Documents of the European Parliament, Council and Commission: public access (implem. Regulation (EC) No 1049/2001)

2003/2022(INI) - 09/09/2003

The committee adopted the own-initiative report by Michael CASHMAN (PES, UK) on public access to Parliament, Council and Commission documents. It said that although real progress had been made by the EU institutions in the first year of full application of Regulation 1049/2001 on public access to documents, there were still a number of shortcomings as regards transparency. The committee concluded that the situation was still unsatisfactory in many ways and urged the Council and Commission to give direct access to documents more often. In particular, it wanted the positions of national delegations to be identified when decisions are taken, arguing that such information is crucial for scrutinising national governments' positions. It also criticised the Council for refusing applications for documents on anti-terrorism measures and for ceasing to record certain meetings to avoid having to provide the tapes on request. The Commission was taken to task for setting up several electronic registers. MEPs argued that the intention of the regulation was that a single register should be set up. They also urged Parliament's committee secretariats to provide up-to-date information about their work on their websites and to operate in a fully transparent way. The committee pointed out that all the institutions seemed to refuse applications for legal opinions. The committee was also critical of the Convention on the Future of Europe for not considering itself bound to apply the principles of the regulation and it urged other institutions, agencies and bodies to apply them. The EU institutions were also criticised for not defining a system of interinstitutional coding. The committee demanded that all the institutions improve the operation of their registers and take urgent action to comply with the regulation. It also said the Secretaries-General of the institutions should report to Parliament before 1 March 2004 on the rules and methods used to produce, classify and distribute documents within and outside each institution and the measures taken or to be taken to create a "genuine common working area" between the institutions. MEPs suggested setting up, within the framework of the Official Journal, an electronic edition of the principal texts adopted during any given legislative procedure. This should include dates of main events and summaries of texts to enable citizens to understand and follow better the decision-making process. Furthermore, if access to documents is refused, citizens should be informed of their right to complain to the European Ombudsman and should be given the Ombudsman's web address. The committee called for better cooperation between the institutions and for the regulation to be amended to set up one interinstitutional register in cases where more than one institution is involved. Also, it said the regulation should be clarified to avoid varying interpretations by the institutions in cases such as legal opinions or positions of national delegations. The Commission was invited to incorporate these proposals in its report on the revision of the regulation and to publish that report by 31 January 2004.