, presentations and Commission notes related to the thematic discussions. See, by way of example
<https://www.consilium.europa.eu/en/meetings/eurogroup/2019/09/13/> [Link] (regarding the meeting of 13 September 2019).

[9] <https://www.consilium.europa.eu/en/council-eu/preparatory-bodies/?Page=2> [Link].