

Public access to European Parliament, Council and Commission documents

2000/0032(COD) - 18/04/2007 - Follow-up document

The European Commission has adopted a green paper on with a view to opening a public consultation on Regulation No (EC) 1049/2001 on public access to documents held by institutions of the European Community. The Regulation, which became applicable on 3 December 2001, has led to a steep and sustained increase in requests for access to documents, as the annual reports published by the three institutions show. In January 2004 the Commission published a report on the implementation of the Regulation, which provided a first overview of how the EU's regime for public access to documents works in practice. Three years have passed since this first evaluation, during which more experience has been gained, a body of case law has developed and a number of complaints have been settled by the European Ombudsman.

Against this background, the report on the implementation of the Regulation, published on 30 January 2004 concluded that the rules on public access had worked in a very satisfactory way. Recent experience tends to confirm the findings of this report, in particular as concerns access in relation to legislative procedures and the expansion of proactive information provision by the institutions. However, there is scope for greater clarity as concerns the application of the general right of access when applied simultaneously with balancing interests arising in relation to case related work, such as data protection or specific rights of access.

Furthermore, the European Parliament and the Council have adopted a new Regulation applying the Convention of Århus to the institutions and bodies of the European Community, which will have an impact on access to documents containing environmental information. For these reasons, the time seems right to assess whether the Regulation needs to be amended. Therefore, when the Commission decided, on 9 November 2005, to launch a "European Transparency Initiative", it included a review of Regulation (EC) No 1049/2001 as part of this drive to create more openness. In a Resolution adopted on 4 April 2006, the European Parliament called on the Commission to come forward with proposals for amending the Regulation.

In the present consultation document, the Commission first takes stock of the existing rules governing the public right of access to documents and their implementation, then outlines some options for improving the legislation and practical measures aimed at offering better access to documents of the institutions.

The public is invited to comment on the regime for obtaining access to documents of the European institutions and also to react to the options set out in this Paper. Through the questionnaire, the Commission is seeking the views of citizens, including civil society organisations, economic operators, public authorities and other organisations with an interest in European affairs.

The public consultation starts with the publication of this Green Paper and will last for three months. The Commission intends to analyse carefully the responses received, and will publish a report summarising the outcome of this public consultation and outlining follow-up action. On the basis of this report, the Commission will submit proposals for amending Regulation (EC) No 1049/2001.

The expected time schedule is as follows:

- Public consultation: from mid April to mid July 2007;

- Report on the outcome: September 2007;
- Proposals for amending the Regulation: October 2007.

The Green Paper is composed of two parts: the application of the existing rules on public access and options for improving the access rules.

It is appropriate to consider amendments to the regime for public access to documents, with a view to: (i) improving access to registers and direct access to documents; (ii) better informing the public at large on the activities of the European institutions; (iii) clarifying the legal framework; (iv) striking the right balance between the public's right to know and the protection of legitimate public and private interests.