

The Hague, 25 November 2016

Mrs. Emily O'Reilly
European Ombudsman

Subject: Initiatives to improve Eurogroup transparency

Dear Miss O'Reilly,

Thank you again for your encouraging words and remarks, which will feed into our further reflection on the matter in due course.

Let me clarify a few of the points you mentioned in your letter:

First, access to documents held only by the national delegations participating in the Eurogroup, but not by its support structures in the General Secretariat of the Council and the Commission.

In the Eurogroup of 7 March 2016 it was decided that documents submitted to the Eurogroup will, as a rule, be published, unless there are well-founded objections such as i) documents which are still work in progress, and/or subject to further substantial changes; ii) documents containing confidential or market-sensitive information; and iii) documents for which the author institution objects to their publication.

The bulk of the Eurogroup documents is prepared by the European Commission and ESM. The agreement applies to all documents submitted to the Eurogroup. However – as mentioned in my previous letter – EU Regulation 1049/2001 does not apply to the Eurogroup, it not being an institution or body within the meaning of the Treaties, as recently judged by the European Court of Justice in the Cypriot bail-in cases. Therefore documents held by national delegations will have to be handled in accordance with the national legislation on transparency. In case a request is made for public access to those documents I will redirect the request to the relevant national institution.

Second, the remarks concerning the Eurogroup Working Group (EWG). The role of the EWG is to prepare the meetings of the Eurogroup at a technical level. Its proceedings are hence closely aligned to the Eurogroup agenda, which is now published, in annotated form, prior to the Eurogroup meetings. Moreover, my Eurogroup summing-up letters are now also published shortly

after the Eurogroup meetings and reflect the preparatory work of the EWG when relevant. In deciding on its transparency regime, the Eurogroup adhered to the existing legislation and upheld the confidential nature of the EWG proceedings.

Third, the publication of programme documentation. In the ESM Board of Governors (BoG) meeting in June it was indeed confirmed to publish programme documentation ahead of the ESM Board of Governors meetings. This arrangement is consistent with the decision to publish programme documents after the Eurogroup meetings. The ESM governing bodies typically convene once the relevant national procedures, which commence after the Eurogroup has reached a political understanding, have run their course. Publishing these documents prior to the Eurogroup meetings was not deemed appropriate by the Eurogroup since they can be subject to change and are part of a negotiation process.

Fourth, the overview of Eurogroup documentation. I am pleased to inform you that since the introduction of the transparency regime, the Eurogroup has not only published on its website the annotated agenda and summing-up letters of all its meetings, but also other documents, which mainly concern notes underlying our thematic discussions. Programme documentation is published on the website of the European Commission and the ESM.

Let me reassure you once again that we are committed to furthering the transparency of the political deliberations of the Eurogroup despite the fact that the EU provisions in this regard are not directly applicable.

I am confident that the initiatives which we have started to implement will indeed address the information needs of the European citizens and thereby contribute to an improved understanding of our work.

Kind regards,

Jeroen  Dijsselbloem
President of the Eurogroup