



Council of the
European Union

Brussels, 5 May 2020
(OR. en)

7744/20

API 66
INF 91
OMBUDS 11
JUR 185
INST 83

COVER NOTE

From: General Secretariat of the Council
date of receipt: 22 April 2020
To: Delegations

Subject: Ombudsman strategic initiative SI/1/2020/TE
= Transparency of the EU Covid-19 crisis response

Delegations will find in the Annex a copy of a letter sent by the European Ombudsman to the President of the European Council concerning a strategic initiative on the Transparency of the EU Covid-19 crisis response.



European Ombudsman

Emily O'Reilly
European Ombudsman

Mr Charles Michel
President
European Council
1048 BRUSSELS
BELGIUM

Subject: Transparency of the EU Covid-19 crisis response

Dear President,

I recognise the extraordinary efforts that you personally and the European Council, are making to help tackle the Covid-19 pandemic, a global health emergency of proportions that we have not seen in generations.

Tackling the pandemic successfully, as you have noted many times, requires the cooperation of European citizens and more than ever, high levels of trust in public authorities are needed in order to foster that willing cooperation.

To that end, I am sure you agree that the EU and its institutions must maintain their high standards of transparency, not despite the crisis, but precisely because of the crisis, wherever possible.

As Ombudsman, I am monitoring the EU administration during this period. While it is too early to make any assessment, I do recognise the huge efforts being made to continue the effective functioning of the EU administration in very challenging professional and personal conditions. This is due to the commitment and dedication of thousands of EU civil servants.

I would like to share some observations, which you may find useful not only now but also in the post-Covid-19 period, when reflection will be needed on how the EU administration handled the crisis.

1. The EU, together with its Member States, is currently proposing and deciding on measures of historical importance in order to tackle the pandemic. To enable citizens to hold the EU institutions and their national governments to account, these decisions, even if taken via accelerated or emergency procedures, need to be made in as transparent a manner as possible.
2. Any temporary measures that the EU institutions are adopting to grant Member States, industry, researchers and civil society the needed flexibility to cope with the crisis need to be explained. For the public to scrutinise and

1 avenue du Président Robert Schuman
CS 30403
F - 67001 Strasbourg Cedex

T. + 33 (0)3 88 17 23 13
F. + 33 (0)3 88 17 90 62

www.ombudsman.europa.eu
eo@ombudsman.europa.eu



track these measures, it is crucial that they are clear, publicised and reviewed at regular intervals.

3. Detailed information to the public is key to improve citizens' understanding of what the EU is doing (and cannot do) to help fight the pandemic. Open communication will also counter sceptical sentiment, allay many citizens' fears and tackle disinformation. It is also crucial that journalists should have effective access to the EU institutions. Citizens and civil society should also be able to scrutinise crisis related decision-making, as far as possible. In that context, I welcome the Council's initial transparency to citizens¹.
4. The transparency and good administrative practices of other important decisions, which are still ongoing, should not suffer despite the difficult working conditions the crisis imposes. Tackling the climate emergency is one example and the EU-UK negotiations is another example. This includes effective public access to relevant EU documents and relevant stakeholder involvement. It also means that any lobbying of EU staff, including by video, needs to comply with the applicable EU transparency standards.

Maintaining high standards of good administration may seem particularly challenging in these times. However, it is exactly during such times that high standards across all areas of public life are needed, more than ever, to give as much reassurance as possible to citizens about the measures taken.

I extend to you my best wishes, in this difficult time for Europe.

Yours sincerely, 20/04/2020

¹ <https://www.consilium.europa.eu/en/topics/covid-19/>