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<Commission>{PETI}Committee on Petitions</Commission>

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<Date>{06-09-2000}6 September 2000</Date>

## <TitreType>DRAFT OPINION</TitreType>

<CommissionResp>of the {PETI} Committee on Petitions</CommissionResp>

<CommissionInt>for the {LIBE} Committee on Citizens' Freedoms and Rights,  
Justice and Home Affairs</CommissionInt>

<Titre>on the proposal for a Council regulation on of the European Parliament  
and of the Council regarding public access to European Parliament, Council  
and Commission documents</Titre>

<DocRef>(COM (2000)30 final C5-0057/2000)

Draftsman: <Depute>Astrid Thors </Depute>

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<Procedure>**PROCEDURE**

The {PETI} Committee on Petitions appointed Astrid Thors, draftsman at its meeting of .....DT(d MMMM yyyy)@DAT@

It considered the draft opinion at its meeting(s) of ....

At the latter/last meeting it adopted the amendments below by ... votes to ..., with ... abstention(s)/unanimously.

The following were present for the vote: ... chairman/acting chairman; ... vice-chairman; ..., vice-chairman; ... draftsman; ..., ... (for ...), ... (for ... pursuant to Rule 153(2)), ... and ... .

## 1. Le rôle de la commission des pétitions

Dans le cadre institutionnel européen, la commission des pétitions représente l'intermédiaire privilégié du citoyen européen. Pour deux raisons il revient à la commission des pétitions de s'exprimer sur la présente proposition concernant l'accès du public aux documents.

1) Prévu à l'article 174, paragraphe 1, du Règlement du Parlement européen, le droit de pétition, largement ouvert à tout citoyen de l'Union européenne, est un instrument de contrôle démocratique et de transparence administrative nécessaire au fonctionnement normal de tout Parlement démocratique et constitue de ce point de vue un droit fondamental du citoyen européen.

2) Conformément à l'annexe VI, titre XX, du Règlement, la commission des pétitions est également compétente pour les relations avec le Médiateur.

En vertu de l'article 138 E, paragraphe 1, du Traité CE et de l'article 3, paragraphe 7, du statut du Médiateur, ce dernier transmet un rapport au Parlement s'il constate un cas de mauvaise administration à l'occasion d'une enquête.

## 2. Enquête du Médiateur

C'est dans ce contexte juridique que le Médiateur européen, par lettre du 15 décembre 1997, a transmis au Parlement son rapport spécial suite à l'enquête d'initiative propre à l'accès du public aux documents (C4-0157/98).

Deux facteurs ont amené le Médiateur à ouvrir cette enquête :

-la réception d'un certain nombre de plaintes semblant indiquer que « le personnel des institutions et organes communautaires n'a pas toujours reçu des instructions adéquates concernant la façon de répondre aux demandes de documents et que ceux-ci sont parfois communiqués avec un retard considérable »

-le fait que sa mission consiste notamment « à améliorer les relations entre les institutions et les organes communautaires et les citoyens européens. La création de l'institution du Médiateur était destinée à affirmer l'attachement de l'Union à des formes d'administration démocratiques, responsables et transparentes ».

## 3. Le rapport spécial du Médiateur

Dans ce rapport le Médiateur constate que les règles régissant l'accès du public aux documents doivent constituer un instrument de bonne administration et contribuer au processus visant à sensibiliser le public à l'action des institutions et organes communautaires et à rendre cette action accessible. Elles doivent également permettre de matérialiser le principe de transparence auquel l'Union européenne a réaffirmé son attachement.

Dans ce contexte il est intéressant de noter plusieurs opinions exprimées par le Parlement européen lors de l'adoption de la résolution sur le rapport spécial du Médiateur européen à l'attention du Parlement européen suite à l'enquête d'initiative propre sur l'accès du public aux

documents (C4-0157/98) (A4-0265/1998); l'importance fondamentale que la transparence revêt en vue d'une efficacité accrue de l'administration communautaire ; le danger que présente une décision unilatérale du Conseil en matière de définition du domaine de la "législation" ; l'établissement, dans toutes les institutions et organes communautaires, des registres publics de l'ensemble de la documentation reçue ou élaborée ; le lien étroit entre un code de bonnes pratiques administratives des institutions et organes communautaires et l'amélioration de la transparence et de l'accès du public aux documents.

Il est aussi important de souligner l'importance pour les citoyens de l'Union européenne de pouvoir exercer leurs droits de citoyens et pour les institutions communautaires de fournir aux citoyens des informations sur des questions relevant du domaine d'activité des institutions et de diriger les personnes, qui s'adressent par erreur à une institution ou à un organe non compétent, vers l'instance compétente.

#### 4. Complaints to the Ombudsman

The question of transparency has been highlighted in a number of complaints to the Ombudsman. Here references are made to cases which dwell upon issues that are also dealt with in the draft regulation on access to documents.

**Relation Member State - Council** (complaint 1056/96/IJH) is relevant in comparison with recital 12 and article 11 of the draft proposal on access to documents. It is interesting to note that earlier on the General Secretariat of the Council had rejected a request for a calendar of meeting. It was, however, settled that the Presidency is a function, or office, of the Council itself. In the same complaint it also was cleared that documents of which a institution is a joint author cannot be denied acces to under the rules of Council decision 93/731/EC on access to documents.

Definition of **administrative documents** (own initiative inquiry OI/99/IJH) in which the ECB argues that the definition does clearly not include minutes of the Governing Council meetings on monetary policy issues. This argument illustrates the danger that the notion of administrative document poses. (Corresponding article in the draft regulation on access to documents is article 3).

**Repetitive applications** (complaint 634/97/PD) does not according to the Ombudsman include applications by the same person for different documents, nor is the article to be interpreted so as to bring all applications for a very large number of documents within its scope (article 5 in the draft regulation).

Protection in the interest of **confidentiality of its proceedings**; complaint 634/97/PD in which the Council's reasoning specifying why it is relevant to protect this interest in relation to the documents in question was found to be inadequate by the Ombudsman and complaint 1057/96/IJH in which the Ombudsman considers it incorrect to argue that the existence in documents of references to national positions can outweigh the interests of the applicants in all situations ("harm test").

**Business secrets** joint complaints 620/97 PD and 306/98 PD; After inspecting a report drawn up by a consultant, the Ombudsman concluded that the report in question, apart from

one page with the consultant s evaluation of a state aid scheme, contained only factual elements submitted by authorities and a company. The Ombudsman suggested that, as the investigation for which the report was commissioned, and the requests for confidentiality were withdrawn, the Commission should disclose the **factual information**.

### **Public interest**

a) court proceedings ( case 506/97 JMA)

The Commission had argued that the protection of public interest in the case of court proceedings gives it the power to refuse access to documents which relate to a pending legal case. This is wrong according to the Court of First instance as it argues that a *distinction must be drawn between documents drafted by the Commission for the purpose of a particular court case and & other document which exist independently of such proceedings. Application of the exception based on the protection of the public interest can be justified only in respect of the first category of documents.*

b) public security ( 1057/25.11.96/IJH)

When making reference to the protection of public security as a reason to deny access to documents, further explanation should be given as to the nature of the information contained in the documents, in the view of the Ombudsman.

## AMENDMENTS

The {PETI} Committee on Petitions calls on the {LIBE} Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

<SubAmend>

Text proposed by the Commission <sup>1</sup>		Amendments by Parliament
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(Amendment 1)

Recital 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.*

*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.*

*Justification*

*As has also become evident during the debate after Council's decision on amending its rules on access to documents concerning military and non-military crisis management, it is necessary to establish a hierarchy between this draft regulation and other rules adopted by the three institutions. Such a hierarchy excludes to maintain recital 8. On the other hand it is necessary to introduce in the articles a so called harm test, that is when a body is pondering access to documents, the interest to protect must be weighted against the interest for the public to have access to such documents.*

(Amendment 2)

Recital 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* (delete)

*provision of advice as part of internal consultations and deliberations.*

*Justification*

*Your rapporteur starts at a different point than the Commission concerning what exemptions should be laid down. The list of exemptions should be exhaustive, and internal documents should not always be excluded from access. It is clear that institutions must have room for reflection, but that should not exclude them for eternal times. See amendment of article 4.*

(Amendment 3)  
Recital 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.*

*It is neither the object nor the effect of this Regulation to harmonise or amend existing national legislation on access to documents.*

(Amendment 4)  
Recital 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.*

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. *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.*

*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>2</sup>, Commission Decision 94/90/ECSC, EC, Euratom of 8 February 1994 on public access to*

*(delete)*



***Commission documents<sup>3</sup> and European Parliament Decision 97/632/EC, ECSC, Euratom of 10 July 1997 on public access to European Parliament documents<sup>4</sup>.***

*Justification*

*The first part is also making reference to the same reasons as in the amendment of recital 8. This regulation is setting the outer limits of what can be excluded from access. For technical reasons is it also easier to have a separate recital on the entering into force of this regulation, as set out in recital 13a.*

(Amendment 5)  
Recital 13 a New

***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>5</sup>, Commission Decision 94/90/ECSC, EC, Euratom of 8 February 1994 on public access to Commission documents<sup>6</sup> and European Parliament Decision 97/632/EC, ECSC, Euratom of 10 July 1997 on public access to European Parliament documents<sup>7</sup>.***

*Justification*

*For reasons of clarity two different things are in different recitals, see the amendment to recital 13.*

(Amendment 6)  
Recital 13 b New

***The rules on register will apply at the latest to documents submitted to or issued by the institution when this regulation enters into force.***

## *Justification*

*A very important part of rules on access to documents concern the register. It is the public reference to which everybody can go and check what is happening, what is discussed. Therefore your draftsman has introduced in the articles and recitals references of the register. We know that it would be impossible to draw up registers afterwards, so therefore the idea is that the registers will be compulsory only when the regulation enters into force. In this way the registers will be compulsory only when the regulation enters into force. In this way the registers may be planned in a structured way. Today there exists many technical ways of producing registers at the same time as the documents are made. It is natural that the institutions would use all the best datatechnics to develop registers.*

### (Amendment 7) Article 1

***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.***

***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.***

Any natural or legal person shall have the right to the widest possible access to **documents** 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.

***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 matter, as described in this Regulation and in implementing provisions adopted by the institutions.***

*Justification*

*Your draftsman proposes to introduce a clear article on the purpose of the Regulation. It would also be wise to say that the same principles also apply to information, not only to documents.*

*Amendments have also been made to extend the right of access to documents to all those who asks for them not only persons inside the Union.*

*To make awareness that a party must have the right to access all documents that may influence decisions concerning him/her, according to specified rules and exemptions .*

(Amendment 8)

Article 2

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.

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.

*Access to documents from third parties shall be limited to those sent to the institution after the date on which this Regulation becomes applicable.*

*(delete)*  
*(See article 11)*

*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.*

*2. 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.*

*3. Rules on professional secrecy may not override the principles of this Regulation.*

*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.*

## Justification

The amendment of the article 2 point 2 set out the rules on hierarchy between this regulation and specified rules adopted on the basis of the regulation. In point 4 is also defining the relation to the protection of personal data.

### (Amendment 9) Article 3

For the purposes of this Regulation:

(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;**

(b) "institutions" shall mean the European Parliament, the Council and the Commission ;

(c) "European Parliament" shall mean Parliament bodies (and in particular the Bureau and the Conference of Presidents), Parliamentary Committees, the political groups and departments;

(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;

(e) "Commission" shall mean the Members of the Commission as a body, the individual

For the purposes of this Regulation:

(a) "document" shall mean any content whatever its medium (written **or visual presentation** on paper or stored in electronic form or as a sound, visual or audiovisual recording); **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) "institutions" shall mean the European Parliament, the Council and the Commission ;

(c) "European Parliament" shall mean Parliament bodies (and in particular the Bureau and the Conference of Presidents), Parliamentary Committees, the political groups and departments; **; and anybody who has the authority to decide on behalf of the European Parliament**

(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; **; and anybody who has the authority to decide on behalf of the Council**

(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;

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.

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; **and anybody who has the authority to decide on behalf of the Commission**

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 **and be kept up-to-date.**

### *Justification*

*Several definitions are amended. First it is important to add that also visual presentation can be considered to be documents or parts of documents, point a. As is explained in the short justification, it is not wise to make a distinction of what is a administrative document, as notions are very different in the different institutions and in different administrative cultures.*

*It would be important to include in the scope of the regulation all documents, whether commission directly by the institution or on behalf of them. If power is delegated to some body outside the institutions also documents produced by or held by them should be covered by this directive.*

*As a result of amending article 1 it is not necessary to define third parties, as suggested in point f.*

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(Amendment 10)  
Article 3a New

### ***The public domain/ Registration of documents***

***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. 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:*

- a) a decision, a contractual commitment, a memorandum and other similar documents when they have been signed*
- b) minutes when they have been scrutinised and signed*
- c) an invitation to tender, to provide information, to comment a proposal, when it has been signed*
- d) in procurement cases, when the contract has been awarded*
- e) Reports, discussion papers and similar documents should be registered when they are in the possession of the Institution in question.*

*As soon as a document arrives at an Institution, it should be registered and be accessible to public if none of the exceptions are 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.*

#### *Justification*

*This amendment is one of the cornerstones of the opinion. It was a grave flaw in the draft that hardly any precise rules on the registers were suggested. The moment of entry into the registry is defining the moment when a document can be accessed by the public. There needs to be rules both for documents produced by the institution and held by the institution. Before that moment a document can be given to the public, at the discretion of those responsible. It should be given out as widely as possible.*

#### (Amendment 11) Article 4

The institutions **shall** refuse access to documents where disclosure could

The institutions **may** refuse **the public s** access to documents where disclosure could

significantly undermine the protection of:  
(a) the public interest *and in particular*:

public security,  
defence and international  
relations,  
*relations between and/or  
with the Member States or  
Community or  
non-Community institutions,*  
financial or economic  
interests,  
monetary stability,  
*the stability of the  
Community's legal order,  
court proceedings,  
inspections, investigations  
and audits,*  
*infringement proceedings,*  
*including the preparatory  
stages thereof,*  
*the effective functioning of  
the institutions;*

(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*

significantly undermine the protection of:  
(a) the public interest *when it concerns*:

public security,  
*vital interests relating to*  
defence and international  
relations,  
*(delete)*  
financial or economic  
interests *of the Community  
or Member States,*  
monetary stability,  
*(delete)*  
*the Institution s*  
*interventions in court  
proceedings until the Court  
has decided on the case,*  
*prevention, investigation  
and prosecution of criminal  
activities,*

*(delete)*

*(delete)*

*(delete)*

*(delete)*

*(delete)*

*documents containing information such as medical secrets which, if disclosed, might constitute an infringement of privacy or facilitate such an infringement;*

(c)(c) commercial and industrial secrecy or (the commercial)(c)commercial and industrial secre(c)commerce  
economic interests of a seconomic interests of a specific interests in economic specific interests in natural  
legal person *and in particular:* legal person *when it concerns:*

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;* (delete)

business and commercial secrets, *including intellectual and industrial property,*  
*(delete)*  
industrial, financial, banking and commercial information, including information relating to business relations or contracts,

(d)co(d)con(d)confidentiality(d)confidentiality (as)(d)requested by the (third) confidentialit(d) confidentiality  
*party party having supplied the document or legislation legislative of the Member or State legislating su*  
*information, information, or as information documents emanating from that state* required by the  
legislation of the Member State.

*WhenWhen taWhen takinWhen taking decisions on the di.*  
*aa document the need to prota document the need to prote*  
*interestsinterests above interests above mustinterests ab*  
*thethe interestthe interest tothe interest to promote trans*  
*public discussion.*

*Justification*

*Many changes are needed in this article. Comparisons ought to be made to the existing council decision. This article is in some way more restrictive than the existing rules.*

*First it would be very strange to have an obligation for the institutions to refuse access to documents (shall to be replaced by may).*

*Secondly the grounds to deny access to documents are listed in an exhaustive manner.*

*Concerning the individual grounds to deny access:*

*- only vital interests relating to defence and international relations should be protected, that is information that would harm the operation of the military forces and similar security interests. Vital interests in international relations also include those questions*



*relating to sensitive information of the Community's relations with third countries. Questions regarding the Member States relations can not be considered in the need of special protection.*

*The stability of the Community's legal order is difficult to interpret, and therefore instead are introduced provisions relating to Court proceedings and to investigations of criminal activities.*

*In point b) the most reasonable seems to be protect those questions where disclosure is restricted as a consequence of rules on data protection*

*In point d) an amendment is introduced as to make the rule meaningful that documents held by the institutions are those that are covered by the regulations, and therefore a possibility for any third party to ask for confidentiality is not accepted.*

*The harm test is introduced as the last paragraph in this article.*

(Amendment 12)  
Article 4a New

#### ***Requests for information***

*The 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 publicized.*

Each institution shall take the requisite measures to inform the public of the rights they enjoy as a result of this Regulation.

***If a member of the public is addressing the wrong institution or body, he shall be advised where to turn to.***

#### ***Justification***

*The aim of this amendment is to secure that citizens and special groups of citizens such as the visually impaired shall be provided with relevant information in a relevant form. It also introduces a duty for the services to give information in a relevant form.*

(Amendment 13)  
Article 5

**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.

***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.***

**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.

***4. In exceptional cases, the one-month 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. Failure to reply within the prescribed time-limit shall be treated as a negative response.***

***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.***

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.

***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.***

**2.** Within ***two weeks*** of registration of the application, the institution shall inform the applicant, in a written and reasoned reply, of the outcome of the application ***and if accepted, transmit the documents in the same period.***

***(delete)***

*Justification*

*Members of the public may request for information both orally and by a written request only if the request is very complicated, then it should be made in writing. The definition of repetitive also most unfortunate as have been seen by the cases before the Ombudsman.*

(Amendment 14)  
Article 6

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.

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 be treated as a positive decision.***

1. Where the applicant submits a confirmatory application, the institution shall reply to him in writing within one month of registration of the application, ***and if accepted transfer the documents to him in the same time period.*** 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. ***(delete)***

(Amendment 15)  
Article 7

1. The applicant shall have access to documents either by consulting them on the spot or by receiving a copy.

The costs of his doing so may be charged to the applicant.

2. Documents shall be supplied in an existing language version, regard being had to the preference expressed by the applicant.

1. The applicant shall have access to documents either by consulting them on the spot or by receiving a copy, ***according to the choice made by the applicant***

The ***reasonable*** costs of his doing so may be charged to the applicant.

2. Documents shall be supplied in an existing language version. ***If it exists in the language requested by the applicant, this version shall be forwarded to him.***

(Amendment 16)  
Article 9

***Each institution shall take the requisite measures to inform the public of the rights they enjoy as a result of this Regulation.*** ***(delete)***

***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.***

*Justification*

*Similar provisions are suggested in articles 3a and 4a.*

(Amendment 17)  
Article 11

***The rules on register of documents will be applied to documents which are submitted to the institution after this regulation has entered into force.  
(delete)***

***This Regulation shall be binding in its entirety and directly applicable in all Member States.***

*Justification*

*Deletion of second part as this regulation is not intended as a harmonising legal act.*

<sup>0</sup> OJ C ##.

<sup>0</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>0</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>0</sup> OJ L 263, 25.9.1997, p. 27.

<sup>0</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>0</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>0</sup> OJ L 263, 25.9.1997, p. 27.