



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Civil Liberties, Justice and Home Affairs

DRAFT AGENDA

Workshop

Tuesday 1 June 2010, 15.00 - 18.30

Interventions of EU institutions, bodies, offices and agencies on access to EU documents after the Lisbon Treaty

European Parliament, Brussels

Room JAN 4 Q 001

AFCO - associated committee under Rule 50 of the Rules of Procedure

CM818156EN.doc

PE442.827v03-00

EN

United in diversity

EN

Access to EU documents after the Lisbon Treaty

(applicable rules to EU institutions, bodies, offices and agencies currently not covered by Regulation (EC) No 1049/01)

Aim of the workshop

Following the entry into force of the Lisbon Treaty, the citizen's right to access to documents will cover all the EU institutions, bodies, offices and agencies other than the European Parliament, Council and Commission which were already foreseen by Art. 255 of the TEC.

A revision of Regulation (EC) No 1049/01 (implementing the former Art. 255 TEE) is therefore urgently needed to cover the legal vacuum which has existed since 1 December 2009 for institutions such as the European Council, the Court of Justice, the ECB, or agencies such as Europol and Eurojust. Therefore, the Commission proposal to revise Regulation (EC) No 1049/01, currently under examination by the EP and Council, does not cover these aspects as it was tabled in 2008 before the entry into force of the Lisbon Treaty. It is then necessary to update the original Commission text to take fully into account the impact of Art 15 of the TFEU so that the new Regulation will be the framework legal text defining *"the general principles and limits on grounds of public or private interest governing the right of access to documents [of the Union institutions, bodies, offices and agencies]"* (Art. 15 TFEU).

Moreover, as rightly stated by the EP Legal Service, the new post-Lisbon legal framework should fulfill the democratic principles in the EU as defined by Art. 9-12 TEU and improve the legal certainty in this domain by embodying at the same time the jurisprudence of the Court of Justice of the European Union that the Commission was unable to mirror in its 2008 proposal. In this perspective particular attention should be given to the different possible aspects of transparency in the legislative decision-making process as well as in the administrative activities (bearing in mind the specific rules to be applied to the ECJ, ECB and EIB) without prejudice to future EU rules to be adopted according to Art. 298 TFEU.

By the same token the new Regulation should define a clearer, stronger and comprehensive common legal framework for the treatment of information/documents that have to be classified in the EU interest (the so called "EUCI" documents currently dealt with under Art. 9 and Art. 4 of Regulation (EC) No 1049/01). Needless to say, as the classification of EU documents is **a limitation to a Citizen's fundamental right**, it should be done by an EU law (as required by Art. 52 of the Charter) and define the rules to be followed by all the EU institutions, bodies, offices and agencies in classifying and declassifying EU documents.

Bearing this in mind, the LIBE and AFCO Rapporteurs would consider it extremely helpful if the invited representatives of the participating institutions, bodies, offices and agencies share their views, deliver comments and, if needed, ask for specific requirements which - according to their understanding - should be taken into account in the EP legislative work.

Needless to say, according to Article 15 TFEU the principles of the future regulations should be further developed in the institutions bodies, offices and agencies internal rules as well, if needed, in interinstitutional binding agreements to be negotiated under Art. 295 TFEU (such as the existing EP-Commission and EP-Council agreements in this domain).

¹ **NB:** AFCO - associated committee under Rule 50 of the Rules of Procedure. This seminar is open also to the national parliaments.

Order of business

| | |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 15.00 - 16.10 | Opening and Introduction: |
| 15.00 - 15.15 | Opening by LIBE Rapporteur Michael Cashman and AFCO Rapporteur Anneli Jäätteenmäki |
| 15.15 - 15.30 | Transparency and good administration Intervention of the Secretary General of the European Ombudsman, Ian Harden |
| 15.30 - 15.45 | Transparency and data protection Intervention of the European Data Protection Supervisor, Peter Hustinx |
| 15.45 - 16.10 | Questions & answers with MEPs |
| 16.10 - 17.20 | SESSION I |
| 16.10-16.25 | Transparency and intelligence Intervention of the Counter-terrorism Coordinator, Gilles de Kerchove |
| 16.25 -16.40 | Public access to documents: the experience of the European Central Bank Intervention by Christian Kroppenstedt, Head of the ECB Law Section and Roman Schremser, Head of the Secretariat Division |
| 16.40 - 16.55 | National Data Protection Authority: Peter Schaar, German Federal Commissioner for Freedom of Information and data protection |
| 16.55 - 17.20 | Questions & answers with MEPs |
| 17.20 - 18.15 | SESSION II: Transparency and accountability of the EU agencies and bodies |
| 17.20 - 17.35 | Intervention of Frontex Executive Director, Ilkka Laitinen |
| 17.35 - 17.50 | Intervention of EFSA Director of administration, Olivier Ramsayer |
| 17.50 - 18.05 | Intervention of EUROPOL Deputy Director Michel Quillé and Dietrich Neumann, Head of the Legal Affairs Unit |

18.05 - 18.20

Questions & answers with MEPs

18.20 - 18.30

Concluding remarks

LIBE Rapporteur **Michael Cashman** and AFCO Rapporteur **Anneli Jäätteenmäki**

PRACTICAL GUIDELINES FOR THE DEBATE

- *During the discussion, so as to make it possible for the highest number of parliamentarians to intervene, speaking time will be limited to **two minutes** per contribution or question.*
- *Members requesting the floor are kindly asked to inform the chair indicating their name and parliament on a special sheet. The floor will be given to Members in the order in which requests are received, and in turn to two Members of national parliaments, followed by one Member of the European Parliament, and so forth.*
- *Speakers wishing to supplement their speeches may do so in writing by submitting a document (preferably in English or French) in advance to the secretariat (email: ip-libe@europarl.europa.eu). These documents will be circulated during the meeting.*
- *Meeting documents will be progressively added to the Hearings section of the LIBE Committee pages: <http://www.europarl.europa.eu/activities/committees/homeCom.do?language=EN&body=LIBE>*

IMPORTANT NOTICE FOR THOSE WISHING TO ATTEND THE MEETING

This meeting is open to the public. However, for security reasons, participants who do not have a European Parliament access badge must obtain a pass in advance. Those wishing to obtain such a pass should contact the secretariat (ip-libe@europarl.europa.eu) **before 27 May 2010 at noon**. It is essential to provide us with your **full name, address and date of birth**. Without this information, the Security Service will not provide entry passes.

| Seminar Secretariat | Telephone | Address | E-mail address |
|-----------------------------------------------|-----------------|--------------------------------------------------------------------------|----------------------------|
| Anze ERBEZNIK <i>Administrator</i> | +32.2.283 28 11 | European Parliament Rue Wiertz 60 RMD 04J020 B-1047 Brussels | ip-libe@europarl.europa.eu |
| Martina SUDOVA <i>Administrator</i> | +32.2.283 14 76 | European Parliament Rue Wiertz 60 RMD 04J010 B-1047 Brussels | |

| | | | |
|--------------------------------------|-----------------|--------------------------------------------------------------------------|--|
| Anny BHAN <i>Assistant</i> | +32.2.284 37 05 | European Parliament Rue Wiertz 60 RMD 04J008 B-1047 Brussels | |
|--------------------------------------|-----------------|--------------------------------------------------------------------------|--|

"Article 15 TFEU

- 1. In order to promote good governance and ensure the participation of civil society, the Union institutions, bodies, offices and agencies shall conduct their work as openly as possible.*
- 2. The European Parliament shall meet in public, as shall the Council when considering and voting on a draft legislative act.*
- 3. Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have a right of access to documents of the Union institutions, bodies, offices and agencies, whatever their medium, subject to the principles and the conditions to be defined in accordance with this paragraph.
General principles and limits on grounds of public or private interest governing this right of access to documents shall be determined by the European Parliament and the Council, by means of regulations, acting in accordance with the ordinary legislative procedure.
Each institution, body, office or agency shall ensure that its proceedings are transparent and shall elaborate in its own Rules of Procedure specific provisions regarding access to its documents, in accordance with the regulations referred to in the second subparagraph.
The Court of Justice of the European Union, the European Central Bank and the European Investment Bank shall be subject to this paragraph only when exercising their administrative tasks.
The European Parliament and the Council shall ensure publication of the documents relating to the legislative procedures under the terms laid down by the regulations referred to in the second subparagraph."*