

Public access to documents 2011-2013

2013/2155(INI) - 11/03/2014 - Text adopted by Parliament, single reading

The European Parliament adopted by 430 to 226 votes with 14 abstentions, a resolution on public access to documents (Rule 104(7)) for the years 2011-2013.

A motion for a replacement resolution, tabled by the EPP group, was rejected in plenary by 246 votes in favour, 401 against with 21 abstentions.

Parliament recalled that the EU legislation on access to documents was still **not being properly applied** by the Union's administration, with the exceptions of Regulation (EC) No 1049/2001 being applied routinely rather than exceptionally by the administration.

The statistics for the application of Regulation (EC) No 1049/2001 showed a **decrease in the number of initial requests in all three institutions**. The number of specified documents requested has decreased in Parliament (from 1,666 in 2011 to 777 in 2012) and the number of Council documents requested has decreased (from 9,641 in 2011 to 6,166 in 2012).

The quantitative data presented in the Annual Reports of 2012 indicate that both the Commission (from 12% in 2011 to 17% in 2012) and the Council (from 12% in 2011 to 21% in 2012) have increasingly fully refused access, while Parliament shows stable figures for full refusal of access (5% in both 2011 and 2012).

In this context, Parliament made the following recommendations:

Right of access to documents: recalling that the Treaty of Lisbon (Article 15 TFEU) lays down the fundamental right of access to documents, Members underlined that **transparency should be a general principle** and that the widest possible public access to documents was necessary to:

- effectively allow citizens and civil society to comment on all aspects of EU activity;
- enhance public trust in the European institutions by allowing citizens to be informed and to participate in the Union's decision-making process and, in this way, contribute to making the EU more democratic.

Any decision denying access to documents should be based on clearly and strictly defined legal exceptions, accompanied by reasoned and specific justification.

Parliament invited the institutions, bodies and agencies to:

- **strictly apply Regulation (EC) No 1049/2001**, particularly with regard to deadlines to respond to requests for access to documents;
- **develop a more proactive approach** on transparency by making publicly accessible on their internet websites as many categories of documents as possible, including internal administrative documents, and by including these in their public registries;
- **put in place public document registers** with clear and accessible structures, good search functionality, regularly updated information on new documents produced and registered, inclusion

of references to non-public documents as well as guidance on the types of documents held in a given registry.

Underlining that there is no effective legal remedy against a negative decision on a request for access to documents, Parliament called upon the EU institutions, bodies and agencies urgently to adopt faster, less cumbersome and more accessible **procedures for handling complaints against refusals to grant access**, so as to reduce the need for litigation and create a true culture of transparency.

Revision of Regulation (EC) No 1049/2001: Members expressed their disappointment with the fact that since December 2011, when it adopted its [first reading position on Regulation \(EC\) No 1049/2001](#), no progress has been made. They therefore asked the Council and Parliament to **agree on a new instrument** that provides significantly more transparency, including the effective implementation of Article 15 TFEU.

Legislative documents: Parliament called on the Commission to **enhance the transparency of expert groups and comitology groups**, i) by holding their meetings in public and publishing the recruitment procedure for members, ii) by providing information regarding membership, proceedings, documents considered, votes, decisions and minutes of meetings, all of which should be published online in a standard format.

Parliament also called on the Commission, the Council and Parliament to **ensure the greater transparency of informal trilogues**, by holding the meetings in public, publishing documentation (including calendars, agendas, minutes, documents examined, amendments, decisions taken, information on Member State delegations and their positions and minutes, in a standardised and easy accessible online environment).

Classification: the Commission has been called upon to propose a regulation laying down clear rules and criteria for the classification of documents issued by the EU institutions. Members argued for the creation of an **independent EU oversight authority** for the classification of documents and the examination of requests for holding sessions in camera.

Financial information: Parliament invited the institutions to make publicly available and accessible to citizens **documents relating to the European Union budget**, its implementation and the beneficiaries of Union funds and grants.

International negotiations: noting the routine application of the exception for the protection of international relations as a justification for the classification of documents, the resolution recalled that when an institution decides to refuse access to a document which it has been asked to disclose, it must, in principle, explain the reasons.

Finally, Parliament is of the opinion that transparency should remain the rule, **including in relation to a cartel leniency programme**.