

# Comparative aspects of Freedom of Information: European Union and Member-State dimensions of Open Access to Public Documents

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The present paper proposal is based on an on-going doctoral research concerning the implementation of the European Union and the Greek institutional framework for Lifelong Learning in contemporary Greece. Associated to the first major part of the overall research, this paper aims to present certain questions related to access to European and Greek legal documents defining educational policy.

Firstly, since the mid-nineties, public access to documents has played an important role in giving practical effect to the principle of transparency in the European Union, as established by Article 255 of the EC Treaty, many Council Decisions, and, primarily, Regulation (EC) No 1049/2001 of the European Parliament and of the Council, regarding public access to European Parliament, Council and Commission documents.

On the other hand, with regard to access to Greek policy documents, a recently enacted Law by the Greek Government establishing “Transparency” in Public Administration (Law 3861/2010) promises to make e-government a reality, by providing the public with timely, accessible and accurate information on decisions and performance in the public sector. However, for over a decade Internet sites providing such information have been organised in a non-binding manner, thus leading to various major problems concerning access to policy documents. Moreover, although the right of individual access to public documents is established by the Greek Constitution and relevant Laws, judicial practice/jurisprudence proves rather to diminish this right by posing special terms to its exercise.

In the aforementioned respect, this paper presentation additionally examines the case of a certain Greek public authority denying access to public documents, in order to protect the right to Intellectual Property.