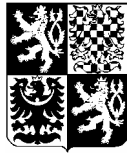


THE PARLIAMENT OF THE CZECH REPUBLIC

SENATE



6th term

510th RESOLUTION

OF THE SENATE

Delivered on the 17th session held on 30 October 2008

on Proposal for a Regulation of the European Parliament and of the Council
regarding public access to European Parliament, Council and Commission documents
(Senate Press no. N 103/06)

The Senate

I.

1. **Welcomes** the effort of the European Commission to enhance transparency of European institutions since it is of the opinion that it represents a way how to encourage confidence of the public and their directly elected representatives towards European institutions;
2. **Is nevertheless of the opinion** that the proposal, as presented by the Commission, is in its essential parts a step backwards which does not contribute to enhancing of the legitimacy of European administration or strengthening of its responsibility towards the public;

II.

1. **Appreciates** that the proposal extends the right of access to documents to all natural and legal persons;
2. **Is of the opinion** that the definition of the concept of "document", as stated in the proposal, is not broad enough and not able to ensure access of the public to documents of European institutions to an adequate extent, namely to those documents which concern the course of the legislative process; access to documents would be more restrictive under the definitions proposed compared to the existing arrangement;
3. **Recommends** therefore to reconsider this formulation, namely with regard to the recent judicature of the European Court of Justice (*Turco and Kingdom of Sweden v. Council*) so that citizens' participation in the European decision-making process is facilitated in accordance with principle of proportionality;
4. **Would** appreciate if the proposal was more coherently linked with European legal instruments dealing with personal data protection;

5. **Regrets** that the proposal does not bring any improvement towards transparency of registers of institutions including their mutual interconnection;

III.

1. **Requests** the Government to inform the Senate about the way this position was taken into account and to provide the Senate with information on further proceeding of negotiations;
2. **Authorises** the President of the Senate to forward this resolution to the European Commission.

Přemysl Sobotka
sign manual
President of the Senate

Josef Pavlata
sign manual
Senate Verifier