

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Awaiting committee decision
Public access to European Parliament, Council and Commission documents	
Amending Regulation (EC) No 1049/2001 See also	
Subject	
1.20.05 Public access to information and documents, administrative practice	
8.40 Institutions of the Union	
8.40.08 Agencies and bodies of the EU	

Key players				
European Parliament	Committee responsible	Rapporteur	Appointed	
	 LIBE Civil Liberties, Justice and Home Affairs			
	Former committee responsible			
	 LIBE Civil Liberties, Justice and Home Affairs		15/09/2014	
		 HEDH Anna		
	 LIBE Civil Liberties, Justice and Home Affairs			
	Committee for opinion	Rapporteur for opinion	Appointed	
	 INTA International Trade	The committee decided not to give an opinion.		
	 JURI Legal Affairs	The committee decided not to give an opinion.		
	 AFCO Constitutional Affairs			
	 PETI Petitions	The committee decided not to give an opinion.		
	Former committee for opinion			
	 INTA International Trade		13/04/2011	
		PPE PAPASTAMKOS Georgios		
	 INTA International Trade			
	 JURI Legal Affairs		12/04/2011	
		Verts/ALE LICHTENBERGER Eva		
 JURI Legal Affairs		03/09/2014		
	 HAUTALA Heidi			
 AFCO Constitutional Affairs		24/05/2011		
	ALDE JÄÄTTEENMÄKI Anneli			
 AFCO Constitutional Affairs				
 PETI Petitions				
 PETI Petitions				

Key events

05/04/2011	Committee referral announced in Parliament, 1st reading		
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Technical information

Procedure reference	2011/0073(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 1049/2001 2000/0032(COD) See also 2013/2637(RSP)
Legal basis	Treaty on the Functioning of the EU TFEU 015-p3
Stage reached in procedure	Awaiting committee decision
Committee dossier	LIBE/9/00030

Documentation gateway

Legislative proposal	COM(2011)0137	21/03/2011	EC	Summary
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Additional information

European Commission	EUR-Lex
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Public access to European Parliament, Council and Commission documents

PURPOSE: to amend Regulation (EC) n° 1049/2001 regarding public access to European Parliament, Council and Commission documents with the aim of extending its institutional scope.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: the Commission submitted a [proposal for recasting Regulation \(EC\) No 1049/2001](#) on 30 April 2008. The European Parliament voted a report containing a number of amendments, but decided not to take a vote on the accompanying legislative resolution. As a result, there is no position of the European Parliament at first reading.

Following the European elections of June 2009, the newly elected Parliament resumed its work on the legislative proposal. An amended draft report was circulated within the European Parliament in May 2010. The Constitutional Affairs Committee and the Petitions Committee of the European Parliament have delivered their opinions on the proposal of the Commission on 30 November and 1 December 2010, respectively. The Civil Liberties Committee has not yet adopted a draft report. No date has been set for the adoption of the position of the European Parliament at first reading.

The present Regulation only directly applies to the European Parliament, the Council, and the Commission. Following the entry into force of the Treaty of Lisbon, the legal base for public access to documents is now Article 15(3) TFEU. This new provision extends the public right of access to documents of all the Union institutions, bodies, offices and agencies. The Court of Justice, the European Central Bank and the European Investment Bank are subject to this provision only when exercising their administrative tasks.

With a view to taking into account this extension of the institutional scope of the public right of access, the Commission has included its proposal of 30 April 2008 for a recasting of Regulation (EC) No 1049/2001 in its [Communication on the consequences of the entry into force of the Treaty of Lisbon](#) for ongoing interinstitutional decision-making procedures. The co-legislators could, therefore, integrate this adjustment to the new Treaty in the course of the current ordinary legislative procedure.

More than one year after the entry into force of the Treaty of Lisbon, there is still no perspective for the adoption of a new Regulation regarding public access to documents that will replace Regulation (EC) No 1049/2001. The discussions in the European Parliament and the Council have shown strongly diverging views about amending the Regulation.

IMPACT ASSESSMENT: the Commission has not carried out an impact analysis.

LEGAL BASIS : Article 15(3) TFEU.

CONTENT: since most of the institutions, bodies, offices and agencies of the European Union apply the Regulation or similar rules, the institutional scope of the current Regulation can be extended to all of them, subject to the limits provided for by the Treaty regarding the Court of Justice, the European Central Bank and the European Investment Bank.

The Commission considers, therefore, that Regulation (EC) No 1049/2001 should be amended in view of extending its institutional scope in compliance with the new legal basis for access to documents provided for under Article 15(3) of the Treaty on the Functioning of the European Union without further delay. This amendment does not prejudice the procedure for a recast of Regulation 1049/2001 on the basis of the Commission's proposal from April 2008.