

EUROPEAN PARLIAMENT

COMMITTEE ON CITIZENS' FREEDOMS AND RIGHTS, JUSTICE AND HOME AFFAIRS

Public Hearing: EU transparency - access to documents: does it work?

Thursday, 12 June 2003, 9.00 - 12.30 am
rue Wiertz, 60
Room ASP 3 E 2, Altiero Spinelli Building

Brussels

DRAFT PROGRAMME

Background

Art. 255 TEC, inserted by the Treaty of Amsterdam, gives citizens a right to know and provides for the adoption of an implementing regulation. Regulation 1049/2001 of the European Parliament and the Council regarding public access to European Parliament, Council and Commission documents¹ will soon have been in force for two years. Following its application as of the 3rd of December 2001² the first annual reports of the institutions concerned covering the year 2002 will become available.

It is time to take stock: does the Regulation achieve its purposes as set out in Article 255 of the EC Treaty and Art. 1 of the Regulation, namely to define the principles, conditions and limits on the grounds of public or private interest governing the right of access to European Parliament, Council and Commission documents, to establish rules ensuring the easiest possible exercise of this right, and to promote good administrative practice on access to documents ? Does it work?

These questions become important to answer at this time as:

- the Convention prepares a revision of the articles of the treaty dealing with transparency;
- the institutions try to reach an interinstitutional agreement on improving the regulation;
- the Commission is asked to present coherent proposals on how to make the different IT tools of the institutions that allow to follow the legislative process interoperational;
- Regulation 1049/01 could be amended according to its Article 17 para. 2³.

Objectives

¹ OJ L 145, 31.5.2001, p.43

² See art. 19 of regulation 1049/01.

³ At the latest by 31 January 2004, the Commission shall publish a report on the implementation of the principles of this Regulation and shall make recommendations, including, if appropriate, proposals for the revision of this Regulation and an action programme of measures to be taken by the institutions.

The objectives of the hearing should therefore be to evaluate the current situation also on the basis of the institutions' annual reports and following this analysis to recommend to the rapporteurs and to the European Parliament appropriate proposals to be relayed by the plenary to the Convention, to the other institutions (namely to the Commission for possible improvements of Regulation 1049/01) and to the Secretariat Generals of the institutions. Some ideas are already included in a draft resolution (annexed). This hearing could give the rapporteurs some feedback on these ideas.

More detailed written contributions (ten pages max.), which will be welcomed by the rapporteur, may of course be submitted provided that texts are forwarded to the secretariat (in FR and/or EN) as soon as possible.

Draft Programme

**9 a.m. Opening of proceedings by Mrs Charlotte Cederschiöld,
Vice-president of the European Parliament, responsible for access
to documents**

Regulation 1049/01: a challenge for interinstitutional cooperation

**9.15 a.m. -9.45 a.m. The "Constitutional perspective"
How to improve transparency and effectiveness of the EU decision
making process?
The relationship between access to documents and its limits (e.g.
data protection and "space to think")**

- Mrs **Hanja Maij-Weggen** (Member of the EP delegation in the Convention)
- Mr **Maurizio Turco** on Case T-84/03 - Maurizio Turco v/ Council of the European Union
- Mr **Peter Hustinx** (President of "College bescherming persoonsgegevens"; Dutch Data protection Authority)

possibly, other speakers

In this section of the hearing the limits of Article 255 TEC should be examined. This should be done particularly in view of the current debate of the Convention.

It has to be pointed out that currently the right of access to documents:

- *applies only to institutions involved in the legislative process (European Council, European Central Bank, European Court of Justice, European Court of Auditors etc. are not directly covered);*
- *does not apply to measures taken by Member States in preparation and/or implementation of policies of the Union which makes it difficult for citizens to know the full scope of these rights and obligations;*
- *does not define the obligations of the institutions regarding the treatment of confidential documents;*
- *stands next to other legal bases mentioned in the Treaty like for example statistical confidentiality, data protection and professional secrecy.*

9.45 a.m. - 10.15 a.m. Debate

10.15 a.m. - 11.15 a.m. The "Institution's" *acquis* in transparency

Presentations by the three institutions of the improvements made in respect to transparency

- *presentations of their annual reports and other measures taken*

- Council (Mr **Hans Brunmayr**)
- Commission (Mr **Enzo Moavero Milanesi**)
- General Secretariat of the European Parliament (Mr **Harald Rømer**)

- Office of the European Ombudsman (Mr **Ian Harden**)

- Mr **Tony Bunyan**, Statewatch

11.15 a.m. - 11.45 a.m. Debate

11.45 a.m. - 12.15 a.m. The "missing" links in following the interinstitutional decision-making process

- *So far a series of different information tools of the institutions exist: for example the legislative observatory (OEIL) of the Parliament, PreLex of the Commission, the register of Council etc. There exists, however, no single tool which would allow citizens to follow the legislative process in all the institutions involved. The system of coding is also different. Mr **Thomas Cranfield**, Office for Official Publications of the European Communities (Director-General)*

- Mr **Richard Upson**, author of "Information for the European citizen", ECAS

12.15 a.m. Closing remarks from the Rapporteur and the Chairman

- Mr **Michael Cashman**, rapporteur
- Mr **Jorge Salvador Hernández Mollar** (Chairman of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs)

Hearing secretariat

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