

Commission initiatives in the field of openness and information

Introduction

The Treaty of Maastricht,¹ and the European Councils in Birmingham, Edinburgh and Copenhagen that followed, highlighted the need for greater openness in the working of the EU institutions to bring them closer to the people and, more particularly the need:

- to stimulate debate on topical issues in the Community and on the future of Europe;
- to improve public participation in the decision-making process;
- to strengthen the democratic nature of the institutions and public confidence in the European administration by giving people the opportunity to monitor its work.

The EU institutions accordingly took a series of measures to make their work more transparent and to bring themselves closer to the public. These were confirmed in the interinstitutional declaration of 25 October 1993 on democracy, transparency and subsidiarity. These measures complement the steps taken by the Commission in the field of information and communication with a view to informing the general public or, in certain cases, a specific target group, about the workings of the institutions and the policies carried out at Community level. The various initiatives are described in the annex.

¹ Declaration No. 17 on the right of access to information, annexed to the Maastricht Treaty, reads as follows
“The Conference considers that transparency of the decision-making process strengthens the democratic nature of the institutions and the public’s confidence in the administration. The Conference accordingly recommends that the Commission submit to the Council no later than 1993 a report on measures designed to improve public access to the information available to the institutions.”

1. Commission measures to promote openness

A. Broader consultation of interested parties and greater participation in decision-making

The main aim of the measures taken by the Commission is to make the preparatory stage of proposals and decisions more transparent and accessible and to ensure that Commission departments make provision at the earliest possible stage for stimulating a public debate to assist their work, by giving all the interested parties a greater chance to voice their opinions.

The Commission sets out the policy priorities that will govern its actions **in its annual work programme**. Here it identifies the main initiatives - particularly legislation - it intends to undertake to achieve these priorities. The programme is presented and widely circulated sufficiently well in advance to allow for ample debate before the start of the year to which it applies. Experience in recent years shows that circulation via the Internet, on the Europa server, has improved ease of access and brought the information closer to the public, compared with publication in the Official Journal.

In connection with the exercise of its right of initiative in carrying out the actions specified in the work programme, the Commission has continued its efforts to **improve the organisation and transparency of preparatory work, and in particular the legislative process**. For example, consultative documents such as Green Papers give interested parties a chance to voice their opinions on particular subjects. The Commission's Green Paper on public sector information in the information society, published on 20 January 1999, is a prime example of this sort of exercise. In addition, the publication of various communications on strategy, discussion papers, documents on legislative programming and medium-term policy, such as White Papers and Framework Programmes, have had the effect of making the aims of Commission activity clearer and more structured within a more coherent framework. Thirdly, in the case of major Commission projects, such as the preparations for further enlargement, comprehensive communications have been presented covering all Community policies and measures that apply over a period of several years. The most recent example of this is Agenda 2000.

1. Dialogue with interest groups

Interest groups defined in the widest sense are in direct contact with most Commission departments. They serve not only as relays to inform their members about the Commission's work but also as a mouthpiece for their members' views.

Interest groups such as employers organisations, trade unions, industrial or professional associations, representatives of industry and trade, participate in a decentralised way.

Taking account of the views of the parties concerned in the preparation of Commission decisions is an important means of strengthening the democratic nature of the decision-making process and one of the checks and balances in the Community political system.

Since publication of its Communication entitled "An open and structured dialogue between the Commission and special interest groups" on 2 December 1992,² the Commission has been working to develop the instruments advocated:

- **A directory of non-profit interest groups.** Most Commission departments have lists of organisations in their field which they regularly consult when preparing legislation. The aim of producing such a directory was to collate and amplify these lists to produce the most comprehensive possible inventory of pan-European non-profit interest groups.

Produced on a voluntary basis, the directory is not a means of registration but a practical information tool for officials who wish to engage in the widest possible consultations. The first edition appeared in 1997, listing 600 groups active at Community level, together with their national members. In 1998 the printed version was replaced by an electronic one, with entries on 800 groups, incorporated in a web site devoted to relations between the Commission and interest groups available on EuropaPlus and Europa.

- **A system of self-regulation** whereby interest groups are invited to produce voluntary codes of conduct meeting certain minimum criteria laid down by the Commission in its Communication.

Several public affairs consultancies have adopted a common code of conduct based on these minimum criteria. The code itself and the list of signatories (currently around 100 companies and individuals) are available on the website. The Commission organises an annual meeting with the signatories to improve relations.

- **Rights and obligations of Commission staff.** Several reminders have been issued to Commission staff about the ethical rules laid down in the Staff Regulations. A code of conduct to improve ethical standards among officials will be adopted shortly.

One chapter of this code will deal specifically with relations between Commission officials and the public, thereby responding to the European Ombudsman's request of 17 November 1998.³

2. Dialogue with citizens and business

² OJ 63, 5 March 1993.

³ Own initiative inquiry – Code of good administrative behaviour.

A “permanent dialogue with citizens and business” was inaugurated at the European Council in Cardiff, with the aim of establishing direct communication with the public and companies using a variety of means: guides, factsheets and an Internet site.⁴ This permanent dialogue is intended to help individuals and businesses to find practical information on their rights and how to exercise them in the different Member States. They can also share their experiences to pinpoint failings in the internal market and help to improve the way it works. In this connection the Commission has recently opened a “one-stop shop” on the Internet for companies wanting to find out more about Single Market rules and opportunities. This practical aid, available in the 11 EU languages, may be used free of charge by businesses, particularly small businesses, to obtain answers to numerous practical questions. It provides a link to statistics, information and advice from many other existing sources. For example, it offers direct access to over 230 Euro-Info-Centres. It also gives free and direct access to notices of public contracts published in the TED database and to the contact points for citizens and businesses established in national administrations in the Member States to solve problems related to the Single Market.

B. Making Community legislation more accessible⁵

1. Simplification of existing legislation

The simplification process was set in motion by the Edinburgh and Brussels European Councils (December 1992 and December 1993) and has maintained its momentum ever since. Whole pieces of Community legislation have been the subject of simplification efforts by the Commission.⁶

Three wide-ranging initiatives should be mentioned:

- **SLIM** (Simpler Legislation for the Internal Market), an initiative launched in 1996, uses a novel approach to simplification bringing together small groups of experts from national administrations and a corresponding number of representatives of businesses using the legislation in teams chaired by the Commission. It has so far involved four stages which have resulted in the adoption by the Commission of several proposals for simplification in the areas identified. The fourth stage of the initiative has just been launched.
- The **BEST** Task Force, set up in response to the conclusions of the Amsterdam European Council to simplify the regulatory framework for small businesses, has produced specific recommendations which the Commission has taken up in a Communication and Action Plan.⁷
- The **BUSINESS TEST PANEL**, which enables the Commission to take into account the views of economic operators on the administrative constraints and costs of implementing new legislation, has proved to be an effective instrument worth developing.

2. Improving the quality of legislative drafting

⁴ See also the conclusions of the Cardiff European Council which welcomed “the Commission’s use of the Internet to promote an effective dialogue with citizens and business on their single market rights and opportunities.”

⁵ See the Commission’s report to the European Council: “Better lawmaking 1998 – A shared responsibility” (COM/98/715 Final).

⁶ For a more detailed description see the latest editions of the Commission’s annual “Better lawmaking” report to the European Council, CSE/95/580, CSE/96/7, COM/97/626 and COM/98/715.

⁷ COM/98/550.

Community legislation must be clear, coherent and unambiguous so that it can be understood by the public and business circles. This is particularly important given the constraints imposed by the need for various language versions, which can lead to differences in interpretation.

In order to give effect to Declaration No. 39 annexed to the Final Act of the Amsterdam Treaty, the Commission, Council and European Parliament adopted a joint agreement in 1998⁸ containing guidelines on the drafting of Community legislation. This lays down 22 rules for drafting legislation and describes the internal organisational measures each institution should take to ensure their effective application.

The measures are intended to create the conditions within the institutions that will encourage those framing legislation to improve the quality of their drafting. The new approach will be backed by both training in the area of formal legal drafting and the development of software to generate standard legislation in all official languages. LegisWrite, the logistical arm of the Greffe 2000 initiative, is already putting this approach into practice.

3. Consolidation, legislative consolidation and recasting

The Commission has been engaged in **legislative consolidation** for several years, despite the many difficulties involved (various language versions, constantly changing rules which require multiple amendments).

The Commission also uses the technique of **recasting**, which might in future offer a useful alternative to consolidation in the many cases where new substantive amendments are required. An interinstitutional agreement to allow for more structured recourse to this legislative technique is currently being drafted.

At the same time, the Commission is engaged in informal **consolidation** of legislative texts to satisfy the demands of professionals in the field and others using Community law. Consolidated texts are produced for information purposes only, to facilitate access to the legislation, and are not legally binding. This technique has proved extremely successful so far.

4. Better access to Community legislation

In order to ensure the widest possible access to Community law the Commission makes full use of new information technologies, for example by distributing information via the Europa server on the Internet. The texts of the Treaties, Community legislation in force and case law, for example, are published in all 11 official Community languages on the EUR-Lex site. The C and L series of the Official Journal are also available free of charge on this site for 45 days after publication. CELEX, the interinstitutional system of documentation on Community law is also available via the Europa server, as is the SCAD+ database, which primarily monitors the legal work connected with the completion of the internal market and the development of flanking policies. The Publications Office has also recently started offering the C and L series of the Official Journal, COM documents and consolidated versions of Community legislation via EUDOR - European Union Document Delivery Service.

⁸ Bull. 12-1998.

C. Public access to the institutions' internal documents

One of the key measures taken by the Commission as part of its policy of openness concerns public access to its documents. The implementation of this measure since its introduction in 1994 is the subject of this communication.

D. International commitments

The Community has demonstrated its commitment to the principle of openness at international level by signing the EEC/UN Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at the Inter-ministerial Conference in Aarhus, Denmark, on 23-25 June 1998. The significance of this Convention lies in the fact that it is the first legally binding instrument of this nature that applies specifically to the European institutions.

2. Commission action in the field of information and communication

A. Europe Direct

The Commission has set up a new service - EUROPE DIRECT – to provide a one-stop shop for members of the public with questions about the European Union. Enquiries may be made via free telephone lines, E-mail, fax and post and the service is accessible from all Member States in all official languages. Answers are provided at once or within a maximum of three working days.

B. Contacts with the public and the press

In addition to its annual open days, the European Commission invites groups of citizens to visit the institution throughout the year to obtain information on general subjects or specific topics. Speakers lecturing in the Member States foster direct contacts with the public (Team Europe and Groupeuro), and the European Union also takes part in conferences and exhibitions.

The Commission maintains contacts with the 800 accredited journalists in Brussels through a daily press conference, organised by the Spokesman's Service and by issuing press releases which are also available on the Rapid site on Europa.

C. Information campaigns

Three priority information campaigns have been launched for the general public under the Prince programme:

- “Building Europe together” opened the public debate on the challenges of European integration, with special priority being given to information for women and young people. The Commission has also funded several hundred projects under this heading in partnership with civil society and the Member States;
- “Citizens of Europe” was a campaign to inform European citizens of their rights in the Single Market, for example to live, study, travel and buy goods and services in other Member States. This campaign has been succeeded by the initiative to establish a “permanent dialogue with citizens and business”;

- the campaign entitled "The euro, a currency for Europe" seeks to prepare the public and businesses for and inform them about the introduction of the single currency. Partnerships have been agreed with the Member States in the euro area to contribute to national information campaigns.

D. Decentralised information – relays in the Member States

In order to put into practice the principle of subsidiarity and proximity, the Commission has continued its policy of decentralising information by giving a greater role to the various relays, networks and local information structures coordinated by its Offices in the Member States. The number of Info-Points, rural information centres and European Documentation Centres has considerably increased, with a view to providing information about the EU at a level closer to Europe's citizens. More and more people now have access to information about the Union close to their home or workplace, and there are currently around 1 000 information relays in operation.

E. Means of distributing information: the EUROPA server and publications

The development of the new technologies of electronic communication mean that the distribution of information via the Internet is becoming increasingly important. The Europa server, coordinated and managed by the Commission, supplies information on all EU institutions in the 11 official languages. It is an essential instrument for dialogue between the Commission and its citizens: for example, the inclusion of the Directory of officials of the various European institutions and the organisation chart of each Directorate-General enables members of the public to contact the officials responsible for a particular subject directly. Europa has proved highly successful: it records over 50 million hits a month.

Mention should also be made here of EuropaPlus, the Commission's intranet. This internal server provides a regular, up-to-date flow of information within the Commission, thus ensuring greater consistency in contacts with the outside world.

At the same time, the Commission, working closely with the Office for Official Publications, has taken a number of measures to improve the dissemination of information via its publications: weekly publication in the OJ of lists of documents on general subjects, greater access to documents on a particular sector, more rapid publication of Commission documents in all official languages, production of a list of studies carried out, revision of publication programmes, etc.

3. Current programmes

The Treaty of Amsterdam incorporates the idea of openness and the conclusions of the Cardiff European Council stressed the need "to bring the Union closer to people by making it more open, more understandable and more relevant to daily life." They also state that "the Commission, the Council and the European Parliament should prepare rapid implementation of the new provisions on openness in the Treaty of Amsterdam". In the same vein, the conclusions of the General Affairs Council on 6-7 December 1998 stressed the importance of information activities to bring Europe close to the people. They also acknowledge the central role of the Commission in promoting interinstitutional cooperation in the area of information about the European Union and establishing mechanisms for exchanging experiences with the Member States.

The need to improve the transparency of the workings of the European institutions is also emphasised in the European Parliament's report on the subject.⁹

The Commission's aim here is to ensure that people are better informed about those things that directly concern them and are able to give their views on matters in preparation.

It is therefore important that the Commission take steps to conduct a user-friendly information policy that meets the needs of the people and to improve the standard of its information campaigns by sharpening up their objectives. A special information effort will be made for the new countries joining the Union, with greater decentralisation of information distribution. The possibilities which new technology will offer in terms of synergy between Europa and Europe Direct, broadcasting on EbS, etc. will also have to be investigated carefully.

The policy of openness already begun must be continued, and the drafting and implementation of the Commission's work programme must be improved, for example by launching a series of initiatives along the following lines:

- creating an awareness of the importance of openness within the Commission, for example in the training of new officials. Transparency within the Commission's own administration is an essential prerequisite for openness towards the outside world;
- improving direct contacts with the public by introducing a code of conduct for officials in their relations with the public;
- continuing efforts to simplify and clarify Community texts, together with the formal and informal consolidation of Community legislation;
- increasing dissemination on Europa of information on the decision-making process, particularly:
 - what has been accomplished (including legislation adopted and preparatory work);
 - on-going work (including timetable of work and an indication for each proposal of the stage of the legislative process reached, department responsible and person to contact);
 - plans for the future;
- improving advance publicity and follow-up information about grants, in particular:
 - measures such as implementing the Vade Mecum on Grant Management aimed at increasing the number of potential beneficiaries by applying more consistent award procedures;
 - disseminating information about existing programmes to potential beneficiaries of grants in a more user-friendly form (update Guide to Grants and Loans, regroup information from the various directorates-general on a single webpage);
 - improving circulation of follow-up information on grants awarded (names of beneficiaries, amounts awarded, etc.).
- improving transparency and information in certain areas that are still too secretive, notably:
 - the work of the committees operating under the Committee Procedures Decision;
 - the work of Commission committees and groups of experts;¹⁰

⁹ Report by Ms LÖÖW on transparency in the European Union.

- applying the new Article 255 of the EC Treaty on access to the institutions' documents.

¹⁰ Lists of members of advisory committee created by the Commission are already published in the Official Journal.