



# Procedure file

Basic information		
INL - Legislative initiative procedure	<a href="#">2004/2125(INL)</a>	Procedure completed
Access to the institutions' texts		
Subject 1.20.05 Public access to information and documents, administrative practice		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>LIBE</b> Civil Liberties, Justice and Home Affairs	PSE <a href="#">CASHMAN Michael</a>	31/08/2004
European Commission	Commission DG <a href="#">Legal Service</a>	Commissioner	

Key events			
28/10/2004	Committee referral announced in Parliament		
22/02/2006	Vote in committee		Summary
15/03/2006	Committee report tabled for plenary	<a href="#">A6-0052/2006</a>	
03/04/2006	Debate in Parliament		
04/04/2006	Results of vote in Parliament		
04/04/2006	Decision by Parliament	<a href="#">T6-0122/2006</a>	Summary
04/04/2006	End of procedure in Parliament		

Technical information	
Procedure reference	2004/2125(INL)
Procedure type	INL - Legislative initiative procedure
Procedure subtype	Request for legislative proposal
Legal basis	Rules of Procedure EP 47
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/23161

Documentation gateway
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Amendments tabled in committee		<a href="#">PE367.699</a>	12/01/2006	EP	
Committee report tabled for plenary, single reading		<a href="#">A6-0052/2006</a>	15/03/2006	EP	
Text adopted by Parliament, single reading		<a href="#">T6-0122/2006</a>	04/04/2006	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2006)2095</a>	11/05/2006	EC	
Commission response to text adopted in plenary		SP(2006)2311/2	30/06/2006	EC	

## Access to the institutions' texts

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The committee adopted the own-initiative report by Michael CASHMAN (PES, UK) on access to the institutions' texts. The report was drawn up under an infrequently used procedure (Rule 39 of Parliament's Rules of Procedure) enabling Parliament to request the Commission to submit proposals for legislation. It called on the Commission to submit updated legislation by the end of 2006 on 'the right of access to European Parliament, Council and Commission documents, and general principles and limits on grounds of public or private interest governing this right of access'. The report contained a package of detailed recommendations.

MEPs felt that the final formulation of the existing EU legislation on public access to the institutions' texts - which was the fruit of lengthy negotiations between Parliament and Council before its adoption in 2001 - had proved to be too vague and was only partially achieving its objective. They wanted it to be revised so as to re-define the concept of legislative documents and define the concept of non-legislative documents and regulatory documents. As far as legislative documents were concerned, the committee said that access should be granted to all preparatory documents linked to a legislative procedure, to Parliament or Council debates where these institutions are "acting in a legislative capacity" and to the identity of the author of each initiative.

The report also wanted the new legislation to define more clearly the basis on which specific documents may be classified as confidential. MEPs were concerned to ensure that documents should not be classified as confidential "as a matter of routine, simply because they refer to an issue which is or might be relevant from a security point of view". They also wanted the proposed regulation to contain rules "for ensuring adequate control by the European Parliament (democratic parliamentary scrutiny)".

Another recommendation called for the proposal to limit the right of Member States to restrict access to their contributions and amendments in legislative procedures. Lastly, the committee wanted the proposal to contain practical measures for ensuring citizens' access to documents, such as: a single point of access for all preparatory documents linked to a legislative procedure; a common interface for the institutions' registers; common rules for archiving documents; and a "clear and comprehensible" presentation of the institutions' workflow.

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The Parliament requests the Commission to submit to Parliament in 2006 a legislative proposal on 'the right of access to European Parliament, Council and Commission documents, and general principles and limits on grounds of public or private interest governing this right of access', a proposal to be prepared in inter-institutional discussions and which should follow the detailed recommendations set out in the summary dated 22/02/2006.

In addition, it confirms that these recommendations respect the principle of subsidiarity, the fundamental rights of citizens, the case-law of the European Court of Human Rights, particularly that on Article 8 of the European Convention on Human Rights, and Articles 7 and 8 of the Charter of Fundamental Rights. The financial implications of the requested proposal must be covered by the institutions' operating budgets as the rules on transparency are indissociable from those relating to the establishment, adoption and publication of the texts of which they are the authors or which are addressed to them.

Lastly, the European Parliament stresses that any new rules on access to documents should apply as from the date of the entry into force of the prospectively amended Regulation and should, therefore, have no retroactive effect.