Honourable Mr President, honourable speakers, dear colleagues!

First and foremost, I want to express my gratitude to our hosts, allowing us to hold our meeting here in the Federal Administrative Court of Germany.

I want to expressly thank you Mr President for hosting us in your Court. I also want to note that holding our meeting of European level, also with contributions of representatives of the Court of Justice of the EU and of the Council of Europe, and with judge colleagues from all over Europe in this building has symbolic character and is a sign of an European judiciary, which is more and more intertwined and is more and more based on the same legal fundaments.

Our today's and tomorrow's meeting concerns relevant issues, both in our daily work as judges and also for judiciary as such, here only some thoughts:

1) Administrative judiciary in each of our European countries either follows the idea to have an objective control of legality of the executive power or to have a control of legality of the executive power with respect to violations of subjective rights of the individuals. These basic concepts have also influence on the respective procedures of the administrative judiciary. And it will be interesting to find out during our meeting, if these procedural fundaments might have influence on the access to information in judicial proceedings or whether it is irrelevant.

2) It is a European standard that for the development of democracy in European states the citizens should receive appropriate information on the organisation of public authorities and the conditions in which the laws are drafted (CCJE Opinion No 7, 2005). As the three state powers in a democratic society should be complementary, thus administrative judiciary controls the also transparency of the executive power: namely

through and on the basis of laws which foresee the rights of individuals to receive information on the activities of the administration. Access to information must also be seen under this perspective.

In a broader setting, this perspective most likely will have an increasing dimension in the upcoming years: the data, the administration generally collects and holds – and what we are told: this is also due to the increasing digitalization and the proclaimed needs of more "security" - will increase also the needs and demands to control these activities of the executive power. These issues are again correlated with the data protection; however this would to exceed our today's discussions.

And in a broader setting, this perspective of control of the transparency and activities of the administration, finally this has also implications on the question of separation of powers and the necessary checks and balances, in case the executive power has much more information than the other state powers and there is not sufficient guarantee of adequate access to this information and adequate legal control by the administrative judiciary. In this case the question arises if a proper equilibrium of the three state powers could be maintained.

3) This brings me as well to another issue, namely the need of transparency of judiciary as such towards the public, to the citizens: the above mentioned European standards also apply to the functions of judicial institutions. Justice is an essential component in a democratic society and citizens must have confidence in judiciary. The need of transparency of judiciary again involves issues on transparency with respect to court proceedings and transparency with respect to court administration (including organisational issues, like appointment of judges, evaluation of judges etc.).

   Clear limits of this transparency lie in the rights to have confidentiality: either clearly legitimate interests of confidentiality of parties to the case and of clearly legitimate interests of other persons involved (e.g. in case of appointment or evaluation).

However, also in this respect many grey areas remain and in any case right to private life and right to receive information under the right to freedom of expression of Art. 10 of the ECHR are marks.

All in all our topic for this meeting is of gaining importance. It is difficult to grasp all aspects of this topic within the limited time we have. However, I am convinced that it is a relevant contribution for us judges to get a deeper insight view of different national practises and the existing clips which form the frames.

Therefore, my special thanks to Rasa Ragulskyte Markoviene and Bernard Even as well as to Holger Böhmann for having organized this meeting and – again – let me express my thanks to our hosts!