



Pesticide
Action
Network
Europe

PRESS RELEASE

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PAN Europe court victory increases transparency for Europeans

PAN Europe just won a legal case at the European Court of Justice against the EU Commission (DG Trade), for refusing to provide access to documents with information on endocrine disrupting chemicals (EDCs). Finally, a breath of fresh air for European democracy!

Luxembourg court today, in a case filed by PAN Europe and supported by Sweden¹, rejected EU Commission's overused argument of "an ongoing policy" to deny the right for the public to access documents of Community institutions and bodies. This was one of the main arguments of the Commission's Trade Directorate, for refusing to provide full access to 36 out of the 55 documents PAN Europe had requested on EDCs².

The Court states that the general claim that the disclosure of documents undermines the decision-making process [Article 4(3) Reg. 1049/2001] on EDCs is not valid. The arguments that documents are of "preliminary nature" or for "internal use" cannot serve anymore for denying access to citizens. According to the Court, these are "general, vague and imprecise claims" and miss the overall objective of the Reg. 1367/2006 to create "an even closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizens". If the Commission wishes to block access to documents using Article 4(3), it will have to provide precise and specific information, which failed to do here. This raises the bar very high for the Commission, which will prevent it from (mis)using this Article so frequently.

PAN Europe welcomes positively the court ruling. The "ongoing policy" argument is being used increasingly not only by EU Commission but by other institutions like Food Authority EFSA, to deny the public access to specific documents. This undermines the European law, for a united Europe, where European citizens have public access to information, participate in the decision-making process and have access to justice in environmental matters.

Up to a few years ago, Article 4(3) was not used at all. This shows, according to PAN, that the attitude of EU institutions towards transparency is worsening and regulators prefer to overlook the law and deal behind closed doors, keeping European Citizens at a distance from public decisions.

¹<http://curia.europa.eu/juris/document/document.jsf?text=&docid=183542&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=436302>

²Out of the 36 documents Commission gave partial access to 15 and refused any access to 21.