

Intervention by Arne König, president of the EFJ, the European Federation of Journalists, at a hearing on the right to access documents, 13 April 2011, in the European Parliament.

Dear Members of Parliament, dear participants of this hearing.

Thank you for inviting me and the EFJ, the European Federation of Journalists to this hearing. I represent an organization with member affiliates in around 30 European countries and with a quarter of a million individual members. The access to documents is of course crucial to journalists as well as to other citizens. I would like to put the access to documents in a framework of openness and transparency and access to information, which is more and more becoming a problem for the citizens of Europe.

In a few months time it will be 10 years since the events now known as 9/11. The acts of terror in the United States were followed by a worldwide anti terror legislation. In Reykjavik, Iceland, the council of Europe adopted a resolution in the summer of 2009, the Reykjavik declaration. It said that we clearly have gone too far when it comes to legislation hindering freedom of speech and freedom of the media. The anti terror laws should be reviewed, all national legislation should be reviewed on a yearly basis, according to the recommendation adopted. The aim – to get us back on track when it comes to freedom of speech and freedom of the media and journalists.

As far as I know, no single state of the Council of Europe members, and thereby in most cases also members of the EU, have started this process. Instead the members of the European Union goes on with data retention, with systems of surveillance of computer and telephone communications. All measures which makes it extremely hard if not impossible for journalists to maintain their protection of sources. The climate for the media is in more and more circumstances not openness, it is the opposite. From the British example where professional news photographers are hindered by the police to cover demonstrations and other normal news events, to the EU applicant state of Turkey where now almost 70 journalists are in prison for doing their job - reporting. Yesterday I met the president of the journalists union in Turkey, Ercan Ipekci, who told me a climate of fear is being introduced among journalists, who now are receiving threats on the phone or in their mail.

Access to documents needs to be seen in this perspective, of a climate of less openness, less freedom for the media and journalists, a more troubled scene where journalists in many European countries find it very hard to do their job properly. The latest example is of course the new Hungarian Media law, where the European Parliament in the eyes of the European Federation took a very strong and positive stand through its statement in the issue. But we see in many European countries that quality information to the citizens is lacking. For commercial reasons. As a result of poorly developed and not supported public service media. As a result of media concentration, as a result of national legislation - due to the lack of understanding of governments on the need of journalism as a public good. Of journalism as an important tool in the democratic process.

The recent EU rules on access to documentation are in general terms useful and have been a big step forward. We have seen examples on where the court adjusts problems with the

interpretation. We have also lately seen examples where unfortunately the court decides in a direction against openness.

When the Swedish journalist Staffan Dahllöf in 2008 tried to get access to documents concerning complaints against unfair competition in the field of subsidies to the media, the process was interesting and in my view scaring. The argument for not giving the documents were: the matter had no public interest. And this was said against a background of a lively debate in Sweden about the subsidy system and the possibilities of keeping a system with more than one morning news paper in two major cities in the country.

Staffan Dahllöf also during the process was told in a letter from the commission that here was a real tricky problem, the answer on having access to the documents in questions had to wait, had to wait for more than the stipulated 15 days, it was announced, without any hesitation. For journalists now living in the digital age, in reality with a deadline every second, already 15 days is an extremely long period to wait for information.

Also in connection with subsidies, this time to farmers, last year it has been ruled that when millions of euros in form of tax payers money goes to individual farmers or farming companies, this is for integrity reasons not longer open information. It cannot be put on websites any more. But the same information on Swedish receivers of subsidies is still available in Sweden, not generally on websites, but through the national freedom of information act. The individual integrity has to be considered as less important than the tax payers need to see how our money is being used.

The proposal now from the commission to review the openness regulation and make it in line with the Lisbon treaty, thus including all the European institutions, would again be a step forward. This of course meaning that the European Institutions not being interpreted as also covering national institutions.

Revised openness rules for EU and its institutions must not be complicated, with problems defining a document or categories of document. It is of course crucial not to undermine what already is existing in terms of rules.

But again – I might be one of the few persons here addressing this – when you in the Parliament go on with your important work on openness rules, please consider this in the framework I tried to describe before. And please also consider reactions in terms of Wikileaks or Brussels leaks, or what ever it might be called. This is to say, an openness system which cannot deliver, will be facing the risk or challenge of these new ways of presenting information on a large scale, and where everything will be put out in the open.

Thank you very much for listening.