

Contents

<i>List of abbreviations</i>	x
<i>Table of cases</i>	xii
<i>Table of European Union documents</i>	xvii
<i>Acknowledgments</i>	xx
 Introduction	 1
 1 Introduction and preliminary remarks: European Union accountability	 5
<i>Defining accountability: explanation of the term</i>	5
But where did accountability come from?	7
The legal aspect of accountability	8
Requirements of accountability	9
Accountability and transparency	10
 2 Accountability within the Commission	 13
<i>Introduction</i>	13
Bringing the Union closer to its citizens: the White Paper on European Governance (2000)	14
<i>The legal framework on the Commissioners' accountability</i>	16
<i>The facts of the Cresson case</i>	18
The finding of the Court	19
Twenty years after Cresson: the Dalli saga	19
Facts of the case	20
Comment and analysis	21
<i>Concluding remarks</i>	22
 3 The access to documents regime in the EU	 23
<i>Introduction</i>	23
<i>Historical overview of the legislative background</i>	24
<i>The pre-regulation regime: the Code of conduct</i>	27

Concrete and individual examination of the requested documents	30
The principle of partial access	31
The first legal challenge: Article 4.2 of the Council Decision	32
The authorship rule: Article 2.2 of the Council Decision	33
The Ombudsman's decisions on access to documents	33
<i>The Treaty of Amsterdam (Article 1 TEU)</i>	34
<i>Regulation 1049/2001 and the relevant case law</i>	35
Sensitive documents: the <i>Sison</i> case	39
Legislative documents relating to legal advice: <i>Turco</i> case	41
Administrative documents: the end of the one-by-one examination?	47
Article 4(5) of the Regulation: documents originating from Member States	49
Judicial documents	54
Article 4(3) of the Regulation: the decision-making exception	58
<i>Concluding remarks</i>	59
4 Accountability of the EU decentralised agencies	61
<i>Introduction</i>	61
<i>Historical overview</i>	61
The rationale behind the agencification process	62
<i>Different types of agencies</i>	64
Information gathering agencies	67
New generation agencies: decentralised agencies	67
<i>Accountability issues</i>	68
Accountability to the institutions and to the Member States	73
<i>Concluding remarks</i>	75
5 The invisible hand of the EU committee-based system: the case of delegated and implementing acts	76
<i>Introduction</i>	76
<i>Setting out the problem</i>	77
The pre-Lisbon regime of comitology committees: the rationale for their development	78
Accountability deficits of the comitology regime	80
<i>Lifting the veil of secrecy</i>	84
<i>The post-Lisbon regime</i>	85
Control mechanisms of delegated acts	91
Implementing acts	93
<i>Concluding remarks: accountability of the committee-based system – myth or reality?</i>	95

6	Accountability through <i>locus standi</i> and the role of the Court of Justice	97
	<i>Introduction</i>	97
	<i>Overview of the access to justice regime</i>	98
	<i>Access to justice</i>	100
	<i>Locus standi post Lisbon: the contribution of the Court</i>	105
	<i>Has the Treaty of Lisbon solved or postponed the accountability problem?</i>	108
	<i>Concluding remarks</i>	111
7	Concluding remarks: what is the future for accountability in the EU?	112
	<i>Appendix I</i>	116
	<i>Appendix II</i>	119
	<i>Appendix III</i>	135
	<i>Bibliography</i>	143
	<i>Index</i>	152