

Deċiżjoni f'investigazzjoni strateġika OI/1/2019/MIG dwar it-trasparenza tal-entitajiet involuti fil-preparazzjoni tal-laqgħat tal-grupp tal-Euro

Deċiżjoni

Każ OI/1/2019/MIG - **Miftuħa fil-** 13/05/2019 - **Deċiżjoni fil-** 03/12/2019 - **Istituzzjonijiet ikkonċernati** Il-Kunsill ta' l-Unjoni Ewropea | Il-Kummissjoni Ewropea (Ebda investigazzjoni ulterjuri ġustifikata) |

Din l-investigazzjoni strateġika kienet tikkonċerna t-trasparenza tat-tliet entitajiet preparatorji li huma involuti fil-preparazzjoni tal-laqgħat tal-grupp tal-Euro. Il-fokus tal-investigazzjoni kien fuq it-talbiet għall-aċċess pubbliku għad-dokumenti li jikkonċernaw ix-xogħol tal-grupp tal-Euro u dawn l-entitajiet preparatorji, li l-Kunsill tal-Unjoni Ewropea u l-Kummissjoni Ewropea rċewew minn meta l-grupp tal-Euro ħa miżuri ta' trasparenza proattivi fl-2016.

L-Ombudsman sabet li kemm il-Kunsill kif ukoll il-Kummissjoni ttrattaw b'mod adegwat it-talbiet rilevanti għal aċċess pubbliku. Kompliet tinnota li fil-frattemp il-grupp tal-Euro kien ħa miżuri biex itejjeb il-politika ta' trasparenza tiegħu. Dan jinkludi l-pjan li jinħoloq repożitorju online ta' dokumenti tal-grupp tal-Euro li huma disponibbli pubblikament u li tiġi pprovduta aktar informazzjoni dwar id-dritt taċ-ċittadini li jitolbu dokumenti miżmuma mill-Kunsill. Ittiegħdu passi oħra biex titjeb it-trasparenza tal-EWG (Grupp ta' Fidma tal-Grupp tal-Euro).

Fid-dawl ta' dan it-titjib, l-Ombudsman issa tagħlaq din l-investigazzjoni strateġika.

Background to the complaint

1. The Eurogroup is an informal body in which the Finance Ministers of EU Member States that are part of the euro area (the 'Eurozone') meet to discuss matters relating to Eurozone economic policy. This includes matters such as post-programme surveillance of Eurozone countries that have received financial assistance or Member States' draft budgetary plans.
2. Given the wide-ranging implications for citizens that Eurozone economic policy has, Eurogroup transparency is of particular importance. Citizens should be in a position to know how this policy is drawn up and how decisions affecting their daily lives are taken.
3. The meetings of the Eurogroup are prepared by three preparatory bodies, the Economic and



Financial Committee (EFC), the Economic Policy Committee (EPC) and the Eurogroup Working Group (EWG). While the EFC and the EPC, which are advisory bodies of the Council, mainly provide secretarial support, the EWG, which is a special configuration of the EFC consisting of representatives from the Eurozone Member States only, is primarily responsible for preparing the discussions of the Eurogroup. Greater EWG transparency would enable interested and engaged members of the public to scrutinise the work of this important body and, potentially, help improve it.

4. Despite their influential role, there was, until recently, only very limited proactive transparency around the work of these three preparatory bodies. The support they provide to the Eurogroup was largely unknown.

5. The Ombudsman raised the issue of the lack of transparency of the EFC, the EPC and the EWG for the first time in 2016 in the context of a strategic initiative that looked into the transparency of the Eurogroup in general. [1] Since then, little progress had been made concerning the transparency of these three bodies. This is despite the Commission noting, in May 2017, that completing the Economic and Monetary Union requires greater transparency about who decides what and when at every level of governance. [2]

6. The Ombudsman considers the transparency of the preparatory work provided by the EFC, the EPC and the EWG to be necessary for citizens to obtain a better understanding of the processes that go into forming Eurozone economic policies, which - as noted above - have wide-ranging implications for them.

7. The Ombudsman therefore launched a strategic inquiry into the transparency of these three bodies in May 2019.

The strategic inquiry

8. This strategic inquiry focused mainly on how the Council and the Commission handled requests for public access to documents [3] relating to the work of the Eurogroup and its three preparatory bodies which the Council and the Commission had received since February 2016 (when the Eurogroup adopted proactive transparency measures).

9. On 9 July and 15 July 2019 respectively, the Ombudsman's inquiry team met with representatives from the Council and the Commission and discussed the matter to gain a better understanding of how the two institutions apply the EU rules on public access to documents concerning the Eurogroup, the EFC, the EPC and the EWG. The inquiry team also gathered information on the proactive publication of relevant documents by the Council and the Commission.

10. In the context of these meetings, the institutions provided the inquiry team with copies of all relevant requests for public access to documents, of their replies to the applicants and of the requested documents, as well as copies of all relevant documents that are proactively made



publicly available by the Council.

11. In September 2019, the Eurogroup decided to take further steps to enhance the transparency of its discussions, as well as the work of the EWG. Regarding the Eurogroup itself, the decision was taken to create an online repository of publicly available Eurogroup documents to facilitate citizens' access to information. The Eurogroup also decided to provide more information about citizens' right to request documents held by the General Secretariat of the Council.

Overview of the information provided

12. Since February 2016, the Council and the Commission received a total of 52 requests for public access to documents that were relevant to this strategic inquiry. Among the documents to which public access had been requested were:

- draft Eurogroup work programmes prepared by the EWG,
- opinions, letters, (draft) reports and papers prepared by the EPC and the EFC on matters such as the reinforcement of economic governance in the EU,
- minutes of EFC, EWG and Eurogroup meetings,
- draft meeting agendas of the EFC,
- the working methods of the Eurogroup,
- Commission opinions, and
- Eurogroup statements.

13. The vast majority of the requests received by the Commission concerned documents that had previously been made publicly available. This was not the case for many of the requests received by the Council. The Council explained that this was due to the fact that the documents at issue in these access requests predated the Eurogroup's 2016 transparency initiative. Some of the requests made to the Commission also concerned the same document(s).

14. The Council had granted most applicants full or partial access to the documents they had requested and the Commission had granted full public access to all but two applicants.

15. All requests for public access were dealt with by the Council and the Commission within the prescribed deadlines, except for very few cases in which the institution concerned replied with a delay of one or two days.

16. Regarding proactive transparency, the Council and the Commission explained that certain documents related to Eurogroup meetings such as draft annotated agendas, remarks by its President, Eurogroup statements and summing-up letters are published on a dedicated webpage on the Council's website following these meetings. [4] Other documents concerning the Eurogroup's work are published in the Council's online register if they serve as a basis for its own work, such as draft budgetary plans of Member States or relevant Commission communications. In addition, certain documents that are prepared by the EWG, the EPC or the EFC (for example documents that relate to the opinions on draft budgetary plans, to thematic



discussions, or to post-programme surveillance of Eurozone countries that have received financial assistance) are also published on the Commission website. [5]

The Ombudsman's assessment

17. The Ombudsman commends both the Council and the Commission for how they have dealt with the requests for public access which she inspected. Both institutions generally replied to the applicants on time and they granted public access in the vast majority of cases.

18. What is more, regarding the few cases where access was fully or partially denied, only some applicants asked for a review of the decision. This suggests that almost all applicants were satisfied with the outcome of their request, and, where access was denied, with the reasoning provided by the institution.

19. As regards proactive transparency, the Ombudsman notes that some important documents related to Eurogroup meetings, such as the minutes of these meetings ('summing-up letters') or Eurogroup statements are proactively made public. She encourages the Council and the Commission, as well as the Eurogroup itself, to take further steps in this direction so that as much information as possible is made proactively available.

20. The plan to create an online repository of publicly available Eurogroup documents to facilitate citizens' access to information is welcome, as is the decision to provide more information about citizens' right to request documents held by the General Secretariat of the Council.

21. As regards the relevant meetings of the EFC, the EPC and the EWG, the Ombudsman notes the improvements introduced recently in the revised Eurogroup transparency policy. [6] Amongst other things, the Eurogroup agreed:

- to improve the EWG webpage, providing more information on the EWG's functions, membership and former Presidents,
- to publish the dates on which the EWG meets, and
- to publish the draft (non-annotated) agendas of the Eurogroup meetings, which the EWG approves, *some days ahead* of Eurogroup meetings.

22. Bearing in mind these recent efforts, the Ombudsman now closes this strategic inquiry. She will continue to monitor the extent of the transparency surrounding the three preparatory bodies that support the Eurogroup's work.

Conclusion

The Ombudsman closes this strategic inquiry with the following conclusion:

There are no further inquiries justified at this stage.



The Council and the Commission will be informed of this decision.

Emily O'Reilly

European Ombudsman

Strasbourg, 03/12/2019

[1] For more information visit: <https://www.ombudsman.europa.eu/en/case/en/48285> [Link].

[2] Commission's reflection paper on the deepening of the Economic and Monetary Union, COM (2017) 291 of 31 May 2017:
https://ec.europa.eu/commission/sites/beta-political/files/reflection-paper-emu_en.pdf [Link].

[3] Under Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents:
<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32001R1049&from=EN> [Link].

[4] See: <https://www.consilium.europa.eu/en/council-eu/eurogroup/> [Link] (the documents are available via the meeting calendar under the section of the respective meeting.)

[5] The full reports on the Ombudsman's meetings with the Council and the Commission are available at:

<https://www.ombudsman.europa.eu/en/case/en/53933> [Link].

[6] See <https://www.ombudsman.europa.eu/en/correspondence/en/122230> [Link].