

An open and structured dialogue between the Commission and special interest groups

(93/C 63/02)

I. INTRODUCTION

The Commission has always been an institution open to outside input. The Commission believes this process to be fundamental to the development of its policies. This dialogue has proved valuable to both the Commission and to interested outside parties. Commission officials acknowledge the need for such outside input and welcome it.

The Commission has in particular a reputation for being accessible to interest groups and should of course retain this ease of access. Indeed, it is in the Commission's own interest to do so since interest groups can provide the services with technical information and constructive advice. The present communication arises from the belief that by placing these relations on a slightly more formalized footing the Commission will make them more transparent to the benefit of all concerned.

This Communication aims to implement the commitment contained in the Commission's work programme for 1992, indicating that relations between the Community's institutions and interest groups, useful though they are, must be more clearly defined. Consideration will therefore be given to the preparation of a code of conduct designed to govern relations with those organizations set up with the specific purpose of liaising with the Commission. This step will in no way compromise the freedom of trade or professional groupings, or hinder essential dialogue with institutional committees.

The present Communication should be seen in the context of the larger debate on the declaration on the right of access to information as annexed to the Treaty on European Union and on the Birmingham Declaration which called for a more open Community to ensure a better informed public debate. However, it addresses in detail only one of the issues related to these declarations i.e. the relations with special interest groups.

Of particular relevance to special interest groups are the wider issues linked to both declarations on broadening participation in the preparation of Commission proposals and on the wider availability of Commission documents. These questions are dealt with in a separate communication on transparency.

II. SPECIAL INTEREST GROUPS

The Commission is frequently contacted by the representatives of special interest groups. These groups can be divided into non-profit making organizations (European and (inter)national associations/federations) and profit making organizations (legal advisers, public relations and public affairs firms, and consultants). The former are largely, but not solely, professional organizations. The latter are persons who often act on the instructions of a third party to set out and defend the interests of that third party. Such a distinction between profit and non-profit

special interest groups is somewhat arbitrary. Nevertheless, it is considered practical for the purposes of this communication.

The present situation

At present there are thought to be approximately 3 000 special interest groups of varying types in Brussels, with up to 10 000 employees working in the lobbying sector. Within this total there are more than 500 European and international federations (whose constituent members belonging to national associations number more than 5 000). In addition, there are 50 offices in Brussels representing Länder, regional and local authorities (some of which may of course participate in the institutional framework of the Community and it is only their other activities which are concerned by this communication). There are more than 200 individual firms with direct representation, and about 100 consultants (management, and public relations) with offices in Brussels and many others dealing with Community affairs. There are 100 law firms in Belgium specializing in Community law and many more in other countries (both Member States and beyond).

The Single European Act, coupled with the progress of the White Paper programme, prompted a sharp increase in lobbying at Commission level. At the same time there was a shift in the need for information from a general to a specific level. Evidence of this is that independent consultants began to obtain monitoring contracts from clients. Moreover, organizations sought to exert influence directly and/or through intermediaries such as consultants. For similar purposes, large firms from third countries increasingly set up offices in Brussels.

In addition, some of these special interest groups serve as a channel to provide specific technical expertise to the Commission from a variety of sectors, such as in the drafting of technical regulations.

There are basically two forms of dialogue between the Commission and special interest groups: through advisory committees and expert groups which assist the Commission in the exercise of its own competences; and through contact with interest groups on an unstructured, ad hoc basis. The nature and intensity of these contacts vary.

Explicit Commission rules (such as accreditation, registration, code of conduct) towards special interest groups do not exist. However, the Commission has a general policy not to grant privileges to special interest groups, such as the issuing of entry passes and favoured access to information. Nor does it give associations an official endorsement by granting them consultative status. This is because the Commission has always wanted to maintain a dialogue which is as open as possible with all interested parties without having to enforce an accreditation system. Commission services have drawn up directories which list Community trade, agricultural, industrial and other relevant

professional associations as a first tool in the search for increased understanding of special interest groups.

While there are no general problems with such contacts, there have been cases where more aggressive styles of lobbying have been encountered. Misdemeanours have occurred, such as lobbyists selling draft and official documents; lobbyists misrepresenting themselves to the public by the use of Commission symbols; lobbyists who are in possession of a press card and therefore have direct access to press conferences and press releases. One of the reasons cited for the success of the trade in Commission documents is the length of time it takes to obtain them through official channels (this is partly due to the unavoidable delays inherent in the translation process). Some problems of confidentiality also exist.

Other Community institutions

Contacts were also made with other Community institutions (European Parliament and Council of Ministers), and with the Economic and Social Committee, on the question of relations with interest groups. The Committee on the rules of procedure of the European Parliament has issued (3 October 1992) a recommendation to the Enlarged Bureau on rules governing the representation of special interest groups at the European Parliament. This proposal envisages a register, a code of conduct, rights in connection with registration, such as access to the European Parliament and its documents, and an enforcement procedure.

Member States, third countries and international organizations

In the majority of Member States formal procedures for lobbying are not laid down. In those cases where rules do exist, they deal mainly with the relationship between the Parliament and lobbyists. Some formal framework on lobbying exists in the Federal Republic of Germany, the United States, Canada and the United Nations. In the United Kingdom a similar policy is under preparation. The policy is most developed in the United States (see Annex I). Key elements in the various existing procedures include rules on accreditation, registration, directories, codes of conduct, management and the enforcement of fixed rules.

Guiding principles

A number of guiding principles need to be followed in order to define the Commission's future relations with interest groups:

- preservation of the open relationship between the Commission and special interest groups, adhering to the principle of an open administration, which has been the well established practice built up over many years but which could still be extended further,

- while the Commission tends to favour European (con)federations over representatives of individual or national organizations, it is nevertheless committed to the equal treatment of all special interest groups, to ensure that every interested party, irrespective of size or financial backing, should not be denied the opportunity of being heard by the Commission,

- it should be possible for Commission officials, when dealing with representatives of special interest groups, to know exactly who is who and who does what,

- while the Commission can pursue its own approach to dealing with special interest groups, it should remain open to the possibility of fitting in with the policy of other Community institutions in this field,

- the adoption of simple procedures calling for a minimum amount of human and financial resources and administrative effort.

III. FUTURE POLICY

As a first step, a series of measures are taken in order to clarify and better structure the Commission's relations with special interest groups.

Directory

Information regarding non-profit making organizations is currently held within the Commission in a dispersed and fragmented way by individual departments and is consequently difficult to consult. It is desirable to integrate this data into a single directory and to thereby make this information tool complete. The new directory will include reference to relevant information on special interest groups held by other institutions, for example the Economic and Social Committee and the European Parliament.

This instrument will be useful both for Commission officials and outside parties. The setting up, production and maintenance of the Directory could best be contracted out to the private sector but entries should be supervised by the Commission.

The Directory could contain the following information:

- name of the organization,
- address/telephone/telefax,
- date of foundation,
- legal status and structure,
- names of senior officials,
- names of member organizations,
- principal objectives of the organization.

Inclusion in the Directory will not confer any form of official recognition by the Commission, nor the granting of any other privileges such as special access to information, buildings, officials, etc. Responsibility for the information provided, as well as for its accuracy, will necessarily remain that of the organization listed.

With regard to profit making lobby organizations, such as consultancies, legal advisors, public relations/public policy and other private firms, it is difficult for the Commission to define exactly those which should or should not be included in a

directory. The Commission therefore encourages the lobby sector to draw up its own directory, containing all the relevant information. Above all, the register which the European Parliament intends to create on lobbies will undoubtedly provide the Commission's staff with another useful source of information.

The Commission intends to work closely with the European Parliament on the subject of special interest groups. In this collaboration the Parliament could emerge as the driving force in the establishment and management of the above instruments.

The objective is to construct a common database for both institutions even if this means that the data in question is used for different purposes by each institution.

The Commission's data gathering exercise on non-profit making organizations and the European Parliament's one will therefore be consolidated in a single data base.

Code of conduct

There should be a broad understanding between the Commission and special interest groups on some basic rules of conduct. Over the course of many years, both have followed principles of conduct which the Commission would like to see the special interest groups (profit and non-profit making) continue to adhere to. The Commission therefore encourages the sectors concerned to draw up their own code of conduct. Many of these organizations already have experience in this field and are consequently best placed to establish and enforce such a code. The minimum requirements for a code should include the principles listed in Annex II. Should individual lobbying organizations wish to operate according to a stricter code of conduct than the one outlined, they are clearly free to do so.

The Commission feels that special interest groups have to be given a chance to organize themselves freely and without interference from the public sector. The Commission reserves the right to review the situation, however, particularly as far as profit making organizations are concerned.

Commission staff's rights and obligations

Title II of the Staff Regulations provides a sufficient and appropriate means of regulating the behaviour of Commission employees in this context. Provisions under this Title of particular importance in relation to lobbyists are: receiving gifts (Article 11); engagement in outside activities (Article 12); employment after leaving the service (Article 16); discretion with regard to information and documents (Article 17) and the declaration of a spouse's employment if a conflict of interest arises (Article 13). In addition to a recently published administrative notice, more specific guidelines have been prepared and these will shortly be circulated for the attention of all Commission staff.

DG IX will clarify Commission contracts with temporary staff in order to make them conform with the provisions under Title II of the Staff Regulations.

In line with the proposals of a working group on Article 16 of the Staff Regulations, a committee will be established, as from 1

January 1993, to prepare the Commission's position on each instance of a possible conflict of interest between a member of staff's employment after leaving the Commission and his or her responsibilities whilst at the Commission. In due course, the committee will evolve its own criteria for assessment as a result of handling successive individual cases. This committee will be composed of the Secretary-General, the Directors-General of DG IX, the Legal Service, and two other Directors-General. The Director-General of the employee's service will also be called upon by the committee on an ad hoc basis.

IV. MEASURES

The Commission will continue to promote an open and structured dialogue with special interest groups. It had adopted the following measures as a further step towards this goal:

Special interest groups

The Commission will set up a single directory of non-profit making organizations by drawing together the data that already exists and will thereby make this information tool more complete.

It will encourage the profit making sector to draw up its own directory. In general, the Commission will pursue a close collaboration with the European Parliament. The latter could be the driving force in the establishment and management of a database for special interest groups.

The Commission will encourage special interest groups (both profit and non-profit making) to draw up voluntarily codes of conduct which should include the minimum requirements as listed in Annex II. Contacts will be made with the International Press Association to discuss the issue of journalists who are also working as lobbyists.

The Secretariat-General will ensure appropriate implementation of this.

Commission staff

Staff will be reminded of their obligations and rights under Title II of the Staff Regulations. A notice has been drafted to this effect. DG IX will clarify Commission contracts with temporary staff in order to make them conform to the provisions under Title II of the Staff Regulations.

As from 1 January 1993, a committee composed of the Secretary-General, the Directors-General of DG IX, the Legal Service, two other Directors-General, and the Director-General of the employee's service, will be established to prepare the Commission's position on each instance of a possible conflict of interest between a member of staff's employment after leaving the Commission and his or her responsibilities whilst at the Commission. This procedure will reinforce the implementation of Article 16 of the Staff Regulations.

The Commission will maintain its strict security policy towards lobbyists. The Security Committee will monitor developments closely.

The package of measures outlined above should be seen as a first step towards a better structure for an open dialogue between the Commission and special interest groups. Mid next year, a progress report will be made containing an assessment of the adequacy of the measures put forward in relation to their adoption by the private sector. It will also provide an update on

developments in other Community institutions. Any additional measures considered necessary in the light of this assessment will subsequently be taken.

ANNEX I

GENERAL OVERVIEW

A fact-finding exercise has been carried out on special interest groups. Its results are summarized below.

A. MEMBER STATES

Federal Republic of Germany

At federal level, a registration procedure exists which is open to associations with federal representation. Those wishing to lobby at either the Bundestag or the Federal Government (or both) may register. The procedure is overseen by the President of the Bundestag. The register is published annually and a registered association has access to buildings and may participate in the preparation of federal legislation. In addition, various types of less formal procedure exist to involve interest groups in the preparation of federal or regional legislation.

United Kingdom

An informal proposal has been circulated within both Houses of Parliament on the establishment of a register and code of conduct, mainly aimed at professional lobbyists engaged in the lobbying of Members of Parliament. This suggests that each firm specializing in lobbying should be registered. The question of whether the registration procedure should also be extended to associations (i.e. trade unions), private companies, etc., is still under discussion. It is intended that the register will be made public and managed by the Parliament.

B. OTHER COMMUNITY INSTITUTIONS

Contacts were established with other Community institutions with regard to the question of relations with interest groups. Letters on the subject have been sent by the Secretary-General to his counterparts in the other European institutions.

European Parliament

As the Community's directly elected institution, the European Parliament is anxious to maintain its open relationship with the general public, and with lobbies in particular. The European Parliament has in the past issued passes to lobbyists allowing them to enter the premises. However, the increase in the number of lobbyists and the abuse of this privilege have led the European Parliament to reconsider its policy towards lobbyists.

The European Parliament Committee on the rules of procedure adopted on 3 October a recommendation of the Bureau on rules governing the representation of special interest groups at the European Parliament.

The recommendation is therefore at present under discussion in the Bureau. It will be for the Bureau to lay down the extent of rulemaking by adopting all or some of the Committee's proposals.

Content of the recommendation of the European Parliament's committee on the rules of procedure

The main contents of the recommendation are:

- the creation of a public register of lobbyists to be managed by the Bureau of the European Parliament. Admission criteria are to be drawn up by the Bureau,

- the establishment of a code of conduct to be approved by the European Parliament, on a proposal from its Bureau and after consulting its committees. The European Parliament may ask lobbyists to set up one or more professional organizations. Its representatives may serve as interlocutors with the European Parliament,

- the attribution of the following privileges to a registered lobbyist:

- a pass granting access to public areas of the buildings, valid for one year, renewable on submission of an annual report,

- access to public meeting of committees,

- access to the library, subject to prior authorization,

- documents published by the European Parliament should be issued at cost price. The Bureau may decide to provide other facilities at cost price,

- Parliamentary documents should be available to lobbyists at a price to be determined,

- the establishment of sanctions by the European Parliament, on a proposal from its Bureau after consulting Parliament's committees.

Moreover, Members of Parliament will be obliged to update the declaration of their financial interests (at least annually) (*volet interne*).

C. THIRD COUNTRIES

United States

All lobbyists (individuals, associations and private companies) are subject to compulsory registration and must adhere to a code of conduct in order to lobby at Congress. A registered lobbyist is required to submit detailed quarterly reports on his activities

to Congress. The registry office manages the procedure and all information concerned is published and publicly available.

Legal provisions and rules on procedure for lobbyists dealing with federal government agencies also exist. A code of conduct is applied.

Canada

Canada's policy is similar to that of the United States. Registration is necessary in order to lobby at the federal government and a proposal to register lobbyists at the Parliament is under consideration.

D. OTHER INTERNATIONAL INSTITUTIONS

United Nations

The United Nations has established two main sets of procedures to deal with the relationship between non-governmental

organizations (NGO) and the Economic and Social Council (Ecosoc) and its subsidiary organs.

The first procedure comprises accreditation in order to obtain a consultative status within the Ecosoc system. This procedure is managed by the Council's committee on NGOs. Consultative status grants NGOs a number of privileges such as a greater opportunity to participate at hearings. It also allows the organization to propose items for discussion at Ecosoc as well as to submit written statements. NGOs with consultative status deliver a report on their activities every four years.

The second procedure contains the registration of NGOs. This register (or roster, as it is known) is a public document. The NGO committee mentioned above manages the register. The advantages of being included on the register are similar to those outlined above but are more limited in scope; in particular, the opportunity to submit written statements is more restricted. The adherence to a code of conduct for NGOs is a part of both procedures.

ANNEX II

MINIMUM REQUIREMENTS FOR A CODE OF CONDUCT BETWEEN THE COMMISSION AND SPECIAL INTEREST GROUPS

The Commission has always been an institution open to input from special interest groups. The Commission believes this process to be fundamental to the development of sound and workable policies. This dialogue has proved valuable to both the Commission and to interested outside parties. The Commission acknowledges the need for such outside input, welcomes it and intends to build further on this practice in future. To this end the Commission is taking a series of measures intended to broaden participation in the preparation of its decisions.

In the context of this wider dialogue, the Commission believes that there should be a broad understanding with special interest groups on some basic rules of conduct. Over the course of many years, both have followed principles of conduct which the Commission would like to see the special interest groups continue to adhere to. The Commission feels that special interest groups are best placed to establish and enforce codes of conduct. The Commission therefore invites the sectors concerned to draw up such codes, which should include the following minimum requirements.

1. Public presentation

Special interest groups should not misrepresent themselves to the public by the use of any title, logo, symbol or form of words (particularly those employed by the Commission) designed either to lend false authority to the representative or to mislead clients and/or officials as to his or her status.

2. Behaviour

Special interest groups should behave at all times in accordance with the highest possible professional standards. Honesty and competence in all dealings with the Commission are specifically viewed as being of the greatest importance.

Special interest groups should avoid working in situations where a conflict of interests is either inevitable or likely to arise.

The representative should declare the name of the client for whom he or she is working each time he or she consults the Commission.

In any communication with the Commission (either written and/or oral), the representative should declare all previous contact he or she has had with other representatives of the Commission regarding the same or a related subject.

Special interest groups should neither employ, nor seek to employ, officials who are working for the Commission. Nor should they offer any form of inducement to Commission officials in order to obtain information or to receive privileged treatment.

3. Dissemination of Commission information

Special interest groups should not disseminate misleading information.

Special interest groups should not obtain information by dishonest means.

Special interest groups should not seek to trade copies of Commission documents for profit.

4. Organizations

The establishment of one or more organizations, through which special interest groups would communicate with the Commission, would be welcomed. Such an organization should be open to all representatives of special interest groups and it is therefore hoped that an individual firm's subscription can be in proportion to its relative size.

Increased transparency in the work of the Commission

(93/C 63/03)

1. Introduction

The declaration on the right of access to information annexed to the Treaty on European Union states that transparency of the decision making process strengthens the democratic nature of the institutions and the public's confidence in the administration. The conference accordingly recommended that the Commission submit to the Council no later than 1993 a report on measures designed to improve public access to the information available to the institutions.

Moreover, the declaration issued by the European Council held in Birmingham on 16 October 1992 called for a more open Community, to ensure a better informed public debate on its activities.

The objective of this communication is to allow an initial discussion of the Commission's contribution to greater openness. It is specifically addressed to those members of the public who, because of their professional or academic activities, follow Community affairs more closely. It is important to underline that it does not concern itself with the wider question of how to communicate with the public at large nor does it attempt to address the issue of improved public access to information available to the Commission. The importance of these issues necessitates a detailed and thorough examination, which the Commission intends to undertake in the very near future.

The present communication should be seen as a parallel document to the communication on 'An Open and Structured Dialogue between the Commission and Special Interest Groups'. These groups would benefit greatly from an intensified Commission policy on transparency.

2. Transparency

General awareness of Commission policies will increase if advanced information about initiatives and a broader opportunity to participate in their preparation are given. A number of existing practices could be improved to achieve these aims:

(a) Annual work and legislative programmes

The Commission's annual work programme was developed as a direct response to the need for a listing of priorities. The programme defines priority areas and sets out the major measures which the Commission intends to propose or wishes to see carried out by other institutions. Under the present system, the programme is adopted by the Commission at the beginning

of the year before being debated and subsequently voted on by the European Parliament.

For the purposes of increased transparency, the Commission has proposed that the work programme should be ready by October.

In addition to the Commission's work programme an inter-institutional legislative programme exists. A greater involvement of the Council of Ministers in the implementation of the legislative programme could be envisaged. An effort should be made to draft the programme in a clearer and more accessible style. The objectives of each legislative proposal will be explained in simple language.

Both the Commission work programme and the inter-institutional legislative programme should receive more general publicity. It is proposed that, henceforth, both programmes should be published in the Official Journal of the European Communities. Updated versions of the legislative programme should also be published at regular intervals;

(b) Participation in the preparation of Commission decisions and proposals

Specific attention must be paid to the preparation of Commission decisions and proposals. More public participation in the work of the Commission enhances more open government and can increase public confidence.

Whilst the Commission already has a reputation for openness, based on such existing mechanisms as the submission of draft proposals on key policy issues to the advisory committees, it is believed that widening the fact finding exercise (especially for initiatives with wide ranging implications) may be appropriate in some cases. This would provide opportunities for a broader range of interested persons to express their views. It is for the competent service to decide the appropriate moment when and from whom it should seek advice. Measures should be taken to ensure that all groups with an interest in a given subject should have the opportunity to express their views. This will enable the Commission to draw up balanced proposals.

For initiatives with broad implications, it is recommended that a more extensive and transparent preparation should take place. These initiatives should be carefully selected to avoid overburdening the Commission's work load by including matters which do not need such extensive treatment, i.e. activities which relate to the day to day management of existing Community policies. Such a selection will be made on a provisional basis in the framework of the Commission's annual work and legislative programme. Those initiatives on which the Commission seeks more wide-ranging advice will be earmarked in this document. The work programme will thus provide a first opportunity for interested parties to structure their activities.

The Commission has to date used the publication of Green and White Papers, hearings and the organization of information seminars to stimulate a more general debate on its draft proposals. It could be worthwhile in some cases to introduce a notification procedure. The Commission would publish a brief summary of the proposed policy initiative in the C series of the Official Journal of the European Communities, information on how to obtain copies of the document, a deadline for interested parties to respond, and the name and address of the person to whom any such response should be sent. If considered appropriate, commencement of the notification procedure should be simultaneous with the submission of a draft proposal to an Advisory Committee.

The competent Director-General, under the authority of the Commissioner concerned, would decide the way in which more wide-ranging advice should be sought. The use of Green Papers in particular should be encouraged. Hearings and information seminars could also be organized. In other cases the use of the proposed notification procedure would be the best way of increasing participation. The appropriate form of extensive advice would take place after interservice consultation on the proposal.

In the process of exercising the powers conferred upon it by the Council, the Commission is assisted in its work by a great number of committees composed of representatives of the Member States (Comitology). It is proposed that the rules governing access to information for this type of committee should remain unchanged, i.e. the minutes of the meetings and the individual points of view expressed by the Commission and by representatives of the Member States remain confidential. The present practice whereby the opinion of the committee concerned is mentioned in a recital of Commission legislation remains unchanged.

However, with regard to other committees of an advisory nature and expert groups, the Commission should give careful consideration to the question of how the granting of access upon request to these bodies' activities and the increase in transparency this represents, balances against the additional claims on human and financial resources which will result from such a policy. In examining this it should give full weight to:

- the importance of not undermining the effectiveness of the committees or expert groups and their usefulness to the Commission,
- preserving the confidentiality of the workings of these bodies, where necessary, for instance to protect certain public and private interests;

(c) Dissemination of existing information

There is considerable interest amongst the citizens of the Community in obtaining documents, in the nine official languages of the Community, shortly after they have been adopted by the Commission. In this context it should be recalled that, in accordance with the rules determining the languages to be used as well as their implementation, documents which a Member State or a person subject to the jurisdiction of a Member State sends to institutions of the Community may be

drafted in any one of the official languages selected by the sender. The reply shall be drafted in the same language. Documents which an institution of the Community sends to a Member State or to a person subject to the jurisdiction of a Member State shall be drafted in the language of such State. Regulations and other documents of general application shall be drafted in the nine official languages. Staff should be reminded of the internal guidelines on the submission of documents in the several Community languages before they can be approved by the Commission. This notice will also remind staff of existing procedures concerning correspondence.

Moreover, more publicity should be given to those existing possibilities to obtain information which is already present in the form of databases (Celex, Rapid, INFO 92). For some of these bases user guides are under preparation designed to simplify access to them. Secondly, it is proposed that documents should be made more immediately accessible to the public once existing procedures have been completed, such as formal submission to the other Community institutions and/or the formal notification of the Member States. The various possibilities for improving the present situation should be examined by the Secretariat-General, the Translation Service, DGs IX, X, XIII and the Office for Official Publications. In particular, they should look into the possibility of extending a relay information approach, the daily transmission of information (through the use of such automated modern technologies as electronic mail, etc.) to the Commission's offices and some external delegations, and the implementation of a publications and documentation pricing policy.

Under the present system of classification, all documents covering broad subjects are classified as COM documents. These documents are made widely available and are published in the C series of the Official Journal of the European Communities. Documents which have a more sectoral focus are classified as SEC documents. The designation of COM and SEC documents is decided on a case by case basis by the Secretariat-General, following consultation with the services. To provide greater access to information held by the Commission, it is proposed that, in future, more documents will be classified under the COM heading: even if they deal with apparently specialized topics. This would result in a wider distribution for documents which, at first sight, appear to have a more sectoral focus. Furthermore, in order to enhance public access and transparency, initiatives have been taken to publish, at regular intervals, a list of COM documents in the C series of the Official Journal of the European Communities. The entries include the catalogue number of the Community office of publications and the addresses of the offices where such documents are available.

3. Legislative policy

The Commission views consolidation and constitutive codification of existing and new Community legislation as important tools with which to make legislation more accessible to the public.

Consolidation consists of regrouping various Community measures in one text to improve accessibility, clarity and transparency of Community law. The text as such is not legally binding and is published in the C series of the Official Journal of the European Communities. Progress has been made in the

area of consolidation by the information system managed by the Office for Official Publications which will become operational from the beginning of next year. Additional access to legislation could be provided through updates and a better use of *Communitatis Europae Lex* (Celex).

Constitutive codification consists of regrouping existing Community legislation in a new text which is published in the L series of the Official Journal of the European Communities. Consequently, the existing legislation which forms part of codification will be repealed when the codified legislation enters into force. The Commission will include proposals on this codification in its annual legislative programmes.

4. Proposals

The following proposals should be seen as a step to increase transparency. They are particularly aimed at those members of the public who, because of their professional or academic activities, follow Community affairs more closely.

It is therefore proposed that the Commission takes the following decisions:

- to prepare the Commission's work programme by October each year; to seek greater involvement of the Council of Ministers in the implementation of the legislative programme; to draft both programmes in a clearer and more accessible style and to publish them in the Official Journal of the European Communities;

- to seek wider ranging advice on certain key proposals at an early stage; to this end the Commission will:

- earmark such proposals in the annual work and legislative programmes;

- encourage the use of Green Papers and in certain cases have recourse to a notification procedure;

- consider where and when more access should be given to information on work carried out by advisory committees;

- to ensure that Commission documents are made directly available to the public, in the nine official languages of the Community, once they have been adopted by the Commission and circulated to the other EC institutions; to this end the Commission will:

- give more publicity to the databases which already exist;

- ensure that all documents of public interest are classified under the COM heading rather than the SEC;

- give a mandate to the Secretariat General, the Translation service, DGs IX, X, XIII and the Office for Official Publications to propose other specific improvements for the dissemination of information;

- the Commission will pursue its work in the area of consolidation and constitutive codification of legislation; to this end it will include proposals in its annual legislative programme.

It is proposed to implement these steps towards increased transparency by 1 January 1993.

In the meantime work will have to continue on a number of other issues. These will include how to improve access to information held by the Commission, and on its communication and information policy. It is requested that the competent services carry out a detailed study and come up with concrete proposals, including the consequences with regard to resources, by 31 March 1993.

It is proposed that the Commission transmits this communication to the Council of Ministers, European Parliament and the Economic and Social Committee. This should be done simultaneously with the communication on 'An Open and Structured Dialogue Between the Commission and Special Interest Groups'.