

## Interview with Norbert Schwaiger: the development of transparency in the Council (Brussels, 22 November 2006)

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[Raquel Valls] Which event put transparency at the centre of Community interest?

[Norbert Schwaiger] Firstly, there was a growing feeling that alongside the development of Community activities, those of the Press Service should also be developed. On the inside, there were not many who supported us because the majority of the officials here were subject to this rule of confidentiality and they followed it with conviction. We did have some support from the head of the Secretariat, the Secretary-General, not to say... Over the years, various Secretaries-General and their Heads of Cabinet knew what we were doing, and they also knew that we were responsible people, so they supported and encouraged us. Nevertheless, we were always very discreet, but, little by little, our limited role as providers of information was accepted. We also tried to put more into the communiqués, so if there was not a substantive conclusion, but merely a procedural conclusion — perhaps with some progress or with an assessment of issues that needed to be taken a step further at the working party stage — then we mentioned it; in other words, we did not just say that the Council would return to the subject the next time, or in a few months, but we would say: it asked the Permanent Representatives Committee or the Special Committee on Agriculture, or the working parties generally, to consider such and such a question. Sometimes the Council provided guidelines on ways to tackle contentious questions when seeking solutions.

It was the same for the practical side, and with... Then, having seen that we had not created any difficulties, they widened our remit. But the basic rules remained valid until there was a situation, during the ratification phase of the Treaty on European Union, where ratification was threatened, even practically dismissed, in certain Member States. Then the catalyst was the ‘no’ vote in the Danish referendum, which gave rise to much thought within the Community authorities, the Council and its bodies. There they found that part of that situation — the failure in Denmark, the possible risk of failure in the French referendum, or of ratification by the British Parliament, all of which had all become somewhat jeopardised — when the situation was analysed, they judged that it was probably the lack of information, or the fact of having provided inadequate information, that was responsible. There was also a special meeting, convened in Birmingham, that analysed the situation and reached certain conclusions regarding the lack of information, or of adequate information. It was then that, for the first time, transparency and changes in the approach to the provision of information in the Council were discussed. This discussion was followed up in a much more organised way at the European Council in Edinburgh, which had a long list of subjects to deal with, and in the inventory of all the matters that were pending or requiring development, there was also a chapter on increasing transparency. The Secretariat contributed to it and, for example, I was asked to draft some provisions on what could be done to improve the provision of information by the Council and about the Council in general.

It referred to our current practices — the pre-Council briefings — and in order to add a little more political importance to these, the question was posed whether these briefings should not be conducted by the Presidency itself — not necessarily by their spokesman but, for example, by the ambassador or the Permanent Representative of Coreper (Part 1). Of course we had been careful to suggest that the Secretariat, or the Press Service of the Secretariat, should be closely involved — and there again honourable mention was made of our background notes, which we were encouraged to develop and to widen to include areas that were in the process of being created, namely, strengthened political cooperation, later the ‘Justice and Home Affairs’ sector. This of course gave us great satisfaction, but on the other hand there was a modicum of danger, because once the pre-Council briefings became formal, or anyway if an ambassador spoke, it did not have... it remained *off the record* in principle, but it had quite a different character from ours, from that of the Press Service. A system was then put in place with two protagonists: the Presidency made a more or less unofficial briefing, albeit from the podium, and then afterwards we, together with the Presidency officials, were to be found backstage giving further information or explanations, because sometimes explanations were necessary. We had been encouraged to increase our background notes, so we put them on the table at the Presidency briefing, thus complementing each other very...

This was the source of a virtually permanent concern of the Council and the various European Councils,

right until they thought of including rules on transparency in the Treaties — the Treaty of Amsterdam, and later on the Treaty of Nice, already included not Chapters, but at any rate, provisions developing the new ‘transparency’ approach. If I might just add another word: It was not just a matter of providing information about current developments within the Council, but also there was an awareness that the Council, as an institution, was practically unknown to the general public. On the one hand, a lot of people would say: ‘Brussels, that is the Commission.’ This is still often the case today. On the other hand, the individual elements within the Council, namely the Member States, or their ministers, were involved in providing information in their respective countries. And, as I have mentioned, this has not changed, even today. For a Member State it is essential to explain to its own public opinion and to its press as an intermediary, what the problems are that such and such an issue poses, what interests are affected and also, if there is a result at the end, to present favourable solutions as national achievements since Brussels, seen from their perspective, takes second place to the national political scene.

This is therefore — we may perhaps be able to speak about this again at the end — a phenomenon that still exists. The fact remains that the word ‘transparency’ existed in the world of the Council, and it was developed with great regularity in recent years.