

# Public access to European Parliament, Council and Commission documents

2000/0032(COD) - 24/10/2000

The committee adopted the report by Michael CASHMAN (PES, UK) amending the proposal under the codecision procedure (first reading). The committee wanted the title of the regulation to be amended to include a reference to improving transparency in the working methods of the EU institutions. It also introduced an article on the purpose of the regulation, pointing out that it was the exercise of an obligation introduced into the EC Treaty giving effect to the principle of openness and accountability. It also stated unequivocally that the proposed regulation should not reduce the right of Member States to grant access to documents in accordance with their national legislation. The committee felt that the list of exceptions to the right to access proposed by the Commission in order to protect certain public and private interests would provide a justification for the exclusion of practically any document, and therefore deleted a number of them. It proposed that access be denied on grounds of public interest where disclosure could significantly undermine public security, monetary stability, defence and military matters, and vital interests relating to the EU's international relations. Access should also be denied where disclosure could harm the protection of an individual's right to privacy. Lastly, the committee proposed that access be denied on grounds of commercial secrecy where this outweighed the public and private interest in disclosure. The report stipulated that applications for access to a document should be dealt with within two weeks. It also set out more clearly than in the Commission proposal the remedies available to citizens in the event of a refusal (i.e. petitioning the European Ombudsman or appealing to the European Court of Justice). The Commission's proposal that each institution should provide access to a register of documents was fleshed out by the committee, which listed the types of document to be included in the register and stated that documents should be made directly accessible "on-line" wherever possible. Lastly, the committee specified that the institutions would have to agree on common measures for implementing the regulation when drawing up their internal rules. These concerned the classification of documents, the treatment and protection thereof, the transmission of such documents, and procedures for providing classified information to a select committee of Parliament. Existing internal rules on access to documents, including the recent Council decision refusing access to security and defence documents, would have to be repealed.