EUROPEAN PARLIAMENT

FORM FOR TABLING PARLIAMENTARY QUESTIONS

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To the: **COUNCIL** ☒
COMMISSION ☐

ORAL QUESTIONS		WRITTEN QUESTIONS	
Oral Question with debate (Rule 108)	☒	Written Question (Rule 110)	☐
Question Time (Rule 109)	☐	Priority Written Question (Rule 110 (4)	☐

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SUBJECT: (please specify) on the fulfillment of the CJ Judgement on the "Turco" Case (transparency in the legislative preparatory works/documents)

TEXT:

By the 1st of July ECJ landmark judgment on the joined cases C-39/05 P and C-52/05, the ECJ called the Council (but implicitly also the other institutions associated in the legislative process) to strengthen "*.. the democratic right of European citizens to scrutinise the information which has formed the basis of a legislative act*" (par.67) by giving even access to the documents (such as the Legal Service Opinions) which were till now excluded with the justification to "protect" the institution's decision-making process. According to the Court such a justification (which is more suitable to protect negotiations between diplomats than between legislators) shall no longer be invoked to outweigh the "overriding" principle to ensure the democratic control of the EU citizens on the EU legislative process. Under this perspective the Council (and *mutatis mutandis* all the other institutions and agencies associated to the EU legislative process) should urgently fulfil the ECJ judgement and apply in a sound way the Regulation 1049/01. Bearing this in mind:

1. How and when the Council will amend its internal rules and update its administrative instructions in the various phases of production, elaboration, diffusion and archiving of the documents notably related to a legislative procedure?

2. From when will the Council apply strictly Article 12 of the Regulation 1049/01 according to which:
- the content of the documents linked to a legislative procedure should be meaningful and for instance the identity of the national delegation should be known as suggested recently by the Council Legal Service itself;
- all the preparatory documents linked to a legislative procedure should held the reference identifying that procedure;
- all the agendas and outcome of proceedings of the Council and preparatory bodies should make clear reference to the background documents to be debated linked to the points in the agenda;
- all the documents (included the so called "room documents") should be timely registered and published in the Council Register;

How the general secretariat of the Council will enforce the strict compliance by Council Secretariat of Regulation 1049/01?

3. On an interinstitutional perspective and notwithstanding the current revision of Regulation 1049/2001, does the Council agree that this ECJ Judgment should set in a new perspective also the interinstitutional cooperation and strategy linked with the so called "better law making" objective as it was launched by the Birmingham Declaration of the European Council in 1992, which still need to be properly implemented?

4. Moreover, bearing in mind that the transparency principle being deeply interlinked with the principle of good administration as proclaimed by the EP, Council and Commission in art. 41 of the Charter of fundamental rights, ask the Council if agrees that the EU institutions should make clear to the citizens in a fair and transparent way even when dealing with non-legislative procedures:
- their organizational chart by indicating the remit of their internal units
- the internal workflow and indicative deadlines of the dossier falling in their remit
- to which services should the citizen refer to obtain support, information or administrative redress?

Signature(s): Date: 1/09/2008