

EUROPEAN PARLIAMENT

Working Documents

1983 - 1984

14 September 1983

DOCUMENT 1-714/83

MOTION FOR A RESOLUTION

tabled by Mr COLLINS
on behalf of the Committee on the Environment,
Public Health and Consumer Protection

pursuant to Rule 47 of the Rules of Procedure

on access to information

The European Parliament,

- A. considering that the citizen has a right and an obligation to know what the law is and that this can only be achieved through publication of all relevant information,
- B. considering that the publication of the legislative history of all primary legislation is considered essential to this end in all Member States of the European Community,
- C. considering that certain instruments, and in particular numerous directives in relation to environmental protection adopted by the Council of Ministers, represent primary legislation insofar as they are binding without further review or ratification and do not derive their authority from other legislation but from the Treaty,
- D. considering that it has become common practice for the Council, the Commission or Member States to make declarations or statements at the time of adopting such instruments and to have these recorded in the minutes of the relevant meeting,
- E. considering that such statements and declarations have sometimes been published in the Official Journal together with the relevant instrument, have also sometimes become public knowledge by other means but are more frequently withheld from public knowledge,
- F. ignorant of the full extent of this practice,
- G. convinced that such statements or declarations represent an essential part of the legislative history of the respective instruments and are intended to do so by those who make them; that they can and probably in practice do affect the meaning of published Community legislation,
- H. recalling that the Commission has a vital role in interpreting Community legislation and must be presumed to take such declarations or statements into account to some extent when doing so,

- I. convinced that the Commission should take into account only texts which have been published and are thereby equally accessible to all interested parties,
1. Reaffirms the right of all citizens to have equal knowledge of what the law is and, to this end, to be assured that all relevant texts including the legislative history, have been fully published;
2. Condemns the practice of withholding parts of the legislative history from public knowledge as contrary to the most fundamental democratic traditions of our countries;
3. Calls upon the Council to make publicly accessible all declarations and statements pertaining to Community legislative instruments which have already been adopted and in future, to publish with each such Community instrument any declaration or statement which may affect its interpretation;
4. Urges the Commission to take all necessary measures to ensure that no declaration or statement not thus published is taken into account when interpreting Community legislation.