



2018/2096(INI)

6.11.2018

AMENDMENTS 1 - 105

Draft report

Jo Leinen, Yana Toom

(PE623.956v01-00)

on the Ombudsman's strategic inquiry OI/2/2017 on the transparency of legislative discussions in the preparatory bodies of the Council of the EU

(2018/2096(INI))

Amendment 1
Paulo Rangel

Motion for a resolution
Recital A

Motion for a resolution

A. whereas Article 228 TFEU allows the Ombudsman to conduct inquiries for which she finds grounds, either on the basis of a complaint or on her own initiative;

Amendment

A. whereas Article 228 TFEU ***and Article 3 of the Statute of the Ombudsman*** allows the Ombudsman to conduct inquiries for which she finds grounds, either on the basis of a complaint or on her own initiative;

Or. pt

Amendment 2
Paulo Rangel

Motion for a resolution
Recital A a (new)

Motion for a resolution

Amendment

Aa. whereas the integrity of the Statute and the independence of the Ombudsman depend on avoiding any overlap between the powers constitutionally assigned to the latter and those of the European Parliament and the Court of Justice of the European Union;

Or. pt

Amendment 3
Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution
Recital C a (new)

Motion for a resolution

Amendment

Ca. whereas the Ombudswoman has contributed greatly to highlight issues of transparency in the life of the Union through inquiries and cases brought before her;

Or. en

Amendment 4

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

**Motion for a resolution
Recital C b (new)**

Motion for a resolution

Amendment

Cb. whereas the European Ombudswoman opined that the lack of transparency regarding EU Member States' positions during negotiations amount to maladministration and a violation of Article 41 of the Charter;

Or. en

Amendment 5

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

**Motion for a resolution
Recital C c (new)**

Motion for a resolution

Amendment

Cc. whereas the treaties (Article 15(3) of TFEU) and the Charter of Fundamental Rights of the EU (Article 42) have attributed constitutional value to the principle of transparency;

Or. en

Amendment 6
Elmar Brok, Peter Jahr

Motion for a resolution
Recital D

Motion for a resolution

D. whereas the European Parliament works with a high degree of transparency **at all stages of the** legislative procedure, including the committee stage, making it possible for citizens, the media and stakeholders to clearly identify different positions within Parliament and the origin of specific proposals, as well as to follow the processes leading to compromises and the adoption of final decisions;

Amendment

D. whereas the European Parliament works with a high degree of transparency **in its** legislative procedure, including the committee stage, making it possible for citizens, the media and stakeholders to clearly identify different positions within Parliament and the origin of specific proposals, as well as to follow the processes leading to compromises and the adoption of final decisions;

Or. en

Amendment 7
Max Andersson, Sven Giegold, Margrete Auken

Motion for a resolution
Recital D

Motion for a resolution

D. whereas the European Parliament works with a high degree of transparency at all stages of the legislative procedure, including the committee stage, making it possible for citizens, the media and stakeholders to clearly identify different positions within Parliament and the origin of specific proposals, as well as to follow **the processes leading to compromises and** the adoption of final decisions;

Amendment

D. whereas the European Parliament works with a high degree of transparency at all stages of the legislative procedure, including the committee stage, making it possible for citizens, the media and stakeholders to clearly identify different positions within Parliament and the origin of specific proposals, as well as to follow the adoption of final decisions;

Or. en

Amendment 8
Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution
Recital D a (new)

Motion for a resolution

Amendment

Da. whereas the Charter introduces third general rights, as is the one to transparent administration and access to documents (Article 42).

Or. en

Amendment 9

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution
Recital D b (new)

Motion for a resolution

Amendment

Db. whereas the CJEU has decided that increased openness enabled citizens to participate more closely in the decision-making process and guarantees that the administration enjoys greater legitimacy and is more effective^{1a};

^{1a} CJEU, Joined Cases C-39/05 P and C-52 P, Kingdom of Sweden and Maurizio Turco v. Council of the European Union, European Court Reports 2008 I-04723.

Or. en

Amendment 10

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution
Recital E a (new)

Motion for a resolution

Amendment

Ea. whereas the Union function lies on a dual structure of legitimacy as provided in Article 10(2) of the TEU. The Union is founded on representative democracy as stipulated in Article 10(1) and should operate on principles and mechanisms of participatory democracy as per Article 11, paragraphs 1-3 TEU. Transparency is a sine-qua-non component of this dual legitimacy as it is only when citizens know who, why and how decisions have been made they participate in the electoral process and in other forms of political participation beyond elections in an informed and enlightened manner;

Or. en

Amendment 11
Elmar Brok, Peter Jahr

Motion for a resolution
Recital F (new)

Motion for a resolution

Amendment

Fa. whereas in order to create a genuine bicameral legislative system which is democratic and transparent in its decision-making Council decisions should be taken by one single legislative Council, while the existing specialised legislative Council configurations should be turned into preparatory bodies, similar to committees in the Parliament;

Or. en

Amendment 12
Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution
Recital F a (new)

Motion for a resolution

Amendment

Fa. whereas the principle of transparency firstly was elucidated in 1995 by the Court of First Instance of the European Communities in a case against the Council ^{1a}, the institution almost three decades later has not ensured a high level of adherence to the principle;

^{1a} Judgement of the Court of First Instance of 19 October 1995, John Carvel and Guardian Newspapers Ltd. v. Council of the European Union, Case T-194/94.

Or. en

Amendment 13

Martina Anderson, Kostadinka Kuneva, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution
Recital H

Motion for a resolution

Amendment

H. whereas following the inquiry, the Ombudsman found that the Council's current practices with regard to transparency of its decision-making process constitute maladministration;

H. whereas following the inquiry, the Ombudsman found that the Council's current practices with regard to transparency of its decision-making process, ***in specific regards to preparatory discussions that take place at Coreper and National Working group level***, constitute maladministration;

Or. en

Amendment 14

Eleonora Evi, Fabio Massimo Castaldo

Motion for a resolution

Recital H

Motion for a resolution

H. whereas following the inquiry, the Ombudsman found that the Council's current practices with regard to transparency of its decision-making process constitute maladministration;

Amendment

H. whereas following the inquiry, the Ombudsman found that ***the lack of transparency by the Council on public access to its legislative documents and*** the Council's current practices with regard to transparency of its decision-making process constitute maladministration;

Or. en

Amendment 15

Eleonora Evi, Fabio Massimo Castaldo

Motion for a resolution

Recital H a (new)

Motion for a resolution

Amendment

Ha. whereas the Court of Justice has established that the principles of publicity and transparency are inherent to the EU legislative process, and that the effectiveness and integrity of the legislative process cannot undermine the principles of publicity and transparency which underlie that process^{1a};

^{1a} Judgment of the General Court of 22 March 2018 — De Capitani v Parliament (Case T-540/15), par. 81 and 83

Or. en

Amendment 16

Martina Anderson, Kostadinka Kuneva, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution

Recital J

Motion for a resolution

J. whereas the Council did not reply to the recommendations within the legally prescribed timeline of three months, and, because of the importance of the issue of legislative transparency, the Ombudsman decided not to grant the Council any extensions beyond this deadline;

Amendment

J. whereas the Council did not reply to the recommendations ***contained in the Ombudsman's report*** within the legally prescribed timeline of three months, and, because of the importance of the issue of legislative transparency, the Ombudsman decided not to grant the Council any extensions beyond this deadline, ***and submitted the report to the European Parliament;***

Or. en

Amendment 17

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution

Recital J a (new)

Motion for a resolution

J. whereas the Council did not reply to the recommendations within the legally prescribed timeline of three months, and, because of the importance of the issue of legislative transparency, the Ombudsman decided not to grant the Council any extensions beyond this deadline;

Amendment

Ja. whereas the European Parliament has regularly requested more transparency from the Council, for example in its resolutions of 18 April 2018^{1a} and 28 April 2016^{1b} on the discharge of the Council as well as in its resolution on 14 September 2017 on Transparency, accountability and integrity in the EU institutions^{1c};

^{1a} ***European Parliament resolution of 18 April 2018 with observations forming an integral part of the decision on discharge in respect of the implementation of the general budget of the European Union for the financial year 2016, Section II - European Council and Council (2017/2138(DEC)), P8_TA(2018)0125***

^{1b} ***European Parliament decision of 28 April 2016 on discharge in respect of the implementation of the general budget of***

the European Union for the financial year 2014 Section II – European Council and Council (2015/2156(DEC)).

^{1c} European Parliament resolution of 14 September 2017 on transparency, accountability and integrity in the EU institutions (2015/2041(INI)), P8_TA(2017)0358.

Or. en

Amendment 18

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution

Recital J b (new)

Motion for a resolution

Amendment

Jb. whereas the Ombudswoman also ruled in Complaint 1271/2017/ANA that the Council was not justified in holding back access to an opinion of its Legal Service concerning an inter-institutional agreement;

Or. en

Amendment 19

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution

Recital J c (new)

Motion for a resolution

Amendment

Jc. whereas the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union adopted during its Plenary Meeting in Sofia on 17/19 June 2018 its resolution in which it urges the Council to reflect on the proposals made by 26 national

parliaments of Member States to enhance the openness of legislative deliberations at EU-level ^{1a};

^{1a} Contribution of the LIX COSAC, articles 2.6 and 2.7

Or. en

Amendment 20
Cecilia Wikström

Motion for a resolution
Paragraph -1 (new)

Motion for a resolution

Amendment

-1. Is deeply concerned that a common criticism of the European Union is that it is democratically deficient. Therefore, by having one of its three main institutions taking decisions without the transparency that is to be expected from a democratic establishment is detrimental to the ambitious venture that is the European project;

Or. en

Amendment 21
Martina Anderson, Kostadinka Kuneva, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution
Paragraph 1

Motion for a resolution

Amendment

1. Is deeply convinced that democratic and transparent decision-making at the European level is indispensable to increase citizens' trust in the European project and the EU institutions, especially in the run-up to the European elections in May 2019, and

1. Is deeply convinced that democratic and transparent decision-making at the European level is indispensable to increase citizens' trust in the European project and the EU institutions, especially in the run-up to the European elections in May 2019, and

is therefore determined to *defend and* enhance *European democracy*;

is therefore determined to enhance *the democratic accountability of all EU institutions*;

Or. en

Amendment 22

Eleonora Evi, Fabio Massimo Castaldo

Motion for a resolution

Paragraph 1

Motion for a resolution

1. Is deeply convinced that democratic and transparent decision-making at the European level is indispensable to increase citizens' trust in the European project and the EU institutions, especially in the run-up to the European elections in May 2019, and is therefore determined to defend and enhance European democracy;

Amendment

1. Is deeply convinced that *a fully* democratic and transparent decision-making at the European level is indispensable to increase citizens' trust in the European project and the EU institutions, especially in the run-up to the European elections in May 2019, and is therefore determined to defend and enhance European democracy;

Or. en

Amendment 23

Elmar Brok, Peter Jahr

Motion for a resolution

Paragraph 2

Motion for a resolution

2. Shares the view of the Ombudsman that ensuring that citizens are able to follow the progress of legislation is a legal requirement under the Treaties;

Amendment

2. Shares the view of the Ombudsman that ensuring that citizens are able to follow the progress of legislation is a legal requirement under the Treaties, *as EU decisions must be taken "as openly and as closely as possible to the citizen"*;

Or. en

Amendment 24
Eleonora Evi, Fabio Massimo Castaldo

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Shares the view of the Ombudsman that ensuring that citizens are able to follow the progress of legislation is a legal requirement under the Treaties;

Amendment

2. Shares the view of the Ombudsman that ensuring that citizens are able to ***understand and follow in detail*** the progress of legislation is a legal requirement under the Treaties;

Or. en

Amendment 25
Max Andersson, Sven Giegold, Margrete Auken

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Shares the view of the Ombudsman that ensuring that citizens are able to follow the progress of legislation is a legal requirement under the Treaties;

Amendment

2. Shares the view of the Ombudsman that ensuring that citizens are able to follow the progress of legislation is a legal requirement under the Treaties ***and a basic democratic requirement***;

Or. en

Amendment 26
Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution
Paragraph 2 a (new)

Motion for a resolution

Amendment

2a. Believes that there is currently a distinct gap between formal transparency, i.e. the legal recognition and insertion of transparency in the EU legal foundations

as a self-standing principle closely linked to the rule of law, and of substantial transparency, i.e. steps to effectively materialise in a corresponding level;

Or. en

Amendment 27

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution

Paragraph 2 b (new)

Motion for a resolution

Amendment

2b. Reiterates that the Inter-institutional Agreement on a mandatory Transparency which is being negotiated, is a first good step; notes that the current text only covers high ranking officials of the Council;

Or. en

Amendment 28

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution

Paragraph 2 c (new)

Motion for a resolution

Amendment

2c. Deeply regrets the fact that the Council has blocked the revision of the Regulation 1049/2001 and urges the Council to re-open its discussions based on the position adopted by Parliament in second reading as laid down in resolution of 12 June 2013 ^{1a}.

^{1a} European Parliament resolution of 12 June 2013 on the deadlock on the revision

Amendment 29

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution

Paragraph 2 d (new)

Motion for a resolution

Amendment

2d. Shares the viewpoint of the Ombudswoman's strategic inquiry; deplors the fact that the Council did not reply within the deadline in the findings. Regrettably this is a recurring topic and is constantly showcased also from complaints submitted to the Ombudswoman. This matter should be considered of high importance in the democratic life of the Union and the effective participation of citizens across the continent hindering the fulfilment of the constitutional treaties and the Charter;

Amendment 30

Elmar Brok, Peter Jahr

Motion for a resolution

Paragraph 3

Motion for a resolution

Amendment

3. Emphasises that transparency **at all stages** of the legislative process is essential to enable citizens, media, and stakeholders to hold their elected representatives and governments accountable;

3. Emphasises that **a high degree of** transparency of the legislative process is essential to enable citizens, media, and stakeholders to hold their elected representatives and governments accountable;

Amendment 31

Max Andersson, Sven Giegold, Margrete Auken

Motion for a resolution

Paragraph 3

Motion for a resolution

3. Emphasises that transparency at all stages of the legislative process is essential to enable citizens, media, and stakeholders to hold their elected representatives and governments accountable;

Amendment

3. Emphasises that transparency at all stages of the legislative process is essential to enable citizens, media, and stakeholders to hold their elected representatives and governments accountable, ***to guarantee citizens participation right, as enshrined in Article 10 (3) TEU, and to ensure the fundamental right to freedom of information, as enshrined in Article 11 of the Charter;***

Or. en

Amendment 32

Eleonora Evi, Fabio Massimo Castaldo

Motion for a resolution

Paragraph 3

Motion for a resolution

3. Emphasises that transparency at all stages of the legislative process is essential to enable citizens, media, and stakeholders to hold their elected representatives and governments accountable;

Amendment

3. Emphasises that ***full*** transparency at all stages of the legislative process, ***including in the informal negotiations between the three main EU institutions ('trilogues')***, is essential to enable citizens, media, and stakeholders to hold their elected representatives and governments accountable;

Or. en

Amendment 33

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution

Paragraph 3 a (new)

Motion for a resolution

Amendment

3a. Recalls that transparency has four distinct aspects that are intertwined, namely (a) openness of the legislative process (b) right to access to documents (c) transparency of the legal norm as concomitant to legal certainty (d) offering wide reasoning and sufficient explanation of the motives of a legislative text;

Or. en

Amendment 34

Eleonora Evi, Fabio Massimo Castaldo

Motion for a resolution

Paragraph 4

Motion for a resolution

Amendment

4. Believes that **a high degree of** transparency acts as a safeguard against the emergence of speculation, fake news and conspiracy theories;

4. Believes that **full** transparency acts as a safeguard against the emergence of speculation, fake news and conspiracy theories;

Or. en

Amendment 35

Max Andersson, Sven Giegold, Margrete Auken

Motion for a resolution

Paragraph 4

Motion for a resolution

Amendment

4. Believes that a high degree of transparency acts as a safeguard against the

4. Believes that a high degree of transparency acts as a safeguard against the

emergence of speculation, fake news and conspiracy theories;

spread of speculation, fake news and conspiracy theories;

Or. en

Amendment 36
Cecilia Wikström

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Believes that a high degree of transparency acts as a safeguard against the emergence of speculation, fake news and conspiracy theories;

Amendment

4. Believes that a high degree of transparency acts as a safeguard against the emergence of speculation, fake news and conspiracy theories, *in that it provides a factual basis for publicly refuting such claims*;

Or. en

Amendment 37
Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution
Paragraph 4 a (new)

Motion for a resolution

Amendment

4a. Strongly believes transparency is an essential ingredient of the rule of law, while ensuring that it is observed throughout the legislative process affects the effective materialization of the right to vote and the right to stand in elections and a handful of rights, i.e. right of expressions and its particular aspect the freedom of speech and the right to receive information. Considers also that forging an active European citizenship necessitates margin for public scrutiny, review and evaluation of the process and the prospect to challenge the outcome.

Underlines that this would contribute to the gradual familiarization with basic concepts of the legislative process and foster the participatory elements of the democratic life of the Union.

Or. en

Amendment 38

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution

Paragraph 4 b (new)

Motion for a resolution

Amendment

4b. *Reminds that the principles of publicity, openness and transparency are inherent to the EU Legislative process, in order to allow citizens to find out the considerations underpinning legislative actions and therefore ensures effective exercise of their democratic rights ^{1a}.*

^{1a} Joined Cases C-39/05 and C-52/05 P, Kingdom of Sweden and Maurizio Turco v. Council of the European Union, European Court Reports 2008 I-04723

Or. en

Amendment 39

Eleonora Evi, Fabio Massimo Castaldo

Motion for a resolution

Paragraph 5

Motion for a resolution

Amendment

5. Recalls that the European Parliament represents the interests of European citizens in *a fully* open and transparent manner, *and welcomes the*

5. Recalls that the European Parliament represents the interests of European citizens in *an* open and transparent manner; *calls on the*

substantial progress *made by the Commission* in improving its transparency standards, inter alia in the conduct of international negotiations and its interactions with interest representatives; notes that the Council does not yet *follow comparable* transparency standards;

Commission to make substantial progress in improving its transparency standards *ensuring full transparency*, inter alia, in the conduct of international negotiations and its interactions with interest representatives; notes that the Council (and the European Council) do not yet *ensure full* transparency standards;

Or. en

Amendment 40

Max Andersson, Sven Giegold, Margrete Auken

Motion for a resolution

Paragraph 5

Motion for a resolution

5. Recalls that the European Parliament represents the interests of European citizens in a *fully* open and transparent manner, and welcomes the *substantial* progress made by the Commission in improving its transparency standards, inter alia in the conduct of international negotiations and its interactions with interest representatives; *notes* that the Council does not yet follow comparable transparency standards;

Amendment

5. Recalls that the European Parliament represents the interests of European citizens in *an* open and transparent manner, and welcomes the progress made by the Commission in improving its transparency standards, inter alia in the conduct of international negotiations and its interactions with interest representatives; *regrets* that the Council does not yet follow comparable transparency standards;

Or. en

Amendment 41

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution

Paragraph 5

Motion for a resolution

5. Recalls that the European Parliament represents the interests of European citizens in a fully open and

Amendment

5. Recalls that the European Parliament represents the interests of European citizens in a fully open and

transparent manner, and welcomes the *substantial* progress made by the Commission in improving its transparency standards, inter alia in the conduct of international negotiations and its interactions with interest representatives; notes that the Council does not yet follow comparable transparency standards;

transparent manner, and welcomes the progress made by the Commission in improving its transparency standards, inter alia in the conduct of international negotiations and its interactions with interest representatives *whereas 'revolving-door' still remains an alarming issue*; notes that the Council does not yet follow comparable transparency standards;

Or. en

Amendment 42

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution Paragraph 5 a (new)

Motion for a resolution

Amendment

5a. Reiterates its call on the Council, including its preparatory bodies, to join the Transparency Register as soon as possible; calls on all Member States to introduce binding rules advancing the transparency of interest representation; calls on the Member States to introduce rules for their representatives including but not limited to, at COREPER and Working Group Levels;

Or. en

Amendment 43

Martina Anderson, Kostadinka Kuneva, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution Paragraph 6

Motion for a resolution

Amendment

6. Points out that the work of the preparatory bodies of the Council, i.e. the

6. Points out that the work of the preparatory bodies of the Council, i.e. the

Committees of Permanent Representatives (Coreper I + II) and more than 150 working groups, is an integral part of the Council's decision-making procedure;

Committees of Permanent Representatives (Coreper I + II) and more than 150 working groups, is an integral part of the Council's decision-making procedure; *argues that these structures must proactively improve the transparency of decision-making procedures at working group and Coreper levels, as to improve the overall transparency of the legislative process in the European Council;*

Or. en

Amendment 44

Max Andersson, Sven Giegold, Margrete Auken

Motion for a resolution

Paragraph 6

Motion for a resolution

6. Points out that the work of the preparatory bodies of the Council, i.e. the Committees of Permanent Representatives (Coreper I + II) and more than 150 working groups, is an integral part of the Council's decision-making procedure;

Amendment

6. Points out that the work of the preparatory bodies of the Council, i.e. the Committees of Permanent Representatives (Coreper I + II), more than 150 working groups, *informal bodies like the Financial Services Committee, the Eurozone Working-group or preparatory bodies like the Economic and Financial Committee*, is an integral part of the Council's decision-making procedure *and play a key role in the legislative process;*

Or. en

Amendment 45

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution

Paragraph 6 a (new)

Motion for a resolution

Amendment

6a. *Considers that the Committees of Permanent Representatives (COREPER I-II) meeting documents should be made publicly available as well as the general position of each member state before the beginning of negotiations.*

Or. en

Amendment 46

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

**Motion for a resolution
Paragraph 6 b (new)**

Motion for a resolution

Amendment

6b. *Considers it regrettable that the Council and the European Council have still not adopted a code of conduct for their members; recalls its call to the Council to introduce a specific code of ethics, including sanctions, which addresses the risks specific to national delegates; insists that the Council must be just as accountable and transparent as the other institutions;*

Or. en

Amendment 47

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

**Motion for a resolution
Paragraph 6 c (new)**

Motion for a resolution

Amendment

6c. *Strongly believes that informal formations, subsidiary organs or other*

affiliated informal organs related to the European Council (i.e., the Euro Group, the Euro Summit, and the EU-27) should be properly formalized and engulfed properly in the constitutional structure of the Union. Transparency obligations should be applicable indiscriminately to their activities and publicity of documents should include analytical agendas and working documents (non-papers) that are circulated prior to meetings.

Or. en

Amendment 48

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution

Paragraph 7

Motion for a resolution

7. Deplores the fact that, unlike committee meetings in the European Parliament, meetings of the preparatory bodies of the Council as well as the majority of debates in the Council are held in camera; proposes that citizens, media and stakeholders should have access by appropriate means to the meetings of the Council and its preparatory bodies, ***including*** via webstreaming, in order to make all stages of the legislative process in both components of the European legislature fully transparent;

Amendment

7. Deplores the fact that, unlike committee meetings in the European Parliament, meetings of the preparatory bodies of the Council as well as the majority of debates in the Council are held in camera; proposes that citizens, media and stakeholders should have access by appropriate means to the meetings of the Council and its preparatory bodies via ***livestreaming and*** web-streaming, ***as well as making the minutes of these meeting publicly available*** in order to make all stages of the legislative process in both components of the European legislature fully transparent;

Or. en

Amendment 49

Elmar Brok, Peter Jahr

Motion for a resolution

Paragraph 7

Motion for a resolution

7. Deplores the fact that, unlike committee meetings in the European Parliament, ***meetings of the preparatory bodies of the Council as well as*** the majority of debates in the Council are held in camera; proposes that citizens, media and stakeholders should have access by appropriate means to the meetings of the Council ***and its preparatory bodies***, including via webstreaming, in order to make all stages of the legislative process in both components of the European legislature ***fully*** transparent;

Amendment

7. Deplores the fact that, unlike committee meetings in the European Parliament, the majority of ***the*** debates in the ***specialised legislative Council configurations , which should become preparatory bodies similar to committees in the European Parliament***, are held in camera; proposes that citizens, media and stakeholders should have access by appropriate means to the meetings of the ***specialised Council configurations*** including via webstreaming, in order to make the legislative process in both components of the European legislature transparent;

Or. en

Amendment 50

Eleonora Evi, Fabio Massimo Castaldo

Motion for a resolution

Paragraph 7

Motion for a resolution

7. Deplores the fact that, unlike committee meetings in the European Parliament, meetings of the preparatory bodies of the Council as well as the majority of debates in the Council are held in camera; ***proposes*** that citizens, media and stakeholders ***should*** have access by appropriate means to the meetings of the Council and its preparatory bodies, including via webstreaming, in order to make all stages of the legislative process in both components of the European legislature fully transparent;

Amendment

7. Deplores the fact that, unlike committee meetings in the European Parliament, meetings of the preparatory bodies of the Council as well as the majority of debates in the Council are held in camera; ***believes*** that citizens, media and stakeholders ***must*** have ***full*** access by appropriate means to the meetings of the Council and its preparatory bodies, including via webstreaming, in order to make all stages of the legislative process in both components of the European legislature fully transparent ***and accessible***;

Or. en

Amendment 51
Eleonora Evi, Fabio Massimo Castaldo

Motion for a resolution
Paragraph 7 a (new)

Motion for a resolution

Amendment

7a. Stresses the paramount importance of guaranteeing full transparency and full public access to the documents held by the EU institutions; highlights the fact that EU legislation on access to documents is seriously outdated; strongly regrets that the Council is blocking the revision of Regulation (EC) No. 1049/2001;

Or. en

Amendment 52
Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution
Paragraph 7 a (new)

Motion for a resolution

Amendment

7a. Opines that denying the access to documents to Members of the European Parliament, has the potential to threaten the principle institutional balance and to negate the essential practice of the mutual sincere cooperation. Notes that it is an excessive burden for the effective function of parliamentary duties, having to pursue an ex post check on an ad hoc basis after every refusal of a request to access documents.

Or. en

Amendment 53
Eleonora Evi, Fabio Massimo Castaldo

Motion for a resolution
Paragraph 8

Motion for a resolution

8. *Notes* that the Council does not proactively publish most documents related to legislative files, *and* that available information is presented in a register which is incomplete and not user-friendly; *welcomes in this regard the progress made by* the Commission, Parliament and the Council *in the creation of* a joint database for legislative files;

Amendment

8. *Deplores* that the Council does not proactively publish most documents related to legislative files, *preventing citizens also from knowing in real time which documents actually exist, thus limiting citizens' exercise of their right to request public access to documents; regrets* that available information *on legislative documents* is presented *by the Council* in a register which is incomplete and not user-friendly; *underlines that* the Commission, Parliament and the Council *must swiftly complete all necessary steps to adopt the joint database for legislative files with a view to ensuring full transparency and a simplified and full public access to all related information and documents;*

Or. en

Amendment 54

Martina Anderson, Kostadinka Kuneva, Dennis de Jong, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Notes that the Council does not proactively publish most documents related to legislative files, and that available information is presented in a register which is incomplete and not user-friendly; welcomes in this regard the progress made by the Commission, Parliament and the Council in the creation of a joint database for legislative files;

Amendment

8. Notes that the Council does not proactively publish most documents related to legislative files, and that available information is presented in a register which is incomplete and not user-friendly; *calls on the Council to act on the Ombudsman's proposals to list all the documents available on its registrar, irrespective of their format and whether or not they are partially or accessible at all;* welcomes in this regard the progress made by the Commission, Parliament and

the Council in the creation of a joint database for legislative files;

Or. en

Amendment 55

Max Andersson, Sven Giegold, Margrete Auken

Motion for a resolution

Paragraph 8

Motion for a resolution

8. Notes that the Council does not proactively publish most documents related to legislative files, and that available information is presented in a register which is incomplete and not user-friendly; welcomes in this regard the progress made by the Commission, Parliament and the Council in the creation of a joint database for legislative files;

Amendment

8. Notes that the Council does not proactively publish most documents related to legislative files, and that available information is presented in a register which is incomplete and not user-friendly; welcomes in this regard the progress made by the Commission, Parliament and the Council in the creation of a joint database for legislative files; ***calls on all the European Institutions involved in the creation of this joint database to publish a detailed template;***

Or. en

Amendment 56

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution

Paragraph 8 a (new)

Motion for a resolution

Amendment

8a. Considers that all documents (legislative, intergovernmental conferences and meeting documents) from the period before 1999 should be declassified and uploaded to the Document Archive of the Council being available publicly;

Amendment 57

Elmar Brok, Peter Jahr

Motion for a resolution

Paragraph 9

Motion for a resolution

9. *Considers the Council's practice of systematically classifying documents distributed in its preparatory bodies relating to legislative files as 'LIMITE' to be a violation of CJEU case law¹ and of the legal requirement that there should be the widest possible public access to legislative documents;*

¹ *For the principle of the widest possible public access, see: Joint Cases C-39/05 P and C-52/05 P Sweden and Turco v. Council [2008] ECLI:EU:C:2008:374, para 34; Case C-280/11 P Council v. Access Info Europe [2013] ECLI:EU:C:2013:671, para 27; and Case T-540/15 De Capitani v. Parliament [2018] ECLI:EU:T:2018:167, para 80.*

Amendment

9. *Recognises that the ruling of the ECJ should be fully implemented and that the still existing inconsistencies and divergent practices should be avoided.*

Amendment 58

Martina Anderson, Kostadinka Kuneva, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution

Paragraph 9

Motion for a resolution

9. *Considers the Council's practice of systematically classifying documents distributed in its preparatory bodies relating to legislative files as 'LIMITE' to*

Amendment

9. *Deplores the Council's endemic practice of systematically classifying all documents distributed in its preparatory bodies relating to legislative files as*

be a violation of CJEU case law¹ and of the legal requirement that there should be the widest possible public access to legislative documents;

¹ For the principle of the widest possible public access, see: Joint Cases C-39/05 P and C-52/05 P Sweden and Turco v. Council [2008] ECLI:EU:C:2008:374, para 34; Case C-280/11 P Council v. Access Info Europe [2013] ECLI:EU:C:2013:671, para 27; and Case T-540/15 De Capitani v. Parliament [2018] ECLI:EU:T:2018:167, para 80.

‘LIMITE’ to be a violation of CJEU case law¹ and of the legal requirement that there should be the widest possible public access to legislative documents; ***observes that in 2015, 84% of requests for public access to documents marked as “LIMITE”, and related to on-going legislative procedures in 2015 were granted;***

¹ For the principle of the widest possible public access, see: Joint Cases C-39/05 P and C-52/05 P Sweden and Turco v. Council [2008] ECLI:EU:C:2008:374, para 34; Case C-280/11 P Council v. Access Info Europe [2013] ECLI:EU:C:2013:671, para 27; and Case T-540/15 De Capitani v. Parliament [2018] ECLI:EU:T:2018:167, para 80.

Or. en

Amendment 59

Max Andersson, Sven Giegold, Margrete Auken

Motion for a resolution

Paragraph 9

Motion for a resolution

9. Considers the Council’s practice of systematically classifying documents distributed in its preparatory bodies relating to legislative files as ‘LIMITE’ to be a violation of CJEU case law¹ and of the legal requirement that there should be the widest possible public access to legislative documents;

Amendment

9. Considers the Council’s practice of systematically classifying documents distributed in its preparatory bodies relating to legislative files as ‘LIMITE’ to be a violation of CJEU case law¹ and of the legal requirement that there should be the widest possible public access to legislative documents; ***Reminds that the “LIMITE” marking has no legal basis and is not part of the possible classification under regulation 1049/2001 nor under the Council Decision of 23 September 2013 on the security rules for protecting EU classified information, while its use by the Council has a detrimental effect on the right of public access to documents;***

1. For the principle of the widest possible public access, see: Joint Cases C-39/05 P and C-52/05 P Sweden and Turco v. Council [2008] ECLI:EU:C:2008:374, para 34; Case C-280/11 P Council v. Access Info Europe [2013] ECLI:EU:C:2013:671, para 27; and Case T-540/15 De Capitani v. Parliament [2018] ECLI:EU:T:2018:167, para 80

1. For the principle of the widest possible public access, see: Joint Cases C-39/05 P and C-52/05 P Sweden and Turco v. Council [2008] ECLI:EU:C:2008:374, para 34; Case C-280/11 P Council v. Access Info Europe [2013] ECLI:EU:C:2013:671, para 27; and Case T-540/15 De Capitani v. Parliament [2018] ECLI:EU:T:2018:167, para 80

Or. en

Amendment 60

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution
Paragraph 9 a (new)

Motion for a resolution

Amendment

9a. Exceptions of Article 4 of the Regulation No 1049/2001 pending its revision should not be applied by default and whereas jurisprudence does not require justification for limiting access to a document, institutions shall strive to offer the fullest reasoning possible for taking such a decision that is a restriction of Article 42 of the Charter of Fundamental Rights and as such should adhere by the principle of proportionality. Further supports that a decision to restrict access should be accompanied by an argumentation why, in a specific and actual manner relating to the document at hand;

Or. en

Amendment 61

Elmar Brok, Peter Jahr

Motion for a resolution
Paragraph 10

Motion for a resolution

10. ***Deems it unacceptable that the positions taken in the preparatory bodies of the Council by individual Member States are neither published nor systematically recorded, making it impossible for citizens, media and stakeholders to effectively scrutinise the behaviour of their elected governments;***

Amendment

10. ***Welcomes the Council's practice regarding the disclosure of legislative documents containing Member States' individual positions upon request, as a consequence of the ECJ's judgement, as an important step for the legitimacy of EU legislation, however deems it insufficient. Recommends the systematic recording of the names of the Member States, where it is deemed appropriate, when expressing positions in preparatory bodies, allowing thus for greater transparency on the position taken by national governments on EU laws.***

Or. en

Amendment 62
Max Andersson, Sven Giegold, Margrete Auken

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Deems it unacceptable that the positions taken in the preparatory bodies of the Council by individual Member States are neither published nor systematically recorded, making it impossible for citizens, media and stakeholders to effectively scrutinise the behaviour of their elected governments;

Amendment

10. ***Deplores the fact that following the judgement of the Court of Justice in Access Info in 2013, COREPER decided that as a rule, the drafter of the document should record Member States' names in documents relating to on-going legislative procedures "where appropriate"; Deems it unacceptable that the positions taken in the preparatory bodies of the Council by individual Member States are neither published nor systematically recorded, making it impossible for citizens, media and stakeholders to effectively scrutinise the behaviour of their elected governments;***

Or. en

Amendment 63

Martina Anderson, Kostadinka Kuneva, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution

Paragraph 10

Motion for a resolution

10. Deems it unacceptable that the positions taken in the preparatory bodies of the Council by individual Member States are neither published nor systematically recorded, making it impossible for citizens, media and stakeholders to effectively scrutinise the behaviour of their elected governments;

Amendment

10. Deems it unacceptable that the positions taken in the preparatory bodies of the Council by individual Member States are neither published nor systematically recorded, making it impossible for citizens, media and stakeholders to effectively scrutinise the behaviour of their elected governments; ***calls for a systematic record of Member State governments to be kept and made publically available, where appropriate, when they express positions in council preparatory bodies;***

Or. en

Amendment 64

Eleonora Evi, Fabio Massimo Castaldo

Motion for a resolution

Paragraph 10

Motion for a resolution

10. Deems it unacceptable that the positions taken in the preparatory bodies of the Council by individual Member States are neither published nor systematically recorded, making it impossible for citizens, media and stakeholders to effectively scrutinise the behaviour of their elected governments;

Amendment

10. ***Stresses that the positions of the Member States within the Council during the EU legislative process must be recorded and made a matter of public knowledge in a timely and accessible manner;*** deems it unacceptable that the positions taken in the preparatory bodies of the Council by individual Member States are neither published nor systematically recorded, making it impossible for citizens, media and stakeholders to effectively scrutinise the behaviour of their elected governments; ***underlines that in a system***

based on the principle of democratic legitimacy, co-legislators must be held accountable to the public for their actions;

Or. en

Amendment 65
Paulo Rangel

Motion for a resolution
Paragraph 11

Motion for a resolution

11. Points out that this lack of information also hampers the ability of national parliaments to control the actions of national governments in the Council, and enables members of national governments to distance themselves in the national sphere from decisions made at the European level which they shaped and took themselves; considers it irresponsible on the part of members of national governments to *undermine trust in the European Union* by ‘blaming Brussels’ for decisions they themselves were involved in; *demands an immediate end to this practice;*

Amendment

11. *Recalls that, under Article 10(2) of the Lisbon Treaty, national governments are democratically accountable to national parliaments, and considers this to be the linchpin for the functioning of national parliaments in the European Union;* points out that the lack of information *and transparency* also hampers the ability of national parliaments to control the actions of national governments in the Council, and enables members of national governments to distance themselves in the national sphere from decisions made at the European level which they shaped and took themselves; considers *that this practice, which must be urgently ended, is conducive to infringement of the Treaties and* irresponsible on the part of members of national governments *that are* ‘blaming Brussels’ for decisions that they themselves were involved in.

Or. pt

Amendment 66
Martina Anderson, Kostadinka Kuneva, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution
Paragraph 11

Motion for a resolution

11. Points out that this lack of information also hampers the ability of national parliaments to control the actions of national governments in the Council, and enables members of national governments to distance themselves in the national sphere from decisions made at the European level which they shaped and took themselves; considers it irresponsible on the part of members of national governments to undermine trust in the European Union by ‘blaming Brussels’ for decisions they themselves were involved in; ***demands an immediate end*** to this practice;

Amendment

11. Points out that this lack of information also hampers the ability of national parliaments to control the actions of national governments in the Council, and enables members of national governments to distance themselves in the national sphere from decisions made at the European level which they shaped and took themselves; considers it irresponsible on the part of members of national governments to undermine trust in the European Union by ‘blaming Brussels’ for decisions they themselves were involved in; ***argues that a systematic record of the positions of Member States in Preparatory Bodies would act as a positive disincentive*** to this practice;

Or. en

Amendment 67
Jude Kirton-Darling

Motion for a resolution
Paragraph 11

Motion for a resolution

11 Points out that this lack of information also hampers the ability of national parliaments to control the actions of national governments in the Council, and enables members of national governments to distance themselves in the national sphere from decisions made at the European level which they shaped and took themselves; considers it irresponsible on the part of members of national governments to undermine trust in the European Union by ‘blaming Brussels’ for decisions they themselves were involved in; ***demands an immediate end*** to this practice;

Amendment

1 Points out that this lack of information also hampers the ability of national parliaments to control the actions of national governments in the Council, and enables members of national governments to distance themselves in the national sphere from decisions made at the European level which they shaped and took themselves; considers it irresponsible on the part of members of national governments to undermine trust in the European Union by ‘blaming Brussels’ for decisions they themselves were involved in; ***demands an immediate end*** to this practice; ***notes that this practice plays into the hands of populist politicians, who seek***

to delegitimise the EU in the eyes of the public, and was a major contributing factor to the Brexit vote in June 2016;

Or. en

Amendment 68

Max Andersson, Sven Giegold, Margrete Auken

Motion for a resolution

Paragraph 11

Motion for a resolution

11. Points out that this lack of information also hampers the ability of national parliaments to control the actions of national governments in the Council, and enables members of national governments to distance themselves in the national sphere from decisions made at the European level which they shaped and took themselves; considers it irresponsible on the part of members of national governments to undermine trust in the European Union by ‘blaming Brussels’ for decisions they themselves were involved in; demands an immediate end to this practice;

Amendment

11. Points out that this lack of information also hampers the ability of national parliaments to control the actions of national governments in the Council, and enables members of national governments to distance themselves in the national sphere from decisions made at the European level which they shaped and took themselves; considers it irresponsible on the part of members of national governments to undermine trust in the European Union by ‘blaming Brussels’ for decisions they themselves were involved in; demands an immediate end to this practice *and a systematic public debriefing during legislative negotiations;*

Or. en

Amendment 69

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution

Paragraph 11 a (new)

Motion for a resolution

11a. Considers that the traceability of the legislative process is also an inherent aspect of transparency which is essential

Amendment

to ensure that citizens not simply receive documents in abstracto but can competently follow the legislative procedure. Highlights the Legislative train schedule^{1a} and the European Parliament legislative observatory^{1b} as good practices of the European Parliament that suggests to be integrated in the website of the Council in order to allow citizens to follow the legislative procedure from its inception until its completion.

1a

<http://www.europarl.europa.eu/legislative-train/>

1b

<http://www.europarl.europa.eu/oeil/home/home.do>

Or. en

Amendment 70

Max Andersson, Sven Giegold, Margrete Auken

Motion for a resolution

Paragraph 11 a (new)

Motion for a resolution

Amendment

11a. Considers that a closer cooperation between national parliaments and the European Parliament can help to close gaps in accountability of national ministers and heads of state and government for their legislative activities in the Council;

Or. en

Amendment 71

Max Andersson, Sven Giegold, Margrete Auken

Motion for a resolution

PE628.528v03-00

38/57

AM\1168191EN.docx

Paragraph 11 b (new)

Motion for a resolution

Amendment

11b. Commits itself to propose, in line with Article 9 of Protocol No. 1 of the Treaty on the role of national parliaments of the EU and Rule 142 of its Rules of Procedure, to national parliaments to exchange any documents one parliament might have access to that are of interest for other parliaments as well, if necessary with precautions regarding the classification status of such documents; propose to provide for necessary infrastructure for such exchange if enough national parliaments reply positively to the European Parliament's invitation;

Or. en

Amendment 72

Max Andersson, Sven Giegold, Margrete Auken

Motion for a resolution

Paragraph 11 c (new)

Motion for a resolution

Amendment

11c. Calls on the Commission to grant access to the Parliament to the so-called "flash reports" produced by Commission representatives attending meetings of the Council;

Or. en

Amendment 73

Eleonora Evi, Fabio Massimo Castaldo

Motion for a resolution

Paragraph 12

Motion for a resolution

12. Considers *it incompatible with democratic principles that*, in interinstitutional negotiations between the co-legislators, *the lack of transparency in the Council leads to an imbalance with regard to available information and thus to a structural advantage of the Council over the European Parliament*; reiterates its call for the *improvement of the exchange of documents and information between Parliament and the Council and for access to be granted to representatives of Parliament as observers to meetings of the Council and its bodies, in particular in the case of legislation*;

Amendment

12. Considers *the lack of transparency* in interinstitutional negotiations between the co-legislators *incompatible with democratic principles*; reiterates its call for the *publication of all trilogue documents*; *stresses that the lack of transparency about the EU legislative process increases citizens' distrust, with regard not only to the lawfulness of an isolated act, but also to the legitimacy of the decision-making process as a whole*

Or. en

Amendment 74

Martina Anderson, Kostadinka Kuneva, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution

Paragraph 12

Motion for a resolution

12. Considers it incompatible with democratic principles that, in interinstitutional negotiations between the co-legislators, the lack of transparency in the Council leads to an imbalance with regard to available information and thus to a structural advantage of the Council over the European Parliament; reiterates its call for the improvement of the exchange of documents and information between Parliament and the Council and for access to be *granted* to representatives of Parliament as observers to meetings of the Council and its bodies, in particular in the case of legislation;

Amendment

12. Considers it incompatible with democratic principles that, in interinstitutional negotiations between the co-legislators, the lack of transparency in the Council leads to an imbalance with regard to available information and thus to a structural advantage of the Council over the European Parliament; reiterates its call for the improvement of the exchange of documents and information between Parliament and the Council and for access to be *publically available, as well as* to representatives of Parliament, as observers to meetings of the Council and its bodies, in particular in the case of legislation;

Or. en

Amendment 75

Max Andersson, Sven Giegold, Margrete Auken

Motion for a resolution

Paragraph 12

Motion for a resolution

12. Considers it incompatible with democratic principles that, in interinstitutional negotiations between the co-legislators, the lack of transparency in the Council leads to an imbalance with regard to available information and thus to a structural advantage of the Council over the European Parliament; reiterates its call for the improvement of the exchange of documents and information between Parliament and the Council and for access to be granted to representatives of Parliament as observers to meetings of the Council and its bodies, in particular in the case of legislation;

Amendment

12. Considers it incompatible with democratic principles that, in interinstitutional negotiations between the co-legislators, the lack of transparency in the Council leads to an imbalance with regard to available information and thus to a structural advantage of the Council over the European Parliament; reiterates its call for the improvement of the exchange of documents and information between Parliament and the Council and for access to be granted to representatives of Parliament as observers to meetings of the Council and its bodies, in particular in the case of legislation *in a way equivalent to which the Parliament grants access to the Council to its meetings*;

Or. en

Amendment 76

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution

Paragraph 12 a (new)

Motion for a resolution

Amendment

12a. Reminds that the institutions have agreed in the inter-institutional agreement of 13 April 2016^{1a} to promote the utmost transparency of the legislative process and that according to the constitutional setting of the Union, the European Parliament and the Council exercise as the co-legislators their powers

on an equal footing. That being said equality of the two institutions should also extend unequivocally to the obligations prescribed by the primary European law.

^{1a} Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making, OJ L 123, 12.05.2016, par. 1.

Or. en

Amendment 77

Maite Pagazaurtundúa Ruiz, Charles Goerens, Jasenko Selimovic

Motion for a resolution

Paragraph 12 a (new)

Motion for a resolution

Amendment

12a. Encourages the Council to make significant and serious efforts towards transparency in the ongoing tripartite negotiations about a mandatory EU Transparency Register;

Or. en

Amendment 78

Martina Anderson, Kostadinka Kuneva, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Ángela Vallina

Motion for a resolution

Paragraph 13

Motion for a resolution

Amendment

13. Demands that the Council, as one of the two components of the European legislature, aligns its working methods with the standards of *a parliamentary democracy, rather than acting like a diplomatic forum*;

13. **Notes that the practices of the European Parliament, has been identified by the Ombudsman as having high standards of transparency;** Demands that the Council, as one of the two components of the European legislature, aligns its

working methods with the standards of a ***transparency that exist in the European Parliament***;

Or. en

Amendment 79

Max Andersson, Sven Giegold, Margrete Auken

Motion for a resolution

Paragraph 13

Motion for a resolution

13. Demands that the Council, as one of the two components of the European legislature, aligns its working methods with the standards of a parliamentary democracy, rather than acting like a diplomatic forum;

Amendment

13. Demands that the Council, as one of the two components of the European legislature, aligns its working methods with the standards of a parliamentary democracy ***and participatory democracy as required under the Treaty***, rather than acting like a diplomatic forum;

Or. en

Amendment 80

Cecilia Wikström

Motion for a resolution

Paragraph 13

Motion for a resolution

13. Demands that the Council, as one of the two components of the European legislature, aligns its working methods with the standards of a parliamentary democracy, rather than acting like a diplomatic forum;

Amendment

13. Demands that the Council, as one of the two components of the European legislature, aligns its working methods with the standards of a parliamentary democracy, rather than acting like a diplomatic forum, ***which is not its intended function***;

Or. en

Amendment 81
Jo Leinen

Motion for a resolution
Paragraph 13 a (new)

Motion for a resolution

Amendment

13a. Is of the opinion that Member States' governments deprive citizens of their right to information and circumvent transparency standards as well as proper democratic control by preparing or predetermining far-reaching economic and financial decisions in informal formats such as the Eurogroup and the Euro-Summit; insists that – without delay – EU legislation on transparency and access to documents is applied to informal bodies within the Council, in particular the Eurogroup; calls to fully formalise the Eurogroup at the next revision of the Treaties in order to guarantee proper public access and parliamentary scrutiny;

Or. en

Amendment 82
Elmar Brok, Peter Jahr

Motion for a resolution
Paragraph 13 a (new)

Motion for a resolution

Amendment

13a. Reiterates its call to transform the Council into a true legislative chamber, thus creating a genuinely bicameral legislative system involving the Council and Parliament, with the Commission acting as the executive; suggests involving the currently active specialised legislative Council configurations as preparatory bodies for a single legislative Council, meeting in public, similarly to the functioning of the committees in the European Parliament, and where all final

legislative decisions must be taken;

Or. en

Amendment 83

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution

Paragraph 13 a (new)

Motion for a resolution

Amendment

13a. Reiterates that following the strategic inquire concerning the transparency of the trilateral negotiations^{1a}, some progress was made but there are still recommendations that have not taken up largely due to the reluctance of the Council. Taking into account the fact that trilogues have diminished significantly the need to have a second and third reading, overtaking the majority of legislative files to be the default decision-making process. Opines that this has led to expedited procedure, which accelerate legislation making on the one hand but have significantly hampered transparency and integrity of the institutions. The recommendations of the Ombudswoman included publication of the “trilogue calendar”, publication of the four-column documents and list of attendees.

^{1a} Decision of the European Ombudsman setting out proposals following her strategic inquiry OI/8/2015/JAS concerning the transparency of Trilogues, 12 July 2016.

Or. en

Amendment 84

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution

Paragraph 13 b (new)

Motion for a resolution

Amendment

13b. *Considers that in order to achieve transparency in the trilogues all three institutions should contribute because as per the settled case law trilogues form part of the legislative process, there is no general presumption against non-disclosure based on article 13 TEU and article 294 TFEU ^{1a} and finally trilogues cannot represent a space for European organs to think.*

^{1a} Judgement of the General Court of 22 March 2018, Emilio De Capitani v. European Parliament, Case T-540/15, Digital Reports (unpublished).

Or. en

Amendment 85

Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Ángela Vallina

Motion for a resolution

Paragraph 14

Motion for a resolution

Amendment

14. *Reiterates its call to transform the Council into a true legislative chamber thus creating a genuinely bicameral legislative system;*

Deleted

Or. en

Amendment 86

Martina Anderson, Kostadinka Kuneva, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Ángela Vallina

Motion for a resolution

Paragraph 15

Motion for a resolution

15. Considers voting in public to be a fundamental characteristic of democratic decision - making; urges the Council to ***make use of the possibility of qualified majority voting (QMV), and to refrain, where possible, from the practice of taking decisions by consensus and thus without a formal vote in public;***

Amendment

15. Considers voting in public to be a fundamental characteristic of democratic decision - making; urges the Council ***to vote publicly and record voting positions;***

Or. en

Amendment 87

Jérôme Lavrilleux

Motion for a resolution

Paragraph 16 – point a

Motion for a resolution

(a) to systematically record the identity of Member State governments when they express positions in Council preparatory bodies;

Amendment

(a) to systematically record the identity of Member State governments ***and their representatives*** when they express positions in Council preparatory bodies;

Or. fr

Amendment 88

Max Andersson, Sven Giegold, Margrete Auken

Motion for a resolution

Paragraph 16 – point b

Motion for a resolution

(b) to ***develop clear and publicly available criteria for how it designates documents as ‘LIMITE’, in line with EU***

Amendment

(b) to ***reform its internal guidelines on ‘LIMITE’ documents, which have no solid legal basis and which are***

law;

incompatible with the transparency required under the TEU so that they respect the principle according to which LIMITE status can only be given to a preliminary draft that does not have an author yet and that does not produce any effect in the legislative procedure;

Or. en

Amendment 89

Martina Anderson, Kostadinka Kuneva, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution

Paragraph 16 – point b

Motion for a resolution

b) to develop clear *and publicly* available *criteria for how it* designates documents as ‘LIMITE’, in line with EU law;

Amendment

b) to *immediately* develop *a systematic and* clear *criteria, which is publicly* available, *and detail how the Council* designates documents as “LIMITE” *and that is* in line with *relevant* EU law;

Or. en

Amendment 90

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution

Paragraph 16 a (new)

Motion for a resolution

Amendment

16a. Recommends that the principles of transparency and openness should apply to all democratic processes in Member States; notes that the British EU Referendum in 2016 was not a fully transparent process due to allegations of the leave campaign breaking electoral law; as an effect of this, notes that 1.8

million citizens in the north of Ireland may be disenfranchised from their democratic rights as citizens which limits European participative democracy; considers that forging a participative citizenship necessitates full transparency and participation in the democratic process for all European citizens;

Or. en

Amendment 91
Max Andersson, Sven Giegold, Margrete Auken

Motion for a resolution
Paragraph 16 a (new)

Motion for a resolution

Amendment

16a. Deplores the Council's practice of encoding some documents as "WK" (working document), DS (document de séance) and MD (meeting document) even during legislative procedures, and using this system not to register those documents; reminds that, according to Articles 11 and 12 of Regulation 1049/2001 the registration of a document is mandatory;

Or. en

Amendment 92
Max Andersson, Sven Giegold, Margrete Auken

Motion for a resolution
Paragraph 16 b (new)

Motion for a resolution

Amendment

16b. Considers that references to professional secrecy cannot be used to systematically retain documents from being registered and disclosed;

Amendment 93

Max Andersson, Sven Giegold, Margrete Auken

Motion for a resolution

Paragraph 16 c (new)

Motion for a resolution

Amendment

16c. Highlights that since the 2007 Joint Declaration on practical arrangements for the codecision procedure, the General Court and the CJEU have adopted several judgments classifying the right of access to documents as described by Article 42 of the Charter, article 15 TFEU and Regulation 1049/01 as an expression of participative democracy in the EU;

Or. en

Amendment 94

Max Andersson, Sven Giegold, Margrete Auken

Motion for a resolution

Paragraph 16 d (new)

Motion for a resolution

Amendment

16d. Reminds that according to the CJEU (case C-57/16P) the Commission's impact assessments should be considered legislative documents and should be directly accessible and considers that the same principle applies to impact assessments prepared by the co-legislator during the legislative procedure;

Or. en

Amendment 95
Max Andersson, Sven Giegold, Margrete Auken

Motion for a resolution
Paragraph 16 e (new)

Motion for a resolution

Amendment

16e. Reminds that according to the CJEU (T-540/15), trilogue tables form part of the legislative process and shall therefore be directly accessible to the public, unless there is a reasonably foreseeable – and not purely hypothetical – likelihood of the protected interest being undermined and highlights that under Regulation 1049/2001 the decision-making process must risk be seriously undermined (Case T-211/00); Reminds that this also applies to documents containing opinions for internal use as part of deliberations and preliminary consultations;

Or. en

Amendment 96
Max Andersson, Sven Giegold, Margrete Auken

Motion for a resolution
Paragraph 16 f (new)

Motion for a resolution

Amendment

16f. Considers that the Parliament, regardless of the positions taken by the other Institutions, shall apply the provisions of Article 12 of Regulation 1049/2001 to all trilogues documents;

Or. en

Amendment 97
Max Andersson, Sven Giegold, Margrete Auken

Motion for a resolution
Paragraph 16 g (new)

Motion for a resolution

Amendment

16g. *Is of the opinion that the practice of first reading agreements, that has become the common practice to adopt European legislation, should be better legally framed in order to make it comply with transparency and accountability requirements;*

Or. en

Amendment 98
Max Andersson, Sven Giegold, Margrete Auken

Motion for a resolution
Paragraph 16 h (new)

Motion for a resolution

Amendment

16h. *Suggests, for this purpose, to review the current joint declaration on practical arrangements for the codecision procedure, which was agreed before the entry into force of the Lisbon Treaty, and the Better Law Making inter-institutional agreement with a view to formalising the first reading agreements;*

Or. en

Amendment 99
Max Andersson, Sven Giegold, Margrete Auken

Motion for a resolution
Paragraph 16 i (new)

Motion for a resolution

Amendment

16i. *Is of the opinion that such a revision should ensure that first reading agreements comply with some minimum*

requirements such as:

- *The definition of a common public inter-institutional calendar*
- *A general rule according to which negotiations should only start after the adoption of mandates for negotiations, accessible to the public both in the Parliament and in the Council;*
- *The proactive publication of the relevant documents on the register of the Parliament and of the Council not later than 10 days after the Trilogue meeting ; This documents should include agendas, participant lists, negotiating positions and proposals for compromises before the meetings, detailed minutes of meetings or updated four column documents after the meetings;*

Or. en

Amendment 100

Max Andersson, Sven Giegold, Margrete Auken

Motion for a resolution

Paragraph 16 j (new)

Motion for a resolution

Amendment

16j. *Takes note of some national laws obliging government to send documents, including internal documents on legislative considerations internally, to national archives after a number of years where they are made accessible to the public; takes note that some Member States had to discount on rules regarding the public access to documents to adapt to internal rules of Council; calls on Member States to implement these laws in the best interest of citizens' access to documents; reminds of its own rules to send all Parliament documents to the EU archive after the end of the next term; calls on Council to adopt a similar rule to publish Council documents after two*

Commission terms; calls on Council to compare national rules and to align national disclosure rules according to the best practise in the interest of citizens' access to documents;

Or. en

Amendment 101

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution

Paragraph 17

Motion for a resolution

17. Takes note of the statement made by the Austrian Presidency to the joint committee on Constitutional Affairs and on Petitions on keeping the European Parliament informed on the progress of the Council's ongoing reflections on how to improve its rules and procedures as regards legislative transparency, and expressing readiness to engage with Parliament at the appropriate level in a joint reflection on those topics that require interinstitutional coordination;

Amendment

17. Takes note of the statement made by the Austrian Presidency to the joint committee on Constitutional Affairs and on Petitions on keeping the European Parliament informed on the progress of the Council's ongoing reflections on how to improve its rules and procedures as regards legislative transparency, and expressing readiness to engage with Parliament at the appropriate level in a joint reflection on those topics that require interinstitutional coordination *and regrets that no input has been so far submitted to the European Parliament.*

Or. en

Amendment 102

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution

Paragraph 17 a (new)

17a. Further recommends that the Council:

(a) enlists documents regardless of their status in the Document Register even those that are not available to the public with the relevant indication that corresponds to the level of publicity;

(b) provides justification for the level of classification on the basis of the criteria developed;

(c) provides in an easily comprehensible manner for all citizens votes, explanation of votes and minutes, materializing the obligation provided in article 8 and 9 of the internal rules of procedure^{1a};

^{1a} Council Decision of 22 March 2004 adopting the Council's Rules of Procedure, 2004/338/EC, Euratom;

Or. en

Amendment 103

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

**Motion for a resolution
Paragraph 17 b (new)**

17b. Considers that, in order to provide the widest possible public access to legislative documents, each document that is not made public in full has to be accompanied by an argumentation why, in a specific and actual manner relating to the document at hand the document would undermine either (a) the institutions' decision-making process or (b) the protection of institutions interest in

seeking legal advice, as well as accompanied by an argumentation why there is no overriding public interest;

Or. en

Amendment 104

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution

Paragraph 18 a (new)

Motion for a resolution

Amendment

18a. Regrets the Draft Policy Paper on legislative transparency produced by the General Secretariat of the Council of the European Union and addressed to the Permanent Representatives Committee, was classified as ‘LIMITE’^{1a}; considers that the milestone approach presents no added value whatsoever and puts forward a scheme that allows selective publication of documents only after they have been considered by the competent bodies; Considers that certain elements of the new approach are mutually exclusive (i.e. built-in flexibility and greater standardization) and incompatible with the constitutional norms of the Union; Deplores the fact that the Council proclaimed it will strive to strike a balance between the case law and various calls for greater transparency and the need to preserve the necessary flexibility for effective legislative work, which implies not conforming with the jurisprudence of the CJEU as it stands;

^{1a} General Secretariat of the Council, Draft Polity Paper on Legislative Transparency, 11099/18, Brussels, 13 July 2018.

Or. en

Amendment 105

Kostadinka Kuneva, Martina Anderson, Dennis de Jong, Kostas Chrysogonos, Sofia Sakorafa, Barbara Spinelli, Ángela Vallina

Motion for a resolution

Paragraph 18 b (new)

Motion for a resolution

Amendment

18b. Notes that according to the jurisprudence of the CJEU the “space to think” is to be viewed as an exception and not the norm and consequently as a restriction of the principle of transparency^{1a}; reiterates that giving the public the widest possible right of access entails, that the public must have a right to full disclosure of the requested and thus application of exception should be strict;

^{1a} Judgement of the General Court of 22 March 2011, Access Info Europe v. Council of the European Union, Case T-233/09, par. 56.

Or. en