

# Public access to European Parliament, Council and Commission documents

2011/0073(COD) - 21/03/2011 - Legislative proposal

**PURPOSE:** to amend Regulation (EC) n° 1049/2001 regarding public access to European Parliament, Council and Commission documents with the aim of extending its institutional scope.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**BACKGROUND:** the Commission submitted a [proposal for recasting Regulation \(EC\) No 1049/2001](#) on 30 April 2008. The European Parliament voted a report containing a number of amendments, but decided not to take a vote on the accompanying legislative resolution. As a result, there is no position of the European Parliament at first reading.

Following the European elections of June 2009, the newly elected Parliament resumed its work on the legislative proposal. An amended draft report was circulated within the European Parliament in May 2010. The Constitutional Affairs Committee and the Petitions Committee of the European Parliament have delivered their opinions on the proposal of the Commission on 30 November and 1 December 2010, respectively. The Civil Liberties Committee has not yet adopted a draft report. No date has been set for the adoption of the position of the European Parliament at first reading.

The present Regulation only directly applies to the European Parliament, the Council, and the Commission. Following the entry into force of the Treaty of Lisbon, the legal base for public access to documents is now Article 15(3) TFEU. This new provision extends the public right of access to documents of all the Union institutions, bodies, offices and agencies. The Court of Justice, the European Central Bank and the European Investment Bank are subject to this provision only when exercising their administrative tasks.

With a view to taking into account this extension of the institutional scope of the public right of access, the Commission has included its proposal of 30 April 2008 for a recasting of Regulation (EC) No 1049/2001 in its [Communication on the consequences of the entry into force of the Treaty of Lisbon](#) for ongoing interinstitutional decision-making procedures. The co-legislators could, therefore, integrate this adjustment to the new Treaty in the course of the current ordinary legislative procedure.

More than one year after the entry into force of the Treaty of Lisbon, there is still no perspective for the adoption of a new Regulation regarding public access to documents that will replace Regulation (EC) No 1049/2001. The discussions in the European Parliament and the Council have shown strongly diverging views about amending the Regulation.

**IMPACT ASSESSMENT:** the Commission has not carried out an impact analysis.

**LEGAL BASIS :** Article 15(3) TFEU.

**CONTENT:** since most of the institutions, bodies, offices and agencies of the European Union apply the Regulation or similar rules, the institutional scope of the current Regulation can be extended to all of them, subject to the limits provided for by the Treaty regarding the Court of Justice, the European Central Bank and the European Investment Bank.

The Commission considers, therefore, that Regulation (EC) No 1049/2001 should be amended in view of extending its institutional scope in compliance with the new legal basis for access to documents provided for under Article 15(3) of the Treaty on the Functioning of the European Union without further delay. This amendment does not prejudice the procedure for a recast of Regulation 1049/2001 on the basis of the Commission's proposal from April 2008.