

EUROPEAN PARLIAMENT
COUNCIL OF THE EUROPEAN UNION
EUROPEAN COMMISSION



**DRAFT MINUTES
OF THE
MEETING
OF THE INTERINSTITUTIONAL COMMITTEE
PROVIDED FOR IN ARTICLE 15 OF REGULATION (EC) N° 1049/2001
ON PUBLIC ACCESS TO DOCUMENTS**

**held on Tuesday, 9 July 2002
at the Council building
in BRUSSELS**

CONTENTS

1. Adoption of the draft agenda
2. Approval of the minutes of the previous meetings
3. Public registers of documents in each Institution
4. Interinstitutional brochure on access to documents
5. “Memorandum of Understanding” between Parliament, Council and Commission services
6. Modification of the Regulation on the “Historical Archives”
7. Modification of the Statutes of the Agencies
8. Handling of abusive and/or large applications
9. Other Business

Mr HAARDER, Danish Minister of European Affairs, President of the Council of European Union, opened the meeting at 12.00 on Tuesday, 9 July 2002.

Participants

European Parliament

Mrs Charlotte CEDERSCHIÖLD, Vice-President

Mr Harald RØMER, Deputy Secretary-General

████████████████████ Directorate General for the Presidency

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Council of the European Union

Mr Bertel HAARDER, President-in-office of the Council

Mr Hans BRUNMAYR, Deputy Director-General

████████████████████ Communication Division

████████████████████ Legal Advisor, Council Legal Service

████████████████████ Transparency Unit

████████████████████ Transparency Unit

European Commission

Mrs Loyola de PALACIO, Vice-President

Mr Enzo MOAVERO MILANESI, Deputy Secretary-General

Mr Diego CANGA FANO, Member of the Cabinet of the Vice-president

████████████████████ General Secretariat, Directorate B, Head of Unit

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Mr HAARDER welcomed the participants to the 3rd meeting of the Interinstitutional Committee.

Introducing the meeting, he emphasised the role of the Committee with a view to enhancing cooperation for an effective implementation of the transparency rules laid down in Regulation No. 1049/2001.

1. Adoption of the draft agenda

Upon request from Mrs CEDERSCHIÖLD, the following two points were added under “Other Business”:

- participation of more European Parliament representatives in future meetings of the Committee;
- transparency rules with regard to the 3rd pillar.

2. Approval of the outcome of the previous meetings

The Committee approved the minutes of its constitutive meeting of 13 March 2002 and of its meeting of 10 April 2002 (see Annexes 1 and 2).

3. Public registers of documents in each Institution

The Parliament, the Council and the Commission presented their respective public registers established in compliance with Article 11 of Regulation No 1049/2001.

Mr HAARDER informed the participants that the Council’s Public Register, accessible since 1st January 1999, includes references to all documents which form the basis for deliberations, influence the decision-making process or reflect the state of play on the dossiers submitted to the Council or to its preparatory bodies. As of 1st July 2002 the Council’s register contained references to over 320,000 documents in the 11 official languages of the European Union (of which more than 135,000 are accessible full text), with an average number of more than 600 visitors per day. Mr HAARDER emphasised

that the Council's public register is becoming more and more user-friendly. Moreover, the easy access via the Internet and the respect of the principle of multilingualism have led not only to a rise in the number of consultations and requests for documents, but also to a professional and geographical diversification of the users.

Presenting the European Parliament's public register, Mrs CEDERSCHIÖLD indicated that the implementing programme is at the very beginning of its process and that this instrument is, therefore, not so advanced as the Council's register, though it already contains a significant number of references to EP documents. In the short timeframe from its establishment, the Parliament's register is being consulted by a consistently increasing number of citizens.

Mrs CEDERSCHIÖLD suggested that efforts should be made by the three Institutions to develop all possible cross-reference links on the web, in order to facilitate public consultation of the registers. This could be achieved by a common Internet interinstitutional portal with a hyperlink to the public register for each institution, explaining the people's right to information and guiding the access to the appropriate source of information.

In addition, Mrs CEDERSCHIÖLD stressed the importance of providing public access to the organizational chart of each institution.

Mrs de PALACIO presented the Commission's recently-opened public register. An information booklet distributed to the participants shows the layout of the main webpages of the register, which were designed to ensure an easy consultation by the public. To facilitate research and practical consultation of data, the register has been linked with other instruments and sources of information.

Mrs de PALACIO stated that indeed the public register can never be exhaustive, but that the Institutions must undertake to bring this instrument as close as possible to the citizens and make all efforts to help them research the information they need.

Mrs de PALACIO was not in favour of setting up an interinstitutional register on the Internet, because in her opinion this would generate some confusion. On the contrary, some distinctions should be maintained in order to preserve the identity of each Institution. Nevertheless, the Commission and the Council agreed that an interinstitutional approach should be followed for the setting of a common portal with a link to the different registers.

4. Interinstitutional brochure on access to documents

Mr HAARDER informed the Committee that the drafting committee was currently examining a draft text for the brochure prepared by an external consultant. The manuscript will be finalised, as initially planned, in July 2002. Work is proceeding according to plans and the target date for publication in all the official languages (October 2002) will be maintained. The brochure will be subsequently made accessible via Internet.

Mrs CEDERSCHIÖLD indicated that, after a first reading of the draft, it appears that the information contained in the brochure is too detailed and, in its current version, seems to be drawn out for specialists rather than for the general public. On the other hand, it lacks some important references in the introductory pages. She emphasized that the aim of this instrument should be primarily the dissemination of general, practical information to the citizens. In her view, it would, therefore, not be advisable to publish such a large brochure before the upcoming short-term revision of the Regulation. Mrs CEDERSCHIÖLD also asked the Commission to provide details about the cost of this project.

Mrs de PALACIO was not in favour of an abridged version of the brochure. She informed the Committee that the financial burden for this operation is €35,000 for 100,000 copies of the brochure and invited the Committee to start planning how to disseminate it in the most effective way.

In the light of Mrs CEDERSCHIÖLD's observations, the representatives of the three Institutions held an exchange of views on an alternative way to inform citizens, i.e. the opportunity to opt for a press campaign rather than the preparation of such publication. At the end of the discussion, the committee reiterated its commitment to finalise the brochure in autumn 2002.

5. “Memorandum of Understanding” between Parliament, Council and Commission services

The representatives of the General Secretariats of the three Institutions signed a “Memorandum of Understanding” (see Annex 3) which will enable closer administrative cooperation among the three Institutions, in order for the General Secretariats to reinforce their already existing consultation procedures to respond promptly and effectively to citizens’ requests for access to documents.

6. Modification of the Regulation on the “Historical Archives”

Mrs de PALACIO informed the participants of the forthcoming Commission’s proposal for a Council Regulation amending Regulation (EEC/Euratom) No 354/83 concerning the opening of its historical archives to the public. (Interinstitutional dossier/Consultation of the European Parliament).

The proposal should be approved by the Commission on 17 July 2002.

7. Modification of the Statutes of the Agencies

Ms de PALACIO informed the Committee that the Commission had also foreseen adopting a proposal concerning the modification of the constituent acts of the Agencies on 17 July 2002. She specified that EUROJUST and EUROPOL are not concerned by this amending proposal.

8. Handling of abusive and/or large applications

The Commission had asked to add this point to the agenda in order to make the other Institutions aware of the heavy workload generated by applications relating to very long

documents and/or to very large numbers of documents. Mrs de PALACIO underlined the difficulties raised by these huge requests and expressed concerns that such abusive requests could have negative effects for the timely treatment of other applications.

Mrs CEDERSCHIÖLD indicated that the provisions laid down in Articles 7(3) and 10(1) of Regulation No 1049/2001 were already offering sufficient flexibility in this context. She also mentioned, in this respect, the measures adopted in Sweden, where the cost of producing and sending large numbers of copies is charged to the applicants.

The Committee should come back to this item at a future meeting in order to try to agree on a definition of the term “abusive”.

9. Other Business

- Mrs CEDERSCHIÖLD asked to admit additional Parliament Representatives (the MEPs rapporteurs for Regulation No 1049/2001, Mr Cashman and Mrs Maij-Weggen) to the future meetings of the Committee.

The Council and the Commission agreed with the proposal, provided that the increase of the number of participants be limited to the 2 rapporteurs, being it understood that only one representative would speak on behalf of each institution. Mme CEDERSCHIÖLD agreed and indicated that the abovementioned MEPs would participate in the meeting as observers.

- Mrs CEDERSCHIÖLD raised the question of the issue on an Interinstitutional Agreement concerning access of Parliament to sensitive information in the field of Justice and Home Affairs. Mr HAARDER replied that the Council wanted to finalize the agreement already negotiated with the European Parliament on sensitive information in the field of CFSP first. The 3rd pillar-agreement should be dealt with immediately afterwards.

The meeting closed at 1.30 p m.

The Commission will inform Parliament and the Council of date and place of the next meeting of the Interinstitutional Committee.