

Council agrees to release documents to Statewatch after European Ombudsman intervenes

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The Council has agreed to release documents to *Statewatch*, a UK-based group monitoring civil liberties in the European Union. This follows a draft recommendation of the European Ombudsman, **Jacob Söderman**, in March of this year. The documents concerned are the agendas of the "Senior Level Group" and the "EU-US Task Force". M. Söderman underlined the importance of safeguarding the widest possible access for European citizens to information and the need to respect rules on the right of access to documents.

Statewatch has expressed satisfaction with the outcome.

Details of the case

The complainant lodged his complaint with the Ombudsman in July 2000 after the Council refused him access to the agendas of the "Senior Level Group" and the "EU-US Task Force". The Council claimed that the documents were not "held by the Council". They were held by its General Secretariat, an institution "different" from the Council. Officials of its General Secretariat kept copies for the purpose of their work but these were not registered or filed systematically in the Council's archives. The documents therefore fell outside the scope of its public access rules, it claimed (Council Decision on public access to documents 93/731/EC).

The Ombudsman rejected the Council's argument that its General Secretariat is a separate institution. No provision in the Treaty or in Community law would suggest such a thing. Therefore, documents held by the General Secretariat of the Council are documents "held by the Council" and its public access rules apply. The Ombudsman also insisted that the aim of the Code of Conduct on Public Access to documents is to allow for the largest possible access for citizens to information. This objective could not be met if the Council refused access to documents saying that they were held by its General Secretariat.

The Ombudsman made a draft recommendation in March 2001 asking the Council to release the agendas before 30 June, 2001, unless one or more of the exceptions in its rules on public access to documents applies (contained in Article 4 of Council Decision 93/731/EC). The Council reconsidered its initial decision and has given the complainant access to the requested documents.



The Decision can be found on the Internet at:

<http://www.ombudsman.europa.eu/decision/en/000916.htm> [Link]

For further information, please call Gerhard Grill, Principal Legal Officer, tel. +33 (0) 3 88 17 24 23.