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Committee on Civil Liberties, Justice and Home Affairs

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DRAFT 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 – C6-0184/2008 – 2008/0090(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Michael Cashman

Rapporteur (*): Anneli Jäätteenmäki, Committee on Constitutional Affairs

(*): Associated committee - Rule 47 of the Rules of Procedure

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**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 – C6-0184/2008 – 2008/0090(COD))**

(Codecision procedure - recast)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0229),
 - having regard to Articles 251(2) and 255(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0184/2008),
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts¹,
 - having regard to Rules 80a and 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Constitutional Affairs, the Committee on Legal Affairs, the Committee on International Trade and the Committee on Petitions (A6-0000/2008),
- A. whereas, according to the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission, the proposal in question does not include any substantive amendments other than those identified as such in the proposal, and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance,
- B. whereas, according to the competent Parliamentary committee, the recasting procedure was decided by the Commission without informing the other institutions and ignoring the letter and the spirit of Parliament's resolution of 4 April 2006 with recommendations to the Commission on access to the institutions' texts under Article 192 of the EC Treaty², whose aim was to amend substantially Regulation 1049/01, stressing moreover the fact that in its proposal the Commission has even refused to deal with issues such as the ones highlighted in the Court of Justice's landmark "Turco" case³,
1. Approves the Commission proposal as adapted to the recommendations of the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission (and incorporating the technical amendments approved by the

¹ OJ C 77, 28.3.2002, p. 1.

² OJ C 293 E, 2.12.2006, p. 151.

³ Judgment of the Court (Grand Chamber) of 1 July 2008 in joined cases C-39/05 P and C-52/05 P

Committee on Legal Affairs) and as amended below;

2. Instructs its President to forward its position to the Council and the Commission.

Amendment 1

Proposal for a regulation

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Transparency should also strengthen the principles of good administration in the EU institutions as provided for by Article 41 of the Charter of Fundamental Rights of the European Union ¹ ("the Charter"). Internal procedures should be defined accordingly and adequate financial and human resources should be made available to put the principle of openness into practice.

¹ OJ C 302, 14.12.2007, p. 1.

Or. en

Justification

The observation of the European Ombudsman in this respect should be taken into account.

Amendment 2

Proposal for a regulation

Recital 4

Text proposed by the Commission

Amendment

(4) The general principles and the limits on grounds of public or private interest governing the public right of access to documents have been laid down in Regulation (EC) No 1049/2001, which became applicable on 3 December 2001.

deleted

Or. en

Justification

The content of this recital is inserted in Recital 6.

Amendment 3

**Proposal for a regulation
Recital 5**

Text proposed by the Commission

Amendment

(5) A first assessment of the implementation of Regulation (EC) No 1049/2001 was made in a report published on 30 January 2004. On 9 November 2005, the Commission decided to launch the process leading to the review of Regulation (EC) No 1049/2001. In a Resolution adopted on 4 April 2006, the European Parliament has invited the Commission to submit a proposal amending the Regulation. On 18 April 2007, the Commission published a Green Paper on the review of the Regulation and launched a public consultation.

deleted

Or. en

Justification

The content of this recital is inserted in Recital 6.

Amendment 4

**Proposal for a regulation
Recital 6**

Text proposed by the Commission

Amendment

(6) The purpose of this Regulation is to give the fullest possible effect to the right of public access to documents and to lay down the general principles and limits on such access in accordance with Article 255(2) of the EC Treaty.

(6) The purpose of this Regulation is to give the fullest possible effect to the right of public access to documents and to lay down the general principles and ***the*** limits on ***the grounds of public or private interest which govern*** such access in accordance with Article 255(2) of the EC

Treaty and taking into account the experience of the initial implementation of Regulation (EC) No 1049/2001 and of the resolution of the European Parliament of 4 April 2006 with recommendations to the Commission on access to the institutions' texts under Article 192 of the EC Treaty. This Regulation is without prejudice to existing rights of access to documents for Member States, judicial authorities or investigative bodies.*

** OJ C 293 E, 2.12.2006, p. 151.*

Or. en

Justification

Recital 4-5-6 and 22 have been merged in one recital setting up the general principles of right to access to EU documents. Clear reference is also made to the provision of the EC Treaty (art. 192) which is the legal basis for the European Parliament's request to the European Commission about the submission of a proposal revising Regulation 1049/2001.

Amendment 5

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) In accordance with Articles 28(1) and 41(1) of the EU Treaty, the right of access also applies to documents relating to the common foreign and security policy and to police and judicial cooperation in criminal matters. ***Each institution should respect its security rules.***

Amendment

(8) In accordance with Articles 28(1) and 41(1) of the EU Treaty, the right of access also applies to documents relating to the common foreign and security policy and to police and judicial cooperation in criminal matters.

Or. en

Justification

Recital 15 is specifically dedicated to security rules to be established by each institution.

Amendment 6

Proposal for a regulation Recital 8 a (new)

Text proposed by the Commission

Amendment

(8 a) The EU institutions act in their legislative capacity when, by associating the European Parliament, they adopt rules of general scope which are legally binding in or for the Member States, by means of regulations, directives, framework decisions or decisions, on the basis of the relevant provisions of the Treaties.

Or. en

Justification

The definition of legislative capacity of the Institutions is necessary in order to define the kind of documents which should be available to the public. (see art. 7 of Council Internal Rules).

Amendment 7

Proposal for a regulation Recital 10

Text proposed by the Commission

Amendment

(10) With regard to the disclosure of personal data, a clear relationship should be established between this Regulation and Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

(10) The Community institutions and bodies should treat personal data in a fair and transparent way and should not infringe the rights of data subjects as defined by Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data and by the case-law of the Court of Justice of the European Communities ("the Court of Justice"). The institutions should define their internal procedures, duly taking into account the recommendation of the

Justification

Access to documents legislation should be implemented in due respect of personal data rights covered by Regulation 45/2001 and the recommendations made in this respect by the EDPS.

Amendment 8

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) ***Wider*** access should be granted to documents in cases where the institutions are acting in their legislative capacity, including under delegated powers, ***while at the same time preserving the effectiveness of the institutions' decision-making process. Such documents should be made directly accessible to the greatest possible extent.***

Amendment

(12) ***In compliance with the democratic principles outlined in Article 6(1) of the EU Treaty and the case-law of the Court of Justice on the implementation of Regulation (EC) No 1049/2001, wider access should be granted to documents in cases where the institutions are acting in their legislative capacity, including under delegated powers. Legal texts should be drafted in a clear and understandable way¹ and published in the Official Journal of the European Union; preparatory documents and all related information, including legal opinions and the interinstitutional procedure, should be made easily accessible by citizens on the Internet in a timely manner.***

Better law-making practices, drafting models and techniques as well as technical solutions to track the life-cycle of preparatory documents and to share them with the institutions and bodies associated in the procedure should be agreed by the European Parliament, the Council and the Commission in accordance with this Regulation and published in the Official Journal of the European Union.

¹ *Interinstitutional Agreement of 22 December 1998 on common guidelines for the quality of*

drafting of Community legislation (OJ C 73, 17.3.1999, p. 1).

Or. en

Justification

The principle of access to documents should be clearly specified as regards the various kinds of documents and information that need to be available to the public in order to make it possible for the public to follow any legislative procedure.

Amendment 9

**Proposal for a regulation
Recital 12 a (new)**

Text proposed by the Commission

Amendment

(12a) Documents related to non-legislative procedures, such as binding measures without general scope or measures dealing with internal organisation, administrative or budgetary acts, or of a political nature (such as conclusions, recommendations or resolutions) should be easily accessible in compliance with the principle of good administration outlined in Article 41 of the Charter, while at the same time preserving the effectiveness of the institutions' decision-making process. For each category of document the institution responsible and, where appropriate, the other institutions associated should make accessible to citizens the workflow of the internal procedures to be followed, which organisational units could be in charge, as well their remit, the deadlines set and the office to be contacted. Special arrangements may be made with the interested parties in the procedure even when public access could not be granted; the institutions should duly take into account the recommendations of the European Ombudsman.

Or. en

Justification

Some general principle of public access to non legislative procedures should also be enforced.

Amendment 10

Proposal for a regulation

Recital 12 b (new)

Text proposed by the Commission

Amendment

(12b) The institutions should agree on common guidelines as to the way in which to register their internal documents, to classify them and to archive them for historical needs according to the principles outlined in this Regulation. Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community* should then be repealed.

**** OJ L 43, 15.2.1983, p. 1.***

Or. en

Justification

The present regulation should also constitute the legal framework for registration, classification and archiving of documents.

Amendment 11

Proposal for a regulation

Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) An interinstitutional register of lobbyists and other interested parties is a natural tool for the promotion of openness and transparency in the legislative process.

Amendment 12

Proposal for a regulation Recital 14

Text proposed by the Commission

(14) In order to ensure the full application of this Regulation to all activities of the Union, all agencies established by the institutions should apply the principles laid down in this Regulation.

Amendment

(14) In order to ensure the full application of this Regulation to all activities of the Union, all agencies established by the institutions should apply the principles laid down in this Regulation. ***All the other EU institutions are invited to adopt comparable measures in accordance with Article 1 of the EU Treaty.***

Or. en

Amendment 13

Proposal for a regulation Recital 15

Text proposed by the Commission

(15) ***On account of their highly sensitive content, certain documents should be given special treatment. Arrangements for informing the European Parliament of the content of such documents should be made through interinstitutional agreement.***

Amendment

(15) ***In order to develop the activities of the institutions in areas which require a degree of confidentiality, it is appropriate to establish a comprehensive security system covering the treatment of EU classified information. The term "EU classified" should mean any information and material the unauthorised disclosure of which could cause varying degrees of prejudice to EU interests, or to one or more of its Member States, whether such information originates within the EU or is received from Member States, third countries or international organisations. In accordance with the democratic principle outlined in Article 6(1) of the EU Treaty, the European Parliament***

should have access to EU classified information notably when such access is necessary for the performance of legislative or non-legislative duties conferred by the Treaties.

Or. en

Justification

In order to deal with confidential information, clear rules on classified information which are common to all the institutions should be established.

Amendment 14

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) In order to bring about greater openness in the work of the institutions, access to documents should be granted by the European Parliament, the Council and the Commission not only to documents drawn up by the institutions, but also to documents received by them. ***In this context, it is recalled that Declaration No 35 attached to the Final Act of the Treaty of Amsterdam provides that*** a Member State may request the Commission or the Council not to communicate to third parties a document originating from that State without its prior agreement.

Amendment

(16) In order to bring about greater openness in the work of the institutions, access to documents should be granted by the European Parliament, the Council and the Commission not only to documents drawn up by the institutions, but also to documents received by them. A Member State may request ***the European Parliament***, the Commission or the Council not to communicate to third parties ***outside the institutions themselves*** a document originating from that State without its prior agreement. ***If such a request is not accepted, the institution which received the request should give the reasons for refusing it. According to Article 296 of the EC Treaty, no Member State is obliged to supply information the disclosure of which it considers contrary to the essential interests of its security.***

Or. en

Justification

In order to ensure public access to documents in the EU, specific rules should also be drafted as regards documents that the EU institutions receive by third parties.

Amendment 15

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) In principle, all documents *of* the institutions should be accessible to the public. However, *certain public and private interests should be protected by way of exceptions. The institutions should be entitled to protect their internal consultations and deliberations where necessary to safeguard their ability to carry out their tasks. In assessing the exceptions, the institutions should take account of the principles in Community legislation concerning the protection of personal data, in all areas of Union activities.*

Amendment

(17) In principle, all documents *drafted or received by* the institutions *and relating to their activities* should be *registered and* accessible to the public. However, *without prejudice to the European Parliament's scrutiny, access to the entire document or to part of it could be postponed.*

Or. en

Justification

It is important to specify that all documents produced or dealt with by EU institutions should be in principle accessible to the public.

Amendment 16

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) All rules concerning access to documents of the institutions should be in conformity with this Regulation.

Amendment

(18) All rules concerning access to documents of the institutions should be in conformity with *the principles of* this Regulation, *as it implements Article*

Amendment 17

**Proposal for a regulation
Recital 19**

Text proposed by the Commission

(19) In order to ensure that the right of access is fully respected, a two-stage administrative procedure should apply, **with the additional possibility of court proceedings or complaints to the Ombudsman.**

Amendment

(19) In order to ensure that the right of **citizens'** access is fully respected, **and made easier:**

– the texts and information relating to legislative procedure should also be accessible by electronic means in the Official Journal, and preparatory documents should be accessible on an interinstitutional updated daily register providing each procedure with the relevant information/documents;

– the other documents or at least the relevant references should be accessible via an institution's register. A two-stage administrative procedure should apply for access to documents not directly accessible or classified.

The institution's refusal should be open to challenge in court or via a complaint to the European Ombudsman.

The institutions should endeavour to apply in a concerted way a policy for the re-use in the public domain of the EU institutions' related information, as is done by the Member States in compliance with Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public-sector information¹.

Amendment 18

Proposal for a regulation Recital 20

Text proposed by the Commission

(20) ***Each*** institution should ***take the measures necessary to*** inform the public of the ***provisions in force*** and to train its staff to assist citizens exercising their rights under this Regulation. ***In order to make it easier for citizens to exercise their rights, each institution should provide access to a register of documents.***

Amendment

(20) ***The*** institution should ***in a consistent and coordinated way*** inform the public of the ***measures adopted to implement this Regulation*** and train their staff to assist citizens exercising their rights under this Regulation.

Amendment 19

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) Even though it is neither the object nor the effect of this Regulation to amend national legislation on access to documents, it is nevertheless clear that, by virtue of the principle of loyal cooperation which governs relations between the institutions and the Member States, Member States should take care not to hamper ***the proper application of this Regulation and should respect the security rules of the institutions.***

Amendment

(21) Even though it is neither the object nor the effect of this Regulation to amend national legislation on access to documents, it is nevertheless clear that, by virtue of the principle of loyal cooperation which governs relations between the institutions and the Member States, ***the Member States should grant to their citizens at national level at least the same level of transparency as is granted at EU level when implementing EU rules. By the same token and without prejudice to national parliamentary scrutiny,*** Member States should take care not to hamper ***the processing of EU classified***

documents.

Or. en

Justification

EU law and policy are mainly implemented by authorities of the Member States. The ability of citizens to understand and monitor how the Union functions could be promoted by exchange of information on best practices at the national level concerning access to EU related documents and information.

Amendment 20

Proposal for a regulation

Recital 22

Text proposed by the Commission

Amendment

(22) This Regulation is without prejudice to existing rights of access to documents for Member States, judicial authorities or investigative bodies.

deleted

Or. en

Justification

This recital is merged in recital 6.

Amendment 21

Proposal for a regulation

Recital 23

Text proposed by the Commission

Amendment

(23) In accordance with Article 255(3) of the EC Treaty, each institution lays down specific provisions regarding access to its documents in its rules of procedure,

(23) In accordance with Article 255(3) of the EC Treaty ***and the principles and rules outlined in this Regulation*** each institution lays down specific provisions regarding access to its documents in its rules of procedure,

Or. en

Amendment 22

Proposal for a regulation

Article 1 – point a

Text proposed by the Commission

(a) to define the principles, conditions and limits on grounds of public or private interest governing the right of access to European Parliament, Council and Commission (hereinafter referred to as «the institutions») **documents provided for in Article 255 of the EC Treaty in such a way as** to grant **the public** the widest possible access to such documents;

Amendment

(a) to define **in accordance with Article 255 of the EC Treaty**, the principles, conditions and limits on grounds of public or private interest governing the right of access to **documents of the** European Parliament, Council and Commission (hereinafter referred to as «the institutions») **as well of all the Agencies and bodies created by those institutions** to grant the widest possible access to such documents;

Or. en

Justification

The present regulation is the legal framework implementing article 255 of the EC Treaty that shall therefore be mentioned and it shall also become the legal reference for access to documents practice not only for the European Parliament, European Commission and Council but also for the other institutions and bodies.

Amendment 23

Proposal for a regulation

Article 1 – point c

Text proposed by the Commission

(c) to promote good administrative practice **on access to documents**.

Amendment

(c) to promote **transparent and** good administrative practice **in the institutions in order to improve** access to **their** documents.

Or. en

Amendment 24

Proposal for a regulation Article 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) to set up by a joint Decision of the European Parliament and of the Council on a proposal by the Management Committee of the Publication Office of the EU¹ the Official Journal of the European Union. On an interinstitutional basis other tools such as public registers and specific administrative procedures ensuring the easiest possible exercise of this right shall be established.

¹See Article 7 of SEC(2008)2109.

Or. en

Justification

It is important to specify the tools through which the right of access to documents of the Institutions is implemented.

Amendment 25

Proposal for a regulation Article 2

Text proposed by the Commission

Amendment

Beneficiaries *and scope*

Beneficiaries

1. Any natural or legal person shall have a right of access to documents of the institutions, subject to the principles, conditions and limits defined in this Regulation.

Any natural or legal person shall have a right of access to documents of the institutions, subject to the principles, conditions and limits defined in this Regulation.

2. *This Regulation shall apply to all documents held by an institution, namely, documents drawn up or received by it and in its possession concerning a matter relating to the policies, activities and decisions falling within its sphere of*

responsibility, in all areas of activity of the European Union.

3. Without prejudice to Articles 4 and 9, documents shall be made accessible to the public either following a written application or directly in electronic form or through a register. In particular, documents drawn up or received in the course of a legislative procedure shall be made directly accessible in accordance with Article 12.

4. Sensitive documents as defined in Article 9(1) shall be subject to special treatment in accordance with that Article.

5. This Regulation shall not apply to documents submitted to Courts by parties other than the institutions.

6. Without prejudice to specific rights of access for interested parties established by EC law, documents forming part of the administrative file of an investigation or of proceedings concerning an act of individual scope shall not be accessible to the public until the investigation has been closed or the act has become definitive. Documents containing information gathered or obtained from natural or legal persons by an institution in the framework of such investigations shall not be accessible to the public.

7. This Regulation shall be without prejudice to rights of public access to documents held by the institutions which might follow from instruments of international law or acts of the institutions implementing them.

Or. en

Amendment 26

Proposal for a regulation Article 2 a (new)

Text proposed by the Commission

Amendment

Article 2a

Scope

1. This Regulation shall apply to all documents held by an institution, that is to say documents drawn up or received by it and in its possession, in all areas of activity of the European Union.

2. Documents shall be made accessible to the public either in electronic form in the Official Journal of the European Union, or in an official institution's register or following a written application.

The documents drawn up or received in the course of a legislative procedure shall be made directly accessible in accordance with Article 5a.

3. This Regulation shall be without prejudice to enhanced rights of public access to documents held by the institutions which might follow from instruments of international law or acts of the institutions implementing them or by the Member States' legislation.

Or. en

Amendment 27

Proposal for a regulation Article 3 – point a

Text proposed by the Commission

Amendment

(a) «document» ***means*** any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording) ***drawn-up***

(a) «document» ***shall mean*** any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording)

by an institution and formally transmitted to one or more recipients or otherwise registered, or received by an institution; data contained in electronic storage, processing and retrieval systems **are** documents if *they* can be extracted in the form of **a printout** or electronic-format **copy** using the available tools for the exploitation of the system;

concerning a matter relating to the policies, activities and decisions falling within the institution's sphere of responsibility; information contained in electronic storage, processing and retrieval systems **(including external systems used for the institution's work)** shall constitute **a document or** documents if *it* can be extracted in the form of **one or more printouts** or electronic-format **copies** using the tools **reasonably** available for the exploitation of the system. **An institution that intends to create a new electronic storage system, or to substantially change an existing system, shall evaluate the likely impact on the right of access guaranteed by this Regulation and act so as to promote the objective of transparency;**

Or. en

Amendment 28

Proposal for a regulation Article 3 – point a a (new)

Text proposed by the Commission

Amendment

(aa) «classified documents» shall mean documents the disclosure of which could affect the protection of the essential interests of the European Union or of one or more of its Member States, notably in public security, defence and military matters, which may be classified and made partially or totally accessible under the conditions defined in Article 3a;

Or. en

Amendment 29

Proposal for a regulation Article 3 – point a b (new)

Text proposed by the Commission

Amendment

(ab) «legislative documents» shall mean documents drawn up or received in the course of procedures for the adoption of acts which are of general scope, are legally binding in or for the Member States and for the adoption of which the Treaty provides, even on a voluntary basis, for the intervention or association of the European Parliament;

Or. en

Amendment 30

Proposal for a regulation Article 3 – point a c (new)

Text proposed by the Commission

Amendment

(ac) «non- legislative documents» shall mean documents drawn up or received in the course of procedures for the adoption of acts of a political nature, such as conclusions, recommendations or resolutions or acts which are legally binding in or for the Member States, but which are not of general scope as are the ones cited in point ab;

Or. en

Amendment 31

Proposal for a regulation Article 3 – point a d (new)

Text proposed by the Commission

Amendment

(ad) «administrative documents» shall mean documents or measures dealing with the internal organisation, administrative or budgetary acts of the institutions;

Or. en

Amendment 32

Proposal for a regulation Article 3 – point a e (new)

Text proposed by the Commission

Amendment

(ae) «archive» shall mean an institution's tool for managing in a structured way the registration of all the institution's documents referring to an ongoing or recently concluded procedure;

Or. en

Amendment 33

Proposal for a regulation Article 3 – point a f (new)

Text proposed by the Commission

Amendment

(af) «historical archives» shall mean that part of the archives of the institutions which has been selected, on the terms laid down in Article 3(1a), for permanent preservation;

Or. en

Amendment 34

Proposal for a regulation Article 3 – subparagraph 1a (new)

Text proposed by the Commission

Amendment

A detailed list of all the categories of the acts covered by the definitions in points (a) to (ad) shall be published in the Official Journal of the European Union and on the Internet sites of the institutions. The institutions shall also agree and publish their common criteria for archiving.

Or. en

Amendment 35

Proposal for a regulation Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

Classified documents

1. When public grounds exist, and without prejudice to parliamentary scrutiny at European and national level, an institution shall classify a document where its disclosure would undermine the protection of the essential interests of the European Union or of one or more of its Member States.

Information shall be classified as follows:

(a) " EU TOP SECRET": this classification shall be applied only to information and material the unauthorised disclosure of which could cause exceptionally grave prejudice to the essential interests of the European Union or of one or more of its Member States;

(b) "EU SECRET ": this classification shall be applied only to information and material the unauthorised disclosure of which could seriously harm the essential interests of the European Union or of one or more of its Member States;

(c) "EU CONFIDENTIAL ": this classification shall be applied to information and material the unauthorised disclosure of which could harm the essential interests of the European Union or of one or more of its Member States;

(d) "EU RESTRICTED": this classification shall be applied to information and material the unauthorised disclosure of which could be disadvantageous to the interests of the European Union or of one or more of its Member States;

2. Information shall be classified only when necessary.

If possible, originators shall specify on classified documents a date or period when the contents may be downgraded or declassified.

Otherwise, they shall review the documents at least every five years, in order to ensure that the original classification remains necessary.

The classification shall be clearly and correctly indicated, and shall be maintained only for as long as the information requires protection.

The responsibility for classifying information and for any subsequent downgrading or declassification rests solely with the originating institution or that which received the classified document from a third party or another institution.

3. Without prejudice to the right of access by other EU institutions, classified documents shall be released to third parties only with the consent of the originator.

However, the institution refusing such

access shall give reasons for its decision in a manner which does not harm the interest protected under this Article.

When more than one institution is involved in the processing of a classified document, the same ground of classification shall be granted and mediation shall be initiated if the institutions have a different appreciation of the protection to be granted.

Documents relating to legislative procedures shall not be classified; implementing measures shall be classified before their adoption insofar as the classification is necessary and aimed at preventing an adverse effect on the measure itself. International agreements dealing with the sharing of confidential information are concluded on behalf of the European Union or of the Community and could not give any right to a third country or international organisation to prevent the access from the European Parliament to confidential information.

4. Applications for access to classified documents under the procedures laid down in paragraphs 1 to 3 of this Article shall be handled only by those persons who have a right to acquaint themselves with those documents. Those persons shall also assess which references to classified documents could be made in the public register.

5. Classified documents shall be recorded in an institution's register or released only with the consent of the originator.

6. An institution which decides to refuse access to a classified document shall give the reasons for its decision in a manner which does not harm the interests protected by the exceptions laid down in this Regulation.

7. Without prejudice to national parliamentary scrutiny, Member States shall take appropriate measures to ensure that, when handling applications for EU classified documents, the principles set

out in this Regulation are respected.

8. The security rules of the institutions concerning classified documents shall be made public.

9. The European Parliament shall have access to classified documents through a special oversight committee composed of ... members appointed by its

Conference of Presidents and who shall comply with a specific clearance procedure and solemnly swear not to reveal in any way the content of the information accessed.

The European Parliament shall establish in its internal rules and in compliance with the obligations conferred by the Treaties, security standards and sanctions equivalent to the ones outlined in the Council and Commission Internal Security rules.

Or. en

Justification

Classified documents shall be defined and the handle of those documents shall be considered separate provisions before the exceptions. (NB see the case of the establishment of terrorists lists).

Amendment 36

Proposal for a regulation
Article 4 – title

Text proposed by the Commission

Amendment

Exceptions

General exceptions to the right of access

Or. en

Amendment 37

Proposal for a regulation

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. The institutions **shall** refuse access to a document where disclosure would undermine the protection of the public interest as regards:

Amendment

1. ***Without prejudice to the cases dealt with in Article 3***, the institutions **may** refuse access to a document where disclosure would undermine the protection of the public interest as regards:

Or. en

Amendment 38

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) public security ***including the safety of natural or legal persons***;

Amendment

(a) ***internal*** public security ***of the European Union or of one or more of its Member States***;

Or. en

Amendment 39

Proposal for a regulation

Article 4 – paragraph 2 – introductory part

Text proposed by the Commission

2. The institutions **shall** refuse access to a document where disclosure would undermine the protection of:

Amendment

2. The institutions **may** refuse access to a document where disclosure would undermine the protection of ***private interest linked to***:

Or. en

Amendment 40

Proposal for a regulation

Article 4 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(b a) privacy and the integrity of the individual, in accordance with the relevant rules for the protection of personal data applicable to the institutions as laid down in Article 286 of the EC Treaty as well the principle of transparent and good administration outlined in Article 1(c);

Or. en

Amendment 41

Proposal for a regulation

Article 4 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) legal advice *and* court, arbitration and dispute settlement proceedings;

(c) legal advice *linked to a* court arbitration or dispute settlement proceedings;

Or. en

Amendment 42

Proposal for a regulation

Article 4 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) the objectivity and impartiality of *selection* procedures.

(e) the objectivity and impartiality of *public procurement* procedures *until a decision has been taken by the contracting institution, or of a Selection Board in proceedings leading to the recruitment of staff until a decision has been taken by appointing authority.*

Amendment 43

Proposal for a regulation Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. Access to the following documents shall be refused if their disclosure would seriously undermine the decision-making process of the institutions:

deleted

(a) documents relating to a matter where the decision has not been taken;

(b) documents containing opinions for internal use as part of deliberations and preliminary consultations within the institutions concerned, even after the decision has been taken .

Or. en

Amendment 44

Proposal for a regulation Article 4 – paragraph 4

Text proposed by the Commission

Amendment

4. The exceptions under paragraphs **(2) and (3)** shall apply unless there is an overriding public interest in disclosure. **As regards paragraph 2(a)** an overriding public interest in disclosure shall be deemed to exist where the information requested relates to emissions into the environment.

4. The exceptions under paragraphs **1 and 2** shall apply unless there is an overriding public interest in disclosure. **Such** an overriding public interest in disclosure shall be deemed to exist where the information requested relates to emissions into the environment, **the protection of fundamental rights and notably the right to live in a healthy environment.**

Or. en

Amendment 45

Proposal for a regulation Article 4 – paragraph 5

Text proposed by the Commission

Amendment

5. Names, titles and functions of public office holders, civil servants and interest representatives in relation with their professional activities shall be disclosed unless, given the particular circumstances, disclosure would adversely affect the persons concerned. Other personal data shall be disclosed in accordance with the conditions regarding lawful processing of such data laid down in EC legislation on the protection of individuals with regard to the processing of personal data.

deleted

Or. en

Amendment 46

Proposal for a regulation Article 4 – paragraph 7

Text proposed by the Commission

Amendment

7. The exceptions as laid down in this Article shall only apply for the period during which protection is justified on the basis of the content of the document. The exceptions ***may*** apply for a maximum period of 30 years. In the case of documents covered by the exceptions relating to the protection of personal data or commercial interests and in the case of sensitive documents, the exceptions may, if necessary, continue to apply after this period.

7. The exceptions as laid down in this Article shall only apply for the period during which protection is justified on the basis of the content of the document. ***Otherwise, the need for the exception shall be reviewed at least every five years in order to ensure that the original exception remains necessary. In any event,*** the exceptions ***shall*** apply for a maximum period of 30 years. In the case of documents covered by the exceptions relating to privacy or commercial interests the exceptions may, if necessary ***and duly justified,*** continue to apply after this period.

Amendment 47

Proposal for a regulation
Article 5 – title

Text proposed by the Commission

Amendment

Consultations

Consultation of third parties

Or. en

Amendment 48

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

Amendment

1. As regards third-party documents, the institution shall consult the third party with a view to assessing whether an exception *referred to in Article 4* is applicable, unless it is clear that the document shall or shall not be disclosed.

1. As regards third-party documents, the institution shall consult the third party with a view to assessing whether an exception ***provided for in this Regulation*** is applicable, unless it is clear that the document shall or shall not be disclosed.

Or. en

Amendment 49

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. Where an application concerns a document originating from a Member State, *other than documents transmitted in the framework of procedures leading to a legislative act or a non-legislative act of general application*, the authorities of that

2. Where an application concerns a document originating from a Member State, ***not acting as a Member of the Council***, the authorities of that Member State shall be consulted. The institution holding the document shall ***not*** disclose it

Member State shall be consulted. The institution holding the document shall disclose it **unless** the Member State gives reasons for withholding it, based on the exceptions referred to in Article 4 or on specific provisions in its own legislation preventing disclosure of the document concerned. ***The institution shall appreciate the adequacy of reasons given by the Member State insofar as they are based on exceptions laid down in this Regulation.***

if the Member State ***concerned objects on the basis of Article 296 of the EC Treaty or*** gives reasons for withholding it, based on the exceptions referred to in Article 4 or on specific provisions in its own legislation preventing disclosure of the document concerned.

Or. en

Amendment 50

Proposal for a regulation Article 5 – paragraph 3

Text proposed by the Commission

3. ***Where*** a Member State receives a request for a document in its possession, which originates from an institution, unless it is clear that the document shall or shall not be disclosed, the Member State shall consult with the institution concerned in order to take a decision that does not jeopardise the objectives of this Regulation. The Member State may instead refer the request to the institution.

Amendment

3. ***Without prejudice to national parliamentary scrutiny, where*** a Member State receives a request for a document in its possession, which originates from an institution, unless it is clear that the document shall or shall not be disclosed, the Member State shall consult with the institution concerned in order to take a decision that does not jeopardise the objectives of this Regulation. The Member State may instead refer the request to the institution.

Or. en

Amendment 51

Proposal for a regulation Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

Legislative Transparency

- 1. In compliance with the democratic principle outlined in Article 6 (1) of the EU Treaty and with the case-law of the Court of Justice on the implementation of Regulation (EC) No 1049/2001, institutions acting in their legislative capacity, including under delegated powers, shall grant the widest possible access to their activities.*
- 2. Documents relating to their legislative programmes, preliminary civil society consultations, impact assessments and any other preparatory document linked to a legislative procedure shall be accessible on a user-friendly interinstitutional site and published in a special series of the Official Journal of the European Union.*
- 3. In implementing this Regulation, legislative proposals as well other EU legal texts shall be drafted in a clear and understandable way and the institutions shall agree common drafting guidelines and models improving legal certainty in accordance with the relevant case-law of the Court of Justice.*
- 4. During the legislative procedure, each institution or body associated in the decision making process shall publish its preparatory documents and all related information, including legal opinions, in a special series of the Official Journal of the European Union as well on a common Internet site reproducing the lifecycle of the procedure concerned.*
- 5. Once adopted, legislative acts shall be published in the Official Journal of the European Union as provided for by Article 13.*
- 6. By virtue of the principle of loyal*

cooperation which governs relations between the institutions and the Member States, the Member States shall grant to their citizens at national level at least the same level of transparency as is granted at EU level by timely and clearly publishing in their respective official journals the texts or the references of the national measures implementing acts of the institutions of the European Union.

7. Any initiative or documents provided by any interested parties with a view to influencing the decision-making process in any way shall be made public.

Or. en

Amendment 52

Proposal for a regulation Article 6 – paragraph 2

Text proposed by the Commission

2. If an application is not sufficiently precise *or if the requested documents cannot be identified*, the institution shall ask the applicant to clarify the application and shall assist the applicant in doing so, for example, by providing information on the use of the public registers of documents. *The time limits provided for under Articles 7 and 8 shall start to run when the institution has received the requested clarifications.*

Amendment

2. If an application is not sufficiently precise the institution shall *within 15 working days* ask the applicant to clarify the application and shall assist the applicant in doing so, for example, by providing information on the use of the public registers of documents.

Or. en

Amendment 53

Proposal for a regulation Article 8 – paragraph 1

Text proposed by the Commission

1. A confirmatory application shall be handled promptly. Within **30** working days from registration of such an application, the institution shall either grant access to the document requested and provide access in accordance with Article 10 within that period or, in a written reply, state the reasons for the total or partial refusal. In the event of a total or partial refusal, the institution shall inform the applicant of the remedies open to him or her.

Amendment

1. A confirmatory application shall be handled promptly. Within **15** working days from registration of such an application, the institution shall either grant access to the document requested and provide access in accordance with Article 10 within that period or, in a written reply, state the reasons for the total or partial refusal. In the event of a total or partial refusal, the institution shall inform the applicant of the remedies open to him or her.

Or. en

Amendment 54

Proposal for a regulation Article 9

Text proposed by the Commission

Article 9

Treatment of sensitive documents

1. Sensitive documents are documents originating from the institutions or the agencies established by them, from Member States, third countries or International Organisations, classified as «TRÈS SECRET/TOP SECRET», «SECRET» or «CONFIDENTIEL» in accordance with the rules of the institution concerned, which protect essential interests of the European Union or of one or more of its Member States in the areas covered by Article 4(1)(a), notably public security, defence and military matters.

2. Applications for access to sensitive

Amendment

deleted

documents under the procedures laid down in Articles 7 and 8 shall be handled only by those persons who have a right to acquaint themselves with those documents. These persons shall also, without prejudice to Article 11(2), assess which references to sensitive documents could be made in the public register.

3. Sensitive documents shall be recorded in the register or released only with the consent of the originator.

4. An institution which decides to refuse access to a sensitive document shall give the reasons for its decision in a manner which does not harm the interests protected in Article 4.

5. Member States shall take appropriate measures to ensure that when handling applications for sensitive documents the principles in this Article and Article 4 are respected.

6. The rules of the institutions concerning sensitive documents shall be made public.

7. The Commission and the Council shall inform the European Parliament regarding sensitive documents in accordance with arrangements agreed between the institutions.

Or. en

Amendment 55

Proposal for a regulation Article 10 – paragraph 4

Text proposed by the Commission

4. The cost of producing and sending copies may be charged to the applicant. This charge shall not exceed the real cost of producing and sending the copies. Consultation on the spot, copies of less than 20 A4 pages and direct access in

Amendment

4. The cost of producing and sending copies may be charged to the applicant. This charge shall not exceed the real cost of producing and sending the copies. Consultation on the spot, copies of less than 20 A4 pages and direct access in

electronic form or through the register shall be free of charge.

electronic form or through the register shall be free of charge. ***In the case of printouts or documents in electronic format based on information contained in electronic storage, processing and retrieval systems, the actual cost of searching for and retrieving the document or documents may also be charged to the applicant. No additional charge shall be made if the institution has already produced the document or documents concerned. The applicant shall be informed in advance of the amount and method of calculating any charge.***

Or. en

Amendment 56

Proposal for a regulation Article 13

Text proposed by the Commission

1. In addition to the acts referred to in Article 254(1) and (2) of the EC Treaty and the first paragraph of Article 163 of the Euratom Treaty, the following documents shall, subject to Articles 4 and 9 of this Regulation, be published in the Official Journal:

(a) Commission proposals;

(b) common positions adopted by the Council in accordance with the procedures referred to in Articles 251 and 252 of the EC Treaty and the reasons underlying those common positions, as well as the

Amendment

1. In accordance with the principles outlined in this Regulation, the institutions shall agree on the structure and presentation of the Official Journal of the European Union by taking into account the pre-existing interinstitutional agreement.

In addition to the acts referred to in Article 254(1) and (2) of the EC Treaty and the first paragraph of Article 163 of the Euratom Treaty, the following documents shall, subject to Articles 4 of this Regulation, be published in the Official Journal:

(a) common positions adopted by the Council in accordance with the procedures referred to in Articles 251 and 252 of the EC Treaty and the reasons underlying those common positions, as well as the

European Parliament's positions in these procedures;

(c) framework decisions and decisions referred to in Article 34(2) of the EU Treaty;

(d) conventions established by the Council in accordance with Article 34(2) of the EU Treaty;

(e) conventions signed between Member States on the basis of Article 293 of the EC Treaty;

(f) international agreements concluded by the Community or in accordance with Article 24 of the EU Treaty.

2. As far as possible, the following documents shall be published in the Official Journal:

(a) initiatives presented to the Council by a Member State pursuant to Article 67(1) of the EC Treaty or pursuant to Article 34(2) of the EU Treaty;

(b) common positions referred to in Article 34(2) of the EU Treaty;

(c) directives other than those referred to in Article 254(1) and (2) of the EC Treaty, decisions other than those referred to in Article 254(1) of the EC Treaty, recommendations and opinions.

3. Each institution may in its rules of procedure establish which further documents shall be published in the Official Journal.

European Parliament's positions in these procedures;

(b) Directives other than those referred to in Article 254(1) and (2) of the EC Treaty, decisions other than those referred to in Article 254(1) of the EC Treaty, recommendations and opinions;

(c) conventions signed between Member States on the basis of Article 293 of the EC Treaty;

(d) international agreements concluded by the Community or in accordance with Article 24 of the EU Treaty.

(e) common positions referred to in Article 34(2) of the EU Treaty;

(f) framework decisions and decisions referred to in Article 34(2) of the EU Treaty;

(g) conventions established by the Council in accordance with Article 34(2) of the EU Treaty;

2. Each institution shall agree the way in which other institutions and bodies shall publish documents other than the ones mentioned above.

Or. en

Amendment 57

Proposal for a regulation Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

Information Officer

- 1. Each directorate-general within each institution shall appoint an Information Officer who shall be responsible for ensuring compliance with the provisions of this Regulation and good administrative practice within that directorate-general.*
- 2. The Information Officer shall determine which information it is expedient to give the public concerning:
 - a) the implementation of this Regulation;*
 - b) good practice*and shall ensure the dissemination of that information in an appropriate form and manner.*
- 3. The Information Officer shall assess whether the services within his or her directorate-general follow good practice.*
- 4. The Information Officer may redirect the person who requires the information to another directorate if the information in question falls outside its remit and within the remit of a different directorate within the same institution, provided that he or she is in possession of such information.*
- 5. When needed, the Information Officer may consult the European Ombudsman in relation to the proper and sound implementation of this Regulation.*

Or. en

Amendment 58

Proposal for a regulation Article 14 b (new)

Text proposed by the Commission

Amendment

Article 14b Sanctions

Any failure to comply with the obligations under this Regulation, whether intentionally or through negligence on his or her part, shall make an official or other servant of the institutions liable to disciplinary action, in accordance with the rules and procedures laid down in the Staff Regulations of Officials of the European Communities and the Conditions of Employment of other servants of the European Communities and in the institutions' internal rules.

Or. en

Amendment 59

Proposal for a regulation Article 15 – title

Text proposed by the Commission

Amendment

Administrative practice in the institutions

Administrative **transparency** practice in the institutions

Or. en

Amendment 60

Proposal for a regulation Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. By implementing this Regulation, the institutions shall agree common rules on

the way in which administrative procedures shall be carried out and administrative documents should be tabled, classified, declassified, registered and disseminated inside and outside the EU institutions, in order to make sure that the principles of transparency and good administration are equally and effectively implemented. The institutions carrying out a non-legislative activity shall register all documents received by any interested parties.

Or. en

Amendment 61

Proposal for a regulation Article 15 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. The institutions shall inform citizens, in a fair and transparent way, about their organisational chart by indicating the remit of their internal units, the internal workflow and indicative deadlines of the procedures falling within their remit, to which services may citizens refer to obtain support, information or administrative redress.

Or. en

Amendment 62

Proposal for a regulation Article 15 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. The names, titles and functions of the public office holders, civil servants and interest representatives in relation with

their professional activities shall be disclosed unless such disclosure would harm the privacy or the integrity of the person concerned.

Or. en

EXPLANATORY STATEMENT

As rapporteur on the proposal for revision of Regulation 1049/2001, I have put forward some crucial modifications to the European Commission's proposal presented on 30 April 2008. When the current regulation came into force in 2001, I was also rapporteur in charge of this dossier.

In 2006 I drafted the resolution of the European Parliament approved unanimously by MEPs, containing a list of recommendations for improvements of the current Regulation.

In this perspective, when the Commission presented its proposal for revision in 2008, my expectations were very high as how the standards on public access to EU documents could be improved.

However, despite some positive modifications inserted in the proposal which are clearly justifiable like the extension of the beneficiaries of this regulations and the conformity with the Aarhus Convention, others would, in my view, represent a step backwards for transparency, especially if we consider that most of the European Parliament requests of 2006 have not been taken into account.

In my view, we the legislators must take this opportunity for the revision of Regulation 1049/2001, to try to make this regulation the real and unique legal framework on public accessibility as regards all documents and information handled by EU institutions and bodies bearing in mind that final users are the citizens. It is our duty and obligation to make access as easy and user-friendly as possible.

Furthermore, we need to take this opportunity to try to order the different provisions in a more consistent and reasonable way so that Institutions can finally work together to define common rules and guidelines to handle different kind of documents. We do not start from scratch because there are a lot of initiatives which already exist, on a soft law basis, try to reach the same objective. Tools like the Official Journal, the Celex system or the several interinstitutional agreements on codification, legislative drafting are aiming at the same objective to make the European Decision-making process more understandable.

When I refer to European decision-making process, I consider that it should be extended also to the National implementing measures as these are the real texts that affect European citizens.

My approach will be much more ambitious than the Commission proposal and probably of the Council willingness. My report intends to build on our common experience by sharing as much as possible, in an interinstitutional perspective, our duties and remits according to the treaties.

In this perspective, I try to complete the lack of common rules on "classified information" (the so-called sensitive documents cited in the current regulation 1049/2001) by taking at regulation level some good principles taken by the internal security rules of the Council and Commission as far as these principles can be also applicable to a Parliamentary body.

A second challenge has been to make a difference between legislative and administrative transparency by grasping this occasion for detailing some principles of transparent and good administration as foreseen by article 41 of the EU Charter of Fundamental rights.

By the same token, we should empower independent bodies such as the European Ombudsman and the EDPS to help the institutions in the accomplishment of the reform of their internal procedure. As the institutions already have data protection officers it is consistent with the aim of the regulation to appoint in each organisational unit, such as general directorates, an information officer who could be the interlocutor for citizens as well as the other administrative units dealing with institutions documents. Transparency is not just an attribute but a principle to which all the institutions procedures should be designed upon.

The impact on the officials' duties to draft, register, negotiate, classify and archive EU documents should be aligned by protecting at the same time the efficiency and transparency of the EU institutions.

We need to respond as soon as possible to increasing demands from the European citizens but also from National institutions and regional authorities, primarily the national parliaments, bearing in mind the long waited ratification of the Lisbon Treaty.

A reasonable agenda could be for the Parliament to adopt its first reading beginning of March, asking the Commission to modify its proposal and negotiate a possible common position with the Council under the Swedish presidency. Should in the meantime it becomes clear that the Lisbon Treaty could come into force, it will be rather easy to build on the work already done, and update a new text which could be finalised immediately after the entry into force of the Lisbon Treaty itself (as it was the case for the Olaf Regulation immediately after the entry into force of the Maastricht Treaty).

I have decided to put forward a series of amendments which will touch upon:

- The separation of the beneficiaries from the scope of this regulation.
- In the article dealing with definitions, I decided to reinsert the old definition of document that is in the current regulation since it seems more comprehensive and I also modified, for the purpose of clarity, the definition of database by referring to information contained in those databases that should also be made available to the public if requested. Specific tools to make this information available shall be foreseen by the institutions.
- I have also inserted new definitions on classified, legislative, and administrative documents, archive and historical archives.
- I modify the article on the exceptions differentiating between protection of public and private interests.
- I also attempt to specify the regime to use for documents of third parties that usually caused many problems in the institutions practices.
- I also modify the article on documents to be published in the Official Journal of the EU.
- I have inserted an amendment on the role and responsibility of the Information officer mentioned above by enhancing the role of the European Ombudsman as a point of

reference for Information officers in the institutions who could be consulted in case of doubts.

- Finally, I inserted an amendment on Sanctions encountered for failing to comply with this regulation.

My goal is of course to modify this regulation in order to increase transparency without making this instrument too specific and difficult to implement. Therefore, I worked on the general principles that were still missing in the current regulation as regards legislative and administrative activities of the institutions. At the same time, it is my aspiration that this instrument will be used to improve the institutions practices by learning from the past experiences which have been my main source of inspiration when drafting my amendments.