Annual report on public access to Parliament documents

2007/2154(INI) - 14/01/2009 - Text adopted by Parliament, single reading

The European Parliament adopted by 355 votes to 195 with 18 abstentions, a resolution on public access to European Parliament, Council and Commission documents (implementation of Regulation (EC) No 1049/2001).

The own-initiative report had been tabled for consideration in plenary by Marco **CAPPATO** (ALDE, IT) on behalf of the Committee on Civil Liberties, Justice and Home Affairs.

The resolution states that the EU institutions should now take further steps towards greater transparency, openness and democracy by moving towards an "EU Freedom of Information Act" as in the application of Regulation (EC) No 1049/2001 a series of shortcomings have been brought to public attention, recent judgments need to be analysed and implemented urgently by the EU institutions, while the Commission has issued its proposal for a revision of Regulation (EC) No 1049/2001.

The resolution emphasises that the recent Court of Justice of the European Communities ***(ECJ) Judgment in the Turco case*** further strengthens in the EU the principle by which democratic institutions have a duty to ensure publicity of their activities, documents and decisions, which is a condition of their legality, legitimacy and accountability, and that consequently documents must be published and in any event accessible and that any exception to this principle should be limited and interpreted strictly.

MEPs call on all EU institutions to apply Regulation (EC) No 1049/2001 in the light of the recent case-law and notably of the ECJ Judgment in the Turco case in all its implications, notably in the legislative procedures (publication of legal service opinions, strict interpretation of exceptions, obligation to provide a detailed statement of reasons for refusal, etc). They also call on the Council to review its rules to ensure publicity of all discussions, documents and information, including the identity of the Member States" delegations in the Council as well as in its working groups and expert groups, and to draw up a transcript of its public meetings.

Greater access to registers and documents: MEPs believe that accessing information relating to the EU institutions still remains an obstacle-strewn path for ordinary citizens due to the lack of an effective citizen-oriented inter-institutional policy of transparency and communication. They consider that regardless of the point of access, EU citizens should be able to track a given legislative or administrative procedure and access all the documents relating to it. In this respect, an **inter-institutional road-map** should be defined to improve, simplify and complete the EU institutions' registers and web pages and make them interoperable.

Improving transparency: the resolution regrets that, contrary to what is provided for in Regulation (EC) No 1049/2001, many preparatory legislative documents are still not registered (such as the "room documents" mainly discussed within the Council working groups set up by Coreper 1) and when registered, they are missing the inter-institutional code so that it has proved impossible to merge them in a common inter-institutional record. It underlines the fact that the existing procedures for delegated legislation (the so-called "comitology acts") which cover nine-tenths of the legally binding acts adopted every year by the EU institutions should be reviewed and applied in such a way as to ensure that democratic principles and transparency are guaranteed.

The **EU institutions** are called upon to:

- **create a single EU register/portal** of information and documents, that should allow citizens to follow a certain procedure and access all the documents relating to it;
- ensure that, at least before the beginning of the next Parliamentary term: i) all the preparatory documents mention the legislative procedure reference, ii) all the agendas and outcome of the proceedings of the Council and preparatory bodies make clear reference to the background documents and are registered in good time and published in the Council Register (including the so called "room documents"), iii) they make clear to citizens in a fair and transparent way their organisational chart by indicating the remit of their internal units, the internal workflow and indicative deadlines of the dossier falling within their remit, to which services should citizens refer to obtain support, information or administrative redress, iv) all legislative proposals are accompanied by an impact assessment available to the public;

- define **common rules** on the way in which administrative procedures should be carried out and administrative documents should be tabled, classified, declassified, registered and disseminated inside and outside the EU institutions;

- ensure improved transparency in relation to comitology procedures, as well as to first-reading agreements negotiated between EU institutions in co-decision procedures (so-called "trilogues"), to make sure that inter-institutional agreements are fully in line with the duties of publicity, transparency and openness in legislative procedures;
- promote a common administrative culture of transparency founded on the principles outlined in Article 41 of the Charter of Fundamental Rights of the European Union, by the case-law of the ECJ, the recommendations of the European Ombudsman and the best practices of the Member States;

- work towards an **ambitious European "Freedom of Information Act"**, on the basis of the current proposed revision of Regulation (EC) No 1049/2001;

Role of the European Parliament: MEPs believe that Parliament should be at the forefront of publicity, transparency and openness in the EU, and that before the Parliamentary elections of 2009, it should launch an extraordinary action plan, for instance within the framework of the **e-Parliament initiative**, to ensure that more and easily accessible information is made available on its website, on:

- MEPs' activities, participation in and attendance at Parliamentary work, in absolute, relative and percentage terms, available and accessible to citizens also through search criteria;
- Parliament's activities in plenary, committee, delegations and internal bodies (for example, the Legislative Observatory should be improved by including references and links to all relevant documents; committee and delegation work should be streamed on Parliament's website as plenary work is, and also recorded, and made available and accessible to citizens through search criteria; internal bodies, such as the Conference of Presidents, the Bureau, the Quaestors, the Working Party on Parliamentary Reform, etc, should promote and ensure the highest level of transparency of their work);
- MEPs' allowances and spending, in conformity with the position taken by the European Ombudsman.

MEPs call for the launch of a **European Year of Transparency** and for a European transparency campaign to be promoted in 2009 on the occasion of the European elections.