



EUROPEAN PARLIAMENT

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Plenary sitting

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B7-0261/2013

MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Commission

pursuant to Rule 110(2) of the Rules of Procedure

on the deadlock on the revision of Regulation (EC) No 1049/2001
(2013/2637(RSP))

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on behalf of the ALDE Group

B7-0261/2013

**European Parliament resolution on the deadlock on the revision of Regulation (EC)
No 1049/2001
(2013/2637(RSP))**

The European Parliament,

- having regard to Regulation (EC) No 1049/ 2001 of 30 May 2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents,
 - having regard to Commission proposal COM(2008)229 of 30 April 2008 for a Regulation of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents,
 - having regard to Commission proposal COM(2011)0137 of 21 March 2011 for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents,
 - having regard to its report on the proposal for a Regulation of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (recast) (COM(2008)0229), adopted on 15 December 2011,
 - having regard to its resolution of 12 December 2012 on the situation of fundamental rights in the European Union (2010-2011)¹,
 - having regard to the questions to the Council and Commission on the deadlock on the revision of Regulation (EC) No 1049/2001 on access to documents (O-000113/2012 – B7-0055/2012 and O-000133/2012 – B7-0075/2012),
 - having regard to the Commission statement of 21 May 2013 on the deadlock on the revision of Regulation (EC) No 1049/2001,
 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas the entry into force of the Treaty of Lisbon further enhanced EU transparency obligations and enshrined access to documents as a fundamental right;
- B. whereas transparency is an essential tool for citizens to be able to participate in the EU decision-making process, as well as enabling them to monitor that process and EU actions in general from the point of view of accountability;
- C. whereas transparency is even more important in legislative procedures, also taking into account the enhanced EU prerogatives in the field of criminal law touching the core of fundamental rights; whereas Parliament, on several occasions, has called for enhanced

¹ Texts adopted, P7_TA(2012)0500.

transparency in the legislative procedure, including, inter alia, transparency in respect of Council working groups, publication of legal opinions in legislative procedures, and greater transparency in the ‘trilogues’;

- D. whereas Parliament has also regretted the lack of transparency in EU agencies, in international negotiations and in the Commission’s dialogue with Member States, notably when fundamental rights or the interests of European citizens are at stake¹;
- E. whereas the case-law of the Court of Justice of the European Union and of the European Ombudsman has substantially influenced understanding of Regulation 1049/2001; whereas such case-law, especially as regards the use of non-recognition grounds in a legislative procedure, such as *Turco* and *Access Info*, should be reflected in the legislation;
- F. whereas Regulation 1049/2001 is perceived by EU citizens and the EU public as key legislation providing the tools for proper overview of EU actions; whereas application of Regulation 1049/2001 still has to be improved, as shown by several cases dealt with by the Ombudsman;
- G. whereas in 2008 the Commission proposed a recast of Regulation 1049/2001, and whereas it did not withdraw that proposal following the entry into force of the Treaty of Lisbon; whereas Parliament duly informed the Commission of the inappropriateness of the use of the recast procedure, and whereas Parliament had itself, as a consequence, to ‘Lisbonise’ the proposed text;
- H. whereas in 2011 the Commission made an additional proposal which only implicitly extends the scope of Regulation 1049/2001 to all EU institutions, offices, agencies and bodies; whereas Parliament merged the 2008 and 2011 procedures into a single procedure;
- I. whereas Parliament adopted its first reading position on 15 December 2011, and trilogues were started with the Danish presidency in the first half of 2012; whereas the Commission did not agree with the proposed possible compromises, resulting in a standstill lasting more than a year;
- J. whereas the Cypriot and Irish presidencies were not able to unblock the matter in Council and start further negotiations because of resistance from the Commission, which triggers a unanimity requirement in Council on certain points;
- K. whereas, given the enhanced transparency obligations included in the Treaties following the entry into force of the Treaty of Lisbon, any revision of Regulation 1049/2001 should not lower the current level of transparency;
- L. whereas a failure to agree on a new version of Regulation No 1049/2001 would send the wrong signal about the nature of the EU to its citizens, and whereas such a failure would undermine the legitimacy of EU decision making, especially in the light of the fast-approaching key European elections;

¹ See paragraph 18 of the European Parliament resolution of 12 December 2012 on the situation of fundamental rights in the European Union (2010-2011).

1. Underlines the importance of the fundamental right of access to information and documents, of transparency and openness of institutions and of their decision-making processes, which are pillars of democracy and can bring citizens closer to the EU, notably on the eve of European elections;
2. Calls on all EU institutions, offices, bodies and agencies to fully implement Regulation No 1049/2001;
3. Considers that amending Regulation No 1049/2001 should be a priority for all the EU institutions, and regrets the deadlock that has been created; asks all the EU institutions to work together to find a way out as soon as possible;
4. Reaffirms its commitment to revising Regulation 1049/2001, which, taken overall, should give EU citizens wider, improved and more extensive access to EU documents and information;
5. Insists that an amended text, as an absolute minimum, and in accordance with the Treaty requirements, should: explicitly extend its scope to all EU institutions, offices and agencies; enhance legislative transparency, whereby any use of exceptions in the legislative procedure should be a specifically reasoned exemption from the general rule of legislative transparency, and any refusal of access to documents should not go beyond the specific words that can legitimately be withheld from the public on the basis of a legal exception; delete exceptions for legal service opinions provided in the decision-making process; ensure access to documents in relation to international negotiations and agreements; clarify the relationship between transparency and data protection; include the Aarhus Convention; on the basis of the current definition, further develop and enlarge the definition of ‘document’, and not introduce any block exemptions; publish the identity of delegations in Council working documents to ensure democratic accountability; and ensure financial transparency in relation to EU funds;
6. Calls on the Commission to engage fully, at the political and the technical level, in the ‘Lisbonising’ of Regulation No 1049/2001;
7. Calls on the Council immediately to restart debates on Regulation No 1049/2001, to adopt its first reading position and to continue negotiations;
8. Calls for the development of the current regime regulating access to documents into a fully fledged EU Freedom of Information Act;
9. Commits itself to a review of its internal rules and practices to enhance transparency and openness in its work and procedures, and instructs its competent bodies to make and adopt proposals with this aim before the elections, on the basis of the longstanding requests of the EP on the matter¹;
10. Instructs its President to forward this resolution to the Council, the Commission and the

¹ European Parliament resolutions of 14 September 2011 on public access to documents (Rule 104(7)) for the years 2009-2010 and of 14 January 2009 on public access to European Parliament, Council and Commission documents (implementation of Regulation (EC) No 1049/2001).

governments and parliaments of the Member States.