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- THE ASSOCIATION OF THE PARENTS' ASSOCIATIONS OF THE EUROPEAN SCHOOLS -

**Memorandum for the attention of the Board of Governors and
the Administrative and Financial Committee (CAF)**

8 December 2008

Subject: Transparency and Access to documents

References: Regulation (EC) No 1049/2001
Interparents Letter to the Secretary General, 17 November 2008
DADEE **1911 -D-2008-en-1**, issued 29 November.
DADEE 2006-D-102-fr: Assurance et développement de la qualité dans les Ecoles européennes – transparence et code de bonne conduite administrative dans le système des Ecoles européennes.

I. Introduction and Summary

Interparents respectfully submits that the recently published CAF document regarding confidentiality of preparatory documents for the European schools meetings, 1911 -D-2008-en-1 is not consistent with the established policy of the European Schools system regarding transparency and good administrative practice, nor with the general policy of the European Union Institutions with which the Board of Governors and the Bureau of the European Schools is intimately associated.

Furthermore, the general trend of public administration in Europe and internationally is towards greater transparency, easier access to information and fuller participation of the interested parties from civil society in decision making processes. In the context of the EU Institutions, this trend is reflected in increasingly open decision making processes supported by full information and consultation of stakeholders, notably through the Internet.

Accordingly, Interparents requests that the European Schools system as a whole, and the Board of Governors and its Committees and Working groups in particular, adopt and respect good administrative practice in this area. Sufficient law, precedent and guidance is already available in the Union and in the Member States, for this approach to cause no difficulty neither of principle nor of practice.

Thus, Interparents requests that the document 1911 -D-2008-en-1 be withdrawn and reconsidered in the light of these arguments.

II. Background

The European Schools have previously addressed this issue and relevant policies and guidelines have already been adopted by the Board of Governors and addressed to the schools. Relevant extracts from documents 2000-D-264-en-2, 2006-D-102-fr-2 and 112-D-2007-en-3 are attached in Annexe. From these it is clear that already in 2000, the intention was that there would be systematic public access to data concerning the European Schools. This was confirmed as far as the schools themselves are concerned in 2006 and in 2007 it was clarified that (with certain exceptions, some of which are no longer relevant) this approach is maintained throughout the system. The 2007 document states that “The parents . . . receive the documents and can circulate them to their representatives in the different schools.”

On 30 May 2001, the Council and the European Parliament adopted the Regulation 1049/2001 regarding public access to the documents of the EU Institutions. The purpose of this Regulation is, *inter alia*, to “ensure the widest possible access to documents.” Although *strictu sensu* the European Schools and its Bureau are not EU Institutions, as such, in practice the fact is that the delegations of the Member States and the European Commission are already subject to the provisions of the Regulation and the Bureau itself is actually housed within the walls of the Commission itself. There are several precedents for the obligatory or voluntary conformance of the European Schools system to the provisions of EU legislation.

The Regulation provides for exceptions in Article 4. Interparents is of the opinion that apart from documents containing particularly sensitive information, none of the exceptions cited in the Regulation would apply to the communications between the Bureau and the members of the Board of Governors, its Committees and Working Groups. In our view, the exceptions relating to “internal consultations” refer to preparatory documents prepared within the Bureau such as drafts and notes. Not to documents communicated outside the Bureau to the members of the Board of Governors and other European School entities.

III. Recent developments

At the meeting of the Board of Governors 20-22 October 2008, the issue of publication of decisions by the Board was discussed at the request of the delegation of the Czech Republic. Document 2008-D-299-fr-1 refers. Interparents' statement in that debate was subsequently confirmed in a [letter to the Secretary General](#) dated 17 November 2008, attached.

In our letter, Interparents confirms our approach to this issue. In short we requested that:

1. Substantive policy-related documents should be posted to the website for public consultation before decisions are taken by the Board of Governors.
2. All document should be classified as either Derestricted, Restricted or Confidential. All documents in their final form should be Derestricted after decision by the Board of Governors. Documents could be temporarily restricted while they are under consideration by Committees and Working Groups. Confidential documents would be a very narrow category, essentially limited to sensitive personnel and financial matters.
3. For practical reasons, there should be a single category of users, authorised to access all restricted documents.

Interparents has requested that this letter be forwarded to the Board of Governors and posted to the [Bureau's website](#).

The Bureau subsequently issued a new document, 1911-D-2008, referred to above, about the confidentiality of preparatory documents. This document includes several proposals which are inconsistent with past and contemporary practice and with general EU policy in this area:

1. The reference to “confidentiality” is inappropriate. Confidential documents are a very narrow category of information, which is – for instance – described in Article 4 of Regulation 1049/2001. At most, document 1911 refers generally to documents which might be temporarily restricted.
2. The current procedure of sending documents only to official members of a committee or working group does not have the effect of restricting documents to the members. Most members of groups will in any event have to communicate documents to their mandates, their colleagues, and/or their authorities before taking position in the meetings. Furthermore, maintaining correct lists of members of Committees and Working

Groups has proved to be problematic in practice.

3. The institution of a “signed confidentiality form” would appear to be superfluous. To be implemented at all, quite large numbers of the delegates and national officials would have to be authorised to access restricted documents which would tend to defeat the announced purpose, which is in any event not justified. Otherwise they could not fulfill their mandates and responsibilities. They could not do their work.

4. Document 1911 also refers to the above letter from Interparents. However it only retains the second point about temporarily restricting working documents. Interparents regards our proposals as a whole. Our other proposals regarding public consultation, and a single category of authorised users, are equally, if not more important.

As indicated above, Interparents requests that document 1911-D-2008-en-1 be withdrawn and the whole issue reconsidered in the light of EU law, policy and practice in the area of transparency.

Attachment: [Interparents letter of 17 November 2008](#)

Annexe: Relevant extracts from European School documents 2000-2007.

I. 2000-D-264-en-2, Quality Assurance and Development in the European Schools

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3. Public Access to Documents, including Statistics

There will be systematic public access to data concerning the European Schools, with the exception of individual personal data or information judged confidential by the Director, either by publication on a website or by direct transmission on request. Information posted on websites will, as far as reasonably possible, be available in the three vehicular languages of the European Schools and in the language of the school's host country.

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II. 2006-D-102-fr-2 Assurance de développement de la qualité dans les Ecoles européennes - transparence et code de bonne conduite administrative dans le système des Ecoles européennes.

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3. Accès public aux documents, y compris les statistiques

L'accès au public des données concernant les écoles européennes, à l'exception des données personnelles individuelles, ou d'informations jugées confidentielles par le Directeur, sera systématiquement assuré, soit par publication sur un site web soit par transmission directe à la demande

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III. 112-D-2007-en-3, Annual Report of the Secretary-General to the Board of Governors of the European Schools

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11. Transparency

We are constantly very aware of the need to show transparency in the procedures followed by the Office and the schools.

A Code of Practice laying down the principles of transparency was adopted by the Board of Governors at its April 2004 meeting in Parma. Meanwhile, the principles set out in that document have been incorporated into the document used by the schools for self-evaluation and quality assurance purposes (2000-D-264-en-2), allowing its provisions with respect to management of the schools to be taken into account.

The European Schools' website is constantly updated by the webmaster, under Mrs Hommel's supervision. The system's basic documents are published on the website and in the case of particularly sensitive or controversial questions, the website is used to keep

the public informed. For example, the conclusions of the meetings of the Central Enrolment Authority for the Brussels Schools are published after each meeting.

The documents for the meetings of the different organs of the European Schools and of the working groups are published on DADEE for the members concerned.

Interparents wishes all the documents, including preparatory documents and working papers, to be accessible to all.

We have always considered that given the sheer volume of documents which circulate in the different versions, it is preferable if only the people directly concerned receive them.

The parents, who participate in all the bodies and the working groups, with the exception of the 'Cost Sharing' and 'Accreditation of Schools' Working Groups, receive the documents and can circulate them to their representatives in the different schools.
