

CABINET SEFČOVIČ					
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Committee on Civil Liberties, Justice and Home Affairs  
The Chairman

IPOL-COM-LIBE D (2013) 14257

**Mr. Maroš ŠEFČOVIČ**

Vice-President of the European Commission  
Rue de la Loi 200  
1049 BRUSSELS

304831 22.03.2013

**Subject: Amending of Regulation 1049/2001 on Access to documents**

Dear Vice President,

I am writing to you on behalf of the LIBE Committee with regards to the amendments to the proposed Regulation 1049/2001 on access to documents. As you are aware, the proposal is from 2008 and is, as such, one of the longest pending legislative proposals the LIBE Committee is dealing with.

It started as a recast before the Lisbon Treaty but has not been withdrawn by the Commission with the entry into force of the Lisbon Treaty, although a significant change on transparency was introduced by that new Treaty (see Article 9-12 TEU and Article 15 TFEU). For this reason, the Parliament clearly indicated to the Commission in its letter of 20 February 2009, in accordance with the agreed rules on recasting, that recast is not a proper form anymore. In that regard the Rapporteur tried to "lisbonise" the proposal, confirmed by a vote in LIBE and in the plenary.

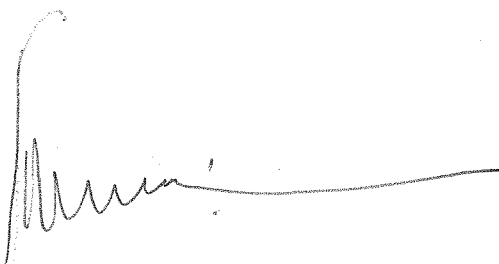
The Commission proposed in 2011 a small amending proposal only addressing an explicit extension of Regulation 1049/2001 to all EU institutions, bodies, offices and agencies. The Parliament considered such a proposal as insufficient and without any added value, after clarification by Parliament's Legal Service clearly stating that the Treaty already provides for an explicit extension to all institutions, offices, bodies and agencies. The Parliament adopted on 15 December 2011 its first reading position followed by trilogues between the Rapporteur and shadows, and the Danish presidency. Close to an agreement, the negotiations collapsed in July 2012.

Unfortunately, as we were informed, it was the Commission that strictly opposed any possible agreed text and prevented any possible successful agreement. The file has not moved since then (for more than 9 months) due to the unanimity requirement in the Council triggered by the opposition of the Commission to any compromise, and pressure put on the Cypriot Presidency.

I am aware you have been in contact with the Rapporteur Mr. Cashman on two occasions in the past. However, the file is considered as one of the priorities of the LIBE Committee in this legislature as the new Treaties oblige the institutions to "lisbonise" the Regulation in line with the enhanced transparency provisions. Due to the information received according to which the Commission is blocking any possible agreement and continuation of the procedure, I would kindly invite you to the LIBE meeting on either 8th or 24th April 2013, for a clarification of the reservations the Commission might have, as well as for an exchange of views with LIBE Members on this important file. This would provide a possibility to publicly clarify what are the common denominators for an update of the current Regulation (such as a commonly acceptable definition of "document", the relationship between transparency and data protection, enhanced legislative transparency, legislative reflection of the *Turco* judgment, etc.).

Due to the stalemate on the file at this stage only a participation at the highest political level from your side is perceived as relevant to clarify the problems and obstacles through a proper public debate in LIBE. In our opinion only this could trigger a possible continuation and successful conclusion on the file.

Yours sincerely,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

**Juan Fernando LÓPEZ AGUILAR**