

CONV 765/03

CONTRIB 342

COVER NOTE

from Secretariat
to The Convention

**Subject : Contribution by M. Bonde, member of the Convention and signed by 168
 members and alternates of the Convention:
 “Proposal submitted to the Convention on transparency”**

The Secretary-General of the Convention has received the contribution annexed hereto by
M. Bonde, member of the Convention and signed by 168 members and alternates of the
Convention.

Proposal submitted to the Convention on transparency

Dear Mr. President,

Dear Praesidium Members,

Dear Convention secretariat,

Dear Convention members,

The attached proposal outlines the procedure for derogation to the general rule that all documents shall be open to the public.

This proposal has been signed by 168 members and alternates of the Convention including representatives for 20 different governments. Even more members of the Convention support the proposal and more signatures will be collected. A proposal with such a large majority behind it cannot be overlooked.

I submit to you the proposal at this stage so the secretariat can include the proposal in the next May draft in an appropriate place.

Please do not hesitate to contact me if you have any questions of how to include the principle of the transparency procedure expressed in this proposal.

Yours sincerely,

Jens-Peter Bonde,

Member of the Convention

Proposal to the Convention on Transparency in the EU-institutions

Acknowledging the importance of transparency in the EU-institutions for democratic life in the European Union and the need for narrowing the gap between the citizens and the EU.

Proposing the inclusion, some where in the Constitution, the below procedure for derogations from openness and transparency, already adopted by the European parliament in the Martin-Bourlanges report:

Transparency as stated in the Martin-Bourlanges report

Please find all official languages below

English:

Drafts and proposals should be accessible to the public as soon as they are adopted or handed over to other bodies, interest organizations or individuals, or published wholly or partly by others.

All meetings on proposed legal acts are to be held in public unless a specific and duly justified exception is decided by a two-thirds majority. Such exceptions shall be notified together with the reasons for them to the European Parliament.

All documents should be accessible to the public unless exceptions are decided by a two-thirds majority in the responsible body.

French:

Les projets et propositions sont accessibles au public dès leur adoption ou transmission à d'autres organes, à des organisations ou personnes intéressées ou dès leur publication en entier ou en partie par d'autres.

Toutes les réunions concernant des projets d'actes juridiques doivent être publiques sauf exception spécifique et dûment motivée décidée à la majorité des deux tiers. Cette exception, accompagnée des raisons la justifiant, doit être communiquée au Parlement européen.

Tous les documents sont accessibles au public sauf exception décidée à la majorité des deux tiers des membres de l'organe compétent.

Danish:

Offentligheden skal have adgang til udkast og forslag, så snart de er blevet vedtaget eller udleveret til andre organer, interesseorganisationer eller enkeltpersoner, eller helt eller delvis offentliggjort af tredjemand.

Alle møder vedrørende forslag til retsakter skal være offentlige, medmindre et to tredjedels flertal vedtager at gøre en særlig, begrundet undtagelse. Sådanne undtagelser skal, ledsaget af begrundelsen herfor, meddeles Europa-Parlamentet.

Offentligheden skal have adgang til alle dokumenter, medmindre et to tredjedels flertal i det kompetente organ vedtager at gøre en undtagelse.

Spanish:

Los proyectos y las propuestas deberían ser accesibles al público tan pronto como sean aprobados o transmitidos a otros organismos, grupos de interés o particulares, o publicados total o parcialmente por terceros.

Todas las reuniones sobre los actos normativos propuestos deberían ser públicas a no ser que se decida por mayoría de dos tercios una excepción concreta y debidamente justificada. Esta excepción deberá ser comunicada al Parlamento Europeo junto con las razones que la justifican.

Todos los documentos serán accesibles al público a menos que se decidan excepciones por mayoría de dos tercios en el organismo responsable.

German:

Entwürfe und Vorschläge sollten der Öffentlichkeit zugänglich sein, sobald sie angenommen und an andere Organe, Interessenverbände oder Einzelpersonen übergeben wurden oder ganz oder teilweise von Dritten veröffentlicht wurden.

Alle Sitzungen zu Gesetzesvorlagen müssen öffentlich abgehalten werden, es sei denn, eine besondere und begründete Ausnahme wird von einer Zweidrittelmehrheit beschlossen. Das Europäische Parlament ist von dieser Ausnahme und den Gründen dafür in Kenntnis zu setzen.

Alle Dokumente sollten der Öffentlichkeit zugänglich sein, es sei denn, daß Ausnahmen von einer

Zweidrittelmehrheit im zuständigen Organ beschlossen werden.

Greek:

τα σχέδια και οι προτάσεις πρέπει να είναι προσπελάσιμα για το κοινό μόλις εγκριθούν ή διαβιβασθούν σε άλλα όργανα, ενδιαφερόμενους οργανισμούς ή άτομα, ή δημοσιευθούν εξ ολοκλήρου ή εν μέρει από τρίτους;

όλες οι συνεδριάσεις για προτεινόμενες νομοθετικές πράξεις πρέπει να διεξάγονται δημοσίως, εκτός και αν υπάρξει ειδική και αιτιολογημένη εξαίρεση που αποφασίζεται με πλειοψηφία των δύο τρίτων. Η εξαίρεση αυτή, θα πρέπει να κοινοποιηθεί στο Ευρωπαϊκό Κοινοβούλιο αιτιολογημένη;

το κοινό πρέπει να έχει πρόσβαση σε όλα τα έγγραφα εκτός και αν το αρμόδιο όργανο αποφασίσει με πλειοψηφία 2/3 να υπάρξει εξαίρεση;

Italian:

I progetti e le proposte dovrebbero essere resi accessibili al pubblico immediatamente dopo la loro adozione o trasmissione ad altri organismi, gruppi di interesse o individui, o ancora pubblicati interamente o in parte da terzi.

Tutte le riunioni concernenti gli atti giuridici proposti devono essere pubbliche a meno che una maggioranza di due terzi decida specificamente in senso contrario e motivi tale decisione. La decisione, accompagnata dalle motivazioni, deve essere comunicata al Parlamento europeo.

Tutti i documenti dovrebbero essere accessibili al pubblico, salvo decisione contraria da parte di una maggioranza dei due terzi dell'organismo responsabile.

Dutch:

Ontwerpen en voorstellen moeten toegankelijk zijn voor het publiek zodra zij zijn goedgekeurd of ingediend bij andere organen, belangengroepen of personen, dan wel geheel of gedeeltelijk door derden zijn gepubliceerd.

Alle vergaderingen over wetgevingsvoorstellen zijn openbaar, tenzij een twee derde meerderheid besluit tot een specifieke en gemotiveerde uitzondering. Deze uitzondering dient met redenen omkleed te worden meegedeeld aan het Europees Parlement.

Alle documenten zijn toegankelijk voor het publiek, tenzij het bevoegde orgaan met tweederde meerderheid besluit tot een uitzondering.

Portuguese:

Os projectos e propostas devem ser acessíveis ao público logo que adoptados ou transmitidos a outros organismos, organizações de defesa de interesses ou indivíduos, ou logo que publicados total ou parcialmente por terceiros.

Todas as reuniões em que sejam apreciadas propostas de actos jurídicos devem ser públicas, a não ser que uma maioria de dois terços decida estabelecer uma excepção específica fundamentada. Esta excepção, devidamente justificada, deverá ser comunicada ao Parlamento Europeu.

Todos os documentos devem ser acessíveis ao público, a não ser que uma maioria de dois terços do organismo responsável decida estabelecer uma excepção.

Finnish:

Luonnosten ja esitysten on oltava yleisön nähtävinä heti, kun ne on hyväksytty tai toimitettu toisille elimille, etujärjestöille tai henkilöille, tai kun muut ovat julkaisseet ne kokonaan tai osittain.

Kaikki esitettyjä säädöksiä käsittelevät kokoukset on pidettävä julkisesti, ellei päätetä erityisestä ja asianmukaisesti perustellusta poikkeuksesta kahden kolmasosan enemmistöllä. Tällaisista poikkeuksista on tehtävä perusteltu ilmoitus Euroopan parlamentille.

Kaikkien asiakirjojen on oltava yleisön nähtävinä, ellei poikkeuksesta päätetä toimivaltaisessa elimessä kahden kolmasosan enemmistöllä.

Svensk:

Utkast och förslag bör vara tillgängliga för allmänheten så fort de är antagna eller överlämnade till andra organ, intresseorganisationer eller enskilda, eller helt eller delvis publicerade av andra.

Alla sammanträden angående föreslagna rättsakter bör vara offentliga om man inte med två tredjedelars majoritet beslutar om speciella och välmotiverade undantag. Dessa undantag skall, tillsammans med en motivering, meddelas Europaparlamentet.

Alla dokument bör vara tillgängliga för allmänheten om inte beslut om undantag fattas med två tredjedelars majoritet av, det ansvariga organet.

Signatures for the Proposal on Transparency procedure

last updated 26-05-5

A

Abitbol Willian
Akcam Zekeriya
Almeida Garrett Teresa
Altmaier Peter
Amato Giuliano
Andriukaitis Vytenis
Arabadjiev Alexandar
AthanasIU Alexanru
Avgerinos Paraskevas
Azevedo Maria Eduardo

B

Badinter Robert
Balazs Péter
Basile Filadelfio
Belohorská Irena
Berés Pervenche
Berger Maria
Bonde Jens-Peter
Borrell Fontelles Josep
Bösch Reinhard
Brejc Mihale

Briesch Roger
Brok Elmer
Bruton John
Budak Necdet

C

Carey Pat
Carlslund Erik
Carnero Gonzáles Carlos
Charbert Jos
Chevalier Pierre
Cisneros Laborda Gabriel
Costa Alberto
Cousquer Yver
Cravinho Joao
Cushnahan John

D

Dalgaard, Per
Dam Kristensen Henrik
Dammeyer Manfred
De Buck Philippe
De Gucht Karel
De Rossa Proinsias
Demetriou Panayiotis
Demiralp Oguz
Dervis Kemal
Di Rupo Elio
Dijk Jan Jacob van
Dini Lamberto
DÓliveira Martins Guilherme
Duff Andrew
Dybkjær Lone

E

Eckstein-Kovacs
Eekelen Wim van
Einem Caspar
Ene Constantin

F

Fayot Ben
Figel Jan
Fini Gianfrance
Floch Jacques
Fogler Marta
Follini Marco
Frerichs Gôke

G

Gabaglio Emilio
Gibéryen Gaston
Gormley John
Grabowska Genowefa
Granrut Claude du
Gricius Algirdas
Güll Abdullah

H

Haenel Hubert
Hasotti Puiu
Heathcoat-Amory David
Helle, Esko
Helmingier Paul
Hjelm-Wallén Lena
Hololei Henrik
Horvat Franc

Hübner Danuta

I

Inguanez John

J

Jacobs, Georges

Jusys, Oskaras

K

Kacin Jelko

Kalniete Sandra

Katiforis Giorgos

Kaufmann Sylvia-Yvonne

Kauppi Pia-Noora

Kelam Tunne

Kiljunen Kimmo

Kirjhope Timothy

Kohout Jan

Korcok Ivan

Korhonen Riita

Krasts Guntars

Kroupa Frantisek

Kuneva Meglena

Kutzkova neli

Kvist Kenneth

L

Lamassoure Alain

Lang, Pain

Lekberg Sören

Lenmarker Gôran

Lichtenberger

Liepina Liene

Linden Réne van den
Lopes Ernani

M

MacCormick Neil
MacLennan of Roger Lord
Maij-Weggen Hanja
Mainoni Eduard
Maldeikis Eugenijus
Marinho Luis
Martikonis Rytis
Mavrou Eleni
McAven Linda
Meyer Jürgen
Michel louis
Migas Juraj
Mladenov Nickolay
Munez Alonso Alejandro
Muscardini Cristina

N

Nagy Marie
Nazaré Pereira
Nečas Petr

O

Oleksy Józef
Ozal Ibrahim

P

Paciotti Elena
Peltomâki Antti
Peterle Alojz

Pieters Danny
Piks Rihards
Puwak Hildegard

Q

Queiró Luis

R

Rack Reinhard
Regaldo Giacomo
Roche Dick
Rovna Lenka
Rupel Dimitrij

S

Sant Alfred
Santer Jacques
Schmit Nicolas
Seppänen Esko
Serrancini-Inglott Peter
Severin Adrian
Sigmund Anne-Marie
Sivickas Gintautas
Skaarup Peter
Speroni Francesco
Spini Valdo
Stockton The Earl of
Svensson, Ingvar
Szájer Jozsef

T

Tajani Antonio
Teufel Erwin
Thorning-Schmidt Helle

Tiilikainen Teija
Timmermans Frans
Trzcinski Janusz

U

V

Van Lancker
Vanhanen Kimmo
Vastagh Pál
Vella George
Voggenhuber Johannes
Vilén Jari

W

Wagener Renee
Wittbrodt Edmund
Wurmeling Joachim

X

Y

Z

Zahradil Jan
Zala Boris
Zieleniec Josef
Zile Roberts