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Access to documents

EU Commission forced into greater transparency by European Court

The General Court of the EU today ruled in favour of former Green MEP Carl Schlyter in a case against the European Commission regarding access to documents. Under the terms of the ruling, the Commission will be obliged to make documents involving its investigations into national legislation proposed by EU member states available to the public (1). Commenting on the ruling, Green transparency spokesperson **Heidi Hautala** said:

"This landmark ruling has fundamental implications for increasing transparency of how the European Commission works. I want to congratulate Carl Schlyter who has shown how important it is that citizens use the means available to hold the EU accountable.

"The EU's General Court has ruled that the Commission was wrong to withhold documents related to its assessment of draft national laws proposed by EU member states. It is clearly in the interest of democratic scrutiny that the details of a European Commission objection to a draft national law should be public while the Commission objection is ongoing and not only afterwards. This ruling puts an end to legislative debates on national legislation behind closed doors.

"While it is unfortunate it took a court ruling to force the European Commission into greater transparency, we would now strongly urge the Commission to accept and abide by the ruling and not to appeal. Given Commission president Juncker has stated one of his priorities is to make the European Commission and the EU institutions more transparent, anything other than full acceptance and compliance would smack of hypocrisy."

(1) Carl Schlyter took the case against the European Commission over its refusal to grant access to a crucial document (a 'detailed opinion') related to the Commission's objection to a draft law in France regarding the creation of an inventory for nanomaterials.

The Commission has the power to object to draft national laws in EU member states if it determines these laws could be barriers to trade (http://ec.europa.eu/growth/single-market/barriers-to-trade/tris/index_en.htm). Under the procedure, the Commission issues a 'detailed opinion', which can lead to the law being withdrawn or amended. Carl Schlyter's request to access the 'detailed opinion' was refused by the Commission, prompting the legal challenge.

The General Court has today ruled that the Commission should have made the document available as a 'detailed opinion' of a Commission objection is not the same as an investigation, inspection or audit, to which the Commission is entitled to restrict access to documents. The judgement can be found at:

<http://curia.europa.eu/juris/document/document.jsf?text=&docid=163724&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=322903>

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Heidi Hautala

EP Vice-President, Member

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