Public access to European Parliament, Council and Commission documents

2000/0032(COD) - 30/05/2001 - Final act

PURPOSE: to allow all European citizens access to documents of the institutions. COMMUNITY MEASURE: Regulation 1049/2001/EC of the European Parliament and the Council concerning public access to documents of the Europoean Parliament, the Council and the Commission. CONTENT: The purpose of this Regulation is to give fullest possible effect to the right of public access to documents and to lay down the general principles and limits on such access in accordance with Article 255(2) of the EC Treaty. Wider access should be granted to documents in cases where the institutions are acting in their legislative capacity, including under delegated powers, while at the same time preserving the effectiveness of the institutions decision-making process. Such documents should be made direclty accessible to the greatest possible extent. Institutions are required to take measures necessary to establish a register which shall be operational by 03.06.2002. As far as possible, the institutions shall make documents directly accessible to the public in electronic form and in particular, legislative documents. As regards public access, there is a limited number of exceptions. For example, when disclosure of documents would undermine the public interest as regards public security, defence and military matters, international relations and the financial, monetary or economic policy of the Community or a Member State. Other exceptions include, inter alia, the undermining of commercial interests, court proceedings and legal advice. A Member State may request the institutions not to disclose a document originating from that Member State without its prior agreement. If only parts of the requested document are covered by any of the exceptions, the remaining parts of the document shall be released. An application for access to a document shall be handled promptly. An acknowledgement of receipt shall be sent to the applicant. Within 15 working days from registration of the application, the institutions shall either grant access to the document requested and provide access in accordance with Article 10 within that period or, in a written reply, state the reasons for the total or partial refusal and inform the applicant of his or her right to make a confirmatory application in accordance with this Article. As regards the processing of confirmatory applications, within 15 working days from registration of such an application, the institution shall either grant access to the document requested and provide access or in a written reply, state the reasons for the total or partial refusal. In principle, access to documents is free of charge and an electronic copy is also possible. However, the cost of producing and sending copies may be charged to the applicant. All institutions are required to publish an annual report on the applciation of the new regulation. In 2004, the Commission will publish a report on the implementation of the Regulation and present, where necessary, proposals for revisions. ENTRY INTO FORCE: The regulation will enter into force on 03.06.2001. It shall be applicable from 03.12.2001.