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(Information)

EUROPEAN PARLIAMENT

BUREAU DECISION ON PUBLIC ACCESS TO EUROPEAN PARLIAMENT DOCUMENTS

(2001/C 374/01)

THE BUREAU,

HEREBY DECIDES:

Having regard to Article 255(2) and (3) of the EC Treaty,

TITLE I

REGISTER OF REFERENCES

*Article 1***Creation**

Having regard to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, and in particular Articles 11, 12 and 18 thereof,

1. In accordance with Article 11(2) of Regulation (EC) No 1049/2001 and Rule 172(3) of the Rules of Procedure, a register of references shall be established within the European Parliament.

Having regard to Rules 22(2), 171(1) and 172 and Annex VII of the European Parliament's Rules of Procedure,

2. The register of references thus created shall contain references to documents drawn up or received by the European Parliament as from the date from which Regulation (EC) No 1049/2001 is applicable (3 December 2001).

Whereas the general principles governing access to documents have been established, in accordance with Article 255(2) of the EC Treaty, by Regulation (EC) No 1049/2001;

3. These references shall constitute the 'document's identity papers' which contain not only the data required by Article 11(2) of Regulation (EC) No 1049/2001, but also, as far as possible, references allowing the originating authority of each document, the available languages, the status of the document, the category of the document and the place of storage of the document to be identified.

Whereas, in accordance with Article 255(3) of the EC Treaty and Article 18(1) of Regulation (EC) No 1049/2001, the European Parliament adapted its Rules of Procedure by decision of 13 November 2001;

*Article 2***Objectives**

Whereas pursuant to Rule 172(2), (3) and (4) of the European Parliament's Rules of Procedure the Bureau is required to adopt rules establishing a register of references to documents, laying down arrangements for access and determining the authorities in charge of handling such documents;

The register of references shall be structured so as to allow:

Whereas the Bureau decisions of 10 July 1977 on public access to European Parliament documents and of 17 April 1998 on fees to be paid for delivery of documents were repealed by the abovementioned European Parliament decision of 13 November 2001;

- use of a uniform reference system,
- direct access to documents, in particular legislative documents, in electronic form,
- identification of documents which cannot be accessed electronically,
- searches for documents which are not adequately identified by applicants,
- the identification of documents in respect of which public access is subject to the limits laid down in Articles 4 and 9 of Regulation (EC) No 1049/2001,
- recording of confidential documents, in compliance with the limits laid down in Article 9 of the above Regulation.

Whereas the measures relating to the system of fees for the issue of documents must be brought into line with the provisions of Article 10 of Regulation (EC) No 1049/2001, in order to specify the additional costs to be paid by the applicant for the issue of very large documents;

Whereas the measures relating to the register of European Parliament documents should be brought together in a single decision with a view to facilitating transparency for citizens,

*Article 3***Operation**

The service responsible for managing the register of references shall:

- monitor the recording of documents drawn up or received by the European Parliament,
- receive applications for access in written or electronic form and keep a calendar with a view to compliance with the time-limit for reply of 15 working days,
- send out acknowledgements of receipt,
- assist applicants so as to clarify the content of their applications,
- assist applicants with access to documents already published,
- forward applications for access to the service responsible or authorised person when the application relates to a document not recorded in the register or a document subject to the limits laid down in Articles 4 and 9 of Regulation (EC) No 1049/2001,
- confer with applicants where applications relate to very long or complex documents.

*Article 4***Registration of documents**

1. Any document drawn up by the European Parliament shall be entered in the register of references as soon as possible. The Secretary-General shall adopt the necessary internal implementing measures to ensure that all documents drawn up by the European Parliament are recorded.
2. In this connection, European Parliament documents, as defined by Rule 172(2) of the European Parliament's Rules of Procedure, shall be recorded in the register of references under the responsibility of the body or service which is the originator of the document.
3. Documents drawn up under the legislative procedure or for the purposes of parliamentary business shall be entered in the register as soon as they have been tabled or made public.
4. Other documents which fall within the remit of the administrative services of the Secretariat of the European Parliament shall, as far as possible, be entered in the register of references as soon as authorised by the originating service.

5. Any document received by the European Parliament from a third party within the meaning of Article 3 of Regulation (EC) No 1049/2001 shall be forwarded by the official mail service to the register of references, which shall enter it, unless it is a sensitive document, within the meaning of Article 9 of the above Regulation, for which compliance with the time limits prescribed in that article is required.

*Article 5***Documents directly accessible**

1. All documents drawn up or received by the European Parliament under the legislative procedure must be accessible to citizens in electronic form, subject to the limits laid down in Articles 4 and 9 of Regulation (EC) No 1049/2001.
2. In this connection, the European Parliament will make all legislative documents accessible through the register, to enable citizens to have access to the full texts of documents.
3. The European Parliament will make this register electronically accessible on the Europarl website and provide on-line assistance to citizens concerning arrangements for submitting applications for access to documents.
4. Other documents, in particular documents relating to the drafting of policy or strategy, shall be made directly accessible as far as possible.
5. The categories of documents that are directly accessible shall be set out in a list adopted by the European Parliament and annexed to its Rules of Procedure. Documents not included on that list will be accessible on written request.

*Article 6***Documents accessible on request**

1. Documents drawn up or received by the European Parliament outside the legislative procedure shall, as far as possible, be directly accessible to citizens through the register, subject to the limits laid down in Articles 4 and 9 of Regulation (EC) No 1049/2001.
2. Where entry of a document in the register of references does not permit direct access to the full text, either because the document is not available in electronic form or because the exceptions provided for in Articles 4 and 9 of Regulation (EC) No 1049/2001 are applicable, the applicant may apply for access to the document in writing, or using the electronic form available on the Europarl website. The European Parliament may either grant access to the document or give the reasons for its total or partial refusal in writing.

3. Documents drawn up or received by the European Parliament before the entry into force of Regulation (EC) No 1049/2001 and therefore not available on the register of references, shall be accessible on written request, subject to the limits laid down in Articles 4 and 9 of the above Regulation.

Article 7

Storage of documents

1. All documents shall be saved in the archives of the database of the register of references. This database, which contains all the documents drawn up by the European Parliament, shall forward a copy of the data and documents to the European Parliament's historical archives (ARCDoc).

2. Until the database responsible for archiving documents to be entered in the register is operational, the service responsible for the register will use the European Parliament's existing systems and databases and will confine itself to establishing links with the latter, in order to extract the necessary data and make the full texts of documents accessible.

TITLE II

INITIAL APPLICATIONS

Article 8

Submission of the initial application

1. Applications for access to a European Parliament document may be made in writing or in electronic form in one of the languages listed in Article 314 of the EC Treaty.

2. Applications shall be made in a sufficiently precise manner and in particular contain information enabling the document or documents requested to be identified and the name and address of the applicant.

3. If an application is not sufficiently precise, the European Parliament shall ask the applicant to clarify it and shall assist him or her in doing so.

4. The applicant is not obliged to state the reasons for the application.

Article 9

Processing of written applications

1. An application for access to a document held by the European Parliament shall be sent on the same day as it is registered by the official mail service to the service responsible for managing the register of references, which must acknowledge receipt of the application, draft a reply and deliver the document within the prescribed time limit.

2. When the application relates to a document drawn up by the European Parliament to which one of the exceptions laid down in Article 4 of Regulation (EC) No 1049/2001 is applicable, the service responsible for the register of references shall contact the service or body that is the originator of the document, which shall suggest the course of action to be taken within five working days.

3. When the doubt as to disclosure concerns documents from third parties, the European Parliament shall consult the latter giving them five working days in which to make their position known with a view to assessing whether one of the exceptions laid down in Articles 4 or 9 of Regulation (EC) No 1049/2001 is applicable.

4. When the application for access submitted to the European Parliament concerns a document which has not yet been made public by the originating institution, the European Parliament shall give the institution responsible for the document five working days in which to express any reservations regarding disclosure of the document.

5. If no reply is received within five working days, the European Parliament shall carry on with the procedure.

Article 10

Processing of applications in electronic form

1. Any application submitted in electronic form shall be forwarded to the address indicated on the European Parliament's website, as far as possible using the electronic form provided and the on-line help system created to facilitate submitting applications of this kind.

2. Applications in electronic form sent to the European Parliament's website (Europarl) shall be forwarded automatically to the service responsible for the register of references for registration and further action.

3. An application received in electronic form and containing all the necessary information required by Article 8 of this Decision shall automatically trigger the sending of the acknowledgement of receipt to the applicant.

4. The procedures laid down in Articles 9(2) et seq. of this Decision for the processing of initial applications submitted in writing shall also apply to applications submitted in electronic form.

Article 11

Deadline for reply

1. Within a time limit of 15 working days from the registration of the application, the service responsible for the register of references shall grant access to the requested document and shall supply it within the same time limit.

2. Where the European Parliament is unable to grant access to the requested document, it shall notify the applicant in writing of the grounds for its total or partial refusal and inform the applicant of his or her right to make a confirmatory application.

3. In this case the applicant will have 15 working days from receiving the reply to make a confirmatory application.

4. In exceptional cases, where an application relates to a very long document or a large number of documents, the time limit provided for in paragraph 1 of this article may be extended by 15 working days, provided the applicant is notified in advance and that detailed reasons are given.

5. Failure by the European Parliament to reply within the prescribed time limit shall entitle the applicant to make a confirmatory application.

6. The time limit of 15 working days laid down by Article 7 of Regulation (EC) No 1049/2001 shall start to run from the date of registration of the initial application.

Article 12

Competent authority

1. Initial applications sent to the European Parliament shall be handled by the Secretary-General under the authority of the President and the Vice-President responsible for supervision of the handling of applications for access to documents, as provided for by Rule 172(6) of the European Parliament's Rules of Procedure.

2. Favourable replies to initial applications shall be sent to the applicant by the Secretary-General himself or by his delegate.

3. Refusal of an initial application, with a statement of the reasons, shall be decided by the Secretary-General on a proposal from the service or body that is the originator of the document. Any decision to deny access shall be forwarded to the Bureau of the European Parliament for information.

4. The Secretary-General may, at any time, refer an application to the Legal Service and/or the officer responsible for data protection.

TITLE III

CONFIRMATORY APPLICATIONS

Article 13

Submission

1. Confirmatory applications may be sent to the European Parliament in writing or in electronic form within 15 working days, either from receipt of the total or partial refusal of access to the document requested, or in the absence of any reply to the initial application.

2. Confirmatory applications must be made in accordance with the formal requirements laid down in Article 8 of this Decision.

Article 14

Processing

1. Confirmatory applications shall be registered in accordance with the arrangements laid down in Articles 9(1) and 10(2) of this Decision for applications in writing or in electronic form.

2. The register of references shall forward an acknowledgement of receipt to the applicant and shall start the procedures laid down in Articles 9 and 10 of this Decision, with a view to preparing the European Parliament's reply.

3. Within 15 working days of registration of the application, the European Parliament shall either grant access to the document or notify the applicant in writing of the reasons for its total or partial refusal.

4. In exceptional cases, where an application relates to a very long document or a large number of documents, the time limit provided for in the previous paragraph may be extended by 15 working days, provided the applicant is notified in advance and that detailed reasons are given.

Article 15

Competent authority

1. The reply to any confirmatory application shall be a matter for the Bureau of the European Parliament.

2. On a proposal from the Secretary-General, the Vice-President responsible for supervision of the handling of applications for access to documents shall submit a proposal for a decision to the Bureau.

3. In this connection, the Secretary-General will refer the matter to the Legal Service and/or the officer responsible for data protection, who shall give an opinion within three working days.

4. In order to meet the binding time limit for reply of 15 working days laid down by Article 8 of Regulation (EC) No 1049/2001, the Bureau may delegate the decision on any confirmatory application to the Vice-President responsible for supervision of the handling of applications for access to documents.

Article 16

Remedies

1. Where the European Parliament totally or partially refuses to grant access to a document, it shall inform the applicant of the remedies open to him or her, namely: instituting court proceedings against the Institution and/or making a complaint to the Ombudsman, under the conditions laid down in Articles 230 and 195 of the EC Treaty.

2. Failure to reply within the prescribed time limit is to be regarded as a negative response and will entitle the applicant to bring an action or complaint under the conditions set out in the previous paragraph.

TITLE IV

REGISTRATION OF AND ACCESS TO SENSITIVE DOCUMENTS

Article 17

Registration

1. The registration of documents classified as sensitive within the meaning of Article 9 of Regulation (EC) No 1049/2001 from institutions, agencies, Member States, non-member countries or international organisations shall be subject to the prior agreement of the originating authority.

2. In this connection, the originating authority of a document classified as sensitive shall forward the document directly to the President of the European Parliament through the most appropriate channel, so as to ensure the confidentiality of the contents of the document.

3. Any transmission of a sensitive document must be accompanied by a statement of the position of the originating authority with regard to authorisation for registration and disclosure of the document.

4. If the originating authority agrees that such a document may be recorded in the European Parliament's register of references, it shall be a matter for the President to decide which references may appear in the register of references. The President shall consult the Vice-President responsible for supervising the handling of applications for access to documents, the Secretary-General or, where appropriate, the chairman of the committee concerned.

5. Any document drawn up by the European Parliament referring to a document classified as sensitive within the meaning of Article 9 of Regulation (EC) No 1049/2001 will be recorded and released only with the authorisation of the President. The references attributed to such a document will be determined under the conditions set out in the previous paragraph.

6. Where one of the institutions expresses doubts as to the confidential nature of documents received by the European Parliament, the matter shall be referred to the interinstitutional committee established by Article 15(2) of Regulation (EC) No 1049/2001.

Article 18

Processing of applications for access

1. Any application for access to a sensitive document within the meaning of Article 9 of Regulation (EC) No 1049/2001, submitted in writing or in electronic form, shall be registered

in accordance with the arrangements laid down in Article 9(1) or Article 10(2) of this Decision.

2. The Secretary-General shall forward applications for access to sensitive documents to the President. The reply to an application, at either the initial application or confirmatory application stage, shall be a matter for the Bureau, which may delegate it to the President, pursuant to Rule 22(10) of the European Parliament's Rules of Procedure. In such cases, the President shall consult the Vice-President responsible for supervising the handling of applications for access to documents, the Secretary-General or, where appropriate, the chairman of the committee concerned.

3. The time limit of 15 working days laid down in Articles 7 and 8 of Regulation (EC) No 1049/2001 shall start to run from the date of registration of the initial or confirmatory application.

Article 19

Authorised persons

The persons authorised to acquaint themselves with sensitive documents are: the President of the European Parliament, the Vice-President responsible for supervision of the handling of applications for access to documents, the chairman of the committee directly concerned and the Secretary-General, unless agreements with the other institutions provide for special authorisation.

Article 20

Protection of sensitive documents

1. Sensitive documents, within the meaning of Article 9 of Regulation (EC) No 1049/2001, shall be subject to strict security rules so as to ensure their confidential handling within the European Parliament.

2. In this connection, the Secretary-General shall submit draft rules to the Bureau, taking account of contacts and agreements with the Commission and the Council.

3. The proposal adopted by the Bureau will be submitted to the Plenary for approval, and the text thus adopted will be annexed to the European Parliament's Rules of Procedure.

TITLE V

ISSUE OF DOCUMENTS

Article 21

Issue

1. Documents are to be supplied in the form of a copy, or in electronic format, with full regard to the applicant's preference.

2. If a document has already been released by the European Parliament or by another institution and is easily accessible, the European Parliament may grant access to the document by informing the applicant how to obtain the requested document.

Article 22

Cost of the reply

1. The cost of producing and sending copies may be charged to the applicant. This charge may not exceed the real cost of the operation.
2. Consultation on the spot, copies of less than 20 A4 pages and direct access in electronic form or through the register shall be free of charge.

Article 23

Applications for very large documents

1. The issuing of documents exceeding 20 A4 pages shall be subject to a fee of EUR 10, plus EUR 0,030 per page.
2. The amount of this fee may be revised by a decision of the Bureau of the European Parliament on a proposal from the Secretary-General.
3. Expenses relating to other means of transmission shall be decided by the Secretary-General but may not exceed the real cost of the operation.
4. In the event of repeated or successive applications concerning very long documents or a large number of documents, the European Parliament may confer with the applicant informally with a view to finding a solution.
5. Published documents are not covered by this Decision and shall continue to be subject to their own pricing system.

Article 24

Additional translation costs

Where translation into a language other than those available is requested by the applicant, the existing freelance rates applied by the European Parliament to external translations shall apply.

TITLE VI

APPLICATION

Article 25

Application

This Decision shall apply with due regard for and without prejudice to the provisions of Regulation (EC) No 1049/2001 and of the European Parliament's Rules of Procedure.

Article 26

Review

This Decision shall be reviewed two years after its entry into force. To this end, the Secretary-General of the European Parliament shall submit a report on the implementation thereof.

Article 27

Entry into force

This Decision shall enter into force on the date of its publication in the *Official Journal of the European Communities*. The register of references established by this Decision shall take effect on 3 June 2002.

Done at Brussels, 28 November 2001.

For the Bureau

President

Nicole FONTAINE