ЕВРОПЕЙСКИ ПАРЛАМЕНТ   PARLAMENTO EUROPEO   EVROPSKÝ PARLAMENT   EUROPA-PARLAMENTET
EUROPÄISCHES PARLAMENT   EUROOPA PARLAMENT   ΕΥΡΩΠΑΪΚΟ ΚΟΙΝΟΒΟΥΛΙΟ   EUROPEAN PARLIAMENT
PARLEMENT EUROPÉEN   PARLAIMINT NA hEORPA   PARLAMENTO EUROPEO   EIROPAS PARLAMENTS
EUROPOS PARLAMENTAS   EURÓPAI PARLAMENT   IL-PARLAMENT EWROPEW   EUROPEES PARLEMENT
PARLAMENT EUROPEJSKI   PARLAMENTO EUROPEU   PARLAMENTUL EUROPEAN
EURÓPSKY PARLAMENT   EVROPSKI PARLAMENT   EUROOPAN PARLAMENTTI   EUROPAPARLAMENTET

Der Generalsekretär

Mr Nick STENNING
ask+request-92-74c019a1@asktheeu.org

311177   29.06.2012

Dear Mr Stenning,

Subject: Your application for access to documents
            Our reference: A (2012)4930 (to be quoted in future correspondence)

On 1st April, the European Parliament received your request for access to documents under Regulation (EC) No. 1049/2001 regarding public access to European Parliament, Council and Commission documents[1]. This request was completed by clarifications received on 6th May and 11th June, in the framework of Article 6 of the Regulation, in emails to the Parliament's Public Register. Your request concerns:

1. Any and all source code for the software known as "AT4AM, the EP's Amendments Authoring Tool", developed by DG ITEC;
2. Any and all associated developer-facing documentation for the above software;
3. Any and all user-facing documentation for the above software;
4. A full dump of the database "AT4AM" in an open format readable by freely available tools.

In your correspondence with the competent Unit, you have provided clarification as to item 4 of the requested items above. In this regard, you have confirmed that you are requesting the following content categories of the AT4AM database:
a) Technical data exclusively relating to the IT application as such;
b) Any and all amendment texts referenced internally or externally by the AT4AM application (at various stages of authorship);
c) Data relating to the legislative process of the European Parliament;
I also note that you are not requesting personal data of Members of the European Parliament, except that data which is necessary to identify the amendments in the AT4AM database.

I would like to share with you Parliament's examination of the items you request under points 1 to 4 in light of Regulation (EC) No. 1049/2001.

Item 1 of your request concerns: *"any and all source code for the AT4AM software"*. In this regard, Parliament will refer to Article 3a) of the Regulation, which provides a definition of a document for the purpose of the Regulation as *"any content whatever its medium (written on paper or stored in electronic format or as a sound, visual or*

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[1] OJ L 145 of 31 May 2001, p. 43

audiovisual recording) concerning a matter relating to the policies, activities and decisions falling within the institution's sphere of responsibility."

Source code for the IT application AT4AM does not fulfil the second criteria of this definition. Indeed, as part of an IT application, this code refers exclusively to the software and its technical features. For this reason, Parliament cannot grant you access to item 1 of your request, as it falls outside the scope of the Regulation.

Items 2 and 3 of your application concern the developer and user-facing documentation for the above software. The AT4AM User Guide and the developer manuals (Functional Specification & Functional Specifications for Phase III) produced specifically for the AT4AM software tool, relate exclusively to the software and its technical features. Therefore, for the same reasons as above (please refer to Article 3a) of the Regulation) this documentation is not covered under the scope of the Regulation.

Item 4 of your request concerns: *"a full dump of the database of AT4AM, in an open format readable by freely available tools..."* Proceeding category by category under this item, Parliament considers that category a) fails to constitute a document for the same reason specified for item 1 above. The technical data relating to the IT application concerns exclusively the software and therefore does not fulfil the second criteria of the definition provided in Article 3a) of the Regulation.

Category b) must be considered pursuant to Article 2(1) and 2(3) of the Regulation, whereby public access is only granted to *documents of the institutions*. In this respect, Rule 104(2)[2] of the Parliament Rules of Procedure specifies that *"documents drawn up by individual members or political groups are Parliament documents for the purposes of access to documents if they are tabled under the Rules of Procedure."* Therefore, all content stored in the AT4AM application which relates to amendments of the legislative process which have not yet been formally tabled by the competent Member are considered to fall outside the scope of the Regulation.

In this respect, I would like to underline that according to Rule 156(1) of Parliament's Rules of Procedure[3] *"amendments shall be tabled in writing and signed by their authors."* A double action is referred to here, whereby a Member must on the one hand send or *table* an amendment, but must also provide a signed paper copy of the amendment for certification. Without the signature, an amendment is not considered formally tabled.

In the case of amendments to plenary texts, no digital tabling is available within the AT4AM application[4]. The tabling procedure for amendments at plenary level takes place outside the AT4AM application, and therefore formally tabled amendments cannot be extracted from the database.

In the case of amendments at the committee level, provided that the relevant procedure is included in AT4AM, the act of tabling is an available function within the

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[2]http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+RULES-EP+20120611+RULE-104+DOC+XML+V0//EN&language=EN&navigationBar=YES
[3]http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+RULES-EP+20120611+RULE-156+DOC+XML+V0//EN&language=EN&navigationBar=YES
[4] See p.27 of the AT4AM User Guide

application.[5] A Member can click on the *"table"* button when he/she has finished drafting an amendment. However, this action of tabling an amendment through the application is not enough to produce a formally tabled amendment. Indeed, as stated by Rule 156 of Parliament's Rules of Procedure, a signed version of the amendment must be provided by the Member (to the committee secretariat) for the amendment to be formally accepted as tabled by Parliament.

In the current version of AT4AM it is impossible to perform an extraction of only those amendments which have been formally signed and thus tabled, in line with the present tabling procedures of Parliament. In this context, I would advise you to consult the following public websites where you can find all the amendments officially tabled by Members of the European Parliament:

At the committee stage:
http://www.europarl.europa.eu/committees/en/amendments.html
http://www.europarl.europa.eu/RegistreWeb/search/typedoc.htm?code_type_docu=TA MEPR&language=EN
 At the plenary stage:
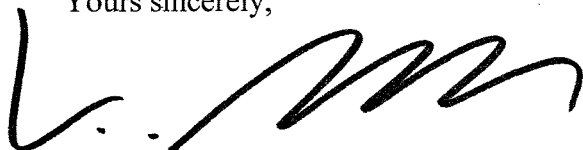http://www.europarl.europa.eu/plenary/en/reports.html
http://www.europarl.europa.eu/RegistreWeb/search/typedoc.htm?code_type_docu=TA MEPR&language=EN

The final category (c) is *"data relating to the legislative process of the European Parliament"*, which concerns information about the competent committee for the legislative dossier being amended or the stage of the legislative process a dossier is at. Please note that you can find this information in the European Parliament's database for monitoring the EU decision-making process, the Legislative Observatory[6] commonly referred to as OEIL, accessible online to the public.

May I remind you that although "AT4AM" is not yet available as open source to the public, it is foreseen that DG ITEC will make this application available in the beginning of 2013.

I would like to advise you that, pursuant to Article 7(2) of the Regulation, you are entitled to submit within 15 working days of receipt of this letter, a confirmatory application with a reasoned request for Parliament's position to be reconsidered.

Yours sincerely,

Klaus WELLE

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[5] See p.23 of the AT4AM User Guide
[6] http://www.europarl.europa.eu/oeil/home/home.do