Public access to documents (Rule 116(7)) for the years 2014-2015

2015/2287(INI) - 28/04/2016 - Text adopted by Parliament, single reading

The European Parliament adopted by 523 votes to 37 with 46 abstentions a resolution on public access to documents (Rule 116(7)) for the years 2014-2015.

Members recalled that the right of access to documents is a fundamental right, protected by the Charter of Fundamental Rights and the Treaties and implemented by Regulation (EC) No 1049/2001, and that full transparency underpins citizens' trust in EU institutions.

Transparency and democracy: Parliament pointed out that many of the recommendations in the resolution on public access to documents for the years 2011-2013 have not been given a proper follow-up by the three institutions. It wanted to see the appointment of a **Transparency Officer**, to be responsible for compliance and for improving practices. It also called on the Commission Vice-President to present an **ambitious plan of action** regarding transparency and public access to documents, in recognition of the fact that transparency is the cornerstone of better regulation.

Members considered that the EU institutions **still fail to comply** with the rules and the changes provided for in the Lisbon Treaty and Articles 41 and 42 of the Charter of Fundamental Rights when applying Regulation (EC) No 1049/2001, especially as concerns participatory democracy. They noted that in order to bring about a legitimate, accountable and democratic political system complying with the rule of law, **citizens must have the right to know about, and scrutinise:**

- the actions of their representatives, once the latter have been elected or appointed to public office;
- the decision-making process (including any documents circulated, individuals involved, votes cast, etc.);
- the way in which public money is apportioned and spent, and the ensuing outcomes.

Members urged the EU institutions, bodies, offices and agencies to develop further **a more proactive approach on transparency** by: (i) proactively disclosing as many of their documents as possible, in the most simple, user-friendly and accessible way; (ii) having documents translated upon request into other EU official languages, and (iii) establishing proper, simple and inexpensive information access arrangements, including by digital and electronic means, allowing for the needs of people with disabilities.

Regretting the fact that official documents are frequently over-classified without proper justification, Parliament stressed the need to: (i) ensure **clear and uniform rules for the classification and declassification of documents;** (ii) adopt faster, less cumbersome and more accessible procedures for handling **complaints against refusals to grant access**.

Parliament suggested that:

- the Council publish minutes of the meetings of Council working groups and other documents, in the light of the Access Info Europe case, intervening Member States and their proposals;

Parliament make available the agendas and feedback notes of the meetings of Committee coordinators, the Bureau and the Conference of Presidents, as well as, in principle, all documents referred to in these agendas;

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- all institutions evaluate and, where necessary, review their internal arrangements for reporting wrongdoing.

Revision of Regulation (EC) No 1049/2001: Members considered it regrettable that the revision of Regulation (EC) No 1049/2001 is **still stalled in the Council**, and called on the latter to adopt a constructive position, taking into account the position of the European Parliament adopted at first reading on 15 December 2011 on the proposal to revise the Regulation.

On the **substance** of a new regulation, Members felt that: (i) the latter should be amended in the light of the Treaty provisions and the relevant case law of the EU Court of Justice and the European Court of Human Rights; (ii) the scope of the regulation must be **broadened** to cover the European Council, the European Central Bank, the Court of Justice and all the EU bodies and agencies.

Furthermore, Parliament called for:

- a **common approach on registers of documents** and for those EU institutions that have not yet established registers of documents to do so, and to implement measures to standardise the classification and presentation of the institutions' documents;
- a **common access point** to EU documents through the three institutions' portals, and common procedures and criteria for registration and the assignment of an interinstitutional code to each document.

Transparency of the legislative process: Parliament stressed the need to **make available documents** forming part of, or related to, legislative procedures. Deploring the fact that citizens have no power to scrutinise trilogue negotiations, it called on the institutions involved to ensure **greater transparency of informal trilogues** and to increase reporting in the competent parliamentary committee on the state of play of trilogue negotiations. A list of trilogue meetings, and of documents created in the framework of a trilogue, should be made directly **accessible on Parliament's website.**

It also felt that access should be granted for:

- documents produced when powers are delegated (delegated acts), since these make up a substantial portion of European legislation;
- all relevant negotiating documents for international agreements, including those already agreed on, with the exception of those which are considered sensitive, with a clear justification on a case-by-case basis;

The Commission, on its part, should submit, without any further delay, its proposal for an interinstitutional agreement establishing a **mandatory interinstitutional register of interest groups.**

Transparency of the administrative process: EU institutions were asked to draw up common rules governing the conduct of administrative procedures and the procedures for presenting, classifying, declassifying, registering and disclosing administrative documents.

Infringement procedures: Parliament deplored the lack of transparency regarding letters of formal notice and infringement procedures against Member States, and called for documents relating to such procedures to be made accessible to the public, together with information on the execution of judgments of the Court of Justice.

Management of Structural Funds: Parliament believed that full data transparency and accessibility are essential to combat any abuse and fraud. It called on the Commission to make it compulsory to publish

particulars on all recipients of money from the Structural Funds, including subcontractors. It also asked Member States to ensure that information about negotiations on national and regional operational programmes is made fully accessible and genuinely transparent.

The Commission should harmonise the criteria regarding the publication of the beneficiaries of the Structural Funds.