



**COUNCIL OF
THE EUROPEAN UNION**

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OUTCOME OF PROCEEDINGS

of : the Working Party on Information

on : 10 June 2003

Subject : Item 3b of the agenda : Requests for access to documents concerning draft
legislative acts

1. In the context of the implementation of Regulation (EC) No 1049/2001 on public access to documents, on 6 March 2002 the Permanent Representatives Committee agreed, inter alia, on the following orientation (documents 6203/02 and 6898/02) :

"As regards the treatment of documents relating to legislative acts for which discussions are still ongoing, which contain delegations' positions, Coreper agrees to disclose the content of such documents, including the text of footnotes and other references to delegations' positions, whilst withholding the identity of the delegations whose positions are recorded and excluding all those parts covered by the exceptions of Article 4 of the Regulation."

2. After having examined this issue in the light of doc. 8222/03 at its meetings on 12 and 23 May 2003 as well as on 10 June 2003, the Working Party on Information agreed to apply this orientation in the following way:

Following an initial request for access to documents relating to ongoing legislative discussions, the General Secretariat releases the full content of the documents concerned - unless one of the exceptions laid down in Article 4(1) or 4(2) of Regulation No 1049/2001 applies - including the identity of delegations where the respective parts of the documents reveal only the fact that these delegations have a parliamentary scrutiny or linguistic reservation, whilst withholding the identity of delegations as regards their substantive positions.

If a confirmatory application is made, each passage of the documents concerned is examined individually, taking into account the observations made by delegations, with a view to determining whether the identity of those delegations whose positions and/or reservations are recorded in the document can be released.

3. The above approach did not meet with the agreement of the DK, FIN, NL and S delegations, which are in favour of fully releasing the documents concerned.
