

## Interview with Norbert Schwaiger: the beginnings of transparency in the Council (Brussels, 22<sup>o</sup>November 2006)

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[Raquel Valls] How did the Council find its place in this situation? Was the Council an institution in which the confidentiality rule affected its acts right from the start?

[Norbert Schwaiger] Exactly, that was the Council's great handicap as an institution, hindering it from becoming active and developing a press service that was visible on the outside: the fact that the situation that I have described — namely with a head, an assistant, a secretary — remained practically unchanged for 20 years, until substantial developments within the Community brought about changes. Even the delegations were officially bound by the rule of confidentiality — as we were, and particularly so, for the Secretariat was subject to very strict discipline, since otherwise, the delegations would have complained. This was because the negotiations, as you say, respected the principle of confidentiality, yet it was also because the entire structure of the Council and its lower levels worked rather like a classic diplomatic conference. This had certain advantages: since everybody arrived with their national preoccupations, if these difficulties were to have come into the public domain, this could certainly have had repercussions on the negotiations. The fact that giving information on the position taken by each nation was left to its delegation led right from the start to a state of information dispersal, because where was a journalist to start? The national interest. Who is its best spokesman? The national minister, or his spokesman, or his spokesmen at the various levels?

Clearly, at the beginning the Secretariat was not left with much room to manoeuvre. Our official position consisted in drafting a statement at the end of each Council meeting, a statement based essentially on the formal conclusions of the Council or perhaps of the Presidency. If there were substance, a substantive decision, at that moment we could, of course, summarise this or that adopted act. I recall one of the first jobs I did here: it was a summary of the first regulation of the common organisation of the market in wine, which was on the table at the time and involved summarising it with all its elements. But that was the final result. The problem really arose during the discussions, because often the Council did not come to a decision in just one meeting, but returned to the dossier on several occasions, and at that point the problem consisted in how much could be said about the progress of the work in hand, the guidelines, the difficulties, not to mention responsibility for deadlock or any lack of progress, and so forth. Initially, all this was fairly difficult; as it was to understand these distinctions, even for me. But gradually we witnessed some developments.

[Raquel Valls] You were a pioneer of what is known as the policy of transparency within the Council. Could you describe the role that you played in this area?

[Norbert Schwaiger] Yes, it follows on from what I have just been saying. It became clear that there was a certain lack of information available because, in order to understand properly the statements that ministers make after a meeting, journalists need to know what was discussed, and what the issues and difficulties were. So, having followed the preparation at the drafting committees stage, or even on occasions at the working party stage, we were obviously a possible source; even more so than the Commission, where spokesmen did not follow the preparatory bodies' work directly, but based their comments about the preparation for the Council on reports made by the General Secretariat, which made them for all the services concerned in the Commission.

So, naturally, journalists came to see us — relatively few in the beginning, because when I first came here my superior respected confidentiality instructions most scrupulously. What is more, she did not try to make contact with journalists much. Since I am more curious by nature, I struck up acquaintances, and from these acquaintances there developed an 'off the record' network, in order for people to understand what was to be discussed. We did publish a preliminary communiqué, but it was merely the agenda. People asked: 'This item on the agenda, what is it about? What is behind it?' This is how you could say I became a pioneer of transparency: through force of circumstances. Having seen the ignorance of journalists on the real issues, on the possibilities of success or the risks of failure, I found it was far better that they should understand the situation beforehand so that they could report on it, as they often did beforehand, and give an up-to-date report at the start of negotiations. At first this developed... by means of occasional encounters in corridors, or through telephone calls. After a time, we noticed that interest in this type of discreet information was

growing, and we said: to avoid having to tell the same thing ten or more times to different journalists, why not arrange a rendezvous? In the beginning this took place before the Councils, later on it was every Friday morning, regularly each week, just to say what had happened during the week and, in particular, what was on the agenda of the Councils the following week, where this was appropriate. In this way we could at least help to define the issues that the journalists were wondering about and forecasting, and which helped them follow the meetings of the Council. We have maintained and developed this practice for 20 years or more now, until outside events changed the situation regarding further demands for transparency.

One more thing: our informal briefings gradually had background notes, which were also informal, added to them, because an oral report was often insufficient for journalists where very technical dossiers were concerned. They needed to be given precise data in writing where dossiers were very complicated. At the time, we developed this second instrument — background notes — so that they would not have to write down everything, and also so that they were sure to understand everything properly... What we never did was actually distribute the Council's preparatory documents, because that would clearly have been against the confidentiality rules. I know that certain delegations had introduced this practice very early on where they were concerned, mainly because the spokesman did not want to do all the transposition work and the removal of the more delicate elements. But in our case, this was clearly impossible.