

***SYNOPSIS OF EP AMENDMENTS***

As tabled in AFCO (Maij-Weggen), AFET (Malmström), JURI (Hautala), PETI (Thors), CONT (Theato) and CULT (Andreasen) opinions

Commission s proposal	Cashman / Maij Weggen (following opinion of AFCO committee on october 12 <sup>th</sup> )	Others amendments presented in LIBE committee
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL regarding <i>public</i> access to European Parliament, Council and Commission documents		(50 Watson) Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on access to European Parliament, Council and Commission documents <i>and improving transparency in their working methods</i>
THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Having regard to the Treaty establishing the European Community, and in particular Article 255(2) thereof, Having regard to the proposal from the Commission [6], [6]OJ C Acting in accordance with the procedure referred to in Article 251 of the Treaty [7],[7] OJ Whereas:		
new	(50AFCO Thors/Maelstrom) <i>Trust and confidence in the European Union and its institutions can only be ensured if an open and democratic political debate and decision making-process takes place at all levels</i> <i>NB:</i> Cet amendement est aussi repris par CULT (1) et AFET (1)	
1) The second paragraph of Article 1 of the Treaty on European Union, as amended by the Treaty of Amsterdam, enshrines the concept of openness, stating that: "This Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen".		(JURI 1) <i>whereas article 1 of the Treaty on European Union, as amended with effect from 2 October 1997, and as entered into force on 1 May 1999, lays down, inter alia, that decisions of the Union shall be taken with the greatest possible openness and as close as possible to the citizen,</i>  (CULT 2) <i>Openness and transparency are also the best means to overcome any problems that may be caused by cultural and linguistic differences among the Member States</i>
1a		(51 Cedershiold) <i>The Charter of Fundamental Rights of the European Union adopted by the European institutions ..... stresses the same concept of openness in Article 41 right to good administration and Article 42 right of access to documents .</i>

		<p>(JURI 2) <i>whereas improving the protection of the rights and interests of citizens of the Member States of the Union is listed in Article 2 as an objective of the Union</i></p> <p>(JURI 3) <i>whereas restrictions on the openness which a citizen of a Member State may invoke under his domestic law is contrary to that objective of the Union,</i></p> <p>(JURI 4) <i>whereas this is confirmed, likewise in Article 2, by the stipulation that the objectives of the Union shall be achieved while respecting the subsidiarity principle</i></p> <p>(JURI 5) <i>whereas, as laid down in Article 6(2) of the Treaty on European Union, the European Union respects fundamental rights as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950,</i></p> <p>(JURI 6) <i>whereas the determination by the European Union institutions of the general principles and limits referred to in Article 255 of the Treaty establishing the European Community will contribute to the development and consolidation of democracy and the rule of law and to the objective of respect for human rights and fundamental freedoms,</i></p> <p>(JURI 7) <i>whereas the right of access to information is a precondition for political participation by citizens and is necessary to the functioning of parliamentary control and to the full exercise of democratic rights and duties derived from the European Convention for the Protection of Human Rights and Fundamental Freedoms, particularly the First Protocol to it, and more particularly Article 3 thereof, ? ? ? ?</i></p> <p><i>CONT 1 (2) Openness is the essential precondition for democratic control and participation of citizens in the decision-making process. It enables the administration to enjoy greater legitimacy and to be more effective and closer to the citizen, and plays a vital part in protecting against the arbitrary use of and the abuse of power and against corruption and fraud.</i></p>
(2) Openness enables citizens to participate more closely in the decision-making process and guarantees that the administration enjoys greater legitimacy and is more effective and more accountable vis-à-vis the citizen in a democratic system.	(C1) In the context of the European Union, Declaration 17 attached to the Maastricht Treaty recognises that "transparency of the decision-making process strengthens the democratic nature of the institutions and the public's confidence in the administration". Transparency can therefore contribute to the strengthening of the principles of liberty, democracy, respect for human rights and freedoms, and the rule of law on which the Union is founded as stated in Article 6 of the Treaty of the European Union.	
2a		(52 Watson) <i>Respecting the democratic principle foreseen in Article 6 of the EU Treaty, in exceptional cases where documents cannot be made public, Parliamentary scrutiny must be granted according to an interinstitutional agreement.</i>
(3) The conclusions of the European Councils held at Birmingham, Edinburgh and Copenhagen stressed the need to introduce greater transparency into the work of the Union institutions. Following these conclusions, the institutions launched a series of initiatives aimed at improving the transparency of the decision-making process by targeting information and communication measures more effectively and adopting rules on public access to documents.	(C2) The conclusions of the European Councils held at Birmingham, Edinburgh and Copenhagen stressed the need to introduce greater transparency into the work of the Union institutions. Following these conclusions, the institutions launched a series of <i>internal</i> initiatives aimed at improving the transparency of the decision-making process by targeting information and communication measures more effectively and adopting rules on public access to documents.	(53 Watson) <i>The present Regulation provides a new legal basis and consolidates the initiatives that the institutions have already taken with a view to improving the transparency of the decision-making process by targeting information and communication measures more effectively and adopting rules on public access to documents. On the same basis, the present Regulation is the legal framework for existing and future interinstitutional agreements in relation to methods of drafting laws, content and format of the Official Journal, managing and storing documents with a view to granting access, and guidelines on the rules on modalities for access to documents.</i>

3a	<p>(52AFCO Maelstrom/Thors) The rules on public access to documents should be drafted as clearly as possible. They should outline the limits of access as well as the procedure for complaints</p> <p>NB :The same amendment is in CULT (3) et AFET (2)</p> <p>MAYBE THIS COULD REFERS TO INTERINSTITUTIONAL AGREEMENTS AND IMPLEMENTATION MEASURES</p>	
<p>(4) The purpose of this Regulation is to widen access to documents as far as possible, in line with the principle of openness. It puts into practice the right of access to documents and lays down the general principles and limits on such access in accordance with Article 255(2) of the EC Treaty.</p>	<p><b><i>(C3) In recognition of the need for further progress in the Union towards greater transparency, the Treaty of Amsterdam introduced Article 255 to the EC Treaty on the right of access to documents. Consistent with the principle of openness in Article 1 of the Treaty on European Union, the purpose of this Regulation which implements Article 255 is to give the fullest possible effect to the right of access to documents and thereby to increase openness and transparency in the institutions. It defines the scope of the right of access to documents and lays down the general principles and limits on such access in accordance with Article 255(2) of the EC Treaty.</i></b></p>	
<p>(5) Since the question of access to documents is not covered by provisions of the ECSC and Euratom Treaties, this Regulation will apply to documents concerning the activities covered by those two Treaties. This was confirmed by Declaration No 41 attached to the Final Act of the Treaty of Amsterdam.</p>		
<p>(6) Under Articles 28(1) and 41(1) of the Treaty on European Union, 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.</p>		<p>(JURI 8) <i>whereas pursuant to Article 28 of the Treaty on European Union the determination by the European Union institutions of the general principles and limits referred to in Article 255 of the Treaty establishing the European Community applies to the provisions concerning a common foreign and security policy,</i></p> <p>(JURI 9) <i>whereas pursuant to Article 41 of the Treaty on European Union the determination by the European Union institutions of the general principles and limits referred to in Article 255 of the Treaty establishing the European Community applies to the provisions concerning police and judicial cooperation in criminal matters,</i></p>
6a	<p><b><i>(C4) Where bodies and agencies are created by the European Parliament, the Council and the Commission and those bodies are created by and under the responsibility of the institutions, then those bodies should, as regards access to documents, apply the principles in this Regulation.</i></b></p>	<p>(54 Andersson) <i>När Europaparlamentet, rådet och kommissionen inrättar organ, och dessa organ inrättas på institutionernas eget initiativ och står under deras ansvar, skall dessa organ omfattas av principerna i denna förordning när det gäller tillgång till handlingar.</i></p>

<p>(7) In order to bring about greater openness in the work of the institutions and in line with current national legislation in most of the Member States, access to documents should be extended to include all documents held by the European Parliament, the Council and the Commission.</p>		<p>(55 Andersson) För att ge ökad öppenhet i institutionernas arbete och anpassa sig till den nationella lagstiftningen i de flesta medlemsstaterna, <i>skall</i> tillämpningsområdet för rätten till tillgång till handlingar omfatta alla de handlingar som innehas av Europaparlamentet, rådet och kommissionen.</p>
<p>7a</p>	<p><i>(C5) Consistent with Article 207 of the EC Treaty, greater access to documents should be granted at least in those cases where the institutions can be regarded as acting in their legislative capacity. Therefore, in principle, all documents adopted in the course of a legislative procedure must be made public.</i></p>	
<p>(8) The principles laid down by this Regulation are to be without prejudice to the specific rules applicable to access to documents, in particular those directly concerning persons with a specific interest</p>	<p>(C6) The principles laid down by this Regulation are to be without prejudice to the specific rules applicable to access to documents, <i>where those rules provide greater access than required by this Regulation or in certain specific areas where such rules are justified. Such rules should be listed in an Annex to this Regulation.</i></p>	

<p>(9) The public interest and certain individual interests should be protected by way of a system of exceptions. Examples of these interests should be given in each case so that the system may be as transparent as possible. The institutions should also be entitled to protect their internal documents which express individual opinions or reflect free and frank discussions and provision of advice as part of internal consultations and deliberations.</p>	<p><i>(C7) In principle, all the documents of the institutions may be accessible. However, certain public and private interests may be protected by way of a system of exceptions. The institutions should be entitled to protect informal information which serves the provision of personal opinion or the free exchange of ideas within the institutions.</i></p>	<p>(CONT 2) <i>In principle, all the documents of the institutions should be made public. However, the public interest and certain private interests must be protected. Access to documents may be restricted or refused where the protection of confidentiality is laid down in provisions of the Treaties. Informal documents which express individual opinions or reflect free and frank discussions may be excluded from the scope of the Regulation. However, internal documents relating to consultations and deliberations fall within the scope of the Directive and may be disclosed.</i></p> <p>(PETI 1) <i>When taking decisions on the disclosure of a document the need to protect some of the interest protected by the exceptions must be weighted against the interest to promote transparency and the public discussion.</i></p> <p>(JURI 10) <i>whereas the decisions of the Union may be taken without the aforesaid openness only in accordance with the limits laid down in this Regulation,</i></p> <p>(56 Andersson) <i>I princip skall institutionernas alla handlingar göras tillgängliga, men vissa delar av det allmänna samhällsintresset och vissa enskilda intressen kan garanteras genom undantagsbestämmelser. Dessutom bör institutionerna ges möjlighet att skydda informell information i form av personliga åsikter eller ett fritt meningsutbyte inom institutionerna.</i></p> <p>(57 Dell Utri) <i>In linea di principio, tutti i documenti delle istituzioni sono accessibili. Tuttavia, taluni interessi pubblici e privati possono essere tutelati mediante un sistema di eccezioni. È altresì opportuno consentire alle istituzioni di proteggere i propri documenti di carattere informale volti a fornire un parere personale o a consentire il libero scambio di idee all'interno delle istituzioni.</i></p>
<p>(10) In order to ensure that the right of access is fully observed, the present two-stage administrative procedure, with the possibility of court proceedings or complaints to the Ombudsman, should be maintained, whilst the principle should be introduced whereby at the confirmatory stage no response is treated as a positive response.</p>	<p>(C8) In order to ensure that the right of access is fully observed, a two-stage administrative procedure, with the possibility of court proceedings or complaints to the Ombudsman, should be <i>established</i>; where at the confirmatory stage no response <i>is given, the applicant will be entitled to bring court proceedings or complaints to the Ombudsman.</i></p>	<p>(AFET 3) In order to ensure that the right of access is fully observed, the present two-stage of administrative procedure, with the possibility of court proceedings or complaints to the Ombudsman, should be maintained, <i>delete the rest</i></p>
<p>10a</p>	<p><i>(C9) Each institution shall examine by reference to specific exceptions laid down in this Regulation whether access to a document may be limited when it is produced or received and at the latest when it is listed in the register.</i></p>	

<p>(11) Each institution should take the measures necessary to inform the public about the new provisions in force; furthermore, to make it easier for citizens to exercise their rights arising from this Regulation, each institution should provide access to a register of documents.</p>	<p>(C10) Each institution <b>shall be responsible for</b> taking measures to inform the public about the new provisions in force. <b>Furthermore</b>, to make it easier for citizens to exercise their rights arising from this Regulation, each institution should <b>establish</b> a register of documents.</p>	<p>(58 Andersson) Varje institution <b>skall vara skyldig att</b> vidta nödvändiga åtgärder för att informera allmänheten om de nya bestämmelserna. Dessutom <b>skall</b> varje institution <b>upprätta</b> ett register över handlingar för att medborgarna lättare skall kunna utöva sina rättigheter enligt denna förordning. <b>För att institutionerna skall kunna tillämpa förordningen på ett bra sätt, krävs det att tillräckliga resurser tillförs.</b></p> <p>(CONT 3) Each institution <b>shall be responsible for taking</b> measures to inform the public about the new provisions in force. Furthermore, to make it easier for citizens to exercise their rights arising from this Regulation, each institution should <b>establish</b> a register of documents <b>and establish a contact point</b>.</p> <p>(PETI 6) <b>The rules on the register will apply at the latest to documents submitted to or issued by the institution when this regulation enters into force.</b></p>
<p>11a</p>	<p>(55AFCO Malstrom /Thors) <b>Each institution should encourage and educate the staff concerned to help and assist the citizens when they try to exercise their rights arising from this Regulation</b>  NB :The same amendment is in AFET 4  NB : WATSON AMENDMENT ON REORGANISING INTERNAL PROCEDURES / FILING DOCUMENTS</p>	<p>(59 Watson) <b>Each institution shall reorganise and simplify the internal procedures and methods for managing the work flow of documents.</b></p>

<p>(12) Even though it is neither the object nor the effect of this Regulation to amend existing national legislation on access to documents, it is nevertheless clear that, by virtue of the principle of loyalty which governs relations between the Community institutions and the Member States, Member States should take care not to hamper the proper application of this Regulation.</p>	<p>(56AFCO Dimitracopoulos replacing C11 ) <b>Consistent with the principle of subsidiarity in Article 5 of the EC Treaty</b> this Regulation <i>does not</i> amend existing national legislation on access to documents. <b>Consistent with</b> the principle of loyalty which governs relations between the Community institutions and the Member States <b>in Article 10 of the EC Treaty</b> <i>the institutions shall take account of the opinion of the author before taking the final decision on the disclosure of documents. At the same time the institutions concerned should respect the right of Member States to grant access in accordance with their national legislation</i></p>	<p>(JURI 11) <i>whereas the protection which citizens of the Union enjoy pursuant to international agreements should not be limited by the Union,</i></p> <p>(JURI 12) <i>whereas, in the light of the principle of equality and the general terms of Articles 1 and 2 of the Treaty on European Union, it is desirable that in future the general principles and limits governing citizens' right of access to documents as provided for by this Regulation should extend to all other institutions and bodies of the European Union,</i></p> <p>(AFET 5) 12. This Regulation <i>does not</i> amend existing national legislation on access to documents. <b>Consistent with</b> the principle of loyalty which governs relations between the Community institutions and the Member States <b>in Article 10 of the EC Treaty and with Declaration 35 attached to the Treaty on European Union</b> <i>the institutions shall take account of the opinion of the author before taking the final decision on the disclosure of documents. At the same time the institutions concerned should respect the right of Member States to grant access in accordance with their national legislation.</i></p> <p>(PETI 3) <i>It is neither the object nor the effect of this Regulation to harmonise or amend existing national legislation on access to documents.</i></p> <p>(CONT 4) It is neither the object nor the effect of this regulation to amend existing national legislation on access to documents; it is clear that, by virtue of the principle of loyalty <i>towards the citizens of Europe, this regulation cannot be used to limit the rights of access to information in Member States where national legislation would have permitted such access.</i></p> <p>(60 Dell Utri) il presente regolamento non <i>modifica</i> le normative nazionali in materia di accesso ai documenti. <i>In linea con il principio di lealtà nelle relazioni tra le istituzioni e gli Stati membri, di cui all'articolo 10 del trattato CE, le istituzioni tengono conto del parere dell'autore prima di adottare la decisione definitiva sulla divulgazione di documenti. Nel contempo, le istituzioni interessate dovrebbero rispettare la facoltà degli Stati membri di concedere l'accesso in base alla legislazione nazionale.</i></p>
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<p>(13) 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. Failing such provisions, this Regulation cannot be applicable.</p> <p>This Regulation and the provisions giving effect to it will replace Council Decision 93/731/EC of 20 December 1993 on public access to Council documents [8], Commission Decision 94/90/ECSC, EC, Euratom of 8 February 1994 on public access to Commission documents [9] and European Parliament Decision 97/632/EC, ECSC, Euratom of 10 July 1997 on public access to European Parliament documents [10].</p>	<p>(C12) 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. <b>Those provisions shall supplement this Regulation and may not conflict with its content. This applies also to the conditions under which the public shall have access to Council documents to be elaborated in the Council Rules of Procedure by virtue of Article 207(3) EC Treaty as Article 255(1) EC Treaty is to be seen as the general and overriding provision.</b></p> <p>This Regulation and the provisions giving effect to it will replace Council Decision 93/731/EC of 20 December 1993 on public access to Council documents <b>as amended by the Council decision of 14 August 2000<sup>1</sup></b>, Commission Decision 94/90/ECSC, EC, Euratom of 8 February 1994 on public access to Commission documents<sup>2</sup> and European Parliament Decision 97/632/EC, ECSC, Euratom of 10 July 1997 on public access to European Parliament documents<sup>3</sup> <b>which should therefore be repealed. ADD SCHENGEN RULES AND ARCHIVES REGELEMENT (83)</b></p>	<p>(JURI 13) et (CONT 5) Delete « Failing such provisions, this Regulation cannot be applicable. »</p> <p>(PETI 4) 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. <b>Such provisions may not have other restrictions than those foreseen in this regulation, and they may not be wider than those mentioned in article 4. (Delete 2<sup>nd</sup> part)</b></p> <p><b>(61 Watson)</b> 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. <b>Those provisions shall supplement this Regulation and may not conflict with its content. This applies also to the conditions under which the public shall have access to Council documents to be elaborated in the Council Rules of Procedure by virtue of Article 207(3) EC Treaty as Article 255(1) EC Treaty is to be seen as the general and overriding provision.</b></p> <p>This Regulation and the provisions giving effect to it will replace Council Decision 93/731/EC of 20 December 1993 on public access to Council documents <b>as amended by the Council decision of 14 August 2000<sup>4</sup></b>, Commission Decision 94/90/ECSC, EC, Euratom of 8 February 1994 on public access to Commission documents<sup>5</sup> and European Parliament Decision 97/632/EC, ECSC, Euratom of 10 July 1997 on public access to European Parliament documents<sup>6</sup> <b>which should therefore be repealed. The rules relating to the confidentiality of Schengen documents and the archives should also be repealed.</b></p>
13 a		<p>(PETI 5) <b>This Regulation and the provisions giving effect to it will replace Council Decision 93/731/EC of 20 December 1993 on public access to Council documents<sup>7</sup>, Commission Decision 94/90/ECSC, EC, Euratom of 8 February 1994 on public access to Commission documents<sup>8</sup> and European Parliament Decision 97/632/EC, ECSC, Euratom of 10 July 1997 on public access to European Parliament documents<sup>9</sup>.</b></p>
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<sup>1</sup> OJ L 340, 31.12.1993, p. 43; Decision as amended by Decision 96/705/EC, ECSC, Euratom (OJ L 325, 14.12.1996, p. 19) and by Decision 2000/527/EC (OJ L 212, 23.8.2000, p.9).

<sup>2</sup> OJ L 46, 18.2.1994, p. 58; Decision as amended by Decision 96/567/EC, ECSC, Euratom (OJ L 247, 28.9.1996, p. 45).

<sup>3</sup> OJ L 263, 25.9.1997, p. 27.

<sup>4</sup> OJ L 340, 31.12.1993, p. 43; Decision as amended by Decision 96/705/EC, ECSC, Euratom (OJ L 325, 14.12.1996, p. 19) and by Decision 2000/527/EC (OJ L 212, 23.8.2000, p.9).

<sup>5</sup> OJ L 46, 18.2.1994, p. 58; Decision as amended by Decision 96/567/EC, ECSC, Euratom (OJ L 247, 28.9.1996, p. 45).

<sup>6</sup> OJ L 263, 25.9.1997, p. 27.

<sup>7</sup> OJ L 340, 31.12.1993, p. 43; Decision as last amended by Decision 96/705/EC, ECSC, Euratom (OJ L 325, 14.12.1996, p. 19).

<sup>8</sup> OJ L 46, 18.2.1994, p. 58; Decision as amended by Decision 96/567/EC, ECSC, Euratom (OJ L 247, 28.9.1996, p. 45).

<sup>9</sup> OJ L 263, 25.9.1997, p. 27.



HAVE ADOPTED THIS REGULATION:		
new	<b><i>(C13) CHAPTER I</i></b> <b>GENERAL PRINCIPLES AND SCOPE</b>	
new	<del><i>(C14) Article 1a Purpose</i></del>  <i>1. The purpose of this Regulation which implements Article 255 is to give effect to the constitutional principle laid down in Article 1 of the Treaty of the European Union according to which decisions in the Union have to be taken as openly as possible and as closely as possible to the citizen.</i>  <i>2. Pursuant to Article 255 (2) of the EC Treaty this Regulation defines the principles and conditions on which this right of access to documents can be limited on grounds of public or private interest.</i>	<i>(PETI 7a) The purpose of this Regulation is to promote openness and good practice on information management in the Institutions covered by this Regulation and to give natural and legal persons the opportunity to monitor and influence the functioning of the Institutions.</i>

<p>Article 1 General principle and beneficiaries</p> <p>Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have the right to the widest possible access to the documents of the institutions within the meaning of this Regulation, without having to cite reasons for their interest, subject to the exceptions laid down in Article 4.</p>	<p><i>(C15) Article 1 Beneficiaries</i></p> <p>Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has the right <i>of</i> access to the documents of the institutions within the meaning of this Regulation, without having to cite reasons for their interest, subject to the <i>principles and limits determined in this Regulation</i>.</p> <p><i>The institutions shall ensure that the widest and easiest possible public access to documents is granted.</i></p> <p><i>The institutions may under the same conditions grant access to documents to any natural or legal person not residing or not having its registered office in a Member State.</i></p>	<p>(PETI 7b) Any natural or legal person shall have the right to the widest possible access to <i>documents</i> of the institutions within the meaning of this Regulation, without having to cite reasons for their interest, subject to the relevant Rules in this Regulation.</p> <p>(PETI 7C) <i>A petitioner, a complainant, and any other person, natural or legal, whose right, interest or obligation in a matter is concerned (a party) shall also have the right of access to a document which is not accessible to the public, but may influence the consideration of his/ her case, as described in this Regulation and in implementing provisions adopted by the institutions</i></p> <p>(CONT 6a) 1. <i>Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have the right of access to the documents of the institutions within the meaning of this Regulation, without having to cite reasons for their interest.</i>  <i>The institutions may under the same conditions grant access to documents to any natural or legal person not residing or not having its registered office in a Member State.</i></p> <p>(62 Andersson) Alla unionsmedborgare och alla fysiska eller juridiska personer som är bosatta i eller har sitt säte i en medlemsstat <i>har</i>, på det sätt som avses i denna förordning, <i>rätt till</i> tillgång till handlingar som finns hos institutionerna utan att behöva motivera att de berörs av dem, <i>i enlighet med vad som följer av de principer och gränser som fastställs denna förordning. Institutionerna skall se till att allmänheten har största och enklast möjliga tillgång till handlingar.</i></p> <p>(63 Thors Malstrom) Any natural or legal person shall have the right to the widest possible access to the documents of the institutions within the meaning of this Regulation, without having to cite reasons for their interest, <i>subject to the relevant Rules in this Regulation.</i></p> <p>(64 Cehyun, Boumediene-Thiery, Sörensen) 1. Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have the right to the widest possible access to the documents of the institutions within the meaning of this Regulation, without having to cite reasons for their interest, subject to the exceptions laid down in Article 4.  <b>2. The institutions may under the same conditions grant access to documents to any natural or legal person not residing or not having its registered office in a Member State.</b>  <b>3. This Regulation is without prejudice to the rights of judicial authorities, investigative bodies and Parliaments.</b></p>
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<p>Article 2 Scope 1. This Regulation shall apply to all documents held by the institutions, that is to say, documents drawn up by them or received from third parties and in their possession. <b>Access to documents from third parties shall be limited to those sent to the institution after the date on which this Regulation becomes applicable.</b></p>	<p>(C16) <b>Art2 Institutions</b></p> <p><i>This Regulation shall apply to all documents held by the institutions or received from third parties and in their possession in all areas of activity of the Union.</i></p>	<p>(JURI 14a and CONT 7a) Art 2 Scope of application 1. This Regulation shall apply to all documents held by the institutions, <b>whether</b> drawn up by them or received from third parties.  <i>This Regulation shall apply to all documents drawn up by them</i></p>
<p>2. This Regulation shall not apply to documents already published or accessible to the public by other means. It shall not apply where specific rules on access to documents exist.</p>	<p>(C 17) 2. <b>This Regulation shall not preclude the application of the specific rules in Annex I.</b></p>	<p>(65 Malmström) 1. This Regulation shall apply to all documents held by the institutions, <b>whether</b> drawn up by them or received from third parties.  (66 Watson) 1. This Regulation <b>takes precedence over existing Regulations adopted on the basis of European Union or Community Treaties, allowing a less favourable treatment for the citizens with regard to access and limits to access to documents.</b> 2. <b>This Regulation shall not preclude the application of the specific rules in Annex I.</b>  (JURI 14b and CONT 7b) 2. This Regulation shall not apply where specific rules on access to documents <b>provide for wider access to information.</b> 3. <b>The Regulation is without prejudice to higher standards of access under national legislation.</b>  (PETI 8A) 2 <b>This Regulation sets the limits for denying access to documents. Specified rules on access to documents adopted by the institutions may not contain other restrictions on access to official documents than those provided for in this regulation.</b></p>
<p>2 new</p>	<p><b>b) (C 18)</b> 1. <b>The right of access to documents of the institutions includes access to published documents and access to documents available on the register and documents available on a written request.</b> 2 <b>This Regulation does not affect the right of Member States to grant access to documents in accordance with their national legislation.</b> 3 <b>This Regulation does not authorise the withholding of documents from the European Parliament</b> 4. <b>This Regulation does not deprive citizens of the Union of rights concerning access to documents acquired under instruments of international law.</b></p>	<p>(Anderson 67) Allmänna principer 1 <b>Rätten till tillgång till institutionernas handlingar omfattar tillgång till offentliggjorda handlingar samt tillgång till handlingar tillgängliga i registret eller tillgängliga efter en skriftlig eller muntlig ansökan.</b> 2 <b>Denna förordning påverkar inte medlemsstaternas rätt att i enlighet med sin nationella lagstiftning medge tillgång till handlingar.</b> 3 <b>Denna förordning ger inte rätt undanhålla handlingar från Europaparlamentet.</b> 4. <b>Denna förordning fråntar inte unionsmedborgarna rättigheter som rör tillgång till handlingar i enlighet med instrument i internationell rätt.</b></p>

<p>Article 3 Definitions</p> <p>For the purposes of this Regulation:</p> <p>(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); only administrative documents shall be covered, namely documents concerning a matter relating to the policies, activities and decisions falling within the institution's sphere of responsibility, excluding texts for internal use such as discussion documents, opinions of departments, and excluding informal messages;</p>	<p>(C19a) For the purposes of this Regulation:</p> <p>a. "document" shall mean any content <b>held or produced by the institution</b> whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording) <b>authored by an individual, department (unit, division, directorate) or institution in the implementation of its procedural rules or official duties</b> concerning a matter relating to the policies, activities and decisions falling within the institution's sphere of responsibility.</p> <p><b>"document" shall not mean informal information which serves the provision of personal opinion or the free exchange of ideas ( brain storming ) within the institutions.</b></p>	<p>(JURI 15a) For the purposes of this Regulation:</p> <p>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) <b>which relates to the exercise of public powers or functions;</b></p> <p><i>CONT 8a) 'document' shall mean any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording);</i></p> <p>(PETI 9a) For the purposes of this Regulation:</p> <p>a. "document" shall mean any content whatever its medium (written <b>or visual presentation</b> on paper or stored in electronic form or as a sound, visual or audiovisual recording) <b>which is prepared on behalf of the Institution or given to a person acting on behalf of the Institution in connection with a matter within the competence or duties of the Institution and also when a document has been commissioned by the Institution, excluding informal messages which are not considered to be documents;</b></p> <p>(CULT 4) (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); only administrative documents shall be covered, namely documents concerning a matter relating to the policies, activities and decisions falling within the institution's sphere of responsibility, excluding texts for internal use <b>which were explicitly marked non-public</b>, and excluding informal messages;</p> <p>(68 Malmström) Definitions</p> <p>For the purposes of this Regulation:</p> <p>(a) "document" shall mean any content <b>held, drawn up or received by the institution</b> whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording); <b>"document" shall not mean informal information which serves the provision of advice or the free exchange of ideas within the institution. However, this regulation shall apply to a "document" as soon as the institution has taken a formal decision, filed or sent a document to other institutions or third parties.</b></p> <p>(69 a Thors) For the purposes of this Regulation:</p> <p>(a) "document" shall mean any content <b>held, drawn up or received by the institutions</b> whatever its medium (written <b>or visual presentations</b> on paper or stored in electronic form or as a sound, visual or audiovisual recording) <b>which is prepared on behalf of the institution;</b></p>
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<p>(b) "institutions" shall mean the European Parliament, the Council and the Commission;</p>	<p>(C 19b)</p> <p>(b)"institutions" shall mean the European Parliament, the Council and the Commission <i>as well as</i></p> <p><b><i>-Their internal and subsidiary bodies (such as Parliament Committees, Council Committees and Working Groups)</i></b></p> <p><b><i>-Agencies created by the institutions and accountable to the institutions, as listed in Annex II.</i></b></p> <p><i>Within a period of one year, the Commission shall where necessary present formal proposals in relation to the agencies in Annex II.</i></p> <p>In relation to the Europol Convention, the provisions of the Treaty apply.</p>	<p>(69 b Thors) (b)"institutions" shall mean the European Parliament, the Council and the Commission <b><i>and any bodies with delegated powers from the institutions;</i></b></p> <p>JURI 15b (b) "institutions" shall mean the European Parliament, the Council and the Commission <b><i>and bodies and institutions subordinate to them ;</i></b></p> <p><b><i>CONT 8b</i></b></p> <p><b><i>b) 'documents held by the institutions' shall comprise the documents produced or considered by the European Parliament, the Council and the Commission or by the subsidiary organs of the said institutions if the bodies in question were set up by those institutions or if the said institutions participate in their functioning.</i></b></p>
<p>(c) "European Parliament" shall mean Parliament bodies (and in particular the Bureau and the Conference of Presidents), Parliamentary Committees, the political groups and departments;</p>	<p><b><i>e) deleted</i></b></p>	<p>(PETI 9B) (c) add words , <b><i>and anybody who has the authority to decide on behalf of the European Parliament</i></b></p>
<p>(d) "Council" shall mean the various configurations and bodies of the Council (and in particular the Permanent Representatives Committee and the working parties), the departments and the committees set up by the Treaty or by the legislator to assist the Council;</p>	<p>deleted</p>	<p>PETI 9C add words <b><i>and anybody who has the authority to decide on behalf of the Council</i></b></p>
<p>(e) "Commission" shall mean the Members of the Commission as a body, the individual Members and their private offices, the Directorates-General and departments, the representations and delegations, committees set up by the Commission and committees set up to help it exercise its executive powers;</p>	<p>deleted</p>	<p>PETI 9D add words <b><i>and anybody who has the authority to decide on behalf of the Commission</i></b></p>
<p>(f) "third party" shall mean any natural or legal person, or any entity outside the institution, including the Member States, other Community and non-Community institutions and bodies and non-member countries.</p>	<p><b><i>"third party" shall mean any natural or legal person, or any entity outside the institution, including the Member States, other Community and non-Community institutions and bodies and non-member countries.</i></b></p>	

<p>A list of the committees referred to in points (d) and (e) of the first paragraph shall be drawn up as part of the rules giving effect to this Regulation, as provided for in Article 10.</p>	<p>deleted</p>	<p>CONT 8c A list of committees <i>set up by the Treaty or by the legislator to assist the Council or by the Commission to help it exercise its executive powers</i> shall be drawn up as part of the rules giving effect to this Regulation, as provided for in Article 10.</p> <p>PETI 9E add words <i>., and be kept up to date.</i></p> <p>(JURI 15 C) A list of committees <i>set up by the Treaty or by the legislator to assist the Council or by the Commission to help it exercise its executive powers</i> shall be drawn up as part of the rules giving effect to this Regulation, as provided for in Article 10.</p>
<p>new</p>	<p><b>(C20) Principles on Access</b></p> <p>1. <i>All documents shall be accessible unless the limits on access set out in Article 4 of this Regulation apply.</i></p> <p>2. <i>If an institution wishes to limit access to a document, it has to classify the document as soon as the document is produced or received and at the latest when it is listed in the register referred to in Article 9. A later classification cannot limit the access to a document except in exceptional circumstances.</i></p> <p><i>The classification must include a reference to the exception concerned.</i></p> <p><i>Where the conditions for the application of an exception exist for a certain time only, classification shall be limited in time accordingly.</i></p> <p>3. <i>At the time of an application for disclosure, the institution should assess whether the exception in Article 4 still applies. In any event all classifications not limited in time shall be reviewed at regular intervals.</i></p>	<p><b>PETI 10</b></p> <p><b>The public domain/ Registration of documents</b></p> <p><i>All documents held by the Institutions shall be registered. A document is accessible to the public according to this Regulation when it should be registered and thus in the Public domain. Access to a document which is not yet in the public domain may be granted at the discretion of the Institution.</i></p> <p>A document prepared by or on behalf of the institutions shall be registered as follows and thus be accessible to the public if none of the exceptions are applicable:</p> <ul style="list-style-type: none"> <li>a) <i>a decision, a contractual commitment, a memorandum and other similar documents when they have been signed</i></li> <li>b) <i>minutes when they have been scrutinised and signed</i></li> <li>c) <i>an invitation to tender, to provide information, to comment on a proposal, when it has been signed</i></li> <li>d) <i>in procurement cases, when the contract has been awarded</i></li> <li>e) <i>Reports, discussion papers and similar documents should be registered when they are in the possession of the Institution in question.</i></li> </ul> <p><i>As soon as a document arrives at an Institution, it should be registered and be accessible to the public if none of the exceptions is applicable. Furthermore, to make it easier for citizens to exercise their rights arising from this Regulation, each institution shall provide access to the register of documents.</i></p> <p><b>(70 Watson) fourth paragraph new</b></p> <p>6. <i>After the expiry of a period of 30 years, all documents shall be accessible to the public except the following documents or parts of documents:</i></p> <ul style="list-style-type: none"> <li>- <i>files relating to staff of the institutions or records containing information on the private or professional life of individual persons or otherwise covered by the rules on the protection of personal data</i></li> <li>- <i>documents which have been graded confidential or higher and which have not been declassified</i></li> <li>- <i>contracts submitted to or concluded by the Euratom Supply Agency pursuant to Chapter VI of the Treaty establishing the European Atomic Energy Community.</i></li> </ul>

<p>Article 4 Exceptions The institutions shall refuse access to documents where disclosure could significantly undermine the protection of:</p> <p>(a) the public interest and in particular:</p> <ul style="list-style-type: none"> <li>_ public security,</li> <li>_ defence and international relations,</li> <li>_ relations between and/or with the Member States or Community or non-Community institutions,</li> <li>_ financial or economic interests,</li> <li>_ monetary stability,</li> <li>_ the stability of the Community's legal order,</li> <li>_ court proceedings,</li> <li>_ inspections, investigations and audits,</li> <li>_ infringement proceedings, including the preparatory stages thereof,</li> <li>_ the effective functioning of the institutions;</li> </ul>	<p>68a AFCCO Malstrom-Thors replaced C21 Exceptions Public access to documents may be limited on the following grounds :</p> <p>(a) access may be denied on grounds of public interest where disclosure could significantly undermine</p> <ul style="list-style-type: none"> <li>_ public security</li> <li>_ monetary stability</li> <li>_ defence and military matters</li> <li>_ vital interests relating to the EU s international relations</li> </ul>	<p>CONT 6b <i>Access may be denied where disclosure would be contrary to the confidentiality laid down in the Treaties .</i> <i>Access may be denied where disclosure would be contrary to:</i></p> <p>a)the protection of an individual s right to privacy;</p> <p>b).<i>the public interest whenever disclosure would significantly undermine</i></p> <ul style="list-style-type: none"> <li>_ public security,</li> <li>_ monetary stability,</li> <li>_ legal proceedings,</li> </ul> <p>presupposing that the interest in disclosure is not greater than that in confidentiality;</p> <p>c)commercial secrecy where this outweighs the public and private interest in disclosure.</p> <p><b>3. Access may be denied in the case of documents which have been forwarded to the Institutions on condition that their confidentiality is protected and with out there being a legal requirement for the documents to be forwarded. This exception shall not, however, apply if the documents have been forwarded with the intention of influencing the legislative process.</b></p> <p><b>4. These provisions shall not obstruct national rules providing easier access.</b></p> <p>JURI 16</p> <p>1. Public access to documents may be limited on the following grounds:</p> <p>a) <i>access shall be denied where disclosure would be contrary to the protection, under law, of the right to privacy of an individual;</i></p> <p>(b) <i>access may be denied on grounds of public interest where disclosure could significantly undermine</i></p> <ul style="list-style-type: none"> <li>- <i>public security,</i></li> <li>- <i>monetary stability,</i></li> <li>- <i>legal proceedings,</i></li> </ul> <p><i>presupposing that the interest in disclosure is not greater than that in confidentiality.</i></p> <p>(c) <i>access may also be denied on grounds of commercial secrecy where this outweighs the public and private interest in disclosure.</i></p> <p>(d) <i>access to documents which are of direct and individual concern to a natural or legal person may only be denied when the reasons for confidentiality are exceptionally prevalent.</i></p>
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		<p>(PETI 11a and THORS 72a) The institutions <i>may</i> refuse <i>the public's</i> access to documents where disclosure could significantly undermine the protection of:</p> <p>(a) the public interest <i>when it concerns:</i></p> <ul style="list-style-type: none"> <li>_ public security, <i>vital interests relating to</i> defence and international relations, (delete)</li> <li>_ financial or economic interests of the Community or Member States, (delete)</li> <li>_ monetary stability, (delete)</li> <li>_ the Institution's interventions in court proceedings until the Court has decided on the case, (delete)</li> <li>_ <i>prevention, investigation and prosecution of criminal activities,</i> (delete)</li> <li>(delete)</li> </ul> <p>(71a Ceyhun, Boumediene-Thiery, Sörensen)</p> <p><i>Public access to documents may be limited on the following grounds:</i></p> <p><i>a) access shall be denied where disclosure would be contrary to the protection, under law, of the right to privacy of an individual;</i></p> <p>CULT 5a</p> <p><i>The right of access to official documents may be restricted only if restriction is necessary having regard to:</i></p> <ul style="list-style-type: none"> <li>(f) <i>the security of the Union or its relations with a foreign state or an international organisation</i></li> <li>(g) <i>the central finance policy, monetary policy or foreign exchange policy of the Union;</i></li> <li>(h) <i>inspections, investigations and audits;</i></li> <li>(i) <i>court proceedings, infringement proceedings, including the preparatory stages thereof;</i></li> <li>(j) <i>the public economic interest;</i></li> <li>(f) <i>the protection of the personal integrity or economic conditions of individuals;</i></li> <li>(g) <i>the protection of commercial and industrial secrets;</i></li> <li>h) <i>the preservation of animal or plant species;</i></li> </ul>
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<p>(b) privacy and the individual, and in particular:          _ personnel files,          _ information, opinions and assessments given in confidence with a view to recruitments or appointments,          _ an individual's personal details or documents containing information such as medical secrets which, if disclosed, might constitute an infringement of privacy or facilitate such an infringement</p>	<p>68b AFCE          (b) access shall be denied where disclosure would be contrary to the protection, under law, of the right to privacy of an individual ;</p>	<p>(71 b, Ceyhan, Boumediene-Thiery, Sørensen)  <i>i) access may be denied on grounds of public interest where disclosure would seriously undermine</i>          - <i>public security as regards to operative aspects of military defense and of the investigation and prosecution of criminal offences,</i>          - <i>monetary stability,</i>          - <i>equality of the parties to legal proceedings,</i>          - <i>presupposing that the interest in disclosure is not greater than that in confidentiality.</i></p> <p><i>PETI 11b and Thors 72</i>  <i>(b) privacy, when it concerns data that must be protected according to Directive 95/46 on the protection of personal data,</i>  <i>(delete)</i>  <i>(delete)</i>  <i>(delete)</i></p>
<p>(c) commercial and industrial secrecy or the economic interests of a specific natural or legal person and in particular:          _ business and commercial secrets,          _ intellectual and industrial property,          _ industrial, financial, banking and commercial information, including information relating to business relations or contracts,          _ information on costs and tenders in connection with award procedures;</p>	<p>68c AFCE          (c) access may also be denied on grounds of commercial secrecy where this outweighs the public and private interest in disclosure ;</p>	<p><i>(71 c Ceyhan, Boumediene-Thiery, Sørensen)..</i>  <i>c) access may also be denied on grounds of commercial secrecy where this outweighs the public and private interest in disclosure.</i></p> <p>PETI 11C and Thors 72          (c) commercial and industrial secrecy or the economic interests of a specific natural or legal person <i>when it concerns:</i> _business and commercial secrets, <i>including intellectual and industrial property,</i>          _ <i>(delete)</i>  <i>industrial, financial, banking and commercial information, including information relating to business relations or contracts,</i>          _ <i>(delete)</i></p>
<p>(d) confidentiality as requested by the third party having supplied the document or the information, or as required by the legislation of the Member State.</p>	<p>(68d AFCE) deleted</p>	<p><i>(71 d Ceyhan, Boumediene-Thiery, Sørensen)</i>  <i>(d) access to documents which are of direct and individual concern to a natural or legal person may only be denied when the reasons for confidentiality are exceptionally prevalent.</i></p> <p>(72 Thors) (d) confidentiality as requested by <i>a Member State in accordance with declaration 35 on Article 255.1 of the Treaty establishing the European Community.</i>          PET 11D (d) confidentiality as <i>required by the legislation of the Member State if the document emanates from that State.</i></p>

New 2 <sup>nd</sup> para		<p><b>JURI 16</b>  <b>2. When access is requested to a document drawn up for the purpose of internal consultation, information therein on an official's personal opinions on policy may be disclosed in a form that cannot be traced to an individual person.</b></p> <p>PETI 11e  <b>2 When taking decisions on the disclosure of a document the need to protect some of the interests above must be weighted against the interest to promote transparency and public discussion.</b></p> <p>CULT 5b <b>When the above exceptions are only relevant as regards part of a document, partial access shall be granted.</b></p>
New 2 <sup>nd</sup> para		
4aa new		<p><b>(74, Paciotti) The right of access to personal data held by the European institutions is regulated according to :</b></p> <ul style="list-style-type: none"> <li>- the regulation..... of the European Parliament and of the Council based on Article 286 when the data are treated in relation to activities totally or partially founded on the European Community Treaty;</li> <li>- the principles outlined in Annex 0 which shall be applicable in the absence of specific rules adopted on the basis of the Treaties.</li> </ul>

4a new		<p><b>PETI 12 Requests for information</b></p> <p><i>Members of the public shall be provided with the information they request. The information communicated shall be clear and understandable and made available in formats accessible to all citizens. The availability of alternative formats shall be publicised.</i></p> <p><i>Each institution shall take the requisite measures to inform the public of the rights they enjoy as a result of this Regulation.</i></p> <p><i>If a member of the public is addressing the wrong institution or body, he shall be advised where to turn to.</i></p> <p><i>(75 Watson) Measures to be agreed by the institutions</i></p> <p><i>Within a period of one year, the institutions shall agree, or modify existing agreements, on the following common elements which will provide the basis for the adoption of the internal rules referred to in Article 255:</i></p> <p><i>a) agreed rules for the classification of documents to which, following an assessment the exceptions in Article 4 apply and therefore access may be limited, including:</i></p> <ul style="list-style-type: none"> <li><i>- treatment and protection of such documents, including very confidential documents</i></li> <li><i>- rules concerning the application of the security gradings (top secret, secret, confidential or restricted) indicating the level of security in cases where the exceptions in Article 4 apply and restrictions on access within an institution or between the institutions is justified.</i></li> <li><i>- transmission of classified documents between the institutions and procedures for resolving conflicts between the institutions in cases of doubt on the confidential nature of documents;</i></li> <li><i>- procedures relating to the provision of information classified as confidential to a select committee of the European Parliament;</i></li> </ul> <p><i>b) general measures on the production, storage and diffusion of documents (through a common interface), including measures on quality of drafting of legislation and archiving of documents<sup>1</sup>.</i></p>
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4b new		<p>(76, Ceyhun, Boumediene-Thiery, Sörensen) <i>Documents of Member States</i></p> <p><b>1. Any Member State which transmits documents to an institution, shall indicate, whether and which parts of the documents are not to be disclosed to the public.</b></p> <p><b>2. The Member State must refer to the relevant exception(s) in Article 4 and must state whether the classification is limited in time.</b></p> <p><b>3. The institutions shall decide whether the document or part of document in question can be made public</b></p> <p><b>4. If the institution decides that, contrary to the opinion of the Member State, the document should be disclosed, the institution shall immediately inform the Member State of its reasons for disclosure and the date on which the information will be disclosed (which will not be less than one week from the date of notification) and the right to seek interim measures from the European Court of Justice.</b></p>
4c new		<p>(PETI 8c)</p> <p><b>4. When the public disclosure of a document constitutes a specific form of dissemination as described in the data protection directives, it shall also be dealt with under this Regulation. Personal data may however be disclosed to a recipient who, pursuant to the provisions of the data protection directives, has a right to record and use such data.</b></p> <p>Paciotti 68BIS <i>Access to personal data</i>  <b>The right access to personal data held by European institutions is regulated according:</b></p> <ul style="list-style-type: none"> <li>- <b>The regulation &amp; Of the European Parliament and of the Council when data are treated in relation to activities totally or partially founded on community treaty</b></li> <li>- <b>the principles outlined in annex () which shall be applicable in absence of other specific legal base</b></li> </ul> <p>NB There is no actually a clear regulation on right to access to personal data held by institutions when they work in a second or third pillar framework. Some legislation</p>

<sup>1</sup> As defined in 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

4d new	<p><i>(C22 )Measures to be agreed by the institutions</i></p> <p><i>Within a period of one year, the institutions shall agree the following common elements which will provide the basis for the adoption of the internal rules referred to in Article 255:</i></p> <p><i>a) agreed rules for the classification of documents to which, following an assessment the exceptions in Article 4 apply and therefore access may be limited, including:</i>  <i>= treatment and protection of such documents, including very confidential documents</i>  <i>= application of the security gradings (top secret, secret, confidential or restricted)</i>  <i>=transmission of classified documents between the institutions</i>  <i>=procedures relating to challenges to classifications and referral/appeal to the European Information Officer</i>  <i>=procedures relating to the provision of information classified as confidential to a select committee of the European Parliament;</i></p> <p><i>b) general measures on the production, storage and diffusion of documents (through a common interface), including measures on quality of drafting of legislation and archiving of documents<sup>1</sup>.</i></p>	<p>AFET 9</p> <p><i>3. Parliamentary scrutiny of all documents excluded from public access should be assured by regularly informing the Committees involved in closed session, the enlarged bureau of those committees, or a Select Committee according to the classification and the topic of the documents concerned.</i></p> <p><i>(73 PALACIO) 2. Les institutions déterminent d'un commun accord les modalités selon lesquelles un comité restreint de Membres du Parlement Européen exerce un droit de regard concernant les documents visés au premier alinéa.</i></p> <p><i>(PETI 8b)</i>  Rules on professional secrecy may not override the principles of this Regulation.</p>
new	<p><u>(C23) New heading</u>  <u><b>CHAPTER II THIRD PARTIES AND MEMBER STATES</b></u></p>	

<sup>1</sup> As defined in 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

New 4e	<p><b>C24</b> <i>Documents of Member States or third parties</i></p> <p><i>1. Any Member State or third party which transmits documents to an institution, shall indicate, whether and which parts of the documents are not to be disclosed to the public.</i></p> <p><i>2 The third party must refer to the relevant exception(s) in Article 4 and must state whether the classification is limited in time.</i></p> <p><i>3. The Member State or third party may submit a "public" version which may be disclosed by the institution.</i></p> <p><i>The institutions shall decide whether the document or part of document in question can be made public.</i></p> <p><i>If the institution decides that, contrary to the opinion of the Member State or third party, the document should be disclosed, the institution shall immediately inform the third party or Member State of its reasons for disclosure and the date on which the information will be disclosed (which will not be less than one week from the date of notification) and the right to seek interim measures from the European Court of Justice.</i></p>	<p><b>67 Ceyhun &amp; Documents of Member States</b></p> <p><i>1. Any Member State which transmits documents to an institution, shall indicate, whether and which parts of the documents are not to be disclosed to the public.</i></p> <p><i>2. The Member State must refer to the relevant exception(s) in Article 4 and must state whether the classification is limited in time.</i></p> <p><i>3. The institutions shall decide whether the document or part of document in question can be made public.</i></p> <p><i>If the institution decides that, contrary to the opinion of the Member State, the document should be disclosed, the institution shall immediately inform the Member State of its reasons for disclosure and the date on which the information will be disclosed (which will not be less than one week from the date of notification) and the right to seek interim measures from the European Court of Justice.</i></p>
New 4f	<p><b>(C 25) Relationship with the Member States</b></p> <p><i>1. Where a Member State receives a request for documents considered classified by an institution and which according to the rules of that Member State may be disclosed, the Member State shall immediately inform the institution.</i></p> <p><i>2. The Member State shall decide whether the documents or parts of document in question can be disclosed.</i></p> <p><i>3. The Member States and the institutions shall cooperate in the provision of information to the citizens.</i></p>	
New	<p><b>(C 26) CHAPTER III</b> <b><u>ACCESS TO DOCUMENTS</u></b> <b>Section 1 Right of Access</b></p>	

New 4G	<p><b><i>(C 27) Publication of documents in the Official Journal</i></b></p> <p><b><i>In addition to the documents required to be published by Article 254 of the EC Treaty, the documents referred to in Annex III shall be published in the Official Journal including, where appropriate, the date of entry into force.</i></b></p>	
<p><b><i>Art. 5 Processing of initial applications</i></b> 1. All applications for access to a document shall be made in writing in a sufficiently precise manner to enable the institution to identify the document. The institution concerned may ask the applicant for further details regarding the application.</p> <p><b><i>In the event of repetitive applications and/or applications relating to very large documents, the institution concerned shall confer with the applicant informally, with a view to finding a fair solution.</i></b></p>	<p><b><i>(C 28 A) Documents accessible on written application</i></b></p> <p>1. All applications for access to a document shall be made in writing <b><i>in one of the official languages of the institutions</i></b> in a sufficiently precise manner to enable the institution to identify the document. The institution concerned may ask the applicant for further details regarding the application <b><i>for the purposes of identifying the documents.</i></b></p> <p><b><i>In writing also comprises applications in electronic form such as fax or e-mail.</i></b></p>	<p>CONT 9a <b><i>All applications for access to a document shall be made in writing in one of the official languages of the Community in a sufficiently precise manner to enable the institution to identify the document. The institution concerned may ask the applicant for further details regarding the application.</i></b></p> <p>Andersson 77a <b><i>Handlingar som är tillgängliga efter en begäran</i></b></p> <p>1. Alla ansökningar om tillgång till en handling skall inges skriftligen <b><i>eller muntligen på ett av institutionernas officiella språk</i></b> och vara tillräckligt utförliga för att institutionen skall kunna identifiera handlingen. Institutionen kan anmoda sökanden att lämna ytterligare upplysningar <b><i>för att kunna identifiera handlingen. Med begäran avses ansökningar i skriftlig, muntlig eller elektronisk form.</i></b></p> <p>JURI 18a Delete 2<sup>nd</sup> paragrph</p> <p>PETI 13a <b><i>1. Further to a request for access to documents, the Institution shall give access to the documents in accordance with this regulation and the implementing provisions of the Institution.</i></b></p> <p>All applications for access to a document shall be made in a sufficiently precise manner to enable the institution to identify the document. The institution concerned may ask the applicant for further details regarding the application.</p> <p>If an oral request for information is too complicated or too comprehensive to be dealt with, the person concerned shall be advised to formulate the demand in writing.</p>

<p>2. Within <b>one month</b> of registration of the application, the institution shall inform the applicant, in a written <b>and reasoned</b> reply, of the outcome of the application.</p>	<p>C 28 b 2. Within <b>two weeks</b> of registration of the application, the institution shall inform the applicant, in a written reply, of the outcome of the application.</p>	<p>JURI 18b 2. Within <b>two weeks</b> of registration of the application, the institution shall inform the applicant, in a written and reasoned reply, of the outcome of the application.</p> <p><i>CONT 9b 2. Within one month of registration of the application, the institution shall inform the applicant, in a written and reasoned reply, of the outcome of the application.</i></p> <p><b>The reply shall be given in the language in which the application was made.</b></p> <p>PETI 13b 2. Within <b>two weeks</b> of registration of the application, the institution shall inform the applicant, in a written and reasoned reply, of the outcome of the application <b>and, if accepted, transmit the documents in the same period.</b></p> <p><i>Andersson 77 (2)</i></p> <p>2. Institutionen skall, inom <b>två veckor</b> efter det att en ansökan registrerats, skriftligen underrätta sökanden om huruvida den har beslutat att avslå eller bifalla ansökan.</p>
<p>3. Where the institution gives a negative reply to the applicant, <b>it</b> shall inform <b>him</b> that, within one month of receiving the reply, he is entitled to make a confirmatory application asking the institution to reconsider its position, <b>failing which he shall be deemed to have withdrawn the original application.</b></p>	<p>C 28 c 3. Where the institution gives a negative reply to the applicant, <b>the institution shall state the reasons for its refusal, the period of time during which the document can not be disclosed and, where relevant, the source from which the applicant may obtain the document.</b></p>	<p>JURI 18c 3. Where the institution gives a negative reply to the applicant, it shall <b>give reasons and</b> inform him that he is entitled to make a confirmatory application asking the institution to reconsider its position.</p>



	<p><i>C 28 d 3a. Where the institution gives a negative reply because part of the document is covered by any of the exceptions provided for in Article 4, the institution shall provide an edited version of the document .</i></p> <p><i>3b. The institution shall also inform the applicant that, within one month of receiving the reply, he is entitled to make a confirmatory application asking the institution to reconsider its position.</i></p> <p><i>3c. If the institution considers that the document may be disclosed within a short period, the institution must send the document to the applicant within two weeks after the date on which the document can be disclosed.</i></p>	<p>CONT 9c Where the institution gives a negative reply to the applicant, <i>in relation to all or part of the document, the institution shall state the reasons for its refusal based on the exceptions defined in this Regulation, the period of time or the procedural steps during which the documents will remain non-public, and, where relevant, the source from which the applicant may obtain the document.</i></p> <p><i>3a. If the document becomes public within six months of receipt of the application, the institution must send the document to the applicant within one month of the date on which the document is declassified.</i></p> <p><i>3b. Where the institution gives a negative reply because part of the document is covered by any of the exceptions provided for in this Regulation, an edited version of the document shall be provided.</i></p> <p><i>3c. The institution shall also inform the applicant that, within one month of receiving the reply, he is entitled to make a confirmatory application asking the institution to reconsider its position.</i></p> <p>Andersson 77c</p> <p>3. Om institutionen har avslagit ansökan, skall <i>institutionen ange grunderna till beslutet, den period under vilken handlingen inte kan lämnas ut och vid behov varifrån sökanden kan få tag på handlingen.</i></p> <p><i>3a. Om institutionen har avslagit en ansökan på grund av att delar av handlingen omfattas av undantagen i artikel 4, skall återstående delar av handlingen överlämnas.</i></p> <p><i>3b. Institutionen skall också upplysa sökanden om att denna inom en månad efter att ha mottagit det negativa beskedet kan inge en bekräftande ansökan till institutionen med begäran om omprövning.</i></p> <p><i>3c. Om institutionen anser att handlingen kan spridas inom en snar framtid, skall institutionen sända handlingen till sökanden senast två veckor efter det datum från och med vilket handlingen får spridas</i></p>
<p>4. In exceptional cases, the <i>one-month</i> time-limit provided for in paragraph 2 may be extended by one month, provided that the applicant is notified in advance and that detailed reasons are given.</p> <p><i>Failure to reply within the prescribed time-limit shall be treated as a negative response.</i></p>		<p>JURI 18d</p> <p>In exceptional cases, the <i>two-week</i> time-limit provided for in paragraph 2 may be extended by one month, provided that the applicant is notified in advance and that detailed reasons are given.</p> <p>CONT 9d delete « failure &amp; . »</p> <p>CULT 6 &amp; Failure to reply within the prescribed time-limit shall be treated as a <i>positive</i> response.</p>
	<p>(70AFCO Malmstrom/Thors)</p> <p><i>3. The staff of the institutions shall as far as possible help and inform the citizens how and where applications for access to documents can be made</i></p> <p><i>NB :The same amendment is in AFET 7</i></p>	

<p><i>ART 6 Processing of confirmatory applications; remedies</i></p> <p>1. Where the applicant submits a confirmatory application, the institution shall reply to him in writing within one month of registration of the application. If the institution decides to maintain its refusal to grant access to the document requested, it shall state the grounds for its refusal and inform the applicant of the remedies open to him, namely court proceedings and a complaint to the Ombudsman, under the conditions laid down in Articles 230 and 195 of the EC Treaty, respectively.</p> <p>2. In exceptional cases, the time-limit provided for in paragraph 1 may be extended by one month, provided that the applicant is notified in advance and that detailed reasons are given. Failure to reply within the prescribed time-limit shall <b>be treated as a positive decision.</b></p>	<p><i>C 29 Processing of confirmatory applications</i></p> <p>1. Where the applicant submits a confirmatory application, the institution shall reply to him in writing within one month of registration of the application. If the institution decides to maintain its refusal to grant access to the document requested, it shall state the grounds for its refusal and inform the applicant of the remedies open to him, namely court proceedings and a complaint to the Ombudsman, under the conditions laid down in Articles 230 and 195 of the EC Treaty, respectively.</p> <p>2. In exceptional cases, the time-limit provided for in paragraph 1 may be extended by one month, provided that the applicant is notified in advance and that detailed reasons are given. Failure to reply within the prescribed time-limit shall <b>entitle the applicant to seek the remedies in Articles 9d.</b></p>	<p>(JURI 19 , AFET 8 and CONT 10)</p> <p>1. Where the applicant submits a confirmatory application, the institution shall reply to him in writing within <b>two weeks</b> of registration of the application. If the institution decides to maintain its refusal to grant access to the document requested, it shall state the grounds for its refusal and inform the applicant of the remedies open to him, namely court proceedings and a complaint to the Ombudsman, under the conditions laid down in Articles 230 and 195 of the EC Treaty, respectively.</p> <p>2. In exceptional cases, the time-limit provided for in paragraph 1 may be extended by <b>two weeks</b>, provided that the applicant is notified in advance and that detailed reasons are given.</p> <p>PETI 14 1. Where the applicant submits a confirmatory application, the institution shall reply to him in writing within one month of registration of the application, <b>and if accepted transfer the documents to him in the same time period.</b> If the institution decides to maintain its refusal to grant access to the document requested, it shall state the grounds for its refusal and inform the applicant of the remedies open to him, namely court proceedings and a complaint to the Ombudsman, under the conditions laid down in Articles 230 and 195 of the EC Treaty, respectively. (Anderson 78, title) Behandling av bekräftande ansökningar <b>och möjligheter att överklaga</b></p> <p>(Andersson 78 ) 2<sup>nd</sup> para : I undantagsfall kan den tidsfrist som anges i punkt 1 förlängas med <b>två veckor</b>, förutsatt att sökanden underrättas på förhand och att en utförlig motivering ges. Om inget besked ges inom den föreskrivna tidsfristen, skall <b>ansökan anses ha bifallits.</b></p>
<p>New article</p>		<p><b>CONT 11 Time limits</b> <b>All documents not linked to exceptions mentioned in Article 4 b) shall be made public after 15 years unless vital public interest is justifying a prolongation. With the exception of personal medical files, no document may be kept confidential for more than 50 years.</b></p>
<p>New heading</p>	<p><b>C 30 Section 2 Exercise of right of access</b></p>	

<p>ART 7 1.The applicant shall have access to documents either by consulting them on the spot or by receiving a copy.</p> <p>The costs of <i>his doing so</i> may be charged to the applicant.</p>	<p>C 31a ART 7 1.The applicant shall have access to documents either by consulting them on the spot or by receiving a copy, <b>including an electronic copy.</b></p> <p><b><i>In the case of very large documents or a very large number of documents</i></b> the cost of <i>making copies</i> may be charged to the applicant <b><i>The charge has to be limited to a reasonable sum.</i></b></p>	<p>JURI 20a 1. The applicant shall have access to documents either by consulting them on the spot or by receiving a copy. The costs <b><i>which</i></b> may be charged to the applicant <b><i>should be reasonable.</i></b></p> <p>PETI 15a 1.The applicant shall have access to documents either by consulting them on the spot or by receiving a copy, <b><i>according to the choice made by the applicant</i></b> The <b><i>reasonable</i></b> costs of his doing so may be charged to the applicant.</p> <p>CULT 7 <b><i>The cost of the document provision service shall be determined annually (initially on the basis of estimates), with a view to establishing a rate which shall apply only in the following instances:</i></b></p> <ul style="list-style-type: none"> <li>- <b><i>where the document dearly serves a commercial or a professional management-related purpose and, in any event, where the applicant is an undertaking or the office of a professional concern;</i></b></li> <li>- <b><i>where drawing up the requested document necessitates employing considerable human, computer or material resources.</i></b></li> </ul> <p>Andersson 79a</p> <p>1. Sökanden skall <b><i>själv få avgöra om han eller hon vill ta del av handlingen på platsen eller genom att få sig en kopia av handlingen tillsänd, alternativt en kopia i elektronisk form. Om det handlar om mycket omfattande handlingar eller ett stort antal handlingar kan</i></b> kostnaderna för tillgången till handlingarna åläggas sökanden. <b><i>Avgiften måste vara skälig.</i></b></p> <p><b><i>Dell Utri 80</i></b></p> <p>2. L'accesso ai documenti avviene mediante consultazione sul posto oppure tramite rilascio di una copia, <b><i>compresa una copia elettronica.</i></b></p> <p>3. <b><i>Nel caso di documenti voluminosi o di un grande numero di documenti, il costo delle copie può essere posto a carico del richiedente. Il costo non deve superare il reale costo di produzione delle copie stesse ed, eventualmente, di spedizione.</i></b></p> <p>? ?2. Documents shall be supplied in an existing language version. <b><i>If it exists in the language requested by the applicant, this version shall be forwarded to him.</i></b></p>
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<p>2.2. Documents shall be in an existing language version, regard being had to the preference expressed by the applicant.</p> <p><i>An edited version of the requested document shall be provided if part of the document is covered by any of the exceptions provided for in Article 4.</i></p>	<p>2. Documents shall be supplied in the language version requested by the applicant, or in the language version available.</p> <p><i>An edited version of the requested document shall be provided if part of the document is covered by any of the exceptions provided for in Article 4.</i></p>	<p>JURI 20b 2. Documents shall be supplied in an existing language version, regard being had to the preference expressed by the applicant.</p> <p><i>Documents shall be supplied in the form requested by the applicant if they are available in that form, e.g. electronically or in an alternative format, (such as Braille, large print or tape).</i></p> <p><i>An edited version of the requested document shall be provided if part of the document is covered by any of the exceptions provided for in Article 4.</i></p> <p>PETI 15b 2. Documents shall be supplied in an existing language version. <i>If it exists in the language requested by the applicant, this version shall be forwarded to him.</i></p> <p>Andersson 79b</p> <p>2. Handlingarna ställs till förfogande i <i>den form och i den språkversion som sökanden efterfrågar, eller på det språk som använts i ansökan, under förutsättning att denna språkversion finns tillgänglig.</i></p>
<p>Art 7.3 new</p>		<p>CONT 12 3. <i>Documents shall be supplied in the form requested by the applicant if they are available in that form, e.g. electronically or in an alternative format (such as Braille, large print or tape).</i></p> <p>Ludford 81</p> <p><i>Documents shall be supplied in an alternative format such as Braille, large print or tape, to disabled applicants on request and without delay</i></p> <p><i>(82, Malmström)</i></p> <p>3. <i>Parliamentary scrutiny of all documents excluded from public access should be assured by regularly informing the Committees involved in closed session, the enlarged bureau of those committees, or a Select Committee according to the classification and the topic of the documents concerned..</i></p>
<p>Art. 7.4 new</p>		<p><i>AFET 10</i></p> <p>4. <i>An edited version of the requested document shall be provided if part of the document is covered by one of the exceptions in article 4.1. If a requested document is covered by article 4.2 a summary of its factual content shall in any case be provided.</i></p>

<p>ART 8 Reproduction for commercial purposes or other forms of economic exploitation</p> <p><i>An applicant who has obtained a document may not reproduce it for commercial purposes or exploit it for any other economic purposes without the prior authorisation of the right-holder.</i></p>	<p>(C(C 32) Rep(C 32) Repro(C 32) Reproduction for commercial purposes or other forms of economic exploitation</p> <p><i>1.This Regulation does not interfere with rights, existing by virtue of intellectual or industrial property, that protect information contained in documents.</i></p> <p><i>2.Any third party or Member State that receives information under this Regulation is responsible for their compliance with the applicable Union, national or international law relating to the protection of intellectual or industrial property rights.</i></p>	<p>AFET 11 8. Reproduction for commercial <i>gain</i></p> <p><i>This regulation does not interfere with existing rights with regard to documents or information contained in documents which the institutions have received by third parties by virtue of intellectual or industrial property legislation.</i></p>
<p><i>ART 9 Information and registers</i></p> <p>Each institution shall <i>take the requisite measures to inform</i> the public of the rights they enjoy as a result of this Regulation. <i>Furthermore, to make it easier for citizens to exercise their rights arising from this Regulation, each institution shall provide access to a register of documents.</i></p>	<p><i>C 33 Information</i></p> <p>Each institution shall <i>be responsible for informing</i> the public of the rights they enjoy as a result of this Regulation <i>and publishing in the Official Journal :</i></p> <ul style="list-style-type: none"> <li>a) <i>the internal rules of procedure;</i></li> <li>b) <i>the structure of the institution including details of any departments, committees, and formal working groups;</i></li> <li>c) <i>the person to whom written applications for documents should be addressed and;</i></li> <li>d) <i>the means of access to the register; and</i></li> <li>e) <i>a code of conduct on transparency for officials</i></li> </ul>	<p>Andersson 83</p> <p>Information</p> <p>Varje institution skall vidta nödvändiga åtgärder för att upplysa allmänheten om de rättigheter som följer av denna förordning <i>och i Europeiska gemenskapernas officiella tidning offentliggöra</i></p> <ul style="list-style-type: none"> <li>a) <i>Den egna arbetsordningen,</i></li> <li>b) <i>Institutionernas uppbyggnad, inklusive detaljer om avdelningar, utskott, kommittéer och arbetsgrupper,</i></li> <li>c) <i>Till vem skriftliga ansökningar om att få tillgång till handlingar skall sändas,</i></li> <li>d) <i>Hur man får tillgång till registret,</i></li> <li>e) <i>en uppförandekod om öppenhet för tjänstemän.</i></li> </ul> <p><i>Dessutom skall varje institution ställa ett register över handlingar till förfogande för att underlätta utövandet av dessa rättigheter.</i></p> <p>Each institution shall take the requisite measures to inform the public of the rights they enjoy as a result of this Regulation. <i>The availability of alternative formats of documents shall be mentioned (such as Braille, large print or tape).</i></p>

		<p><b>JURI 22a</b></p> <p><b>1. Documents shall be entered into the register at the time of their completion or reception. A document drawn up for internal consultation shall be entered into the register at the time of its inclusion into the deliberation of a decision within the administrative unit where it has been produced or when its communicated to another unit.</b></p> <p><b>2. Each institution shall keep a register of all documents drawn up, received and sent by the institution. The register shall be easily accessible to all citizens and specify any classification of confidentiality of each document.</b></p> <p><b>3. Each institution shall take the requisite measures to inform the public of the rights they enjoy as a result of this Regulation. The availability of alternative formats of documents shall be mentioned (such as Braille, large print or tape).</b></p> <p><b>CONT 13a 1. Each institution shall keep a register of all documents drawn up, received and sent by the institution. The register shall be easily accessible to all citizens and specify any classification of confidentiality of each document. The register shall be accessible via the internet. Furthermore, to make it easier for citizens to exercise their rights arising from this Regulation, each institution shall establish a contact point</b></p>
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		<p>AFET 12  9. Each institution shall <i>keep a register of all documents drawn up, received and sent by the institution. Documents shall be entered into the register at the time of their completion or reception. The register shall be easily accessible to all citizens and specify any classification of confidentiality of each document.</i></p> <p>Thors 84  1. <i>Each institution shall keep a register of all documents held, drawn up, received and sent by it. As soon as a document is registered it is in the public domain and thus shall be accessible to the public, unless some of the exceptions in article 4 are applicable. Access to a document which is not yet in the public domain may be granted at the discretion of the institution.</i></p> <p>2. <i>A document shall be introduced in the register as soon as the institution or body has taken a formal decision, filed or sent the document to other bodies, institutions or third parties, or when the following conditions are met;</i></p> <p><i>f) a decision, a contractual commitment, a memorandum and other similar documents when they have been approved,</i></p> <p><i>g) minutes when they have been scrutinised and approved,</i></p> <p><i>h) invitations to tender, to provide information, to comment on a proposal, when they have been approved,</i></p> <p><i>i) procurement cases, when the contract has been awarded</i></p> <p><i>j) reports, discussion papers and similar documents when they are in the possession of the Institution or body in question.</i></p> <p>11. Each institution shall take the requisite measures to inform the public of the rights they enjoy as a result of this Regulation.</p> <p>CULT 8  Each institution shall take the requisite measures to inform the public of the rights they enjoy as a result of this Regulation. Furthermore, to make it easier for citizens to exercise their rights arising from this Regulation, each institution shall provide access to a <b>complete</b> register of documents.</p>
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		<p><i>(85 Ceyhun, Boumediene-Thiery, Sörensen)</i></p> <p><b>Registers</b></p> <p><b>1. Each institution shall keep a register of all documents drawn up, received and sent by the institution. The register shall be easily accessible to all citizens.</b></p> <p><b>2. The register shall contain the date when the document was produced or received and title indicating its content.</b></p> <p><i>Where a document or parts thereof are subject to an exemption under Article 4, the register shall indicate to what extent and on which grounds access to the document is limited.</i></p> <p><i>When a document has been released as a result of a request, this shall be notified and indicated in the Register</i></p> <p><b>3. Documents shall be entered into the register at the time of their completion or reception. A document drawn up for internal consultation shall be entered into the register at the time of its inclusion into the deliberation of a decision within the administrative unit where it has been produced or when its communicated to another unit.</b></p>
New 2 <sup>nd</sup> para		<p>CONT 13b Each institution shall take the requisite measures to inform the public of the rights they enjoy as a result of this Regulation. <i>The availability of alternative formats of documents shall be mentioned (such as Braille, large print or tape).</i></p>
New, paragraph 3		<p><i>(86 Ludford)</i></p> <p><b><i>This information shall be made available in formats accessible to all citizens. The availability of alternative formats shall be publicised.</i></b></p>



New art 9a	<p><b>C 34 Registers</b></p> <p><b>1.</b> Within one year of the entry into force of the Regulation each institution shall establish a register of its documents which must be widely accessible to the public. The register shall contain the date when the document was produced or received, a title indicating its content and the type of classification. When a document has been released as a result of a request, this shall be notified and indicated in the Register.</p> <p>Where a document or parts thereof are subject to an exception under Article 4, the register shall indicate to what extent and on which grounds access to the document is limited.</p> <p>Wherever possible documents shall be made directly accessible via the Internet and other forms of computer telecommunications.</p> <p><b>2. Documents of the institutions which must at a minimum be included in the register are listed in Annex IV and include all documents created by that institution in the course of a procedure for the adoption of legally binding measures, notably all proposals, opinions, working documents, agendas, documents for discussion at formal meetings, minutes and declarations.</b></p>	
	C 35 Section 3 Information Officers	

<p>Art. 9b New</p> <p>Each institution shall <b>take the requisite measures to inform</b> the public of the rights they enjoy as a result of this Regulation. <b>Furthermore, to make it easier for citizens to exercise their rights arising from this Regulation, each institution shall provide access to a register of documents.</b></p>	<p><b>(75AFCO Dimitracopoulos replace C36)</b> <b>Appointment and tasks of the Information Officer</b></p> <p>1. Within six months of the entry into force of the Regulation, each Union institution shall appoint at least one person of appropriate rank as the Information Officer, with the task of:</p> <p><i>a) deciding on the response to confirmatory applications and ensuring the correct application of the exceptions in Article 4;</i></p> <p><i>b) ensuring in an independent manner the internal application of rules relating to transparency and supervising the maintenance of the register of documents for that institution;</i></p> <p><i>c) seeking opinion of the European Information Supervisor, if appropriate, on the classification and disclosure of document;</i></p> <p><i>d) ensuring that responses to citizens respect the language rules in Article 21 of the EC Treaty and providing assistance to citizens seeking further information on a subject in which the institution is involved.</i></p> <p>2. <i>The Information Officer shall be provided with the staff and resources required for the performance of his/her duties.</i></p> <p><i>Further rules concerning the Information Officer shall be defined in the internal rules of each Community institution or body.</i></p>	<p>(87Ceyhun, Boumediene-Thiery, Sörensen) Information</p> <p><b>1 Each institution shall appoint an Information Officer responsible for the management and the keeping up to date of the Register as well as the processing of applications for access to documents.</b></p> <p><b>The Information Officer shall make sure that correspondence coming from citizens of the Union is dealt with in accordance with Article 21 EC-Treaty.</b></p> <p><b>The Information Officer shall see to it that in response to a request for information on a subject in which the institution concerned is involved and on which it possesses documents, these documents are made available to the applicant or the applicant is guided where to find these documents.</b></p> <p>2. Each institution shall take the requisite measures to inform the public of the rights they enjoy as a result of this Regulation. <b>The availability of alternative formats of documents shall be mentioned (such as Braille, large print or tape).</b></p> <p><b>Dell Utri 89 (9b nuovo)</b></p> <p><b>1. Entro sei mesi dall'entrata in vigore del presente regolamento, ogni istituzione dell'Unione nomina almeno una persona di grado adeguato come responsabile dell'informazione, con il compito di:</b></p> <p><i>(a) decidere in merito alla risposta da dare a domande di conferma e garantire la corretta applicazione delle esclusioni di cui all'articolo 4;</i></p> <p><i>(b) assicurare in modo indipendente l'applicazione interna delle norme in materia di trasparenza e verificare la tenuta del registro dei documenti per l'istituzione;</i></p> <p><i>(c) chiedere, se del caso, il parere del garante europeo dell'informazione in merito alla classificazione e alla divulgazione di un documenti;</i></p> <p><i>(d) garantire che le risposte ai cittadini rispettino le norme in materia linguistica di cui all'articolo 21 del trattato CE e prestare assistenza ai cittadini che richiedono ulteriori informazioni su un argomento cui l'istituzione è interessata.</i></p> <p><b>2. Il responsabile dell'informazione è dotato del personale e delle risorse necessarie all'esercizio delle sue funzioni.</b></p> <p><b>3. Ulteriori norme relative al responsabile dell'informazione saranno definite nelle norme interne dell'istituzione o dell'organismo</b></p>
		<p>(88, Malmström)</p> <p>Each institution shall <b>keep a register of all documents drawn up, received and sent by the institution. Documents shall be entered into the register at the time of their completion or reception. The register shall be easily accessible to all citizens and specify any classification of confidentiality of each document.</b></p>

New art.	<p>Appointment and tasks of the European Information Supervisor</p> <p><i>1. The institutions shall by common accord nominate one person of appropriate rank as the European Information Supervisor, with the task of:</i></p> <p><i>(a) deciding on appeals against negative decisions on confirmatory applications and ensuring the correct application of the exceptions listed in Article 4;</i></p> <p><i>(b) cooperating with the Information Officers of the institutions and providing opinions on the classification of documents;</i></p> <p><i>(c) arbitrating over conflicts between institutions regarding the classification of documents;</i></p> <p><i>(d) examining issues likely to give rise to conflicts in relation to access to documents and proposing solutions to the institutions.</i></p> <p><i>2. The European Information Supervisor shall be provided with the staff and resources required for the performance of his/her duties.</i></p> <p><i>3. Further implementing rules concerning the European Information Supervisor shall be adopted.</i></p>	<p>Dell Utri 90 (9c nuovo)</p> <p><i>1. La Commissione, il Parlamento e il Consiglio nominano di comune accordo tre persone di grado adeguato che costituiranno il garante europeo dell'informazione, con il compito di:</i></p> <p><i>a) decidere in merito ai ricorsi presentati contro decisioni negative relative a domande di conferma e garantire la corretta applicazione delle esclusioni di cui all'articolo 4;</i></p> <p><i>b) collaborare con i responsabili dell'informazione delle istituzioni ed elaborare pareri sulla classificazione dei documenti;</i></p> <p><i>c) dirimere controversie tra istituzioni in ordine alla classificazione dei documenti;</i></p> <p><i>d) esaminare questioni suscettibili di originare controversie in ordine all'accesso ai documenti e proporre soluzioni alle istituzioni.</i></p> <p><i>2. Il garante europeo dell'informazione è dotato del personale e delle risorse necessarie all'esercizio delle sue funzioni.</i></p> <p><i>3. Saranno adottate ulteriori norme di attuazione relative al garante europeo dell'informazione</i></p>
New	<p><b>C 38 CHAPTER III</b> <b>REMEDIES AND REPORTS</b></p>	

New art	<p><b>C 39 Remedies</b></p> <p><b>1. Where an applicant receives a negative response to a confirmatory application, then, in accordance with Article 195 of the EC Treaty, the applicant may apply to the Ombudsman to examine whether a case of maladministration has occurred.</b></p> <p><b>2. Where an applicant receives a negative response to a confirmatory application, the applicant may in accordance with Article 230, lodge an appeal before the European Court of Justice.</b></p> <p><b>3. Where an institution decides to disclose a document against the wishes of a third party, it shall give the third party at least one week in which to make an application for interim measures in accordance with Article 243.</b></p> <p>4. The Council shall consider whether changes need to be made to the rules of procedure of the European Courts in relation to access to documents, in particular in relation to confidential documents and costs in transparency cases.</p>	
New art	<p><b>C 40 Reports</b></p> <p><b>1. Within a period of three years the institutions shall produce a report setting out all the measures taken to implement this Regulation.</b></p> <p>2. Each year, each institution shall submit to the European Parliament a report for the preceding year setting out the number of cases in which the institution refused to grant access to documents and the reasons for such refusals.</p>	
	C 41 Transitional provisions	
Article 10 Effect Each institution shall adopt in its rules of procedure the provisions required to give effect to this Regulation. Those provisions shall take effect on ... [three months after the adoption of this Regulation].	C 42 delete	

<p><i>ART 11 Entry into force</i></p> <p>This Regulation shall enter into force on the third day following that of its publication in the <i>Official Journal of the European Communities</i>. <b>It shall be applicable from &amp; [three months from the date of adoption of this Regulation].</b></p>	<p><i>C 43 Entry into force</i></p> <p><b>I.</b> This Regulation shall enter into force on the third day following that of its publication in the <i>Official Journal of the European Communities</i>.</p>	
<p>New art</p>	<p><i>C 44 Effect</i></p> <p>Each institution shall adopt in its rules of procedure provisions implementing this Regulation. Those provisions shall take effect on ... [at the latest one year after the entry into force of this Regulation].</p>	

New art	<p><b><i>From the date of the entry into force of the present Regulation the following shall be repealed:</i></b></p> <p><b><i>a) Council Decision 93/731/EC of 20 December 1993 on public access to Council documents as amended by the Council decision of 14 August 2000<sup>1</sup>,</i></b></p> <p><b><i>b) Commission Decision 94/90/ECSC, EC, Euratom of 8 February 1994 on public access to Commission documents<sup>2</sup>,</i></b></p> <p><b><i>c) European Parliament Decision 97/632/EC, ECSC, Euratom of 10 July 1997 on public access to European Parliament documents<sup>3</sup>.</i></b></p>	<p>(91, Watson)</p> <p><b><i>d) Decision of the Executive Committee of 14<sup>th</sup> December 1993 concerning the confidentiality of certain documents [SCH/Com-ex(93) 22 rev]<sup>4</sup>,</i></b></p> <p><b><i>e) Decision of the Executive Committee of 23<sup>rd</sup> June 1998 concerning the confidentiality of certain documents [SCH/Com-ex(98) 17]<sup>5</sup></i></b></p> <p><b><i>f) Council Regulation n 354/83 of February concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community<sup>6</sup>.</i></b></p>
Article 11c new		<p>(92 Watson)</p> <p><b><i>In its capacity as the institution responsible for Europol, the Council will examine within a period of one year on the basis of a proposal presented by the Commission or by a Member State the necessary amendments to make Council Act of 3 November 1998 adopting rules on the confidentiality of Europol information<sup>1</sup> compatible with the principles in this Regulation.</i></b></p>

<sup>1</sup> OJ L 340, 31.12.1993, p. 43; Decision as amended by Decision 96/705/EC, ECSC, Euratom (OJ L 325, 14.12.1996, p. 19) and by Decision 2000/527/EC (OJ L 212, 23.8.2000, p.9).

<sup>2</sup> OJ L 46, 18.2.1994, p. 58; Decision as amended by Decision 96/567/EC, ECSC, Euratom (OJ L 247, 28.9.1996, p. 45).

<sup>3</sup> OJ L 263, 25.9.1997, p. 27.

<sup>4</sup> OJ....22.9.2000

<sup>5</sup> OJ...22.9.2000

<sup>6</sup> OJ.....

<sup>1</sup> OJ C026 30/01/1999

ANNEX 0		<p>(93 Paciotti)  <i>Access to personal data foreseen in art. 4aa</i></p> <p><i>1. Data subjects must be informed of the collection of personal data concerning them and of their eventual processing, unless the provision of that information is impossible or involve a disproportionate effort.</i></p> <p><i>2. The information to be provided under point 1 must be that which is necessary, in view of the specific circumstances of the collection of the data, to guarantee to the data subject in question that the data are processed fairly.</i></p> <p><i>3. All data subjects have the right of access to their personal data and to have communicated to them in an intelligible form, without constraints, at reasonable intervals and without excessive delay or expense, data concerning them and to obtain, as appropriate, the rectification of incomplete or inaccurate data and the erasure of data which have been processed unlawfully.</i></p> <p>4. Access may be direct or indirect, for example via a supervisory authority, and may be subject only to restrictions linked to the object or specific nature of the instrument concerned.</p> <p>5. Other principles to be developed (see Council document 10968/00 JAI82).</p>
<p><i>C &amp;. (ANNEX V) Access to personal data foreseen in art. 4aa</i></p> <p><i>1. Data subjects must be informed of the collection of personal data concerning them and of their eventual processing, unless the provision of that information is impossible or involve a disproportionate effort.</i></p> <p><i>2. The information to be provided under point 1 must be that which is necessary, in view of the specific circumstances of the collection of the data, to guarantee to the data subject in question that they are processed fairly</i></p> <p><i>3. All data subjects have the right of access to their personal data and to have communicated to them in an intelligible form, without constraints, at reasonable intervals and without excessive delay or expense, data concerning them and to obtain , as appropriate, the rectification of incomplete or inaccurate data and the erasure of data wich have been processed unlawfully.</i></p> <p><i>Access may be direct or indirect, for example via a supervisory authority, and may be subject only to restrictions linked to the object or specific nature of the instrument concerned.</i></p>		

C 46 <TitreAm>Annex I (new) Specific rules</TitreAm></TitreJust>

<AmJust>The Commission s non-exhaustive and indicative list suggests that the rules below are treated as special rules. This needs to be examined further.

1. Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty (Official Journal L 083, 27/03/1999 p. 0001 - 0009)
2. Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (Official Journal L 082, 22/03/1997 p. 0001 - 0016)
3. Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) (Official Journal L 136, 31/05/1999 p. 0001 - 0007)
4. Commission Regulation (EC) No 2064/97 of 15 October 1997 establishing detailed arrangements for the implementation of Council Regulation (EEC) No 4253/88 as regards the financial control by Member States of operations co-financed by the Structural Funds (Official Journal L 290, 23/10/1997 p. 0001 - 0007)
5. Council Regulation (EC, Euratom) No 1026/1999 of 10 May 1999 determining the powers and obligations of agents authorised by the Commission to carry out controls and inspections of the Communities' own resources (Official Journal L 126, 20/05/1999 p. 0001 - 0003)
6. 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. Commission Decision No 359/83/ECSC of 8 February 1983 concerning the opening to the public of the historical archives of the European Coal and Steel Community.
7. Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (Official Journal L 281, 23/11/1995 p. 0031 - 0050)
- [8. Commission Decision 94/810/ECSC, EC of 12 December 1994 on the terms of reference of hearing officers in competition procedures before the Commission.]
- [9. Rules on public access to environmental information of the institutions]

Annex II (new)</TitreAm> Agencies

**CEDEFOP European Centre for the Development of Vocational Training**

European Foundation for the Improvement of Living and Working Conditions European Environment Agency  
European Training Foundation

**European Monitoring Centre for Drugs and Drug Addiction**

**European Agency for the Evaluation of Medicinal Products**

**Office of Harmonisation in the Internal Market (Trade Marks and Designs)**

**European Agency for Safety and Health at Work**

**Community Plant Variety Office**

**Translation Centre for the bodies of the Union**

**European Observatory for Racism and Xenophobia**

**C 48 ANNEX III**

**Final Acts**

- (a) Regulations, directives and decision referred to in Article 254(1) and (2) of the EC Treaty and in Article 163 of the Euratom Treaty;
- (b) the framework decisions, decisions and conventions referred to in Article 34(2) of the Treaty on European Union;
- (c) the 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 Treaty on European Union;
- (e) 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;



**Proposals**

- (f) proposals of the Commission as referred to in Articles 251 and 252 of the EC Treaty;**
- (g) initiatives presented to the Council by a Member State pursuant to Article 67(1) of the EC Treaty and pursuant to Article 34(2) of the Treaty on European Union; Final Acts**

**Common positions**

- h) the common positions referred to in Article 34(2) of the Treaty on European Union;**
  - i) the common positions adopted by the Council in accordance with the procedures referred to in Articles 251 and 252 of the EC Treaty, the reasons underlying those common positions; and**
- 2. The following shall be published in the Official Journal, unless the Council or Coreper decides otherwise:**
- (a) the common strategies, the joint actions and the common positions referred to in Article 12 of the Treaty on European Union and the measures implementing such joint actions;**
  - (g) the joint actions, the common positions or any other decision adopted on the basis of a common strategy, as provided for in the first indent of Article 23(2) of the Treaty on European Union;**
  - (h) any measures implementing the decisions referred to in Article 34(2) of the Treaty on European Union and any measures implementing conventions drawn up by the Council in accordance with Article 34(2) of the Treaty on European Union.**

**Where an agreement concluded between the Communities and one or more States or international organisations is concluded, whether decisions to be taken by that body should be published in the Official Journal.**

**C 49 ANNEX IV**

**Documents to be included at a minimum in the register**

- **all documents created in the course of a procedure for the adoption of legally binding measures**
  - **all documents relating to the formulation and adoption of policy or strategy**
- all documents relating to the implementation of Union law**