
THE SHADOWY EU PARLIAMENT BOSS WHO LIKES TO SAY 'NO'

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The most senior unelected official of the European Parliament has refused access to documents requests in 95 percent of cases when they concern papers he has written, a survey by EUobserver reveals.

Over the course of four months, EUobserver requested 22 papers written by parliament secretary-general Klaus Welle. He granted EUobserver access to only one paper written by him - and refused access to 21 such documents.

The decisions highlight the level of power Welle has within the EU institution, where MEPs have repeatedly called on the parliament's administration to be more transparent.

On Friday (15 March), Welle will have been in the post for exactly 10 years.

The German, a former secretary-general of the parliament's centre-right group, the European People's Party (EPP), became parliament's highest-ranking civil servant on 15 March 2009.

He has not broken a record yet - that honour befalls Enrico Vinci, who held the post from 1986 to 1997.

There is no clear rule on how long someone can remain secretary-general - although a shake-up of the majority of pro-EU mainstream parties after the May EU parliament elections may force changes.

The secretary-general is elected by a political body called simply 'the Bureau'. It consists of the parliament president - currently centre-right Italian Antonio Tajani - the 14 parliament vice-presidents and five MEPs who hold the title 'quaestors'.

The seats of the Bureau are distributed among political groups by order of their size.

The Bureau also takes care of all sorts of internal parliament affairs, based on proposals often drafted by the secretary-general.

The agendas and minutes of the Bureau meetings are proactively published, but the documents cited therein are not - despite a majority of MEPs having stated twice that "in principle" such papers should be made public.

Welle is judge and jury

In the period September-December 2018, the Bureau met five times, and according to the agendas discussed 33 "notes from the secretary-general". EUobserver has requested access to two-thirds of them, using the EU's regulation on public access to documents.

But the secretary-general, Welle, is also the European parliament official in charge of responding to access to documents requests.

In 21 cases, the secretary-general refused to grant access to documents he wrote. In one case, the document was released.

That exception was a note dated 25 October 2018, in response to a request from EPP group leader Manfred Weber, to have a meeting room in the EU parliament be named after Bulgarian politician and diplomat Atanas Burov.

Welle wrote that the members of a Bureau working group had unanimously endorsed Weber's proposal.

Access to other documents however, was refused.

In an ironic twist, one of the papers kept secret was a "note from the secretary-general about a resolution on transparency, accountability and integrity in the EU institutions".

This refers to a text adopted by a majority of MEPs in 2017, which explicitly reminded the Bureau that it had already called on the Bureau in 2016 to in principle make all documents public which are listed in Bureau agendas, by publishing them on the parliament's website.

Other documents kept secret include reports about the funding of political parties and European political foundations; adjustments to various MEP allowances; a note "on the quota of sponsored visitors for members from the United Kingdom in 2019"; notes about the House of European History; parliament's communication strategy for the 2019 EU elections, and a paper about the parliament's drivers service.

When rejecting the requests for transparency, Welle referred to exemptions in the EU regulation on access to documents.

Often, he said that publishing the papers would "seriously undermine the institution's decision-making process".

"Parliament stresses that it is one of the secretary general's main roles to assist the Bureau in the performance of its tasks by providing it with background information, advice and decision proposals, and that for him to fulfil that duty effectively, a certain level of confidentiality is required," Welle wrote in the most recent rejection letter to EUobserver.

Making those papers public "would have as a consequence that the secretary-general, as well as parliament's services involved in the genesis of the notes, would refrain from setting out their views and knowledge in such notes out of concern that they could be used to challenge or undermine the decisions to be taken".

In several cases, EUobserver then appealed the decision by Welle, citing potential conflicts of

interest: namely, can the author of the documents objectively determine if it is in the public interest if what he wrote should be made public?

Who polices the police?

The answer from Livia Jaroka so far has always been the same.

Jaroka, a Hungarian centre-right MEP, a member of the EPP group, and member of the Bureau, is responsible for dealing with appeals.

In response to the arguments about a possible conflict of interest, Jaroka simply referred to the existing rules.

"Parliament recalls that the secretary-general is assigned several tasks and duties," Jaroka wrote in a recent decision.

She referred to rule 222 of the rules of procedure of the EU parliament, and article 12 of a Bureau decision of 28 November 2001, which made him "the competent authority" for handling access to documents requests.

However, neither text says anything about whether the secretary-general should act any differently when he is required to make a call about his own documents.

Jaroka also dismissed EUobserver's referral to the parliament resolution about publishing agenda-referred documents.

She said that the resolution also specified that this had to be done "in accordance with the provisions" of the EU regulation on access to documents.

#metoo and MEP expenses

Last October, centre-left French MEP Edouard Martin already criticised Welle for going against the will of a majority of MEPs.

Martin told EUobserver that he was very surprised by the secretary-general's decision not to release papers related to parliament measures against sexual harassment.

"Welle has put himself in the position where he is judge and defendant," said Martin.

"Mr Welle has not been elected, he is a civil servant," he said.

Welle in the past also kept secret documents related to a decision on MEPs' office expenses.