



2019/2198(INI)

3.6.2020

AMENDMENTS

1 - 33

Draft opinion

Loránt Vincze

(PE648.269v01-00)

Public Access to Documents (Rule 122(7)) – Annual report for the years 2016-2018

(2019/2198(INI))

Amendment 1
Victor Negrescu

Draft opinion
Paragraph 1

Draft opinion

1. Stresses that the EU institutions have an obligation to implement Article 15(3) of the Treaty on the Functioning of the European Union (TFEU) and to adopt a legal instrument on access to documents in line with the democratic principles expressed in Article 10(3) of the Treaty on European Union (TEU) and with the rights of EU citizens enshrined in Article 42 of the Charter of Fundamental Rights; highlights that Article 15(3) of the TFEU envisages enhanced institutional scope;

Amendment

1. Stresses that the EU institutions have an obligation to implement Article 15(3) of the Treaty on the Functioning of the European Union (TFEU) and to adopt a legal instrument on access to documents in line with the democratic principles expressed in Article 10(3) of the Treaty on European Union (TEU) and with the rights of EU citizens enshrined in Article 42 of the Charter of Fundamental Rights; highlights that Article 15(3) of the TFEU envisages enhanced institutional scope; ***Recalls that each institution, body, office or agency shall ensure that its proceedings are transparent and shall elaborate in its own Rules of Procedure specific provisions regarding access to its documents, in accordance with the regulations.***

Or. en

Amendment 2
Loránt Vincze

Draft opinion
Paragraph 1

Draft opinion

1. Stresses that the EU institutions have an obligation to implement Article 15(3) of the Treaty on the Functioning of the European Union (TFEU) and to adopt a legal instrument on access to documents in line with the democratic principles expressed in Article 10(3) of the Treaty on European Union (TEU) and with the rights

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of EU citizens enshrined in Article 42 of the Charter of Fundamental Rights; highlights that Article 15(3) of the TFEU envisages enhanced institutional scope;

of EU citizens enshrined in Article 42 of the Charter of Fundamental Rights; highlights that Article 15(3) of the TFEU envisages enhanced institutional scope; ***believes that an updated legal regime would have the potential of taking into account technological developments, experience with the application of the Regulation 1049/2001 and relevant jurisprudence;***

Or. en

Amendment 3
Juan Fernando López Aguilar

Draft opinion
Paragraph 1

Draft opinion

1. Stresses that the EU institutions have an obligation to implement Article 15(3) of the Treaty on the Functioning of the European Union (TFEU) and to adopt a legal instrument on access to documents in line with the democratic principles expressed in Article 10(3) of the Treaty on European Union (TEU) and with the rights of EU citizens enshrined in **Article** 42 of the Charter of Fundamental Rights; highlights that Article 15(3) of the TFEU envisages enhanced institutional scope;

Amendment

1. Stresses that the EU institutions have an obligation to implement Article 15(3) of the Treaty on the Functioning of the European Union (TFEU) and to adopt a legal instrument on access to documents in line with the democratic principles expressed in Article 10(3) of the Treaty on European Union (TEU) and with the rights of EU citizens enshrined in **Articles 41 and 42** of the Charter of Fundamental Rights; highlights that Article 15(3) of the TFEU envisages enhanced institutional scope;

Or. es

Amendment 4
Fabio Massimo Castaldo

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Points out that transparency and

full access to documents held by the institutions must be the rule, in accordance with Regulation (EC) No 1049/2001, and that, as already laid down in the established case-law of the Court of Justice of the European Union, exceptions to that rule have to be properly interpreted, taking into account the overriding public interest in terms of disclosure and in terms of the requirements of democracy, including closer involvement of citizens in the decision-making process, the legitimacy of governance, efficiency, and accountability to citizens;

Or. it

Amendment 5
Loránt Vincze

Draft opinion
Paragraph 2

Draft opinion

2. Underlines the fact that Article 10(3) of the TEU grants EU citizens the right to participate in the democratic life of the Union and stipulates that decisions must be taken as openly and closely as possible to the citizen; insists that all institutions must strive to implement these principles;

Amendment

2. Underlines the fact that Article 10(3) of the TEU grants EU citizens the right to participate in the democratic life of the Union and stipulates that decisions must be taken as openly and closely as possible to the citizen; insists that all institutions must strive to implement these principles; ***stresses that as an integral part of the EU legislature, the Council is bound by the same transparency obligations as the other institutions of the EU; calls therefore on the Council to live up to these obligations;***

Or. en

Amendment 6
Victor Negrescu

Draft opinion
Paragraph 2

Draft opinion

2. Underlines the fact that Article 10(3) of the TEU grants EU citizens the right to participate in the democratic life of the Union and stipulates that decisions must be taken as openly and closely as possible to the citizen; insists that all institutions must strive to implement these principles;

Amendment

2. Underlines the fact that Article 10(3) of the TEU grants EU citizens the right to participate in the democratic life of the Union and stipulates that decisions must be taken as openly and closely as possible to the citizen; insists that all institutions must strive to implement these principles; ***recalls that in order to promote good governance and ensure the participation of civil society, the Union's institutions, bodies, offices and agencies shall conduct their work as transparent as possible;***

Or. en

Amendment 7
Fabio Massimo Castaldo

Draft opinion
Paragraph 2

Draft opinion

2. Underlines the fact that Article 10(3) of the TEU grants EU citizens the right to participate in the democratic life of the Union and stipulates that decisions must be taken as openly and closely as possible to the citizen; insists that all institutions must strive to implement these principles;

Amendment

2. Underlines the fact that Article 10(3) of the TEU grants EU citizens the right to participate in the democratic life of the Union and stipulates that decisions must be taken as openly and closely as possible to the citizen; insists that all institutions must strive to implement these principles, ***ensuring that the democratic political system remains accountable and legitimate while respecting the rule of law;***

Or. it

Amendment 8
Maria Grapini

Draft opinion
Paragraph 2

Draft opinion

2. Underlines the fact that Article 10(3) of the TEU grants EU citizens the right to participate in the democratic life of the Union and stipulates that decisions must be taken as openly and closely as possible to the citizen; insists that all institutions must strive to implement these principles;

Amendment

2. Underlines the fact that Article 10(3) of the TEU grants EU citizens the right to participate in the democratic life of the Union and stipulates that decisions must be taken as openly, ***transparently*** and closely as possible to the citizen; insists that all institutions must strive to implement these principles ***in an objective and non-discriminatory manner***;

Or. ro

Amendment 9
Fabio Massimo Castaldo

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Regrets that it is still difficult for citizens to gain access to information held by the EU institutions due to the absence of an effective interinstitutional approach that is geared towards citizens and based on full transparency, communication and direct democracy;

Or. it

Amendment 10
Sophia in 't Veld

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Calls on the Council to fully

implement CJEU rulings in the field of transparency to the letter and spirit, in particular the 2013 Access Info Europe case;

Or. en

Amendment 11
Fabio Massimo Castaldo

Draft opinion
Paragraph 3

Draft opinion

3. Recalls its resolution of 17 January 2019 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 and urges the Council to improve its rules and procedures as regards legislative transparency, including accessibility and classification of legislative documents;

Amendment

3. Recalls its resolution of 17 January 2019 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 and urges the Council to improve its rules and procedures as regards legislative transparency, including accessibility and classification of legislative documents; ***calls, specifically, on the Council to review its rules, ensuring that all debates, documents and information are made public and drawing up transcripts of its public meetings, fully reflecting the public interest in transparency, which should prevail over the need to protect the decision-making process; urges, further, the Ombudsman to make full use of her investigative powers under the Treaties to increase transparency in all activities, legislative and otherwise, within the EU;***

Or. it

Amendment 12
Loránt Vincze

Draft opinion
Paragraph 3

Draft opinion

3. Recalls its resolution of 17 January 2019 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 and urges the Council to improve its rules and procedures as regards legislative transparency, including accessibility and classification of legislative documents;

Amendment

3. Recalls its resolution of 17 January 2019 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 and urges the Council to improve its rules and procedures as regards legislative transparency, including accessibility and classification of legislative documents, ***thereby allowing for legitimate scrutiny not only by the citizens, but also by the national parliaments; considers that the Council should record systematically the identity of Member State governments, when they express their positions in Council preparatory bodies and provide for a proactive regime of publication of its documents in a user-friendly and searchable format;***

Or. en

Amendment 13
Victor Negrescu

Draft opinion
Paragraph 3

Draft opinion

3. Recalls its resolution of 17 January 2019 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 and urges the Council to improve its rules and procedures as regards legislative transparency, including accessibility and classification of legislative documents;

Amendment

3. Recalls its resolution of 17 January 2019 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 and urges the Council to improve its rules and procedures as regards legislative transparency, including accessibility and classification of legislative documents; ***Stresses the need to record systematically the identity of Member States taking positions in preparatory bodies, and stop the practice of restricting access to legislative documents while decision-making is ongoing;***

Amendment 14
Maria Grapini

Draft opinion
Paragraph 3

Draft opinion

3. Recalls its resolution of 17 January 2019 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 and urges the Council to improve its rules and procedures as regards legislative transparency, including accessibility and classification of legislative documents;

Amendment

3. Recalls its resolution of 17 January 2019 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 and urges the Council to improve its rules and procedures as regards legislative transparency, including accessibility, **communication** and classification of legislative documents;

Or. ro

Amendment 15
Fabio Massimo Castaldo

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3a. Points out that international agreements are binding on, and have an effect on, EU legislation, and stresses the need to ensure transparency throughout the negotiating process; therefore regrets that the negotiations are kept secret and that citizens have access to no information other than documents leaked by the press, leading to speculation and inaccurate views on the status and nature of ongoing negotiations;

Or. it

Amendment 16
Sophia in ‘t Veld

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3a. Recalls that the widest possible public access to documents is essential to public scrutiny on all aspects of EU activity; recalls that trust of citizens in the Union depends on transparency;

Or. en

Amendment 17
Gilles Boyer, Sophia in ‘t Veld, Sandro Gozi, Cristian Ghinea

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3a. Calls on the EU institutions to reply promptly to requests for access to documents;

Or. en

Amendment 18
Sophia in ‘t Veld, Gilles Boyer

Draft opinion
Paragraph 3 b (new)

Draft opinion

Amendment

3b. Considers it unacceptable that currently the only avenue open to citizens for challenging a refusal to an access to documents request is a complaint to the Court of Justice of the European Union, which entails extremely lengthy processes,

the risk of high, even prohibitive costs, and uncertain outcome, putting an unreasonable and deterring burden on citizens who wish to challenge a decision to refuse (partial) access; emphasises that this means in practice that there is no effective legal remedy against a negative decision on a request for access to documents;

Or. en

Amendment 19
Sophia in 't Veld, Gilles Boyer

Draft opinion
Paragraph 3 c (new)

Draft opinion

Amendment

3c. *Considers that EU institutions should not call on the opposing party to bear the costs of court cases; calls on the EU institutions to ensure that citizens are not prevented from challenging decisions for want of means;*

Or. en

Amendment 20
Gilles Boyer, Sandro Gozi, Cristian Ghinea, Charles Goerens

Draft opinion
Paragraph 4

Draft opinion

Amendment

4. Calls for the EU legislators to comply with the judgment of the General Court of 22 March 2018 (case T-540/15) on access to the documents of the trilogues, thereby further strengthening the culture of transparency in the EU's legislative work;

4. Calls for the EU legislators to comply with the judgment of the General Court of 22 March 2018 (case T-540/15) on access to the documents of the trilogues, thereby further strengthening the culture of transparency in the EU's legislative work; *recalls nevertheless the strategic nature of these documents which are the basis of*

negotiating positions which do not necessarily reflect the final texts to be agreed by the co-legislators and whose publication in advance of the trilogue meeting could be subject to abuse by external parties;

Or. en

Amendment 21
Loránt Vincze

Draft opinion
Paragraph 4

Draft opinion

4. Calls for the EU legislators to comply with the judgment of the General Court of 22 March 2018 (case T-540/15) on access to the documents of the trilogues, thereby further strengthening the culture of transparency in the EU's legislative work;

Amendment

4. Calls for the EU legislators to comply with the judgment of the General Court of 22 March 2018 (case T-540/15) on access to the documents of the trilogues, thereby further strengthening the culture of transparency in the EU's legislative work; ***underlines that a high level of transparency of the legislative process is an essential element for holding decision-makers in all EU institutions accountable;***

Or. en

Amendment 22
Fabio Massimo Castaldo

Draft opinion
Paragraph 4

Draft opinion

4. Calls for the EU legislators to comply with the judgment of the General Court of 22 March 2018 (case T-540/15) on access to the documents of the trilogues, thereby further strengthening the culture of transparency in the EU's legislative work;

Amendment

4. Calls for the EU legislators to comply with the judgment of the General Court of 22 March 2018 (case T-540/15) on access to the documents of the trilogues ***and to implement it as soon as possible,*** thereby further strengthening the culture of transparency in the EU's legislative work;

Amendment 23
Leila Chaibi

Draft opinion
Paragraph 4

Draft opinion

4. Calls **for** the EU legislators to comply with the judgment of the General Court of 22 March 2018 (case T-540/15) on access to the documents of the trilogues, thereby further strengthening the culture of transparency in the EU's legislative work;

Amendment

4. Calls **on all** the EU legislators to comply with the judgment of the General Court of 22 March 2018 (case T-540/15) on access to the documents of the trilogues **as soon as possible**, thereby further strengthening the culture of transparency in the EU's legislative work;

Or. fr

Amendment 24
Juan Fernando López Aguilar

Draft opinion
Paragraph 4

Draft opinion

4. Calls for the EU legislators to comply with the judgment of the General Court of 22 March 2018 (case T-540/15) on access to the documents of the trilogues, thereby further strengthening the culture of transparency in the EU's legislative work;

Amendment

4. Calls for the EU legislators to comply with the judgment of the General Court of 22 March 2018 (case T-540/15, **De Capitani case**) on access to the documents of the trilogues, thereby further strengthening the culture of transparency in the EU's legislative work;

Or. es

Amendment 25
Maria Grapini

Draft opinion
Paragraph 4

Draft opinion

4. Calls for the EU legislators to comply with the judgement of the General Court of 22 March 2018 (case T-540/15) on access to the documents of the trilogues, thereby further strengthening the culture of transparency in the EU's legislative work;

Amendment

4. Calls for the EU legislators to comply with the judgement of the General Court of 22 March 2018 (case T-540/15) on access to the documents of the trilogues, thereby further strengthening the culture of transparency **and open communication** in the EU's legislative work;

Or. ro

Amendment 26
Loránt Vincze

Draft opinion
Paragraph 5

Draft opinion

5. Urges the EU institutions to implement without delay the commitment they undertook in the Interinstitutional Agreement on Better Law-Making to create a single interinstitutional database of legislative documents;

Amendment

5. Urges the EU institutions to implement without delay the commitment they undertook in the Interinstitutional Agreement on Better Law-Making to create a single interinstitutional database of legislative documents, **allowing for the transparency of the various steps in the legislative process and providing EU citizens with clearer understanding of the EU legislative procedures**;

Or. en

Amendment 27
Maria Grapini

Draft opinion
Paragraph 5

Draft opinion

5. Urges the EU institutions to implement without delay the commitment they undertook in the Interinstitutional Agreement on Better Law-Making to

Amendment

5. Urges the EU institutions to implement without delay the commitment they undertook in the Interinstitutional Agreement on Better Law-Making to

create a single interinstitutional database of legislative documents;

create a single interinstitutional database of legislative documents, *which should be easy to access*;

Or. ro

Amendment 28
Fabio Massimo Castaldo

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5a. Welcomes the Commission's proposal to create a mandatory Transparency Register covering all EU institutions; urges the institutions to conclude the negotiations on the Commission proposal as soon as possible, rendering the work of the institutions as transparent as possible in the interest of the democratic process, while ensuring the involvement of citizens and full respect for the rule of law in the Union;

Or. it

Amendment 29
Sophia in 't Veld, Gilles Boyer

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5a. Considers that in camera sessions in EU institutions are often not sufficiently justified; calls for clear rules governing requests for in camera sessions in the EU institutions;

Or. en

Amendment 30
Sophia in 't Veld, Gilles Boyer

Draft opinion
Paragraph 6

Draft opinion

6. Welcomes the creation by the Commission president of the position of Vice-President with explicit responsibility for transparency; calls on the Commission Vice-President for Values and Transparency to ***restart the long-overdue implementation of Article 15(3) of the TFEU.***

Amendment

6. Welcomes the creation by the Commission president of the position of Vice-President with explicit responsibility for transparency; calls on the Commission Vice-President for Values and Transparency to ***put all efforts in finding swift agreement on the revision of Regulation (EC) No 1049/2001; is fundamentally opposed to the intention of the Commission to withdraw this proposal; considers the mere fact that a file is blocked in Council, one of the two legislators, insufficient grounds for withdrawal;***

Or. en

Amendment 31
Loránt Vincze

Draft opinion
Paragraph 6 a (new)

Draft opinion

6a. Welcomes the adoption of the Regulation (EU) 2019/788, on European Citizens' Initiative which shall promote enhanced participation of the EU citizens in democratic life and expects the Commission to apply highest standards of transparency to the actions aiming to implement requests expressed in successful initiatives (in line with Article 15(2) and 15(3) of the Regulation);

Or. en

Amendment 32
Leila Chaibi

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

6a. Recalls that, in accordance with Article 10(3) of the EU Treaty, citizens must be able to participate in the democratic life of the Union and transparency is key to this; calls for citizens to be given access to the minutes of the Council meetings, in particular so that they can see the positions adopted by their Member States.

Or. fr

Amendment 33
Leila Chaibi

Draft opinion
Paragraph 6 b (new)

Draft opinion

Amendment

6b. Recalls that, in accordance with Article 3 (TEU) and the EU Charter of Fundamental Rights, the Union's rich linguistic diversity must be respected; calls for citizens to be given access to all documents in all official languages of the European Union.

Or. fr