

EUROPEAN COMMISSION
SECRETARIAT-GENERAL

Directorate B
Director

Brussels, 12.03.2013
SG.B.5/MM/rc- sg.dsg1.b.5(2013) 380382

Mr Jesús Escudero

by email only to:
ask+request-414-d92db5fa@asktheeu.org

Subject: Request for access to reports of the European Commission about the Spanish Transparency Law

Dear Sir,

I refer to your email of 5 March 2013, which was submitted through the asktheeu website.

You request documents containing the following information:

1. Monitoring, suggestions, reports and correspondence of the European Commission with the Spanish Government about Spain's first Transparency Law.
2. Requirements of the European Commission on the Spanish Government to bring the future Law on Transparency to the standards set by Regulation 1049/2001.

The Commission does not hold any documents containing this kind of information, since there have been no contacts between the Commission and the Spanish authorities with regard to the drafting of Spain's first Law on Transparency.

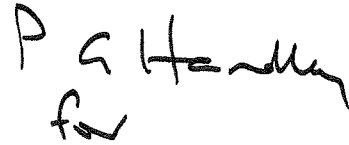
This is due to the fact that Regulation (EC) No 1049/2001 only applies to institutions and bodies of the European Union, not to Member States. The Treaty on the Functioning of the European Union (TFEU) only provides a legal basis for access to documents of institutions, bodies, offices and agencies of the EU in its Article 15(3).

Since there is no legal basis in the Treaty for rules on transparency at national level, there is no obligation for Member States to align their transparency law to an EU standard. Consequently, the Commission has no power to monitor national laws on transparency. At EU level, Member States are only bound by Directive 2003/4 on access to environmental information. Spain has transposed this Directive through a law on access to environmental information¹.

¹ LEY 27/2006, de 18 de julio, por la que se regulan los derechos de acceso a la información, de participación pública y de acceso a la justicia en materia de medio ambiente

International standards for transparency have been set by the Council of Europe, in Recommendation Rec(2002)2 on access to official documents, which is not binding, and in Convention No 205 on access to official documents, which has not yet been signed or ratified by Spain. More information regarding the Recommendation and the Convention can be found on the website of the Council of Europe².

Yours faithfully,

A handwritten signature in black ink, appearing to read 'P. G. H. Szlaszewski' with a stylized flourish below it.

Hubert Szlaszewski

² www.coe.int