

Title VI: The democratic life of the Union

Suggestion for amendment of Article : 36

By Members: Mr Andrew Duff, Mr Lamberto Dini, Mr Paul Helminger, Mr Peeter Kreitzberg, Mr Algirdas Gričius, Mr Puiu Hasotti, Mr Jelko Kacin, Mr Zekeriya Akçam and Mr Eugenijus Maldeikis; and Alternate Members: Ms Lone Dybkjaer, Mr Valdo Spini, Mr Willem Van Eekelen, Lord MacLennan of Rogart, Mr Nesrin Uzun, Mr Marios Matsakis, Mrs Androula Vassiliou, Mr Istvan Szent-Ivanyi, Mr Péter Eckstein-Kovacs, Mr Ibrahim Ozal and Mr Gintautas Sivickas.

Status : Members and alternate members.

Article 36: Access to documents

1. *Delete*
 2. *Delete*
 3. Any citizen of *the Union, and* any natural or legal person residing in a Member State, shall have a right of access *to documents of the Union institutions, agencies and bodies*.
 4. [General principles, conditions and limits which, on grounds of public or private interest, govern the right of access to documents shall be determined by the European Parliament and the Council in accordance with the legislative procedure.]
 5. *Delete*
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Explanation:

The principle of good governance and openness should have been introduced much earlier on in the Constitution. One has suggested their inclusion, for example, in Article 3.5. What the Union means by the practice of good administration is in any case already spelt out in Article 41 of the Charter. We should be careful to ensure ourselves that this Article here really adds something of substance.

We propose to change the title so that it accurately reflects the substantive content of the article.

The content of draft paragraph 1 would be better placed in Article 34 (see our amendment).

The content of draft paragraph 2 has already been expressed - and better - in Article 25.3 (see also our amendment to that article).

In paragraph 3 we remove the ludicrous reference to 'man or woman'. Who else, indeed?

We also bring the formulation more into line with current case law and practice by broadening the definition of access.

We suggest that paragraph 4 may be better placed in Part Two.

Paragraph 5 is superfluous.