

API statement on today's judgement of the Court of First Instance on access to documents of the EU institutions

On September 12th, the Court of First Instance (CFI) partially upheld an appeal by the Association de la Presse Internationale (API) seeking access to the European Commission's written pleadings filed before the European Courts. The appeal was based on Regulation 1049/2001, the so-called Transparency Regulation, which mandates access to documents held by the EU Institutions. The CFI found that the Commission does not have to give access to pleadings before the oral hearing, but must disclose pleadings after the hearing unless it cites a specific reason as to why such a disclosure would prejudice its position before the Court.

"As a result of our action, the Commission will be forced now to grant more access to its documents, even though not as much as we wanted", said Lorenzo Consoli, API president. " Despite our partial victory today, we are not quite satisfied. We continue to believe that in a democratic society there is no place for routine secrecy -- aside from business secrets -- when the European Commission submits arguments to the Community courts."

Sven Völcker, a partner at the law firm of WilmerHale which represented API before the CFI, added: " We have won on some important points, but API will continue its struggle for more transparency on appeal to the Court of Justice."

This message is sent by the Association de la Presse Internationale / International Press Association (API-IPA)