

## Ombudsman to investigate transparency of Council's activity

Press release no. 1/2004 - 08/01/2004

The European Ombudsman, **P. Nikiforos Diamandouros**, has opened an inquiry into the alleged lack of transparency of the Council acting in its legislative capacity. This follows a complaint from German MEP, Elmar Brok, and a representative of the youth group of the CDU (Christian Democratic Union). The complaint concerns the fact that the meetings of the Council acting in its legislative capacity are only public to the extent foreseen by Articles 8 and 9 of the Council's Rules of Procedure (1).

The complainants wrote to the Council on this issue in September 2003. In his reply, the Secretary General of the Council, Mr Solana, pointed out that the Council's Rules of Procedure reflect the compromise reached at the European Council meeting in Seville. He added that opening the legislative work of the Council to the public was, as evidenced by the deliberations of the Intergovernmental Conference, an issue that found wide-reaching support and which should therefore be discussed again in the context of preparing to implement the draft constitution.

In their complaint to the Ombudsman, the complainants allege that the Council's rules of procedure are not in conformity with the rule laid down in Article 1 (2) of the Treaty on European Union according to which decisions have to be taken as openly as possible. They claim that they should be amended so as to foresee that the Council acting in its legislative capacity should always meet in public.

The Ombudsman has asked the Council for its opinion on the complaint by 31 March 2004.

*For further information, please call Mr. Gerhard Grill, Principal Legal Advisor; tel : 00 33 3 88 17 24 23.*

(1) Council Decision 2002/682/EC, Euratom; OJ 2002 no L 230, p. 7.