

Brussels, 9 February 2012

To: Martin Schulz, President of the European Parliament

Cc: Erminia Mazzoni, Chair of the European Parliament Petitions Committee

Subject: Petition to the European Parliament on public access to documents

Dear Martin Schulz,

We are writing to request that you address a petition, supported by 19 European civil society organisations from various sectors, about public access to documents, with particular focus on environmental information. This petition aims at drawing your attention to the repeated failure of the European Commission to comply with its legal obligations under the Regulation on Public Access to European Parliament, Council and Commission Documents (Regulation 1049/2001), as well as the requirements of the Aarhus Convention on Access to Information, Public participation in Decision-making and Access to Justice in Environmental Matters (The Aarhus convention) and the related Regulation on the Application of the Provisions of the Aarhus Convention to EU institutions and bodies (Regulation 1367/2006). This petition, by documenting the various types of failures that have been encountered by the Applicants over the last several years, shows a systemic trend towards secrecy rather than disclosure in the European Commission's answers to public access to documents requests.

We seek your support for this petition, which reflects very deep concerns among European civil society organisations about the current implementation of the fundamental rights to openness and transparency by the European Commission, and the future safeguard of these rights. Despite the Commission's legal obligations under European Union (EU) law, civil society organisations have faced multiple obstacles when seeking to obtain documents held by the Commission. At times, this has strongly hampered our ability to take part in the policy and decision-making processes in the EU. Initiatives to challenge the Commission's refusal to disclose information, such as complaints to the European Ombudsman or Court cases, even when successful, have not triggered the systemic change that is needed in the Commission's behaviour in order to ensure greater openness and transparency. For each type of failure documented in the petition, you will find a detailed annex¹, which lists specific examples of related requests. The Commission's failures include:

- Failure to comply with time-limits;
- Failure to comply with the Aarhus Convention on access to information in environmental matters;

¹ The annex submitted with this petition is subject to additions, based on the reception of more examples of requests and cases from other civil society organisations.

- Failure to actively disseminate environmental information;
- Failure to demonstrate that there is no overriding public interest in disclosure; and,
- Failure to comply with decisions of the European Ombudsman.

The proposal adopted by the Commission to recast Regulation 1049/2001 also demonstrates the tendency to restrict the scope of the right of access, rather than securing and advancing EU transparency in line with the public's right of access to documents, as set out in the Treaty on the EU (Articles 1 and 11), the Treaty on the Functioning of the EU (Article 15) and the Charter of Fundamental Rights (Article 42).

In December 2011, in its first reading position, the Parliament responded to the Commission's proposal by voting in favour of further openness within European institutions, thereby promoting transparency rather than secrecy.

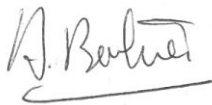
We call on Members of European Parliament to:

- Continue to show their support of the public right of access to information by investigating the matter raised in this petition and taking it to the plenary of the Parliament, in order to further pressure the European Commission over its repeated failure to comply with its legal obligations under the Aarhus Convention, Regulation 1367/2006 and Regulation 1049/2001;
- Keep the same approach towards further openness in the upcoming negotiations with the Council and the Commission on the future of Regulation 1049/2001;
- Make a recommendation for the Commission to bring Regulation 1049/2001 in line with the provisions of the Aarhus convention, as it is legally required to do. Having already brought Regulation 1049/2001 in line with the Lisbon Treaty, there is no reason the same process cannot be completed for compliance with the Aarhus convention.

Please do not hesitate to contact us for any further details you may require.

Yours sincerely,

On behalf of the applicants,



Anaïs Berthier
Environmental justice lawyer
ClientEarth
Avenue de Tervueren 36
1040 Brussels
aberthier@clientearth.org



Natacha Cingotti
Transparency campaigner
Friends of the Earth Europe
Rue d'Edimbourg 26
1050 Brussels
natacha.cingotti@foeeurope.org

Contact: Anaïs Berthier, aberthier@clientearth.org ; +32(0)2 808 34 68



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