



Eurogroup
The President

The Hague, 16 May 2016

Mrs. Emily O'Reilly
European Ombudsman

Subject: Recent initiatives to improve Eurogroup transparency

Thank you very much for your letter of 14 March and your kind words of appreciation for the recent initiatives to improve the transparency of the Eurogroup. I very much agree with you that transparency is closely tied to legitimacy. This is an issue which has become particularly relevant for the Eurogroup, since its work has become increasingly connected with concrete policy actions in the context of the euro area's crisis response.

Let me recall however that the Eurogroup is an informal gathering of Finance Ministers. Therefore, under the Treaties, it cannot be considered part of the 'institutions, bodies, offices and agencies' within the meaning of Art. 15(3) TFEU or Art. 42 of the Charter of Fundamental Rights. Furthermore, the Members of the Eurogroup may meet in their capacity of Governors under the European Stability Mechanism Treaty. ESM bodies are of an intergovernmental nature and hence, not covered by the EU Treaties' provisions on transparency or by Regulation n° 1049/2001 regarding public access to European Parliament, Council and Commission documents.

Despite these legal considerations, the Eurogroup's recent initiatives respond to perceived shortcomings in transparency and reflect the political will to adhere to the principles stated in Art. 15(3) TFEU and Regulation 1049/2001.

The Eurogroup's decisions on transparency were reached in two stages. First, in February 2016, we agreed on the timely publication of annotated agendas and my summing-up letters. Second, in March 2016, after we had mandated the Eurogroup Working Group (EWG) to further explore the issue, we agreed on the publication of documents shortly after Eurogroup meetings unless there are well-founded objections¹.

The information note from the Council's Legal Service, to which you referred in your letter, served as background to our discussions and helped to inform our decisions.

¹ Cf. item 5b of the published summing-up letter of the EG meeting of 7 March, consistent with Art. 4 of Regulation 1049/2001

In line with recital (11) of Regulation 1049/2001 and with a view to safeguard its ability to carry out its operations - the Eurogroup deemed it necessary to protect the internal discussions that take place in the EWG to prepare the Eurogroup at technical level. The confidentiality of the EWG's proceedings is in line with Council Decision 2012/245 on a revision of the Statutes of the Economic and Financial Committee, which comprises the EWG.

However, the Eurogroup's proactive transparency regime in principle applies to all documents on which the political debate in the Eurogroup is based. The timely publication of the annotated agendas and the summing-up letters provides a precise picture of this political debate. This new regime is therefore, in my view, consistent with the EU principles and rules on transparency, even though these do not directly apply to the Eurogroup. I am confident that our initiatives will adequately address information needs and consider that, while I am open to suggestions for further improvement, the newly instated regime should first be given time to demonstrate its effectiveness.

Finally, it goes without saying that individual requests for public access submitted to me or the Eurogroup's support structures (i.e. the General Secretariat of the Council and the Commission-based Secretariat of the Eurogroup Working Group) will continue being addressed by the institutions (i.e. the Council or the Commission) holding the relevant documents and which are therefore responsible for the application of Regulation n° 1049/2001.

Kind regards,

Jeroen Dijsselbloem
President of the Eurogroup