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B7-0265/2013

## 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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Lichtenberger**  
on behalf of the Verts/ALE Group

**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)0229 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 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 Rules 115(5) and 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 to enable citizens to participate in the EU decision-making process, and also 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, in the light of, inter alia, the enhanced EU prerogatives in the field of criminal law, which affect the very core of fundamental rights; whereas Parliament has on several occasions called for enhanced transparency in the legislative procedure, including transparency in respect of Council working groups, publication of legal opinions in legislative procedures, and greater transparency in the ‘trilogues’;

- D. whereas the case-law of the Court of Justice of the European Union and 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 legislative procedures, such as *Turco* and *Access Info*, should be reflected in the legislation;
- E. whereas Regulation No 1049/2001 is perceived by EU citizens and the EU public as a key piece of legislation which provides the tools for a proper overview of EU actions; whereas application of Regulation No 1049/2001 has still to be improved, as shown by several cases dealt with by the Ombudsman;
- F. whereas in 2008 the Commission proposed a recast of Regulation No 1049/2001, and whereas it did not withdraw this proposal following the entry into force of the Treaty of Lisbon; whereas Parliament duly informed the Commission about the inappropriateness of the use of the recast procedure, and whereas, as a consequence, Parliament itself had to ‘Lisbonise’ the proposed text;
- G. whereas in 2011 the Commission made an additional proposal which only implicitly extends the scope of Regulation No 1049/2001 to all EU institutions, offices, agencies and bodies; whereas Parliament merged the 2008 and 2011 procedures into a single procedure;
- H. 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;
- I. whereas the Cypriot and Irish presidencies were unable 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;
- J. whereas, given the enhanced transparency obligations included in the Treaties following the entry into force of the Treaty of Lisbon, any revision of Regulation No 1049/2001 should not lower the current level of transparency;
- K. 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. Calls on all EU institutions, offices, bodies and agencies to fully implement Regulation No 1049/2001;
  2. 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;
  3. Reaffirms its commitment to revising Regulation No 1049/2001, which should, taken overall, give EU citizens wider and improved access to EU documents;

4. Insists that an amended text, as an absolute minimum, and in accordance with the Treaty requirements, should explicitly extend the scope to all EU institutions, offices and agencies; enhance legislative transparency, whereby any use of exceptions in the legislative procedure should constitute an exemption from the general rule of legislative transparency; clarify the relationship between transparency and data protection; include the Aarhus Convention; not include a limitation on the definition of 'document', and not introduce any block exemptions;
5. Calls on the Commission to engage fully, at the political and technical levels, in the 'Lisbonising' of Regulation No 1049/2001;
6. Calls on the Council immediately to restart debates on Regulation No 1049/2001, to adopt its first reading position and to continue negotiations;
7. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.