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THE EUROPEAN UNION**

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NOTE

from: the Presidency
to: Delegations

No. Cion prop.: 9200/08 + COR 1 INF 103 API 23 JUR 192 CODEC 946 (COM(2008) 229 final)

No. prev. doc. 11669/09 INF 200 API 99 CODEC 943

Subject: Proposal for a Regulation of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (recast)

Since the last meeting of the Working Party on Information, held on 8 July, Mr Michael Cashman (PSE) has again been appointed rapporteur for the Commission's proposal (decided at the LIBE committee meeting on 22 July). There are, as yet, no further news on how the European Parliament intends to proceed with its work on the Commission's proposal in the near future. The Presidency hopes to be able to convey relevant new information at the next IWP meeting on 10 September.

At the previous IWP meeting on 8 July, we discussed a possible categorization of the amendments proposed by the Commission, the Member States and the European Parliament which have until now been tabled and discussed in the IWP. A Presidency note (doc. 11669/09) was distributed to serve as a basis for these discussions, with a view to, if possible, set some of the more technical issues aside for the time being.

Following the discussions at the previous meeting, the Presidency concludes that even if there was widespread support for the proposed method, there was not full agreement on the actual draft categorization of the Articles. For example, some delegations preferred to keep Articles 2, 3, 4, 5 and 12 altogether out of the list of Articles for which there is *widespread support for the aim of the Commission's proposal*. According to the Presidency, it would be premature to draw any final conclusions on the proposed categories, based on the discussions on 8 July.

At this stage, the Council's work on the Commission's proposal could of course continue at the next IWP meeting. Delegations could aim for agreement on some additional issues. Another alternative would be for the Council to postpone further discussions on the Commission's proposal until relevant information from the European Parliament is available.

The Presidency suggests the second option. Consequently, at the next meeting, the Presidency will not invite delegations to discussions on the content of the proposal. If the Presidency would be able to present further information about the plans of the European Parliament at the meeting, delegations are of course welcome to comment both on those plans *per se*, and on their possible consequences for the future work of the Council.
