

# Resolution on improvements needed to the legal framework for access to documents following the entry into force of the Lisbon Treaty, Regulation (EC) No 1049/2001

2009/2761(RSP) - 17/12/2009 - Text adopted by Parliament, single reading

Following the debate which took place during the sitting of 15 December 2009, the European Parliament adopted by 341 votes to 206 with 20 abstentions a resolution on improvements needed to the legal framework for access to documents following the entry into force of the Lisbon Treaty, Regulation (EC) No 1049/2001. The resolution was tabled by the S&D, ALDE, Greens/EFA, ECR and GUE/NGL groups. Parliament notes that the Treaty of Lisbon calls for further improvements to transparency and public access to documents. The case-law of the ECJ has already been most helpful in clarifying some of the provisions of Regulation (EC) No 1049/2001, so that these must now be interpreted in line with the access-friendly understanding of these provisions espoused by Parliament when the regulation was adopted. Parliament states that it will not allow any legislative attempts by the Commission or the Council to reduce public access to documents or roll back citizens' rights to information.

Members deplore the fact that, in spite of the clear requests it made on 11 March 2009:

- the Commission did not prepare a modified version of its legislative proposal [COM\(2008\)0229](#) and, on 2 December 2009, following the entry into force of the Treaty of Lisbon, approved a Communication ([COM\(2009\)0665](#)) which updated only the legal basis for the original proposal, avoiding any modification of its content;
- the Council has adopted its internal rules (Decision 2009/937/EU of 11 December 2009) and a revision of its security regulations (Document 13885/1/09) and Member States are negotiating an agreement on the protection of classified information exchanged in the interests of the EU. Parliament wishes to evaluate these texts thoroughly to establish that they do not affect citizens' general right of access or interinstitutional cooperation.

Following the entry into force of the Treaty of Lisbon, Parliament considers that Regulation (EC) No 1049/2001 should be urgently updated. It makes a series of observations regarding provisions which should be updated and these include the following:

- widening the scope of the Regulation to encompass all the EU institutions, bodies, offices and agencies currently not covered, such as the European Council, the European Central Bank, the ECJ, Europol and Eurojust;
- updating, on the basis of recent ECJ case-law, the rules which deal in particular with the treatment of internal documents, information and data, to ensure wider access to Legal Service opinions drafted within the framework of the decision-making process, documents and information relating to the work of Member State representatives when acting as members of the Council - including the acts, proposals and amendments tabled, transcripts of meetings, their positions and votes cast in the Council, including in its working groups and expert groups - documents relating to international agreements, the protection of personal data and commercial interests, the content of the institutions' registers, etc.;

- establishing, by means of a transparent procedure and in full compliance with democratic principles and the rule of law, the general principles and restrictions on grounds of public or private interest limiting access to documents which are exceptionally to be classified as 'Très secret /Top Secret', 'Secret' or 'Confidentiel' in order to protect the EU's essential interests (Article 9 of Regulation (EC) No 1049/2001);
- granting access to the information available in the EU institutions which makes it possible to evaluate objectively the implementation of EU rules, acts, measures and programmes in the Member States; ensuring greater financial transparency by providing detailed information concerning the EU budget, its implementation and the beneficiaries of EU funds and grants;
- making EU documents more accessible by creating more user-friendly systems.

Lastly, Parliament calls on the current and the incoming Council Presidencies to launch an immediate interinstitutional dialogue at political level with a view to drawing up the new regulation on access to documents by 30 June 2010 at the very latest.