

# ERA Seminar “Access to Documents in the EU and Beyond: Regulation 1049/2001 in Practice”

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On 20<sup>th</sup> and 21<sup>st</sup> November 2017 in Brussels, the Academy of European Law (ERA) hosted the seminar: **“Access to Documents in the EU and Beyond: Regulation 1049/2001 in Practice”**, bringing together national and EU civil servants, lawyers, active members of the NGOs and civil society, and academics. The seminar aimed at providing participants with answers to practical questions on access to information and documents in the European Union. The focus in particular was on the practical implementation of Regulation 1049/2001 on access to documents by the EU institutions, on one hand, and by the relevant institutions in Member States, on the other. The seminar further provided for an overview of recent relevant case law of the Court of Justice of the European Union and the opportunity to deliberate about how best to implement those judgments in practice. Lastly, it offered a platform for a discussion of the future development of access to information. This post provides a brief overview of the presentations. For a full report on the presentations and of the discussions on the issues raised, see Full Report.

Following the introductory remarks by the organisers, *Prof. Päivi Leino-Sandberg* (University of Eastern Finland) provided the audience with a comprehensive overview of the diverse European Union legal landscape in which the right to information operates: namely, the EU Treaties, the Charter of Fundamental Rights and the European Convention of Human Rights.

This set the scene for the discussion about the challenges of practical implementation of the Regulation by the representatives of the European Commission (*Martine Fouwels*), the European Parliament (*Chiara Malasomma*) and the Council of the EU (*Emanuele Rebasti*). The audience was next given a valuable insight into the best practices of several Member States, namely Sweden (*Sara Johansson*), Finland (*Anna Pohjalainen*), and Poland (*Ewa Gromnicka*), in the application of Regulation 1049/2001 as well as the insight into the common

challenges they are confronted with in this context.

*Katarzyna Szychowska* (General Court of the European Union) provided the audience with a comprehensive overview of the recent case law of the CJEU in matters relating to access to documents under Regulation 1049/2001. In this respect, a distinction was made between the different types of documents to which access has been requested and on which the Court has built its case law.

Day One closed with a stimulating workshop, which was prepared and conducted by *Emanuele Rebasti*. The participants were presented with a hypothetical problem of handling a request for access to documents and asked to apply the information gained during the seminar.

The next morning *Vitor Teixeira* from Transparency International Brussels presented the activities of his organisation, oriented towards creating a new system of EU lobby transparency. The focus in particular was on the idea of a mandatory EU lobby register.

The conference closed with a round table discussion on new ideas with regard to access to documents. *Nick Aiossa* (Transparency International Brussels), *Helen Darbishire* (Access Info Europe), *Graham Smith* (European Ombudsman Cabinet), exchanged their views on the ways in which to improve the dialogue between the citizens and the authorities in the area of access to information. This prompted a lively discussion amongst the participants.

The overall conclusion of the conference was that the debate on transparency and access to documents has become much more sophisticated since the adoption of the Regulation 1049/2001 and that a lot has been done in order to improve its implementation. The importance was stressed of the dialogue among all the stakeholders in order to better the situation.