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Committee on Civil Liberties, Justice and Home Affairs

2010/2294(INI)

30.5.2011

AMENDMENTS

1 - 87

Draft report
Heidi Hautala
(PE464.708v01-00)

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United in diversity

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Amendment 1
Salvatore Iacolino

Motion for a resolution
Recital A

Motion for a resolution

A. whereas the Lisbon Treaty introduced a new constitutional framework of EU institutional transparency by establishing a firm fundamental right of access to documents of EU institutions, bodies, offices and agencies,

Amendment

A. whereas the Lisbon Treaty introduced a new constitutional framework of EU institutional transparency, ***with a view to an open, efficient and independent European administration (Article 298 TFEU)***, by establishing a firm fundamental right of access to documents of EU institutions, bodies, offices and agencies; ***this right is afforded by the Treaty not only to EU citizens but also to any natural or legal person residing in a Member State and should nevertheless be exercised in compliance with the general principles and limits (set with a view to protecting certain public or private interests) laid down by the regulations adopted by the European Parliament and the Council (Article 15 TFEU)***,

Or. it

Amendment 2
Renate Sommer

Motion for a resolution
Recital C

Motion for a resolution

C. whereas the new Treaties ***deleted any reference to*** ‘the preservation of the effectiveness of the decision-making process’ (Articles 255 and 207(3) of the former TEC) as a possible limit to transparency, ***thereby deleting a Treaty basis for the so-called ‘space to think’ of Article 4(3) of Regulation (EC) No 1049/2001,***

Amendment

C. whereas, ***although*** the new Treaties ***no longer mention*** ‘the preservation of the effectiveness of the decision-making process’ (Articles 255 and 207(3) of the former TEC) as a possible limit to transparency, ***this has no bearing on the mandatory protection of confidentiality which is essential to the legislative process,***

Amendment 3
Salvatore Iacolino

Motion for a resolution
Recital C

Motion for a resolution

C. whereas the new Treaties deleted any reference to ‘the preservation of the effectiveness of the decision-making process’ (Articles 255 and 207(3) of the former TEC) as a possible limit to transparency, thereby deleting a Treaty basis for the so-called ‘space to think’ of Article 4(3) of Regulation (EC) No 1049/2001,

Amendment

C. whereas the new Treaties deleted any reference to ‘the preservation of the effectiveness of the decision-making process’ (Articles 255 and 207(3) of the former TEC) as a possible limit to transparency, thereby deleting a Treaty basis for the so-called ‘space to think’ of Article 4(3) of Regulation (EC) No 1049/2001, ***which allows access to be refused to a document relating to a matter where the decision has not yet been taken by the institution, if this ‘would seriously undermine the institution’s decision-making process’, unless access is justified by ‘an overriding public interest in disclosure’,***

Or. it

Amendment 4
Heidi Hautala

Motion for a resolution
Recital C

Motion for a resolution

C. whereas the new Treaties deleted any reference to ‘the ***preservation*** of the effectiveness of the decision-making process’ (Articles 255 and 207(3) of the former TEC) as a possible limit to transparency, thereby deleting a Treaty basis for the so-called ‘space to think’ of Article 4(3) of Regulation (EC) No

Amendment

C. whereas the new Treaties deleted any reference to ‘the ***preserving*** of the effectiveness of the ***Council’s*** decision-making process’ (Articles 255 and 207 (3) of the former TEC) as a possible limit to transparency, thereby deleting a Treaty basis for the so-called ‘space to think’ of Article 4(3) of Regulation (EC) No

1049/2001,

1049/2001 *as far as the legislative procedures are concerned; whereas Article 298 TFEU means that the ‘space to think’ should be narrowed also as regards non-legislative procedures,*

Or. en

Amendment 5
Salvatore Iacolino

Motion for a resolution
Recital D

Motion for a resolution

D. whereas transparency is an essential part of a participatory democracy, being complementary to representative democracy as explicitly stated in Articles 9-11 TEU, allowing *the citizen* to *participate* in decision-making and to exercise public scrutiny *and* thus ensuring the legitimacy of a democratic political system,

Amendment

D. whereas transparency is an essential part of a participatory democracy, being complementary to representative democracy *on which the functioning of the Union is based*, as explicitly stated in Articles 9-11 TEU, allowing *citizens (who must, however, act within the appropriate channels established by the institutions)* to *be informed of the individual acts and activities included* in *the* decision-making *process* and to exercise public scrutiny, thus ensuring the legitimacy of a democratic political system,

Or. it

Amendment 6
Sonia Alfano

Motion for a resolution
Recital D a (new)

Motion for a resolution

Da. whereas citizens call for more democracy, transparency, openness of institutions and of political actors and a stronger fight against corruption, as

demonstrated by the current demonstrations in Spain and all over Europe; whereas access to documents and information is one of the ways to make sure citizens can be involved in the democratic process and that corruption is prevented and fought,

Or. en

Amendment 7
Sonia Alfano, Renate Weber

Motion for a resolution
Recital D b (new)

Motion for a resolution

Amendment

Db. whereas furthermore the EU progressively risks to become the target of criticism because of the continuous lack of transparency, openness and access to documents and information for citizens, as demonstrated by the impossibility to adopt a new Regulation on the right of access to documents, due to the Commission refusal to accept Parliament's amendments and Member States' unwillingness to open up their documents, discussions and deliberations to citizens and the Parliament,

Or. en

Amendment 8
Sonia Alfano, Renate Weber

Motion for a resolution
Recital D c (new)

Motion for a resolution

Amendment

Dc. whereas further and more stringent measures against corruption should be

taken at EU level to ensure that EU institutions are immune from it, at all levels and everywhere, and whereas the EP shall learn from recent negative experiences by elaborating rules, including providing for enhanced transparency, on the relations of MEPs and Parliament's staff with lobbyists and interest groups,

Or. en

Amendment 9
Sonia Alfano, Renate Weber

Motion for a resolution
Recital D d (new)

Motion for a resolution

Amendment

Dd. whereas, in order to ensure the accountability and legitimacy of a democratic political system, citizens have a right to know how their representatives act, once elected or appointed to public bodies or representing the Member States at European or international level (principle of accountability), how the decision-making process works (including documents, amendments, timetable, players involved, votes cast, etc), and how public money is allocated, spent and with which results (principle of traceability of funds),

Or. en

Amendment 10
Salvatore Iacolino

Motion for a resolution
Recital E

Motion for a resolution

E. whereas the current Regulation (EC) No 1049/2001 does not **provide clear definitions of** several important issues, such as **Member States' veto right**, limitations of the 'space to think', **clear and narrow definition of the** exceptions, classification of documents, and **equilibrium** between transparency and data protection,

Amendment

E. whereas the current Regulation (EC) No 1049/2001 does not **specify the cases in which Member States may exercise their right of veto on access to documents and describes in a general manner** several important issues, such as limitations of the 'space to think', exceptions **to the right to access, the** classification of documents and **balancing criteria** between transparency requirements and data protection,

Or. it

Amendment 11
Heidi Hautala

Motion for a resolution
Recital F

Motion for a resolution

F. whereas with the entry into force of the Lisbon Treaty the EU acquired **extensive prerogatives** in the field of criminal law (Articles 82 and 83 TFEU); whereas such new **prerogatives affecting** basic human rights highlight the need for a more open legislative procedure,

Amendment

F. whereas with the entry into force of the Lisbon Treaty the EU acquired **new competences** in the field of criminal law (Articles 82 and 83 TFEU) **and police co-operation**; whereas such new **competences could affect** basic human rights highlight the need for a more open legislative procedure,

Or. en

Amendment 12
Sonia Alfano, Renate Weber

Motion for a resolution
Recital G

Motion for a resolution

G. whereas Article 15 TFEU and **Article**

Amendment

G. whereas Article 15 TFEU and **Article**

41 of the Charter of Fundamental Rights introduce a broad notion of the term ‘document’ relating to information whatever its medium of storage,

42 of the Charter of Fundamental Rights introduce a broad notion of the term ‘document’ relating to information whatever its medium of storage,

Or. en

Amendment 13
Salvatore Iacolino

Motion for a resolution
Recital G

Motion for a resolution

G. whereas Article 15 TFEU and Article 41 of the Charter of Fundamental Rights introduce a broad notion of the term ‘document’ relating to information whatever its medium of storage,

Amendment

G. whereas Article 15 TFEU and Article 42 of the Charter of Fundamental Rights introduce a broad notion of the term ‘document’ relating to information whatever its medium of storage,

Or. it

Amendment 14
Renate Sommer

Motion for a resolution
Recital J

Motion for a resolution

J. whereas the public ***has an increasing interest in having access to documents relating to international agreements, and whereas such*** agreements have legal effects in the EU legal order similar to those of EU internal legislation, ***as shown in the case of the Anti-Counterfeiting Trade Agreement (ACTA),***

Amendment

J. whereas the public ***should be informed about*** agreements ***which*** have legal effects in the EU legal order similar to those of EU internal legislation,

Or. de

Amendment 15
Heidi Hautala

Motion for a resolution
Recital J a (new)

Motion for a resolution

Amendment

Ja. whereas Regulation (EC) No 1049/2001 establishes an obligation for the institutions to consider partial access to a document in case only parts of it are covered by an exception; whereas partial access granted is often unduly limited and only concerns the title or the introductory paragraphs of the documents while access to the substantive paragraphs is denied,

Or. en

Amendment 16
Heidi Hautala

Motion for a resolution
Recital J b (new)

Motion for a resolution

Amendment

Jb. whereas Article 41 of the Charter of Fundamental Rights establishes ‘the right of every person to have access to his or her file, while respecting the legitimate interests of confidentiality and of professional and business secrecy’; and whereas serious gaps in the implementation of this right persist which creates pressure to invoke rules of public access to gain access to one’s own file,

Or. en

Amendment 17
Heidi Hautala

Motion for a resolution
Recital J c (new)

Motion for a resolution

Amendment

Jc. whereas Article 15 TFEU establishes a clear obligation for all Union institutions, bodies, offices and agencies to ‘conduct their work as openly as possible’; whereas this obligation also applies to the committees assisting the Commission in its duties; whereas this obligation is not respected in the Commission’s Standard rules of procedure for committees, which stipulate that all committee discussions and documents relating to ‘comitology’ procedures are to be confidential;

Or. en

Amendment 18
Salvatore Iacolino

Motion for a resolution
Paragraph 1

Motion for a resolution

Amendment

1. Recalls that transparency is the general rule and with the Lisbon Treaty it became a legally binding fundamental right of the citizen, and that therefore any decisions denying access to documents must be based on clearly and strictly *defined* exceptions, *reasonably explained* and well-founded, *allowing* the citizens to understand the denial and to effectively use the legal remedies available to them;

1. Recalls that transparency is the general rule and with the Lisbon Treaty (*and accordingly, with the acquisition of binding legal force for the EU Charter of Fundamental Rights*) it became a legally binding fundamental right of the citizen, and that, therefore, any decisions denying access to documents must be based clearly and strictly on *legally standardised* exceptions *for which reasonable grounds exist* and *which are well-founded on the existence of specific, concrete requirements relating to the protection of public interest (such as public security) or private interest (such as the protection of an individual's private life) which, in the case at issue, clearly both override the right to access; this would allow* the

citizens to understand the denial and to effectively use the legal remedies available to them;

Or. it

Amendment 19
Andreas Mölzer

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Considers that the EU should stand at the forefront, providing a model of institutional transparency **and modern democracy** for the Member States as well as for third countries;

Amendment

2. Considers that the EU should stand at the forefront, providing a model of institutional transparency for the Member States as well as for third countries;

Or. de

Amendment 20
Monica Luisa Macovei, Anna Maria Corazza Bildt, Mariya Nedelcheva

Motion for a resolution
Paragraph 2 a (new)

Motion for a resolution

Amendment

2a. Recalls that transparency is the best way to prevent corruption, fraud, conflict of interest and mismanagement;

Or. en

Amendment 21
Sonia Alfano, Renate Weber

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Points out that interventions by the Court of Justice, the European Ombudsman and the EDPS, which basically take positions on individual cases, cannot replace legislative activity as regards legal certainty and equality before the law; regrets that even when the Court of Justice has established a clear principle, as for example in the Turco case on legislative transparency, it is still not complied with;

Amendment

4. Points out that interventions by the Court of Justice, the European Ombudsman and the EDPS, which basically take positions on individual cases, cannot replace legislative activity as regards legal certainty and equality before the law; regrets that even when the Court of Justice has established a clear principle, as for example in the Turco case on legislative transparency, it is still not complied with; ***consequently repeats its call to institutions to abide by the Turco judgment on legal service opinions drafted in the framework of the legislative process; reaffirms that the legislator shall address and overcome the problems highlighted by the Court of Justice jurisprudence and implement the right to access to documents fully and more extensively, in the spirit of the new Treaty modifications clearly establishing a fundamental right of access to documents;***

Or. en

Amendment 22
Renate Sommer

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Considers, ***in the light of ten years of experience with the application of Regulation (EC) No 1049/2001 and taking into account the case-law of the Court of Justice***, that it is necessary to revise ***that Regulation*** in order to clarify some of its provisions, ***narrow its exceptions and ensure*** that the transparency promised by the Treaties ***becomes a reality***;

Amendment

5. Considers that it is necessary to revise ***Regulation (EC) No 1049/2001*** in order to ***establish unambiguous definitions and distinctions***, clarify some of its provisions and ***specify any exceptions, with a view to ensuring*** that the transparency promised by the Treaties ***is achieved***;

Amendment 23

Anna Maria Corazza Bildt, Mariya Nedelcheva, Monica Luisa Macovei

Motion for a resolution

Paragraph 5

Motion for a resolution

5. Considers, in the light of ten years of experience with the application of Regulation (EC) No 1049/2001 and taking into account the case-law of the Court of Justice, that it is necessary to revise that Regulation in order to clarify some of its provisions, narrow its exceptions and ensure that the transparency promised by the Treaties becomes a reality;

Amendment

5. Considers, in the light of ten years of experience with the application of Regulation (EC) No 1049/2001 and taking into account the case-law of the Court of Justice, that it is necessary to revise that Regulation in order to clarify some of its provisions, narrow its exceptions and ensure that the transparency promised by the Treaties becomes a reality; ***stresses in this context that the revised Regulation should be simple and accessible for citizens in order to make them able to effectively use their right;***

Amendment 24

Sonia Alfano, Renate Weber

Motion for a resolution

Paragraph 5

Motion for a resolution

5. Considers, in the light of ten years of experience with the application of Regulation (EC) No 1049/2001 and taking into account the case-law of the Court of Justice, that it is necessary to revise that Regulation in order to clarify some of its provisions, narrow its exceptions and ensure that the transparency promised by the Treaties becomes a reality;

Amendment

5. Considers, in the light of ten years of experience with the application of Regulation (EC) No 1049/2001 and taking into account the case-law of the Court of Justice, that it is necessary to revise that Regulation in order to clarify some of its provisions, narrow its exceptions and ensure that the transparency promised by the Treaties becomes a reality, ***by strengthening the right of access to documents, without in any way reducing***

the existing standards for the protection of that right;

Or. en

Amendment 25
Louis Michel

Motion for a resolution
Paragraph 5 a (new)

Motion for a resolution

Amendment

5a. Stresses that the new regulation must take into account the ability of the institutions, bodies, offices and agencies to carry out their tasks and not hinder the drawing up of documentation or have any unwanted impact; insists on the protection of political activity and the independence of MEPs;

Or. fr

Amendment 26
Renate Sommer

Motion for a resolution
Paragraph 6

Motion for a resolution

Amendment

6. Calls on the Commission to present a revised proposal for a revision of Regulation (EC) No 1049/2001 which would fully take into account the requirements for greater transparency enshrined in the Lisbon Treaty, stated in the case-law of the Court of Justice ***and expressed in the concurrent votes by Parliament on amendments to the 2008 proposal in this and the previous parliamentary term;***

6. Calls on the Commission to present a revised proposal for a revision of Regulation (EC) No 1049/2001 which would fully take into account the requirements for greater transparency enshrined in the Lisbon Treaty ***and*** stated in the case-law of the Court of Justice;

Amendment 27
Anneli Jäätteenmäki

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Calls on the Commission to present a revised proposal for a revision of Regulation (EC) No 1049/2001 which would fully take into account the requirements for greater transparency enshrined in the Lisbon Treaty, stated in the case-law of the Court of Justice and expressed in the concurrent votes by Parliament on amendments to the 2008 proposal in this and the previous parliamentary term;

Amendment

6. *Considers that the Commission's proposal of 2008 for amending Regulation (EC) No 1049/2001 does not improve the Union's transparency to the level required by the Lisbon Treaty but on the contrary that many of the amendments proposed by the Commission actually reduce the existing level; in particular, considers that the amendment which the Commission proposed to Article 3, which substantially restricts the definition of 'document' in comparison with the status quo, is contrary to the Lisbon Treaty; calls on the Commission to present a revised proposal for a revision of Regulation (EC) No 1049/2001 which would fully take into account the requirements for greater transparency enshrined in the Lisbon Treaty, stated in the case-law of the Court of Justice and expressed in the concurrent votes by Parliament on amendments to the 2008 proposal in this and the previous parliamentary term; stresses that it is better to retain the current Regulation (EC) No 1049/2001 than to adopt amendments which will water it down;*

Or. fi

Amendment 28
Sonia Alfano, Renate Weber

Motion for a resolution
Paragraph 7

Motion for a resolution

7. Recalls that the Court of Justice has clarified in the case Sweden v Commission (case C-64/05 P) that Member States do not have an absolute veto right regarding documents originating from them, but only the possibility of an assent procedure, confirming that none of the exceptions to the right of access to documents is applicable; considers that a legislative clarification is needed in order to ensure the correct application of this case-law to avoid the still existing delays and controversies, as shown by the IFAW case;

Amendment

7. Recalls that the Court of Justice has clarified in the case Sweden v Commission (case C-64/05 P) that Member States do not have an absolute veto right regarding documents originating from them, but only the possibility of an assent procedure, confirming that none of the exceptions to the right of access to documents ***set out in Regulation (EC) No 1049/2001*** is applicable; considers that a legislative clarification is needed in order to ensure the correct application of this case-law to avoid the still existing delays and controversies, as shown by the IFAW case;

Or. en

Amendment 29
Heidi Hautala

Motion for a resolution
Paragraph 7

Motion for a resolution

7. Recalls that the Court of Justice has clarified in the case Sweden v Commission (case C-64/05 P) that Member States do not have an absolute veto right regarding documents originating from them, but only the possibility of an assent procedure, confirming that none of the exceptions to the right of access to documents is applicable; considers that a legislative clarification is needed in order to ensure the correct application of this case-law to avoid the still existing delays and controversies, as shown by the IFAW case;

Amendment

7. Recalls that the Court of Justice has clarified in the case Sweden v Commission (case C-64/05 P) that Member States do not have an absolute veto right regarding documents originating from them, but only the possibility of an assent procedure confirming that none of the exceptions to the right of access to documents is applicable ***to a consultation procedure, the purpose of which is to assess whether or not an exception to access to documents is applicable***; considers that a legislative clarification is needed in order to ensure the correct application of this case-law to avoid the still existing delays and controversies, as shown by the IFAW case;

Amendment 30
Salvatore Iacolino

Motion for a resolution
Paragraph 8

Motion for a resolution

8. **Recalls** that Article 9 of Regulation (EC) No 1049/2001 on sensitive documents **is a compromise that does not reflect any more the new constitutional and legal obligations after the Lisbon Treaty**;

Amendment

8. **Takes the view, in terms of ensuring an ever increasing application of the right to access, that it is also necessary to specify the scope of the limitations laid down in Article 9 of Regulation (EC) No 1049/2001 on sensitive documents; this should be done with the awareness, however, that it is vital to lay down some specific limits in such matters in order to protect interests that may be at stake (since sensitive documents protect key interests of the Union or the Member States in sectors such as public security, defence and military issues) and that, in any case, it complies with the provisions of the Treaties (indeed, Article 17 TFEU accepts limits to the right of access in order to protect particular public interests)**;

Or. it

Amendment 31
Renate Sommer

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Stresses that classification of documents directly affects the citizen's right to access to documents; recalls that the current system of classification **lacks any legislative basis in the form of secondary legislation adopted in a democratic**

Amendment

9. Stresses that classification of documents directly affects the citizen's right to access to documents; recalls that the current system of classification functions only on the basis of interinstitutional agreements and is prone to over-classification; calls for

legislative process but functions only on the basis of interinstitutional agreements and is prone to over-classification; calls for common rules of classification in the form of a regulation;

common rules of classification in the form of a regulation;

Or. de

Amendment 32
Sonia Alfano, Renate Weber

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Calls especially on the Council to grant Parliament full access to classified documents connected with international agreements, as provided for by Article 218 TFEU, to avoid interinstitutional problems such as were encountered, for example, regarding the EU's accession to the ECHR, the Schengen evaluation regarding Bulgaria and Romania, ACTA or the EU-China Human Rights dialogue;

Amendment

10. Calls especially on the Council to grant Parliament full access to classified documents connected with international agreements, as provided for by Article 218 TFEU, **as well as classified documents connected with EU evaluation procedures**, to avoid interinstitutional problems such as were encountered, for example, regarding the EU's accession to the ECHR, the Schengen evaluation regarding Bulgaria and Romania, ACTA or the EU-China Human Rights dialogue;

Or. en

Amendment 33
Renate Sommer

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Calls on the EU institutions to work towards **an ambitious new 'EU Freedom of Information Act'**, fully reflecting the proposals in this report, recent case-law and the new Treaties;

Amendment

12. Calls on the EU institutions to work towards **more transparent EU rules on freedom of information which take full account of** the proposals in this report, recent case-law and the new Treaties;

Amendment 34
Renate Sommer

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Recalls that the **landmark** judgment of the Court of Justice in the joined cases Sweden and Turco v Council stressed an obligation of transparency in the legislative procedure, as ‘openness in that respect contributes to strengthening democracy by allowing citizens to scrutinise all the information which has formed the basis of a legislative act’; stresses therefore that any exceptions referring to the legislative procedure, including legal advice **and the so-called ‘space to think’**, should be **extremely** limited;

Amendment

13. Recalls that the judgment of the Court of Justice in the joined cases Sweden and Turco v Council stressed an obligation of transparency in the legislative procedure, as ‘openness in that respect contributes to strengthening democracy by allowing citizens to scrutinise all the information which has formed the basis of a legislative act’; stresses therefore that any exceptions referring to the legislative procedure, including legal advice, should be limited, **but also that it is imperative for the so-called ‘space to think’ to be preserved;**

Amendment 35
Sonia Alfano, Renate Weber

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Recalls that the landmark judgment of the Court of Justice in the joined cases Sweden and Turco v Council stressed an obligation of transparency in the legislative procedure, as ‘openness in that respect contributes to strengthening democracy by allowing citizens to scrutinise all the information which has formed the basis of a legislative act’; stresses therefore that any exceptions referring to the legislative procedure, including legal advice and the

Amendment

13. Recalls that the landmark judgment of the Court of Justice in the joined cases Sweden and Turco v Council stressed an obligation of transparency in the legislative procedure, as ‘openness in that respect contributes to strengthening democracy by allowing citizens to scrutinise all the information which has formed the basis of a legislative act’; stresses therefore that any exceptions referring to the legislative procedure, including legal advice and the

so-called ‘space to think’, should be extremely limited;

so-called ‘space to think’, should be extremely limited, *if permitted at all*;

Or. en

Amendment 36

Heidi Hautala

Motion for a resolution

Paragraph 13

Motion for a resolution

13. Recalls that the landmark judgment of the Court of Justice in the joined cases Sweden and Turco v Council stressed an obligation of transparency in the legislative procedure, as ‘openness in that respect contributes to strengthening democracy by allowing citizens to scrutinise all the information which has formed the basis of a legislative act’; stresses therefore that any exceptions referring to the legislative procedure, including legal advice and the so-called ‘space to think’, **should be extremely limited**;

Amendment

13. Recalls that the landmark judgment of the Court of Justice in the joined cases Sweden and Turco v Council stressed an obligation of transparency in the legislative procedure, as ‘openness in that respect contributes to strengthening democracy by allowing citizens to scrutinise all the information which has formed the basis of a legislative act’; stresses therefore that any exceptions referring to the legislative procedure, including legal advice, **should be extremely limited** and **as far as to the so-called ‘space to think’ nonexistent**;

Or. en

Amendment 37

Sonia Alfano, Renate Weber

Motion for a resolution

Paragraph 14

Motion for a resolution

14. Emphasises that, regardless of this clear principle, this is still not implemented in practice, as shown by the recent judgment in the Access Info Europe case regarding the refusal by the Council to disclose positions of Member States on the proposed recast of Regulation (EC) No

Amendment

14. Emphasises that, regardless of this clear principle, this is still not implemented in practice, as shown by the recent judgment in the Access Info Europe case regarding the refusal by the Council to disclose positions of Member States on the proposed recast of Regulation (EC) No

1049/2001, and by the case ClientEarth v Council, pending before the General Court, on a legal opinion regarding the recast of Regulation (EC) No 1049/2001;

1049/2001, and by the case ClientEarth v Council, pending before the General Court, on a legal opinion regarding the recast of Regulation (EC) No 1049/2001; ***notes that the public disclosure of Member States' positions during the negotiation of Regulation (EC) No 1049/2001 and many subsequent adopted measures did not in any way undermine the decision-making capacity of the Council, since these disclosures did not prevent the successful conclusion of the relevant legislative procedures;***

Or. en

Amendment 38
Renate Sommer

Motion for a resolution
Paragraph 15

Motion for a resolution

15. Calls on the Council to ***extend*** transparency ***to the working groups*** by providing for example minutes ***and*** lists of members; ***strongly opposes the current practice of such groups, where the deliberations until the final decision are closed to the public, and the use of 'limited' documents (a term not deriving from Regulation (EC) No 1049/2001) for this purpose; opposes as well the practice of unregistered documents, such as room documents;***

Amendment

15. Calls on the Council to ***increase*** transparency by providing, for example, ***the working groups'*** minutes, lists of members ***and meeting documents; insists that such groups' final decisions must be made available to the public;***

Or. de

Amendment 39
Sonia Alfano, Renate Weber

Motion for a resolution
Paragraph 15

Motion for a resolution

15. Calls on the Council to extend transparency to the working groups by providing *for example* minutes and lists of members; strongly opposes the current practice of such groups, where the deliberations until the final decision are closed to the public, and the use of 'limited' documents (a term not deriving from Regulation (EC) No 1049/2001) for this purpose; opposes as well the practice of unregistered documents, such as room documents;

Amendment

15. Calls on the Council to ***review its rules and*** extend transparency to the working groups, ***expert groups and committees*** by providing ***at least the*** minutes ***of the discussions, the documents examined, the amendments, the documents approved, the identity of the Member States' delegations*** and lists of members; strongly opposes the current practice of such groups, where the deliberations until the final decision are closed to the public, and the use of 'limited' documents (a term not deriving from Regulation (EC) No 1049/2001) for this purpose; opposes as well the practice of unregistered documents, such as room documents;

Or. en

Amendment 40
Salvatore Iacolino

Motion for a resolution
Paragraph 15

Motion for a resolution

15. Calls on the Council to extend transparency to the working groups by providing for example minutes and lists of members; strongly opposes the current practice of such groups, ***where the*** deliberations until the final decision ***are closed to the public, and*** the use of 'limited' documents (a term not deriving from Regulation (EC) No 1049/2001) for this purpose; opposes ***as well*** the practice of unregistered documents, such as room documents;

Amendment

15. Calls on the Council to extend transparency to the working groups by providing for example minutes and lists of members; strongly opposes the current ***general*** practice of such groups ***of not allowing public access to*** deliberations until the final decision ***is adopted, where, under the current regulations, a ban on access should be justified only if the disclosure of the internal document would seriously undermine the institution's decision-making process; opposes, furthermore,*** the use of 'limited' documents (a term not deriving from Regulation (EC) No 1049/2001) for this purpose; opposes, ***likewise,*** the practice of

unregistered documents, such as room documents;

Or. it

Amendment 41
Sonia Alfano, Renate Weber

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Calls on the Commission to make publicly available agendas, minutes and declarations of interests as regards expert groups, and names of members, proceedings and votes of the ‘comitology’ committees;

Amendment

16. Calls on the Commission to make publicly available agendas, minutes and declarations of interests as regards expert groups, and names of members, proceedings and votes of the ‘comitology’ committees, ***as well as all of the documents considered by such groups and committees, including draft delegated acts and draft implementing acts; calls on the Parliament to adopt a more transparent and open procedures, including internally, to deal with these documents;***

Or. en

Amendment 42
Heidi Hautala

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Calls on the Commission to make publicly available agendas, minutes and declarations of interests as regards expert groups, and names of members, proceedings and votes of the ‘comitology’ committees;

Amendment

16. Calls on the Commission to make publicly available agendas, minutes and declarations of interests as regards expert groups, and names of members, proceedings and votes of the ***committees established under Article 291 TFEU concerning implementing powers (the so called old comitology committees), as well***

as all of the documents considered by such groups and committees, including draft delegated acts and draft implementing acts;

Or. en

Amendment 43
Sonia Alfano, Renate Weber

Motion for a resolution
Paragraph 17

Motion for a resolution

17. Recalls that transparency as required by the Treaties is not limited to legislative procedures but includes as well non-legislative work of EU institutions, bodies, offices and agencies; stresses that Regulation (EC) No 1049/2001 is the only proper legal act for assessing the right of access to documents, and that other legal acts, such as *the* founding regulations of agencies, cannot introduce additional grounds for refusing access;

Amendment

17. Recalls that transparency as required by the Treaties is not limited to legislative procedures but includes as well non-legislative work of EU institutions, bodies, offices and agencies; stresses that Regulation (EC) No 1049/2001 is the only proper legal act for assessing the right of access to documents, and that other legal acts, such as *internal or* founding regulations of *institutions*, agencies *and bodies*, cannot introduce additional grounds for refusing access;

Or. en

Amendment 44
Salvatore Iacolino

Motion for a resolution
Paragraph 17

Motion for a resolution

17. Recalls that transparency as required by the Treaties is not limited to legislative procedures but includes as well non-legislative work of EU institutions, bodies, offices and agencies; stresses that Regulation (EC) No 1049/2001 is the only proper legal act for assessing the right of

Amendment

17. Recalls that transparency as required by the Treaties is not limited to legislative procedures but includes as well non-legislative work of EU institutions, bodies, offices and agencies, *although – as stipulated by the Treaty itself (Article 15(6) TFEU) – specific institutions such*

access to documents, and that other legal acts, such as the founding regulations of agencies, cannot introduce additional grounds for refusing access;

*as the Court of Justice, the European Central Bank and the European Investment Bank are subject to the provisions on transparency and right of access 'only when exercising their administrative tasks'; stresses that Regulation (EC) No 1049/2001 is the only proper legal act for assessing the right of access to documents, and that **the exceptions to that right laid down therein are exhaustive; accordingly**, other legal acts, such as the founding regulations of agencies, cannot introduce additional grounds for refusing access;*

Or. it

Amendment 45
Sonia Alfano, Renate Weber

Motion for a resolution
Paragraph 17 a (new)

Motion for a resolution

Amendment

17a. Regrets that recent negotiations between the EU institutions for a 'common understanding' on delegated acts and for a new framework agreement between the Commission and the Parliament have not been fully transparent; commits itself to make fully transparent its negotiations with the Council and Commission for ongoing or future Inter-Institutional Agreements or for comparable agreements;

Or. en

Amendment 46
Heidi Hautala

Motion for a resolution
Paragraph 19

Motion for a resolution

19. Recalls that the Court of Justice in some of its recent decisions, such as in the cases of API and TGI as mentioned above, has **accepted** the existence of a ‘general presumption’, thus relieving the Commission in some cases of a duty to examine requested documents individually; stresses that this is in principle contrary to the core principles of Regulation (EC) No 1049/2001; recalls that the case law of the Court of Justice also highlights the need to revise the access rules for parties directly concerned in relation to their own files held by the institutions;

Amendment

19. Recalls that the Court of Justice in some of its recent decisions, such as in the cases of API and TGI as mentioned above, has **established** the existence of a ‘general presumption’, thus relieving the Commission in some cases of a duty to examine requested documents individually; stresses that this is in principle contrary to the core principles of Regulation (EC) No 1049/2001; recalls that the case law of the Court of Justice also highlights the need to revise the access rules for parties directly concerned in relation to their own files held by the institutions;

Or. en

Amendment 47
Sonia Alfano, Renate Weber

Motion for a resolution
Paragraph 19 a (new)

Motion for a resolution

Amendment

19a. Notes that the Court of Justice, like all other EU institutions, bodies, offices and agencies, must carry out its work ‘as openly as possible’, pursuant to Article 1 TEU; emphasises that while Article 15 TFEU only specifically applies to the administrative documents of the Court, this does not preclude the adoption of measures on a different legal base, conferring the right of access on other Court documents, in accordance with Article 1 TEU; considers that the current proposal for the amendment of the Statute of the Court of Justice should be amended by the Parliament and Council to adopt rules to this end, and also to adopt rules concerning access to the Court proceedings, as an amicus curie, by EU

bodies such as the Fundamental Rights Agency, by civil society organisations and by certain international bodies such as the UNCHR; believes that such rules should be modelled on the best practice of the European Court of Human Rights, the Member States' judicial traditions and the procedures applicable in the courts of some third States;

Or. en

Amendment 48
Heidi Hautala

Motion for a resolution
Paragraph 19 a (new)

Motion for a resolution

Amendment

19a. Notes that the Court of Justice, like all other EU institutions, bodies, offices and agencies, must carry out its work 'as openly as possible', pursuant to Article 1 TEU; emphasises that while Article 15 TEU only specifically applies to the administrative documents of the Court, this does not preclude the adoption of measures on a different legal base, conferring the right of access on other Court documents, in accordance with Article 1 TEU;

Or. en

Amendment 49
Renate Sommer

Motion for a resolution
Paragraph 20

Motion for a resolution

Amendment

20. Recalls that the new Treaties ***abolished***

20. Recalls that the new Treaties ***no longer***

the specific reference to the Council's obligation to define the cases in which it acts in a legislative capacity and to the need to preserve the effectiveness of its decision-making process (Article 207(3) of the former TEC), the so-called 'space to think', and that the current 'survival' of this concept is based only on Article 4(3) of Regulation (EC) 1049/2001;

specifically refer to the Council's obligation to define the cases in which it acts in a legislative capacity and to the need to preserve the effectiveness of its decision-making process (Article 207(3) of the former TEC), the so-called 'space to think', and that the current 'survival' of this concept is based only on Article 4(3) of Regulation (EC) 1049/2001;

Or. de

Amendment 50
Heidi Hautala

Motion for a resolution
Paragraph 20

Motion for a resolution

20. Recalls that the new Treaties abolished the specific reference to the Council's obligation to define the cases in which it acts in a legislative capacity and to the need to preserve the effectiveness of its decision-making process (Article 207(3) of the former TEC), the so-called 'space to think', and that the current 'survival' of this concept is based only on Article 4(3) of Regulation (EC) 1049/2001;

Amendment

20. Recalls that the new Treaties abolished the specific reference to the Council's obligation to define the cases in which it acts in a legislative capacity and to the need to preserve the effectiveness of its decision-making process (Article 207(3) of the former TEC), the so-called 'space to think', and that the current 'survival' of this concept is based only on Article 4(3) of Regulation (EC) 1049/2001 *as far as the legislative procedures are concerned*;

Or. en

Amendment 51
Monica Luisa Macovei, Mariya Nedelcheva

Motion for a resolution
Paragraph 20 a (new)

Motion for a resolution

20a. *In accordance with the best international standards developed by*

Amendment

20a. In accordance with the best international standards developed by

major non-governmental organisations¹, highlights the need for a strict three-part test to be used in order to justify a refusal to disclose a document:

(1) the information contained in the document must relate to a legitimate aim listed in the legislative act;

(2) the disclosure of the document must threaten substantial harm to that aim;

(3) the harm to the aim must be greater than the public interest in having the information contained in the document.

¹ *ARTICLE 19, 'The Public's Right to Know: Principles of Freedom of Information Legislation', London, 1999; Transparency International, 'Using the Right to information as an Anti-Corruption Tool', Berlin, 2006.*

Or. en

Amendment 52
Heidi Hautala

Motion for a resolution
Paragraph 20 a (new)

Motion for a resolution

Amendment

20a. Recalls that Regulation (EC) No 1049/2001 establishes a clear obligation for the institutions to grant access to all those parts of the document that are not covered by any of the exceptions; notes that partial access granted is often unduly limited and stresses that access should be genuinely considered also in relation to those substantive parts of documents that are of interest to the applicant;

Or. en

Amendment 53
Renate Sommer

Motion for a resolution
Paragraph 21

Motion for a resolution

21. Emphasises the open-ended definition in the current Article 4(3) of Regulation (EC) No 1049/2001, which does not provide clear conditions for application or take into account the case-law of the Court of Justice; stresses the need for an appropriate definition in accordance with the concept of legal certainty *by narrowing the concept*;

Amendment

21. Emphasises the open-ended definition in the current Article 4(3) of Regulation (EC) No 1049/2001, which does not provide clear conditions for application or take into account the case-law of the Court of Justice; stresses the need for an appropriate definition in accordance with the concept of legal certainty;

Or. de

Amendment 54
Salvatore Iacolino

Motion for a resolution
Paragraph 21

Motion for a resolution

21. **Emphasises** the open-ended definition in the current Article 4(3) of Regulation (EC) No 1049/2001, which does not provide clear conditions for application or take into account the case-law of the Court of Justice; stresses the need for an appropriate definition in accordance with the concept of legal certainty by narrowing the concept;

Amendment

21. **Points out that** the current Article 4(3) of Regulation (EC) No 1049/2001 **seeks to limit the scope of the 'space to think' by stipulating that, as a prerequisite for refusal to grant access, disclosure of the document must not merely undermine the decision-making process, but must 'seriously' undermine it, and in any case allowing this limit to be overstepped where there is 'an overriding public interest in disclosure'**; **stresses however that in spite of the above-mentioned considerations, Article 4(3) of Regulation (EC) No 1049/2001 contains an** open-ended definition which does not provide clear conditions for application or take into account the case-law of the Court of Justice; stresses the need for an

appropriate definition in accordance with the concept of legal certainty by narrowing the concept;

Or. it

Amendment 55
Renate Sommer

Motion for a resolution
Paragraph 22

Motion for a resolution

22. Emphasises that the so-called first reading dialogues and the conciliation procedures (as explicitly listed in Article 294 TFEU) are a substantial phase of the legislative procedure, and not a separate ‘space to think’; requests, therefore, that the documents created in their framework should not be treated differently from other legislative documents, and that they should be made public;

Amendment

deleted

Or. de

Amendment 56
Sonia Alfano, Renate Weber

Motion for a resolution
Paragraph 22

Motion for a resolution

22. Emphasises that the so-called first reading dialogues and the conciliation procedures (as explicitly listed in Article 294 TFEU) are a substantial phase of the legislative procedure, and not a separate ‘space to think’; requests, therefore, that the documents created in their framework should not be treated differently from other legislative documents, and that they should

Amendment

22. Emphasises that the so-called ‘**comitology**’, first reading dialogues and the conciliation procedures (as explicitly listed in Article 294 TFEU) are a substantial phase of the legislative procedure, and not a separate ‘space to think’; **believes that the current procedures fail to ensure a satisfactory level of transparency and access to**

be made public;

documents, both internally to the Parliament, and externally in relation to citizens and the public opinion; underlines that the Parliament has a statutory duty to hold its meetings in public and an obligation to publish the documents it examines, notably of legislative nature, as foreseen by the Treaties, jurisprudence of the Court of Justice and its rules of procedure; requests, therefore, that the documents created in their framework should not be treated differently from other legislative documents, and that they should be made public; *consequently charges its competent bodies to standardize this procedure and publish such documents and calls other institutions to do the same;*

Or. en

Amendment 57
Heidi Hautala

Motion for a resolution
Paragraph 22

Motion for a resolution

22. Emphasises that the so-called *first reading* trialogues and the conciliation procedures (as explicitly listed in Article 294 TFEU) are a substantial phase of the legislative procedure, and not a separate ‘space to think’; requests, therefore, that the documents created in their framework should not be treated differently from other legislative documents, and that they should be made public;

Amendment

22. Emphasises that the so-called trialogues and the conciliation procedures (as explicitly listed in Article 294 TFEU) are a substantial phase of the legislative procedure, and not a separate ‘space to think’; requests, therefore, that the documents created in their framework, *such as agendas, summaries of outcomes and the ‘four column’ documents drawn up for facilitating negotiations,* should not be *in principle* treated differently from other legislative documents, and that they should be made public *in trialogues*;

Or. en

Amendment 58
Renate Sommer

Motion for a resolution
Paragraph 23

Motion for a resolution

23. Highlights the need to establish an appropriate equilibrium between transparency and data protection, as made clear by the Bavarian Lager case-law, and stresses that data protection should not be ‘misused’, in particular, for the purpose of covering conflicts of interest and undue influence in the context of EU administration and decision-making; points out that the judgment of the Court of Justice in the Bavarian Lager case is based on the current wording of Regulation (EC) No 1049/2001 **and does not prevent the legislature from establishing a new equilibrium;**

Amendment

23. Highlights the need to establish an appropriate equilibrium between transparency and data protection, as made clear by the Bavarian Lager case-law, and stresses that data protection should not be ‘misused’, in particular, for the purpose of covering conflicts of interest and undue influence in the context of EU administration and decision-making; points out that the judgment of the Court of Justice in the Bavarian Lager case is based on the current wording of Regulation (EC) No 1049/2001;

Or. de

Amendment 59
Sonia Alfano, Renate Weber

Motion for a resolution
Paragraph 23

Motion for a resolution

23. Highlights the need to establish an appropriate equilibrium between transparency and data protection, as made clear by the Bavarian Lager case-law, and stresses that data protection should not be ‘misused’, in particular, for the purpose of covering conflicts of interest and undue influence in the context of EU administration and decision-making; points out that the judgment of the Court of Justice in the Bavarian Lager case is based on the current wording of Regulation (EC)

Amendment

23. Highlights the need to establish an appropriate equilibrium between transparency and data protection, as made clear by the Bavarian Lager case-law, and stresses that data protection should not be ‘misused’, in particular, for the purpose of covering conflicts of interest and undue influence in the context of EU administration and decision-making; points out that the judgment of the Court of Justice in the Bavarian Lager case is based on the current wording of Regulation (EC)

No 1049/2001 and does not prevent the legislature from establishing a new equilibrium;

No 1049/2001 and does not prevent the legislature from establishing a new equilibrium, ***which is necessary and urgent notably after the clear proclamation of the right of access to documents in the Treaties and in the Charter of Fundamental Rights;***

Or. en

Amendment 60
Salvatore Iacolino

Motion for a resolution
Paragraph 23

Motion for a resolution

23. Highlights the need to establish an appropriate equilibrium between transparency and data protection, as made clear by the Bavarian Lager case-law, and stresses that data protection should not be ‘misused’, in particular, for the purpose of covering conflicts of interest and undue influence in the context of EU administration and decision-making; points out that the judgment of the Court of Justice in the Bavarian Lager case is based on the current wording of Regulation (EC) No 1049/2001 and does not prevent the legislature from establishing a new equilibrium;

Amendment

23. Highlights the need to establish an appropriate equilibrium between transparency and data protection, as made clear by the Bavarian Lager case-law, ***in the sense that measures adopted to ensure that personal data are protected must comply both with the regulations on the protection of individuals with regard to the processing of personal data and with the free movement of such data, in order to maintain a balance between the free movement of personal data and the protection of private life;*** stresses that data protection should not be ‘misused’, in particular, for the purpose of covering conflicts of interest and undue influence in the context of EU administration and decision-making; points out that the judgment of the Court of Justice in the Bavarian Lager case is based on the current wording of Regulation (EC) No 1049/2001 and does not prevent the legislature from establishing a new equilibrium;

Or. it

Amendment 61
Salvatore Iacolino

Motion for a resolution
Paragraph 24

Motion for a resolution

24. Welcomes the consensus reached by the European Data Protection Supervisor (EDPS) and the European Ombudsman on the appropriate balance between data protection and transparency, especially as regards the proactive approach meaning that ‘institutions assess and subsequently make clear to data subjects – before or at least at the moment they collect their data – the extent to which the processing of such data includes or might include its public disclosure’;

Amendment

24. Welcomes the consensus reached by the European Data Protection Supervisor (EDPS) and the European Ombudsman on the appropriate balance between data protection and transparency, especially as regards the proactive approach meaning that ‘institutions assess and subsequently make clear to data subjects – before or at least at the moment they collect their data – the extent to which the processing of such data includes or might include its public disclosure’; ***this enables there to be a meeting point between the interest of individuals in protecting their privacy and the burdens placed on data processors with regard to the requirement to collect and retain personal data (see also in this regard the judgment of the Court of Justice 'College van burgemeester en wethouders van Rotterdam' of 7 May 2009);***

Or. it

Amendment 62
Sonia Alfano, Renate Weber

Motion for a resolution
Paragraph 24 a (new)

Motion for a resolution

24a. Reiterates the importance of the principle of traceability, so to ensure that citizens can know how public money is allocated, spent and with which results, and calls EU institutions to apply this principle in relation to the running of the

Amendment

institution and to the policies and funds allocated to implement them, at all levels;

Or. en

Amendment 63
Sonia Alfano, Renate Weber

Motion for a resolution
Paragraph 28

Motion for a resolution

28. Stresses that when international agreements have legislative effects, access should be granted to the public; points out that Parliament, which is elected by the EU citizens, *has a special* role in representing the public interest; stresses, therefore, the need to fully respect the new prerogatives assigned to Parliament by the Lisbon Treaty in the field of international agreements, and that no bilateral agreements with third countries may prohibit this;

Amendment

28. Stresses that when international agreements have legislative effects, access should be granted to the public, *including access to documents adopted by or submitted to any bodies which have the task of implementing or monitoring the application of such agreements*; points out that Parliament, which is elected by the EU citizens, *is entrusted by the Treaties to have an institutional* role in representing the public interest; stresses, therefore, the need to fully respect the new prerogatives assigned to Parliament by the Lisbon Treaty in the field of international agreements, and that no bilateral agreements with third countries may prohibit this; *expresses its firm determination to make sure that Parliament's institutional prerogatives as foreseen by Article 218 TFEU are fully respected, including if necessary by bringing other institutions to the Court of Justice*;

Or. en

Amendment 64
Heidi Hautala

Motion for a resolution
Paragraph 28

Motion for a resolution

28. Stresses that when international agreements have **legislative** effects, **access** should be **granted** to the **public**; points out that Parliament, which is elected by the EU citizens, has a special role in representing the public interest; stresses, therefore, the need to fully respect the new prerogatives assigned to Parliament by the Lisbon Treaty in the field of international agreements, and that no bilateral agreements with third countries may prohibit this;

Amendment

28. Stresses that **documents relating to international agreements should be granted to the public, as they are not categorically excluded from public access, and that access to them should be refused only when there is real harm to international relations; emphasizes that since international agreements have binding effects, a public interest test should be introduced to the exception**; points out that Parliament, which is elected by the EU citizens, has a special role in representing the public interest; stresses, therefore, the need to fully respect the new prerogatives assigned to Parliament by the Lisbon Treaty in the field of international agreements, and that no bilateral agreements with third countries may prohibit this;

Or. en

Amendment 65
Salvatore Iacolino

Motion for a resolution
Paragraph 29

Motion for a resolution

29. Stresses that transparency is closely connected with the right of good administration, as referred to in Article 298 TFEU and Article 41 of the Charter of Fundamental Rights; highlights that administrative transparency guarantees democratic control of EU administrative tasks;

Amendment

29. Stresses that transparency is closely connected with the right of good administration, as referred to in Article 298 TFEU and Article 41 of the Charter of Fundamental Rights (**which stipulates, however, that right to access should be exercised while respecting the legitimate interests of confidentiality and of professional and business secrecy**); highlights that administrative transparency guarantees democratic control of EU administrative tasks, **the participation of civil society and the promotion of good**

governance (Article 15 TFEU);

Or. it

Amendment 66
Renate Sommer

Motion for a resolution
Paragraph 30

Motion for a resolution

30. Emphasises the current lack of coherent *EU* administrative law, such as rules regarding the delivery of administrative decisions that can be appealed against, or a clear concept of ‘administrative tasks’ as mentioned in Article 15(3) TFEU; calls, therefore, on the EU institutions to urgently define a common EU administrative law, and to provide a common and horizontally applicable definition of an ‘administrative task’ especially for the European Central Bank, the European Investment Bank and the Court of Justice;

Amendment

30. Emphasises the current lack of coherent administrative law *specifically applying to the EU institutions*, such as rules regarding the delivery of administrative decisions that can be appealed against, or a clear concept of ‘administrative tasks’ as mentioned in Article 15(3) TFEU; calls, therefore, on the EU institutions to urgently define a common EU administrative law, and to provide a common and horizontally applicable definition of an ‘administrative task’ especially for the European Central Bank, the European Investment Bank and the Court of Justice;

Or. de

Amendment 67
Sonia Alfano, Renate Weber

Motion for a resolution
Paragraph 30

Motion for a resolution

30. Emphasises the current lack of coherent EU administrative law, such as rules regarding the delivery of administrative decisions that can be appealed against, or a clear concept of ‘administrative tasks’ as mentioned in Article 15(3) TFEU; calls, therefore, on the EU institutions to urgently

Amendment

30. Emphasises the current lack of coherent EU administrative law, such as rules regarding the delivery of administrative decisions that can be appealed against, or a clear concept of ‘administrative tasks’ as mentioned in Article 15(3) TFEU; calls, therefore, on the EU institutions to urgently

define a common EU administrative law, and to provide a common and horizontally applicable definition of an ‘administrative task’ especially for the European Central Bank, the European Investment Bank and the Court of Justice;

define a common EU administrative law, ***pursuant to Article 298 TFEU***, and to provide a common and horizontally applicable definition of an ‘administrative task’ especially for the European Central Bank, the European Investment Bank and the Court of Justice; ***commits itself to make a recommendation for a legislative proposal on this issue, pursuant to Article 225 TFEU, which should inter alia address the issue of the transparency and accountability of the Commission’s conduct of infringement proceedings to complainants, the Parliament and citizens;***

Or. en

Amendment 68
Heidi Hautala

Motion for a resolution
Paragraph 30

Motion for a resolution

30. Emphasises the current lack of coherent EU administrative law, such as rules regarding the delivery of administrative decisions that can be appealed against, or a clear concept of ‘administrative tasks’ as mentioned in Article 15(3) TFEU; calls, therefore, on the EU institutions to urgently define a common EU administrative law, and to provide a common and horizontally applicable definition of an ‘administrative task’ especially for the European Central Bank, the European Investment Bank and the Court of Justice;

Amendment

30. Emphasises the current lack of coherent EU administrative law ***pursuant to Article 298 TFEU***, such as rules regarding the delivery of administrative decisions that can be appealed against, or a clear concept of ‘administrative tasks’ as mentioned in Article 15(3) TFEU; calls, therefore, on the EU institutions to urgently define a common EU administrative law, and to provide a common and horizontally applicable definition of an ‘administrative task’ especially for the European Central Bank, the European Investment Bank and the Court of Justice; ***Commits itself to make a recommendation for a legislative proposal on this issue, pursuant to Article 225 TFEU, which should inter alia address the issue of the transparency and accountability of the Commission’s conduct of infringement proceedings to***

complainants, the Parliament and citizens;

Or. en

Amendment 69
Csaba Sógor

Motion for a resolution
Paragraph 31 a (new)

Motion for a resolution

Amendment

31a. Stresses that citizens' right to information is generally not complied with by Member States' authorities and therefore calls on the Commission – taking into account the principle of good governance – to study the Member States' provisions on access to documents and encourage them to draw up maximally transparent rules promoting citizens' access to documents;

Or. hu

Amendment 70
Renate Sommer

Motion for a resolution
Paragraph 32

Motion for a resolution

Amendment

32. Points out that in several cases extensive delays have led to proceedings being started before the Court of Justice based on a lack of response, followed by a late Commission response, making the court case void and forcing the individual concerned to start the whole procedure once again; ***calls, therefore, for the adoption of sanctions that would prevent the possibility of not respecting*** deadlines

32. Points out that in several cases extensive delays have led to proceedings being started before the Court of Justice based on a lack of response, followed by a late Commission response, making the court case void and forcing the individual concerned to start the whole procedure once again; ***urges the Commission, therefore, to respect the*** deadlines set in Regulation (EC) No 1049/2001;

set in Regulation (EC) No 1049/2001;

Or. de

Amendment 71
Sonia Alfano, Renate Weber

Motion for a resolution
Paragraph 34 a (new)

Motion for a resolution

Amendment

34a. Considers that copyright rules, to the extent that they apply at all to documents within the scope of Regulation (EC) No 1049/2001, cannot be invoked to refuse public access to documents or to prevent the publication of such documents on the Internet;

Or. en

Amendment 72
Heidi Hautala

Motion for a resolution
Paragraph 34 a (new)

Motion for a resolution

Amendment

34a. Considers that copyright rules, to the extent that they apply at all to documents within the scope of Regulation (EC) No 1049/2001, cannot be invoked to refuse public access to documents or to prevent the publication of such documents on the Internet;

Or. en

Amendment 73
Monica Luisa Macovei, Anna Maria Corazza Bildt, Mariya Nedelcheva

Motion for a resolution
Paragraph 35

Motion for a resolution

35. Recalls that transparency is not only a matter of passive reactions by the EU institutions, bodies, offices and agencies, but requires a proactive approach as highlighted several times by the European Ombudsman; stresses that a proactive approach can prevent unnecessary litigation, which results in tax-payers' money being spent inefficiently as well as at the same time causing unnecessary delays, costs and burdens for those requesting access;

Amendment

35. Recalls that transparency is not only a matter of passive reactions by the EU institutions, bodies, offices and agencies, but requires a proactive approach as highlighted several times by the European Ombudsman; ***calls on the EU institutions to make as many categories of documents as possible publicly accessible by default on their Internet sites (including budgets and lists of public procurement contracts awarded over the last three years)***; stresses that a proactive approach can prevent unnecessary litigation, which results in tax-payers' money being spent inefficiently as well as at the same time causing unnecessary delays, costs and burdens for those requesting access;

Or. en

Amendment 74
Monica Luisa Macovei, Mariya Nedelcheva

Motion for a resolution
Paragraph 35 a (new)

Motion for a resolution

35a. Calls upon the Commission to ensure transparency in the administration of European funds, by the publication of the same categories of information, on a single website, in one of the EU working languages, regarding all beneficiaries of these funds;

Amendment

Or. en

Amendment 75
Renate Sommer

Motion for a resolution
Paragraph 36

Motion for a resolution

36. Considers that specially trained officer posts should be created and proper training of officials provided in each DG or corresponding unit of the institutions to create the best possible proactive policy as well as to evaluate requests in the most efficient way;

Amendment

deleted

Or. de

Amendment 76
Anneli Jäätteenmäki

Motion for a resolution
Paragraph 36

Motion for a resolution

36. Considers that specially trained officer posts should be created and proper training of officials provided in each DG or corresponding unit of the institutions to create the best possible proactive policy **as well as to** evaluate requests in the most efficient way;

Amendment

36. Considers that specially trained officer posts should be created and proper training of officials provided in each DG or corresponding unit of the institutions to create the best possible proactive policy, evaluate requests in the most efficient way **and ensure that all deadlines laid down in Regulation (EC) No 1049/2001 are properly adhered to;**

Or. fi

Amendment 77
Salvatore Iacolino

Motion for a resolution
Paragraph 36

Motion for a resolution

36. Considers that *pecially trained officer posts should be created* **and** proper training of officials provided in each DG or corresponding unit of the institutions to create the best possible proactive policy as well as to evaluate requests in the most efficient way;

Amendment

36. Considers that *posts should be created for specially trained officers, some of whom should also be charged with acting as 'procedure manager' when a request for access is received; considers, to that end*, that proper training of officials *should be* provided in each DG or corresponding unit of the institutions to create the best possible proactive policy as well as to evaluate requests in the most efficient way;

Or. it

Amendment 78

Sonia Alfano, Renate Weber

Motion for a resolution

Paragraph 37

Motion for a resolution

37. Reiterates that Parliament should be at the forefront of the proactive approach and highlights the success of webstreaming of hearings and committee meetings in addition to plenary sittings, and believes that the Legislative Observatory (OEIL) should be even further expanded to include all EU official languages and information such as amendments, opinions from other committees, Legal Service opinions, interinstitutional letters, names of shadow rapporteurs, a 'search by word' function, multilingual search, tabling deadlines, RSS feeds, an explanation of the legislative procedure, etc.;

Amendment

37. Reiterates that Parliament should be at the forefront of the proactive approach **on publicity, transparency, openness and access to documents and** highlights the success of webstreaming of hearings and committee meetings in addition to plenary sittings, and believes that **this should become the norm and that the** Legislative Observatory (OEIL) should be even further expanded to include all EU official languages and information, **both at committee and plenary level**, such as amendments, opinions from other committees, Legal Service opinions, **voting lists, roll call votes, present and voting MEPs**, interinstitutional letters, names of shadow rapporteurs, a 'search by word' function, multilingual search, tabling deadlines, RSS feeds, an explanation of the legislative procedure, **links to webstreamed discussions**, etc.;

Amendment 79
Renate Sommer

Motion for a resolution
Paragraph 38

Motion for a resolution

38. Believes *at the same* that transparency has to apply to ***the work of*** Parliament's ***internal*** bodies (***such as the Conference of Presidents, the Bureau and the Quaestors***), as well as to ***MEPs' activities***, ***such as*** participation in parliamentary work and parliamentary attendance, ***and MEPs' allowances and spending, in conformity with data protection rules and the position taken by the European Ombudsman differentiating between the databases for general expenditure, the pension scheme, parliamentary assistance expenses and travel and subsistence allowances***;

Amendment

38. Believes ***moreover*** that ***the greatest possible*** transparency has to apply to Parliament's ***official*** bodies, as well as to ***MEPs, their*** participation in parliamentary work and ***their*** parliamentary attendance;

Amendment 80
Sonia Alfano, Renate Weber

Motion for a resolution
Paragraph 38

Motion for a resolution

38. Believes at the same that transparency has to apply to the work of Parliament's internal bodies (such as the Conference of Presidents, ***the*** Bureau and the Quaestors), as well as to MEPs' activities, such as participation in parliamentary work and parliamentary attendance, and MEPs' allowances and spending, in conformity with data protection rules and the position

Amendment

38. Believes at the same that transparency has to apply to the work of Parliament's internal bodies (such as the Conference of Presidents, Bureau and the Quaestors, ***as well as other temporary or high-level bodies***), as well as to MEPs' activities, such as participation in parliamentary work and parliamentary attendance, ***under the same terms requested by the Parliament***

taken by the European Ombudsman differentiating between the databases for general expenditure, the pension scheme, parliamentary assistance expenses and travel and subsistence allowances;

in its resolution of 14 January 2009 and MEPs' allowances and spending, in conformity with data protection rules and the position taken by the European Ombudsman differentiating between the databases for general expenditure, the pension scheme, parliamentary assistance expenses and travel and subsistence allowances;

Or. en

Amendment 81
Salvatore Iacolino

Motion for a resolution
Paragraph 38

Motion for a resolution

38. Believes at the same that transparency has to apply to the work of Parliament's internal bodies (such as the Conference of Presidents, the Bureau and the Quaestors), as well as to MEPs' activities, such as participation in parliamentary work and parliamentary attendance, and MEPs' allowances and spending, in conformity with data protection rules and the position taken by the European Ombudsman differentiating between the databases for general expenditure, the pension scheme, parliamentary assistance expenses and travel and subsistence allowances;

Amendment

38. Believes at the same *time* that transparency has to apply to the work of Parliament's internal bodies (such as the Conference of Presidents, the Bureau and the Quaestors), as well as to MEPs' activities, such as participation in parliamentary work and parliamentary attendance;

Or. it

Amendment 82
Sonia Alfano, Renate Weber

Motion for a resolution
Paragraph 38 a (new)

Motion for a resolution

Amendment

38a. Considers that transparency at EU level should be mirrored by Member States when transposing EU legislation into national law, notably by establishing correlation tables, and invites national parliaments and the Conference of Community and European Affairs Committees of Parliaments of the European Union to examine the proposals contained in this resolution and to promote an EU register of parliaments' and parliamentarians' activities which could serve to ensure and increase mutual cooperation and consultation between the EU, the Parliament and national parliaments, drawing also on best practice in terms of e-Parliament and e-government transparency;

Or. en

Amendment 83

Sonia Alfano, Renate Weber

Motion for a resolution

Paragraph 39

Motion for a resolution

Amendment

39. Notes some improvements in the registers of the Council and the Commission, but draws attention to the still existing lack of coordination and interoperability between the different institutions, as no common information model for their registers exists that would allow the citizen to find the necessary documents and the information they include at a 'single point', as well as to use a common search engine where documents pertaining to one legislative procedure are grouped together;

39. Notes some improvements in the registers of the Council and the Commission, but draws attention to the still existing lack of coordination and interoperability between the different institutions, as no common information model for their registers exists that would allow the citizen to find the necessary documents and the information they include at a 'single point', as well as to use a common search engine ***integrally connected notably to the Legislative Observatory (OEIL)*** where documents pertaining to one legislative procedure are

grouped together;

Or. en

Amendment 84
Sonia Alfano, Renate Weber

Motion for a resolution
Paragraph 39 a (new)

Motion for a resolution

Amendment

39a. Believes that, in order to make the legislative process more accountable, comprehensible and accessible to the public, Parliament's committees should in all cases adopt orientation votes prior to entering into trialogues with the Council; the Council, for its part, should adopt 'general approaches' or approve negotiating positions agreed in Coreper prior to entering into trialogues with the Parliament, with all such Parliament and Council documents immediately made public; furthermore, to make available to the public the agendas and a summary of the outcome of all trialogue meetings, as well as the 'four column' documents drawn up for the purposes of facilitating negotiations, also indicating to citizens the precise state-of-play of each set of ongoing negotiations;

Or. en

Amendment 85
Sonia Alfano, Renate Weber

Motion for a resolution
Paragraph 39 b (new)

Motion for a resolution

Amendment

39b. Calls on the Council and

Commission to negotiate with the Parliament to amend the Joint Declaration on the co-decision procedure, and the Inter-Institutional Agreement on better law-making, to this end; commits itself, in the interim, to amend its rules of procedure, including the annexed code of conduct on co-decision negotiations, to give full binding effect to these principles;

Or. en

Amendment 86
Heidi Hautala

Motion for a resolution
Paragraph 39 a (new)

Motion for a resolution

Amendment

39a. Calls on the Council and Commission to negotiate with the Parliament to amend the Joint Declaration on the co-decision procedure, and the Inter-Institutional Agreement on better law-making, to this end; commits itself, in the interim, to amend its rules of procedure, including the annexed code of conduct on co-decision negotiations, to give full binding effect to these principles;

Or. en

Amendment 87
Sonia Alfano, Renate Weber

Motion for a resolution
Paragraph 40

Motion for a resolution

Amendment

40. Considers that the Interinstitutional Committee established by Article 15(2) of Regulation (EC) No 1049/2001 should

40. Considers that the Interinstitutional Committee established by Article 15(2) of Regulation (EC) No 1049/2001 should

meet at least *once* a year, *that* the *results of its deliberations* should *be public*, and *that it* should address the problems mentioned *above*;

work more intensely, report to the competent committees on the issues discussed, on the positions the Parliament defends, on the problematic issues raised by other institutions, as well as on the achievements reached, if any; calls it consequently to meet more regularly and at least 4 times a year and to open up internal discussions and deliberations by ensuring they are public, by inviting and considering submissions from civil society and the European Data Protection Supervisor; the committee should work on an annual 'audit' report on transparency and openness in the EU which should be prepared by the European Ombudsman; calls it to urgently address the problems mentioned in this resolution;

Or. en