



## European Ombudsman holds that the Council must re-examine an application for access to documents

Press release no. 3/1998 - 06/07/1998

European Ombudsman **Jacob SÖDERMAN** has held that the Council of the European Union was wrong not to consider British journalist Tony BUNYAN's application for access to agendas of the "Senior level Group" and the "EU-US Task Force". The Council rejected the application on the grounds that the Council was a joint author and not the sole author of the documents concerned. The Ombudsman held that the Council must also apply its rules on public access to documents which it has co-authored. The Ombudsman's decision means that the Council will have to reconsider Mr BUNYAN's application and apply the rules correctly. The Ombudsman's inquiry also led to two other successes for Mr BUNYAN. First, the Council changed its practice and is now making publicly available the timetable of meetings in the field of Justice and Home Affairs planned under each Presidency. Second, the Council accepted that the Presidency is not "another institution", for the purposes of its rules on public access to documents. This means that the public can apply to the Council for access to documents which a Member State has written in its capacity as Presidency of the Council. The complaint is one of six which Mr BUNYAN made to the Ombudsman late in 1996 (1056/25.11.96/STATEWATCH/UK/IJH. One of the cases was closed last year with a friendly solution. The Ombudsman's investigations into the other four cases are continuing.

*Notes for editors* The Council's rules on public access to documents are contained in Council Decision 93/731 ( *Official Journal* 1993 L 340/43). Decision 93/731, together with the corresponding Commission Decision (Commission Decision 8 February 1994 on public access to Commission documents: *Official Journal* 1994 L 46/58), implement the joint Code of Conduct on public access to documents ( *Official Journal* 1993 L 340/ 41) agreed by the Council and Commission after the Maastricht Treaty. The Ombudsman's decision follows a recent judgement of the Court of First Instance which stated that the objective of Decision 93/731 is to give effect to the principle of the largest possible access for citizens to information with a view to strengthening the democratic character of the institutions and the trust of the public in the administration (Case T-174/95, *Svenska Journalistförbundet (Tidningen Journalisten) v Council* , judgement of 17 June 1998.) Tony Bunyan is editor of Statewatch bulletin which "monitors justice and home affairs in the European Union." *For further information, please contact Mr Ian Harden, Head of the secretariat, tel. + 33 388 17 23 84*