

## **Interinstitutional Committee on Public Access to Documents - Outcome of discussions on 15 December 2009**

According to Article 15 (2) of Regulation (EC) No 1049/2001 on access to the documents of the European Parliament, the Council and the Commission, the institutions shall establish an interinstitutional committee to examine best practice, address possible conflicts and discuss future developments on public access to documents.

In accordance with its mandate, and at the initiative of the Swedish Presidency, the Committee met on 15 December 2009 in Strasbourg with a view to examine ways and means to further enhance citizens' possibilities to exercise their right of access to documents as laid down in the Treaties and in Regulation 1049/2001.

At the meeting, the Swedish Minister for EU Affairs, Cecilia Malmström together with Commission Vice-President Margot Wallström and Vice-President of the European Parliament, Diana Wallis, took stock of the previous work of the Committee and initiatives to further improve transparency and public access, for example the Openness Action Plan, presented by Vice-President Wallström in the European Parliament in January 2009. On this basis, they agreed upon a series of measures aiming at improving the efficiency of the Committees work and facilitating the public's access to documents and information held by the EU institutions.

Following the entry into force of the Lisbon Treaty as from 1 December 2009, the public right of access will be extended to documents to all institutions and bodies of the European Union, although with certain restrictions as regards documents held by the Court of Justice, the European Central Bank and the European Investment Bank. Against that background, the composition and future work of the Committee may have to be re-evaluated.

The outcome of the meeting can be summarised as follows:

### *The future work of the Committee*

1. As regards the future work of the Committee, it was suggested that the Committee meet at least once a year at political level. The annual meeting could usefully take place in May, following the adoption of the institutions' annual reports on the implementation of Regulation 1049/2001. Additional meetings could be held whenever necessary. Hence, the next meeting will take place in May 2010.

Following each Committee meeting, the outcome of its discussions should be communicated to the public.

2. In order to improve the efficiency of its work, the Committee will draw on the preparatory work carried out by the relevant services of the institutions on a joint basis.

Members of the Legal and "Access to Documents" services of the institutions will examine best practices and address possible conflicts with regard to public access to documents.

In parallel, members of the IT staff of the three institutions and the Publications Office should examine how developments in the IT area could be exploited with the aim of improving the accessibility of the institutions' documents to the citizens.

#### *Possible developments*

3. As regards possible ways and means of enhancing the public's access to documents held by the EU institutions, the Committee welcomed the recent revamping of the official web site of the European Union, known as the "EUROPA Portal". This Portal has recently been reorganised in order to better meet the needs of the end users.

4. The Committee considers, however, that further improvements could be examined in order to make information provided by the institutions as easily accessible and comprehensible as possible. This examination could include notably the possibility of

- gathering all links to web sites that promote citizens' access to documents on one single web-page;
- ensuring the complementarity of the institutions' public registers, thereby enhancing their user-friendliness and the accessibility of documents;
- gradually approximating the existing search tools of the institutions; in this context, the suitability and feasibility of a common indexation method for documents will be examined with an ambition to create a common search function;
- extending the existing PreLex database to cover all documents generated by the institutions and by the Economic and Social Committee and the Committee of the Regions in the context of the legislative process, while taking into account the possibility of complementing PreLex with Oeil;
- improving the accessibility of all documents linked to a specific legislative file by grouping all documents belonging to the same legislative file;
- in relation to the latter, carrying out during 2010 a pilot study of the legislative files identified as the EU communication priorities.

The technical and financial implications of the above-mentioned measures should be examined by the institutions' services responsible for addressing IT-related issues with a bearing on access to documents.

5. When an institution intends to create a new electronic storage system or to substantially change an existing system, the institution should take into consideration the impact on the right of access to documents, and act so as to promote the objective of transparency.

6. The relevant services should, in compliance with their internal institutional procedures, report back to the Committee on the actions that could be taken on the basis of the different solutions examined. A preliminary report should be submitted to the Committee before the meeting in May 2010.