

10.1.2008

Comments of the Commission on a request for supplementary information from the European Ombudsman - Complaint by STATEWATCHI, ref. 3208/2006/GG

1. THE OMBUDSMAN'S REQUEST FOR FURTHER INFORMATION

The Ombudsman has raised the following points:

- (1) Does the Commission consider that its register(s) only need to list documents concerning its involvement in the EC's legislative process and, if so, on what grounds?
- (2) In its Green Paper on the review of the Regulation, the Commission has acknowledged that there is room for improvement as regards the scope of its registers. Why does the Commission nevertheless consider that its present approach to Article 11 of Regulation 1049/2001 is in conformity with the letter and the spirit of the Regulation?
- (3) Why can the internal registers of the Commission's administrative units not be used to extend the scope of the public register?
- (4) What is the Commission's opinion regarding the additional allegation made by the complainant that it failed to comply with Article 11 of the Regulation by offering several registers rather than a single one?

2. POSITION OF THE COMMISSION

2.1. Inclusion of non- legislative documents in the registers

The Commission does not consider that its public registers should only cover documents relating to its legislative activities. However, the Commission takes the view that traceability of legislative documents is a priority, for the following reasons:

- the wording of recital (6) and of Article 12 suggests that Regulation 1049/2001 puts particular emphasis on transparency with regard to the legislative activities of the institutions;
- the legislative documents in the Commission's registers complement the registers of the European Parliament and of the Council which, due to the nature of these two institutions, mainly cover EU legislative activities.

2.2. Conformity of the present approach with the Regulation

Article 11 of the Regulation do not require the institutions to list all their documents in a public register. Furthermore, as the Commission stated in its previous comments, it is impossible to set up a fully comprehensive register given the wide definition of "documents" in Article 3 (a) of the Regulation. However, the Commission intends to gradually extend the scope of its public registers, as it has already done with the register on comitology and the register on expert groups.

2.3. Internal registers

The Commission has no single electronic data base for the registration of its documents yet. There are common rules for the registration of documents and all administrative units use common software. However, these registers do not have a uniform data format. Furthermore, these registers were set up for internal

administrative purposes and their content cannot be simply transferred to a public register. The data contained in the internal registers would have to be screened, selected and reformatted through interfaces before they could be fed into a public register. This would require important investments, which would be useless since the current system will be replaced with a new single registration system.

2.4. Obligation to provide a single register

It cannot be concluded from the wording of Article 11 of the Regulation that the institutions should set up a single public register. The purpose of this provision is to enable members of the public to identify documents held by the institutions that might be of interest to them; the Regulation does not prescribe how this is to be achieved.

Considering the number and diversity of documents held by the Commission, it is questionable whether a huge single register would offer the best service to the public. The public registers of the Commission are complementary and their scope is well-defined. It seems the complainant takes a position of principle with regard to the issue of a single register. The Commission is not aware that users have experienced difficulties in searching the registers due to the fact that there is no single Commission register.