CONSILIUM

Transparency, Access to documents and the Archives

of the Council of the European Union

Brussels, 4 May 2012

Programme

- Part I: Transparency
- Part II: Access to documents: Key players
- Part III: Access to documents:
  - Main elements of Regulation 1049/2001
  - Implementing Regulation 1049/2001
- Part IV: How does transparency affect your daily work
- Part V: Central Archives
- Part VI: Conclusions

Part I : Transparency

- What is Transparency?
- Transparency in the Treaties
- Transparency in the Council Rules of Procedure
- *Fiches de vote*

What is Transparency?

Transparency means openness and accountability of public administrations.

Transparency increases public interest in policies and trust in institutions. Interest and trust are crucial elements to sustain the European project.

At the European level, transparency means:
- openness of deliberations on legislative acts,
- public's right of access to documents

Transparency in the Treaties

❖ THE AIM (article 1 TEU)

An ever closer union among the peoples of Europe, with decisions taken as closely as possible to its citizens.

❖ HOW TO ACHIEVE IT (article 15(3) TFEU)

When deliberating and voting on legislative acts the Council meets in public.

The public has a right of access to documents of the Union's Institutions.

Transparency in the Council's Rules of Procedure

❖ Openness of legislative deliberations
(art. 7 CRP)

- The Council meets in public when deliberating or voting on legislative acts.
- Documents submitted to the Council under legislative deliberations are public.
- The results and explanation of votes, as well as Statements in the Council's minutes, on legislative acts are public.

Transparency in the Council's Rules of Procedure

- **Public deliberations and debates (art. 8 CRP)**

- Council's first deliberation on important non-legislative proposals is public [art 8(1)].

- The Council holds public debates on important issues affecting the EU and its citizens [art 8(2)].

Transparency in the Council's Rules of Procedure

❖ Public deliberations and debates (art. 8 CRP)

- The debate on the GAC's 18 month programme, as well as the priorities of the other Council's configurations, and the debate on the Commission's five-year programme, are public [art 8(3)].
- Documents submitted to the Council under an item marked as public deliberations and public debates are public.

Transparency in the Council's Rules of Procedure

❖ Votes on non-legislative deliberations

(art. 9 CRP)

- When adopting the important non-legislative proposals referred to in art. 8(1), the voting results, explanation of votes and statements are public.
- The Council may also decide to make public the voting results of any other non-legislative act. In the case of Title V TEU, this decision is unanimous.

Transparency in the Council's Rules of Procedure

❖ Council open sessions

- Watch public sessions *LIVE*
- See outcome of voting on legislative acts
- Consult documents related to the public sessions
- Consult background notes and press releases

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Fiche de vote

General Secretariat of the Council

Institution	Council of the European Union
Session	3035th meeting
Configuration	Competitiveness (Internal Market, Industry and Research)
Item	2009/0005 COD (Document : PE-CONS 34/10)
Voting Rule	Qualified majority (EU-27)*
Subject	Formalités déclaratives applicables aux navires à l'entrée ou à la sortie des ports des États membres de la Communauté

Sitting date

11/10/2010

Member State	Vote	Weighting
BELGIQUE / BELGIE	↑	12
БЪЛГАРИЯ	↑	10
ČESKÁ REPUBLIKA	↑	12
DANMARK	↑	7
DEUTSCHLAND	↑	29
EESTI	↑	4
ÉIRE/IRELAND	↑	7
ΕΛΛΑΣ	↑	12
ESPAÑA	↑	27
FRANCE	↑	29
ITALIA	↑	29
ΚΥΠΡΟΣ	↑	4
LATVIJA	↑	4
LIETUVA	↑	7
LUXEMBOURG	↑	4
MAGYARORSZAG	↑	12
MALTA	↑	3
NEDERLAND	↑	13
ÖSTERREICH	↑	10
POLSKA	↑	27
PORTUGAL	↑	12
ROMÂNIA	↑	14
SLOVENIJA	↑	4
SLOVENSKO	↑	7
SUOMI / FINLAND	↑	7
SVERIGE	↑	10
UNITED KINGDOM	↑	29

Vote		Members	Votes Cast
Yes	↑	27	345
No	↓	0	0
Abstain	–	0	0
Not Participating	✕		
Total		27	345

** Qualified majority is reached if at least 255 votes in favour are cast by at least 14 Council members*

For information only

More: http://www.consilium.europa.eu/public-vote

See also CP 41/2011

Fiche de vote

A *fiche de vote* is prepared and displayed in case of:

- adoption of a legislative act,
- other steps of the ordinary or special legislative procedures foreseen in the TFEU, namely, when:
  - adopting the position of the Council at 1st reading,
  - approving (or not) EP amendments at 2nd reading,
  - approving (or not) Conciliation Committee Joint Text,
  - adopting the position of the Council (budget acts).

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Fiche de vote

A fiche de vote is NOT prepared for indicative voting intentions at intermediate stages of legislative deliberations, namely, in case of:

- political agreements,
- general approaches,
- progress reports,
- information on the state of play, etc

However, the votes can still be read in public by the Presidency.

Transparency in the Council's Rules of Procedure

❖ Access to documents (art. 10 + Annex II)

- The public has a right of access to documents of the Council and of the European Council.
- Regulation 1049/2001 establishes the general principles and limits governing the right of access to documents of the Institutions
- Annex II of the CRP sets specific provisions for the implementation of this right by the Council.

Part II
Access to documents: Key players

- The Courts
- The European Ombudsman
- The European Data Protection Supervisor (EDPS)
- NGOs

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Key players: The Courts

- Full or partial refusal for access to documents can lead to a confirmatory request. This is an administrative appeal requesting the Council to re-examine the initial response of the GSC.

- If the Council maintains its refusal, the applicant can institute Court proceedings against the Council and/or a complaint to the Ombudsman.

Case-law on access to documents

Principles derived from case-law

(T-105/95 WWF v. Commission)

- The EU institutions are required to state reasons for their individual decisions refusing access to documents,
- The reasons for refusal have to be stated in a way which does not harm the interests to be protected.
- Exceptions should be interpreted and applied strictly.

Case-law on access to documents

Principles derived from case-law

(T-14/98 Hautala)

- A decision refusing access must be based on a genuine examination of the document and the particular circumstances of the case,
- If only parts of a requested document are covered by any of the exceptions, the remaining parts of the document shall be released.
  (now Art. 4(6) of Regulation 1049/2001)

Case-law on access to documents

Principles derived from case-law

(C-64/05 P Sweden v. Commission)

- A decision refusing access is only valid if it is based on one of the exceptions provided for in the Regulation

  (implied by the judgement).

Case-law on access to documents

Principles derived from case-law

(C-39/05 P Turco and Sweden v. Council)

"Regulation No 1049/2001 imposes, in principle, an obligation to disclose the opinions of the Council's legal service relating to a legislative process."

However, refusal of a specific LS opinion based on the protection of legal advice is possible if the opinion:

- is of a *particularly sensitive* nature,
- has a *particularly wide scope* going beyond the context of the legislative

Key Players: The Ombudsman

European Ombudsman

- The Ombudsman's decisions are not legally binding on the institutions, however, they have considerable political impact.
- In most cases, the institutions will follow the Ombudsman's recommendations, if found guilty of maladministration.
- Complaint of Statewatch in 2000 led to the guidelines on document production in CP 200/08.

Key Players: NGOs

NGOs: Statewatch

www.statewatch.org

- Statewatch was created in 1991. It aims to encourage informed discussion and debate in Europe particularly in the field of civil liberties, accountability and openness.
- It is very keen to publish documents of the EU Institutions related to the area of transparency and access to documents.

EU: Access to documents: Latest Council draft positions: **Proposal for a Regulation of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (recast)** (dated 16.4.09, pdf) and **Proposals by Finland, Lithuania and Slovenia for deletion of Articles 2.5 and 2.6 and - proposal by Denmark, Estonia and the Netherlands for amendment to Article 3(a)** (dated 17.4.09, pdf). It should be noted that in the former document the Council is only considering what it calls "*Technically admissible European Parliament amendments*", thus leaving out most of them from its discussions. For full background and documentation see: **Observatory: the Regulation on access to EU documents: 2008-2009**

Key Players: NGOs

NGOs: AccessInfo

www.access-info.org

- Created in 2006, Access Info promotes the right of access to information in the EU with the aim to facilitate public participation in decision-making and to hold the EU accountable.

- It supports the AsktheEu.org website which publishes the Institutions' answers to requests for information and for access to documents.

Key Players: NGOs

NGOs: votewatch.eu

www.votewatch.eu

- Created in 2009, VoteWatch aims to promote transparency in EU decision-making by providing easy access to, and analysis of, the political decisions and activities of the European Parliament.

- This summer, it will extend its activities to cover deliberations and voting at the Council.

Part III
Access to documents: Regulation 1049/2001

- **Main elements of Regulation 1049/2001:**
  - Institutional coverage
  - Material scope
  - Beneficiaries
  - Transparency principles

- **Implementing Regulation 1049/2001:**
  - Introducing initial requests
  - Processing initial requests
  - Examination of documents: the “harm test”
  - Processing confirmatory requests
  - Deadlines for replying

Main elements of Regulation 1049/2011

❖ Institutional coverage

- The European parliament,
- The Council
- The Commission
- Other EU Institutions, bodies or agencies apply 1049/2001 via their rules of procedure

Main elements of Regulation 1049/2001

❖ Material scope

- All documents held by the institutions on all areas of activity of the EU.
- Document means any content whatever its medium:
  - written on paper
  - stored in electronic form
  - stored as a sound, visual or audiovisual recording.

Main elements of Regulation 1049/2001

❖ Beneficiaries

- Any citizen of the Union, and any natural or legal person residing or having an office in a Member State;

- CRP enlarge the scope of the beneficiaries to include <u>any natural or legal person</u>.

Main elements of Regulation 1049/2001

❖ Transparency principles

- Applies to all documents held by an Institution, concerning all areas of activity;
- Transparency is the rule, refusal of access is the exception;
- Exceptions to the right of access are foreseen, but these must be interpreted and applied strictly;
- Reasons to refuse a document must be stated;
- Partial access should always be considered.

Main elements of Regulation 1049/2001

❖ Review of Regulation 1049/2001

- April 2008, proposal for a recast of Regulation 1049/2001 on access to documents.
- March 2011, additional proposal to align the Regulation with the Lisbon Treaty and extend its scope of application to all European institutions, bodies, offices and agencies.
- The Council and the European Parliament are currently examining both proposals but their positions are still very far from each other.

Implementing Regulation 1049/2001

❖ Introducing initial requests

- A request for access to documents shall be made in written form, including electronic form, in one of the EU languages.
- The request does not have to be motivated.
- Requests can be sent to:
  - DGF2 Transparency Service,
  - Any other service of the GSC,
  - A Member State or European Institution in possession of the documents in question.

❖ Introducing initial requests

Other services or members of staff of the GSC shall immediately forward to the Transparency Service (access@consilium.europa.eu) any request for access to documents for processing

❖ Processing initial requests

Upon reception of a request for documents, the Transparency Service:

- registers the request in its database (DTA),
- sets a deadline for replying to the request,
- identifies the requested document(s),
- examines whether access can be granted.

❖ Processing initial requests

- The Transparency Service does a preliminary examination of the requested documents, taking into consideration the subject, content and the state of play of ongoing negotiations.
- If necessary, the responsible desk officer is consulted, usually by email.
- The Transparency Service will often make suggestions as regards the possibility of granting full or partial access.

❖ Processing initial requests

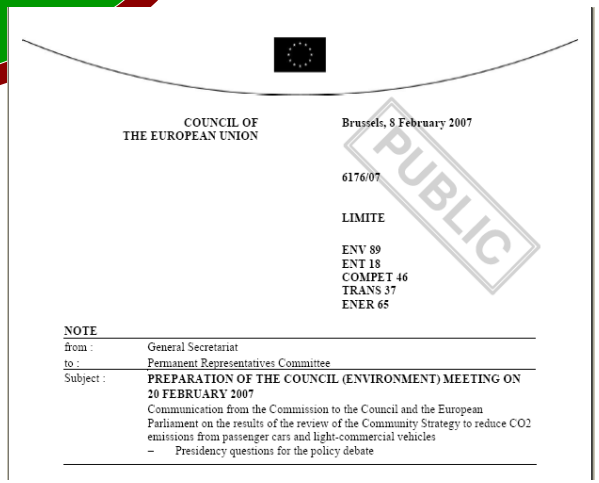
- Following the examination stage and response by the desk officer, the Transparency Service sends a letter of reply to the applicant.
- No working party is involved at this stage, the reply letter is the sole responsibility of the GSC.

Reply to the applicant

In its reply to the applicant, the GSC may decide to:

Grant access :

Since 1999, between 71% and 88% of requested documents have been made public



COUNCIL OF
THE EUROPEAN UNION

Brussels, 8 February 2007

6176/07

LIMITE

ENV 89
ENT 18
COMPET 46
TRANS 37
ENER 65

PUBLIC

NOTE

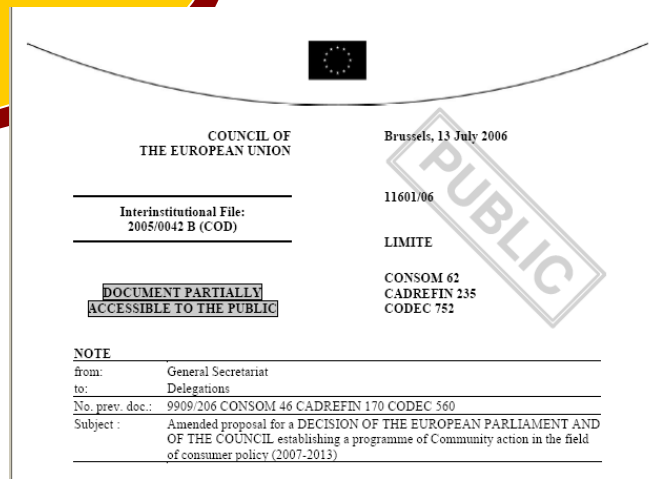
from : General Secretariat
to : Permanent Representatives Committee
Subject : **PREPARATION OF THE COUNCIL (ENVIRONMENT) MEETING ON 20 FEBRUARY 2007**
Communication from the Commission to the Council and the European Parliament on the results of the review of the Community Strategy to reduce CO2 emissions from passenger cars and light-commercial vehicles
– Presidency questions for the policy debate

Reply to the applicant

In its reply to the applicant, the GSC may decide to:

Grant partial access:

partial access has to be considered for all documents



COUNCIL OF THE EUROPEAN UNION

Brussels, 13 July 2006

Interinstitutional File: 2005/0042 B (COD)

11601/06

LIMITE

CONSOM 62
CADREFIN 235
CODEC 752

PUBLIC

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC

NOTE

from:	General Secretariat
to:	Delegations
No. prev. doc.:	9909/206 CONSOM 46 CADREFIN 170 CODEC 560
Subject :	Amended proposal for a DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a programme of Community action in the field of consumer policy (2007-2013)

Reply to the applicant

In its reply to the applicant, the GSC may decide to:

Refuse access:

Always state reasons for refusal!

Citizens do not have to justify their applications for access

Exceptions to the general right of access (Article 4 of Regulation 1049/2001)

The release of the document <u>would undermine</u> the protection of:

- public interest, in particular public security and international relations,
- privacy and the integrity of an individual,
- commercial interests of a natural or legal person, including intellectual property,

Exceptions to the general right of access (Article 4 of Regulation 1049/2001)

The release of the document would undermine the protection of (cont.):

- court proceedings and legal advice,
- the purpose of inspections, investigations and audits.

or would **seriously** undermine:

- the decision-making process of the Council.

Implementing Regulation 1049/2001

❖ Classified documents

- Full declassification by the BIC in the form of a REV version,
- Partial declassification: the Transparency Service prepares an EXT version and sends it to originating service.

Examination of documents: The “harm test”

Any decision to refuse access to a document must be based on a “**harm test**".

This means that all documents requested must be submitted to an analysis measuring the harm that disclosure would cause to one of the public or private interests to be protected.

Examination of documents: The “harm test”

- Practical example:

  Request received via website (as analysed by the secretariat of the Transparency Service)

This e-mail has been sent to access@consilium.europa.eu using the electronic form available in the Register application

This electronic form has been submitted in **BG**

Title/Gender: Mr - Г-н

Family Name: Смиф

First Name: Джон

E-Mail: john.smith@hotmail.com

Occupation:

On behalf of:

Address: BG

Telephone:

Mobilephone:

Fax: 7742109

Requested document(s): SESAR: Генерален план за управление на въздушното движение
а) Проект за решение на Съвета за одобрение на европейския генерален план за управление на въздушното движение в рамките на проекта SESAR
б) Проект за резолюция на Съвета за одобрение на европейския генерален план за управление на въздушното движение
- Приемане

1st preferred linguistic version: EN - английски

2nd preferred linguistic version: BG - български

Examination of documents: The “harm test”

- Consultation of the responsible desk officer

Dear Colleague,

The Transparency Service has received a request for access to doc. **7742/09** (SESAR: ATM Master Plan – a) Draft Council Decision endorsing the European Air Traffic Management Master Plan of the SESAR project – b) Draft Council Resolution on the endorsement of the European Air Traffic Management Master Plan – Adoption).

The relevant Decision and Resolution now having been adopted by the Council and taking into account the content of the document, it would seem at first sight that there is no more reason to withhold it.

Do you still see a reason to withhold all or part of this document (and if so, why)?

Thank you in advance for your assessment!

Examination of documents: The “harm test”

- Reply by the desk officer

Dear Colleague,

I know that this decision has been adopted, but similar discussions are ongoing.

Therefore, no access to protect the decision-making process.

Kind regards.

Examination of documents: The “harm test”

- Reply by the desk officer

Dear Colleague,

I would prefer not to release 7742/09.

However, if you think it's necessary to give this out, please delete paragraph 6 on page 2, because the delegation would certainly object to this being made public.

Kind regards.

Examination of documents: The “harm test”

- Reply by the desk officer

Dear Colleague,

I don't see a reason to withhold the major part of doc. 7742/09.

However, paragraph 6 on page 2 relates to an individual position of an identified delegation. Although this particular decision-making process is now finished, release of that information would be particularly harmful in two other procedures that are still ongoing and where the same issue is at stake. In fact, I think, the delegation concerned would completely block these procedures if this position were made public at this stage, because of the political sensitivity of the issue in its capital.

Therefore, I consider that access to paragraph 6 on page 2 needs to be refused.

Kind regards.

Examination of documents: The “harm test”

- Reply to the applicant

COUNCIL OF
THE EUROPEAN UNION

GENERAL SECRETARIAT

Directorate-General F
Press
Communication
Protocol

Transparency
- Access to Documents

RUE DE LA LOI, 175
B – 1048 BRUSSELS
Tel: (32 2) 281 67 10
Fax: (32 2) 281 63 61
E-MAIL:
access@consilium.europa.eu

Brussels, 5 May 2009

Mr John Smith

e-mail: john.smith@denison.edu

Ref. 09/4711-ws-cb

Dear Mr Smith,

Your request of 15 April 2009 for access to document 7742/09 has been registered by the "Access to Documents" unit. Thank you for your interest.

The General Secretariat of the Council has examined your request on the basis of Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (Official Journal L 145, 31.5.2001, p. 43) and the specific provisions concerning public access to Council documents set out in Annex II to the Council's Rules of Procedure (Council Decision No 2006/683/EC, Euratom, Official Journal L 285, 16.10.2006, p. 47) and has come to the following conclusion:

Document **7742/09** is a report from the Council General Secretariat to the Council on the *SESAR ATM Master Plan (Draft Council Decision endorsing the European Air Traffic Management Master Plan of the SESAR project – Draft Council Resolution on the endorsement of the European Air Traffic Management Master Plan – Adoption)*.

Pursuant to Article 4(6) of the Regulation, you may have access to this document, with the exception of one part relating to an individually identified delegation's position, release of which would seriously undermine the Council's decision-making process in ongoing procedures concerning the same issue and to which – in the absence of any evidence of an overriding public interest in disclosure – access must therefore be denied under Article 4(3) of the Regulation (protection of the Council's decision-making process).

According to Article 7(2) of the Regulation, you may submit a confirmatory application requesting the Council to reconsider this position, within 15 working days of receiving this reply [1].

Yours sincerely,

For the General Secretariat

Ramón Jiménez Fraile

Enclosure

[1] Should you decide to do so, then please indicate whether you permit the Council to make your confirmatory application fully public in the Council's Register of documents. If you do not reply or reply in the negative, then your application will be dealt with confidentially. Your reply will in no way prejudice your rights under Regulation (EC) No 1049/2001.

to be translated into Bulgarian!

Examination of documents: The “harm test”

- Reply to the applicant

COUNCIL OF
THE EUROPEAN UNION

Brussels, 20 March 2009

7742/09

DOCUMENT PARTIALLY
ACCESSIBLE TO THE PUBLIC

LIMITE

AVIATION 48

PUBLIC

REPORT

from :	Council General Secretariat
to :	Council
No. Cion prop. :	15932/08 AVIATION 269
Subject :	SESAR: ATM Master Plan a) Draft Council Decision endorsing the European Air Traffic Management Master Plan of the SESAR project b) Draft Council Resolution on the endorsement of the European Air Traffic Management Master Plan - *Adoption*

A. Introduction

1. The Council Regulation (EC) No 219/2007 on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR) was adopted by the Council on 27 February 2007[1] and amended by the Council Regulation (EC) No 1361/2008, adopted on 16 December 2008[2].

[1] OJ L 64, 2.3.2007 p. 1
[2] OJ L 352, 31.12.2008 p. 12

2. SESAR is composed of three phases (a "definition phase", a "development phase" and a "deployment phase") and the Joint Undertaking is established to oversee the second of the three phases.

3. According to Article 1.2 of the above Regulation (EC) No 219/2007, the Council shall decide on the endorsement of the European Air Traffic Management Master Plan (the European ATM Master Plan) acting on a proposal from the Commission. The European ATM Master Plan provides the roadmap for the development and deployment phases of the SESAR project which constitutes the technological pillar of the Single European Sky policy.

4. On 18 November 2008, the Commission submitted to the Council and the European Parliament its Communication "The Air Traffic Management Master Plan (the ATM Master Plan)". This Communication includes the SESAR ATM Master Plan, developed during the definition phase, which the Council will endorse as the initial version of the European ATM Master Plan.

5. In light of the above Communication, the Aviation Working Party prepared a text of a draft Council Decision for the formal endorsement of the European ATM Master Plan, which has been revised by the Legal Linguist Services[3]. The text of the draft Decision was examined by Coreper on 11 March 2009.

6. DELETED

[3] Doc. 7119/09 AVIATION 32

Examination of documents: The "harm test"

Exercise:

Analysis of document 13986/10 regarding EU external strategy on PNR agreements

Processing confirmatory requests

- Confirmatory request may be introduced when the GSC has refused access to a document in full or in part or when no reply has been given within the deadline.
- They are registered and submitted to the same consultation procedure as initial requests, but at this stage the Legal Service is also involved.
- A public ST document is drafted in order to inform the Information Working Party.

Processing confirmatory requests

- If refusal is to be maintained, it must be justified in the form of the "harm test", with further precision and taking into account any arguments the applicant may have invoked in its application.

- Once the Transparency Service, the Legal Service and the originating service agree, a draft reply is drafted in the form of a note to the Information Working Party (“LIMITE”).

Processing confirmatory requests

- If the Information Working Party agrees (by simple majority), the reply will go to Coreper/Council as a I/A item note.
- If the Council's decision implies full or partial declassification, this will be done via REV or EXT version.
- The Transparency Service sends the reply as adopted by the Council to the applicant.

Processing confirmatory requests

Confirmatory applications as percentage of initial applications (2001 – 2011)

Deadlines for replying

- Initial requests for access to documents must be answered within **15 working days**,
- In exceptional cases, e.g. very large number of documents, the deadline may be extended for an additional **15 working days**,
- Other exceptional cases, the Transparency Service will confer with the applicant with a view to finding a fair

Deadlines for replying

- Within **15 working days** of receiving the Council's reply, the applicant may make a confirmatory application.
- Confirmatory applications for access to documents must be answered within **15 working days**,
- In exceptional cases, e.g. very large number of documents, the deadline may be extended for an additional **15 working days.**

Part IV
How does transparency affect your daily work?

- Definition of document
- The Council's Public Register
- Ensuring traceability of documents
- The use of LIMITE *v.* Public Upon Circulation
- Legislative Transparency

Definition of document

All these types of documents fall under Regulation 1049/2001:

- ST Documents
- CM Communications
- DS Documents
- SN Documents
- Internal DG Working Documents
- Classified Documents

Public register

- The Institutions are required to make a document register available to the public.
- The Council's Public Register has been operational since 1 January 1999.
- On 31 December 2011, the register listed almost 1 730 000 documents - 77 % are public.
- During the year of 2011, the Council's Public Register received almost a 1,4 million visits.

Public register

What is a reference?

- A reference in the register identifies a Council document.
- Each reference contains certain information on the document (number, title, subject matter, originator, addressee, date, etc.) which is always public, regardless of whether the contents of the document are public or not.

Public register

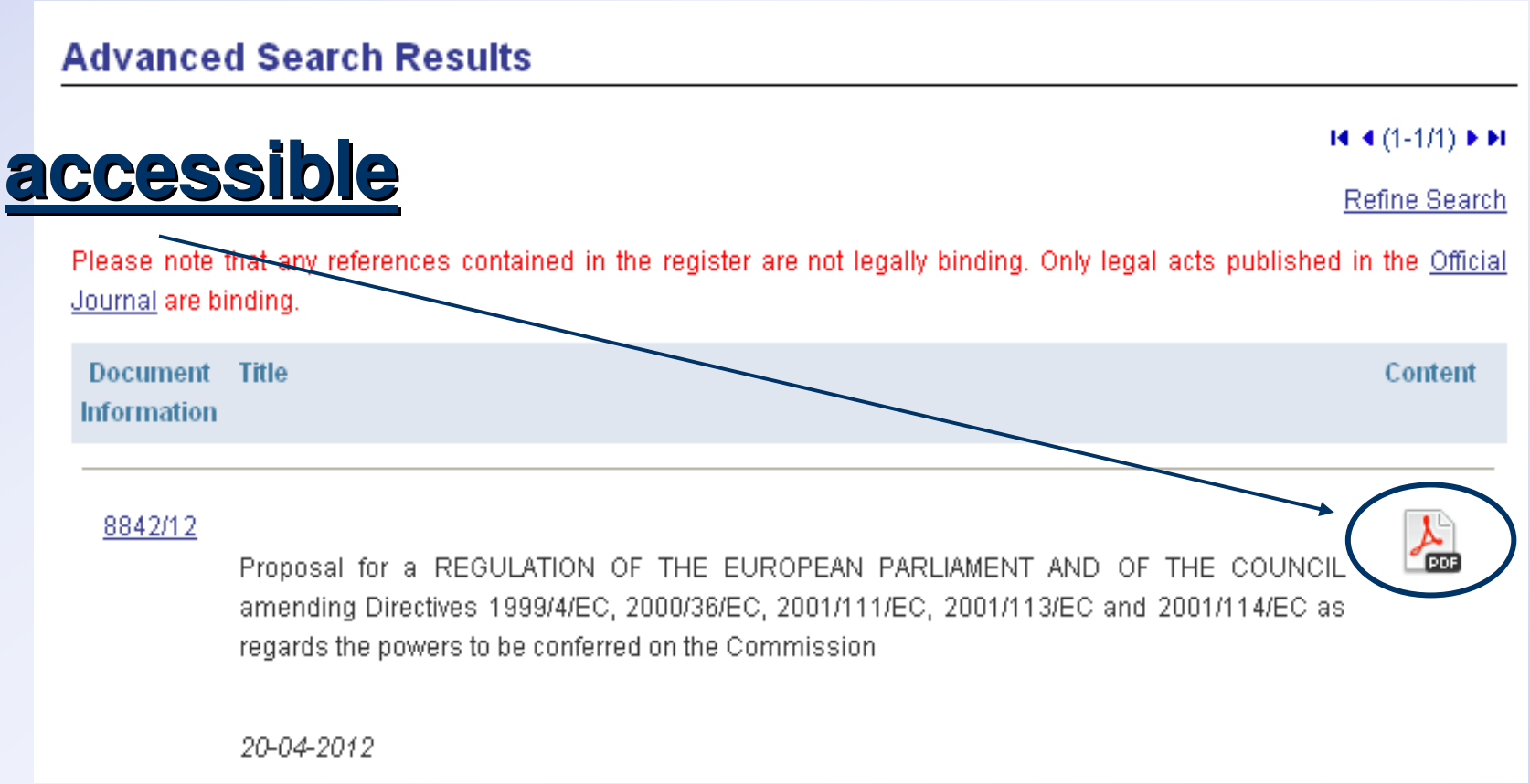
Type of document	Information on the register
➢ ST documents	➢ reference and content
➢ ST ”LIMITE”	➢ reference only
➢ CM Communications	➢ reference and content
➢ CM ”LIMITE”	➢ reference only
➢ ST documents classified ”RESTREINT UE”	➢ reference only

Public register

How to find the public register on the Council's website?

Public register

ST Document without code
(content entirely accessible)



Public register

ST Document "LIMITE"
(content partially accessible after request)

partially accessible

Advanced Search Results

(1-1/1)

Refine Search

Please note that any references contained in the register are not legally binding. Only legal acts published in the Official Journal are binding.

Document Information	Title	Content
10041/10	Proposal for a Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA *25-05-2010*	P/A

Public register

ST Document LIMITE or more restricted
(content not accessible)

Advanced Search Results

not accessible

(1-1/1)

Refine Search

Please note that any references contained in the register are not legally binding. Only legal acts published in the Official Journal are binding.

Document Information	Title	Content
5565/11	"Five members of the Peasant Movement of Aguán (MCA) murdered in Honduras" *24-01-2011*	

Public register

Information provided in the reference to a CM Communication LIMITE

Document Information

(1/1)

Result List | Refine Search

Please note that any references contained in the register are not legally binding. Only legal acts published in the Official Journal are binding.

Document Number	3439/09
Title	Working Party of Veterinary Experts (Public Health) Date:Monday 14 September 2009 (10 h 00) Venue:COUNCIL JUSTUS LIPSIUS BUILDING Rue de la Loi 175, 1048 BRUSSELS
Content (!)	N/A
Interinstitutional File	
Subject Matter	AGRILEG DENLEG
Document Category	NOTICE OF MEETING AND PROVISIONAL AGENDA
Originator	service.veterinaire@consilium.europa.eu|+32.2-281.27.70 / +32.2-281.78.36
Addressee	
Document Date	27-08-2009
Date of Meeting	
Archive Date	27-08-2009
Document Language	EN

Public register

The “public interface” of CM Communication LIMITE

COUNCIL OF THE EUROPEAN UNION GENERAL SECRETARIAT		Brussels, 27 August 2009
		CM 3439/09
		LIMITE
		AGRILEG DENLEG
COMMUNICATION		
NOTICE OF MEETING AND PROVISIONAL AGENDA		
Contact:	service.veterinaire@consilium.europa.eu	
Tel./Fax:	+32.2-281.27.70 / +32.2-281.78.36	
Subject:	Working Party of Veterinary Experts (Public Health) Date: → Monday 14 September 2009 (10 h 00) Venue: → COUNCIL JUSTUS LIPSIUS BUILDING Rue de la Loi 175, 1048 BRUSSELS	

Public register

Information provided in the reference to a ST document LIMITE

Document Information

(1/1)

Result List | Refine Search

Please note that any references contained in the register are not legally binding. Only legal acts published in the Official Journal are binding.

Document Number	15110/10
Title	Proposal for a Regulation of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession - Comments from the Austrian, the German and the Polish delegations
Content (!)	N/A
Interinstitutional File	2009/0157(COD)
Subject Matter	JUSTCIV 174 CODEC 1082
Document Category	NOTE
Originator	the Austrian, the German and the Polish delegations
Addressee	Working Party on Civil Law Matters (Succession)
Document Date	19-10-2010
Date of Meeting	
Archive Date	19-10-2010
Document Language	EN

Public register

The “public interface” of ST Document LIMITE

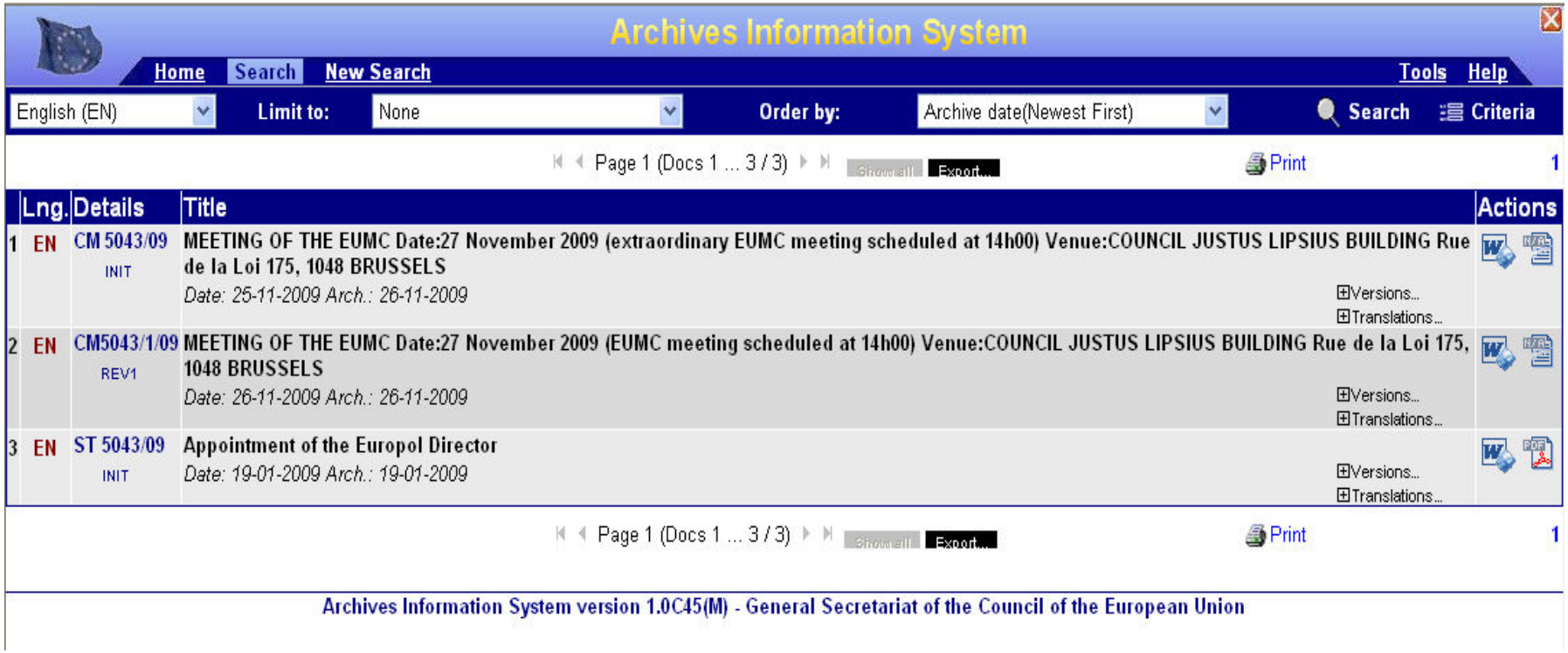
COUNCIL OF THE EUROPEAN UNION		Brussels, 19 October 2010
Interinstitutional File: 2009/0157 (COD)		15110/10 LIMITE
		JUST CIV 174 CODEC 1082

NOTE

from:	the Austrian, the German and the Polish delegations
to:	Working Party on Civil Law Matters (Succession)
No. prev. doc.:	11637/10 JUSTCIV 129 CODEC 627
No. Cion prop.:	14722/09 JUSTCIV 210 CODEC 1209
Subject:	Proposal for a Regulation of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession - → Comments from the Austrian, the German and the Polish delegations

Public register

The A.I.S.
(Archive Information System)



Ensuring traceability of documents

ST documents:

All texts submitted to the Council or its or its preparatory bodies which:

- serve as a basis for deliberations;
- influence the decision making process; and/or
- reflect the progress made on a given subject

MUST be produced as an ST document

Ensuring traceability of documents

DS documents, internal DG documents:

If exceptionally a document is distributed in another form than ST, it MUST:

- be converted into an ST document as soon as possible,
- or be referred to in another document (minutes, summary record, outcome of proceedings, list of documents).

Ensuring traceability of documents

SN documents:

Reserved exclusively for internal use (translations etc.)

Exercise:

The Use of LIMITE

v. Public Upon Circulation

Documents directly accessible to the public

- third party documents made public by the author or with his consent,
- agendas for Council meetings (incl. "A“ items)
- texts intended for publication in the OJ
- documents submitted to Council and listed under the part “legislative deliberation” of the agenda or marked “public deliberation” or “public debate”
- draft legislative acts and acts referred to in Article 8(1) CRP and respective "I/A" and "A" item notes to Coreper/Council.

Documents directly accessible to the public

Provided that they are not covered by any of the exceptions laid down in Article 4 of the Regulation:

- provisional agendas of committees and working parties,
- other documents, such as information notes, reports, progress reports and reports on the state of discussions <u>excluding Legal Service opinions and contributions</u>.

When to attribute the code “LIMITE”?

- Third party documents, which have not been made public by the author,
- Documents submitted by Member States,
- Documents reflecting individual positions of delegations,
- Documents containing an opinion and/or contribution from the Legal Service.

Legislative Transparency

Publication of preparatory documents upon final adoption of a legislative act
(Annex II CRP - Article 11(6))

After adoption of the final legislative act, the General Secretariat makes available to the public all documents concerning the examination and adoption of a legislative act (unless covered by an exception).

Legislative Transparency

Implementation of Article 11(6) of Annex II CRP

i. Monthly Summary of Council Acts ("Relevé"),

ii. The Legislative Transparency Service identifies documents related to each legislative act adopted,

iii. "n/a" and "p/a" documents are assessed by the Legislative Transparency Service.

Implementation of Article 11(6) of Annex II CRP

iv. Letter is sent to the responsible DG containing:

- the list of all "n/a" and "p/a" documents,
- the result of the assessment,
- the opinion of the Legislative Transparency Service on the publication of the documents.

Legislative Transparency

Letter to the responsible Service

COUNCIL OF
THE EUROPEAN UNION

GENERAL SECRETARIAT

Directorate-General F
Press, Communication, Protocol

Transparency-Access to Documents

RUE DE LA LOI, 175
B – 1048 BRUSSELS
Tel: (32 2)
Fax: (32 2)

Brussels, January 2009

NOTE TO THE ATTENTION OF THE DGs
OF THE GENERAL SECRETARIAT OF THE COUNCIL

Please reply to
DGF: TRANSPARENCY - ACCESS TO DOCUMENTS SERVICE
(0050.HN.38)

Subject: **Access to Council Documents - Rules of Implementation**
Documents ST LIMITE to make available to the public after final adoption of a legislative act (Article 11 (6) of Annex II to the Council's Rules of Procedure, Staff Note 134/02, paragraph 9).

In June 2007, the Council adopted the following legislative act:

Name of Regulation, Directive or Decision and document number

Pursuant to Article 11(6) of Annex II to the Council's Rules of Procedure, all preparatory documents relating to a legislative act, the content of which is not covered by Article 4(1), (2) or (3), second subparagraph, of Regulation (EC) No 1049/2001, shall be made available to the public in full after the final adoption of the act.

In order to comply with these provisions, please indicate, within 15 working days, whether you agree to the full release of the document(s) mentioned below or if there is still a need to protect information contained therein, e.g. by granting only limited (partial) to the document(s) concerned.

In case of partial access, a detailed justification to invoke the exceptions laid down in Article 4(1), 4(2) and second paragraph of 4(3) of Regulation 1049/2001 must be provided.

In case of no response within the established time-limit, the document(s) listed below will be made available to the public, pursuant to Article 11(6) of the Council's Rules of Procedure.

DOCUMENT	FULL ACCESS	PARTIAL ACCESS (Information to protect and detailed justification)

Name of the Official Responsible:

Part V: Central Archives

« Archiving is …keeping track ! »

Archives: History

- Set up in Luxembourg in 1952 – ECSC archives
- Brussels since 1958: EEC and EAEC archives
- Merger Treaty 1967: ECSC, EEC and EAEC archives in Brussels
- Deposits contract 1984: historical archives are transferred to the EUI in Florence
- Situation unchanged with the following treaties

Archives: Mission

- ✓ **to collect**
- ✓ **to process**
- ✓ **to provide**

documents produced or received by the GSC in the exercise of its functions

Opening to the public of the historical archives of the EEC and the Euratom

Regulation n° 1700/2003 (EEC, Euratom):

- Access to archives after 30 years -> “the 30 years rule”
- Article 1. 2 a: definition of Community archives
- Articles 2 et 3: exceptions

Definitions of document

Already since decades, definitions of "document" have been proposed, for example:

- French law of 1979
- ISAD(G) Standard 1999

Archives

Definitions of document:

Two key ideas

- **Document**

  all information - regardless of its form - produced or received by the GSC on a subject related with the politics, the activities and the official decisions of the Council

- **File**

  a set of documents put together in a systematic way to form a coherent and relevant entity

Archives: Organisation

- **Current Archives**: Now to +/- 5 years
- **Intermediate Archives**: 5 to 30 years
- **Historical Archives**: more than 30 years

Archives: Some figures

- over 500 requests for information/year
- +/- 50 000 photocopies
- 7 000 linear metres of files organised in 8 “funds” = collections
- 60 researchers on average a year

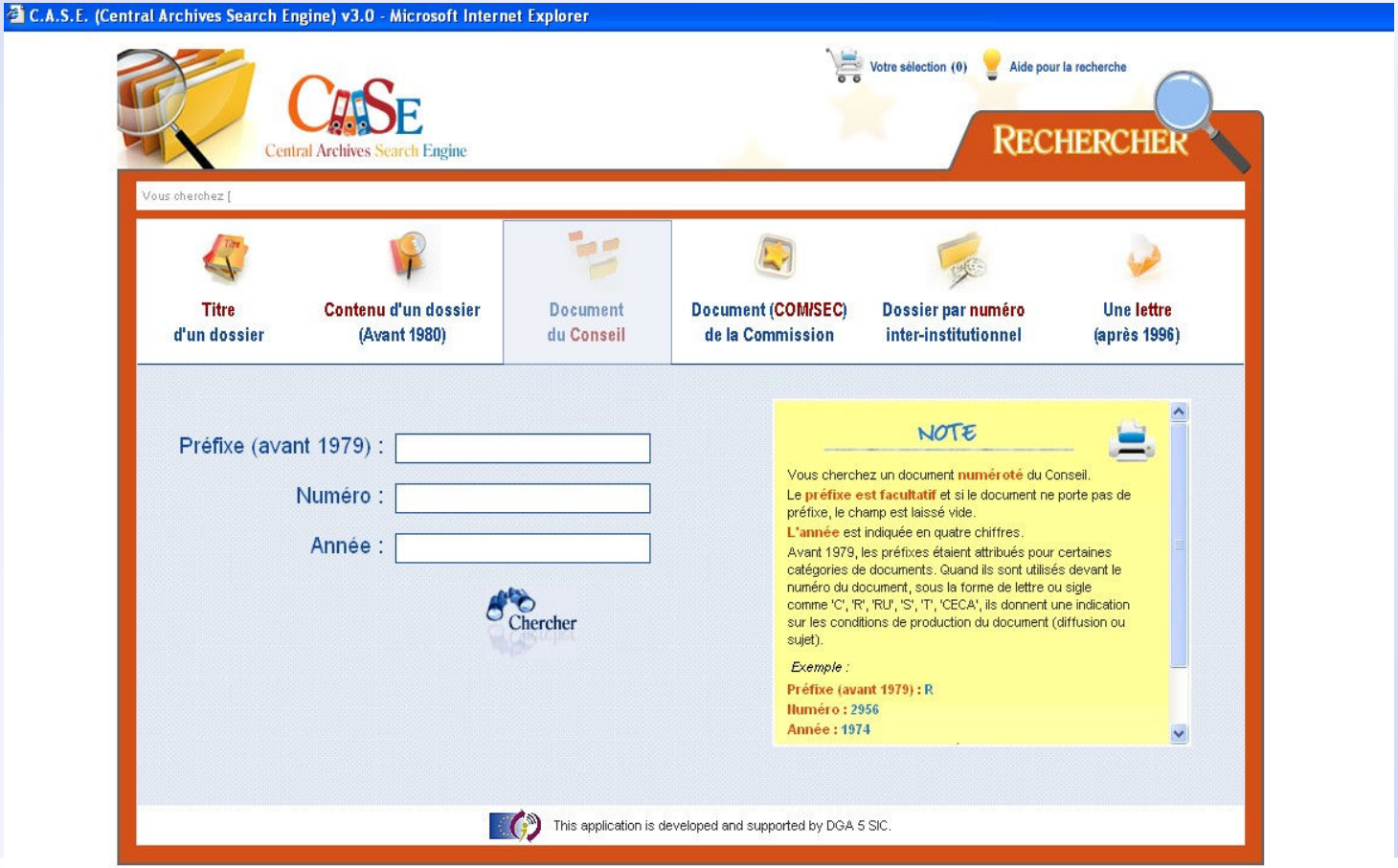
Archives

How to find the Central Archives on DOMUS?

DGs and Services ➔ DG F ➔ Archives centrales

Archives

Introductory page of the Central Archives' Search engine ("CASE"): Domus ➔ Tools ➔ C.A.S.E



Document information provided in CASE

Details - CASE - Central Archives Search Engine - Microsoft Internet Explorer

CASE Central Archives Search Engine

Votre sélection (0) | Aide pour la recherche

Nouvelle recherche | Liste de résultats | Les détails du dossier

Vous cherchez ["Document du Conseil"]: 5043/2009>

Fonds: CM4 UE
Sous-Fonds: DGH
Numéro du dossier: 3951
Numéro temporaire du dossier: -

Année: 2009
Numéro Inter-Institutionnel: -
Code: -1.872.08

Le titre: Décision 2009/C111/02 du Conseil du 06.04.2009 portant nomination d'un directeur d'Europol.

Infos Complémentaires: -

Farde #1

Dates: 09.10.2008 - 15.05.2009
Lettres: 8/10244, 8/10277, 8/12811 du 09.10.2008, 8/14635,
Sessions: 2927 du 26-27.02.2009 2936 du 06.04.2009
Publications Finales: JO2009-C111/4
Documents du Conseil: =17147/08=, 5043/09, 5352/09, 6648/09, 6945/09 EXT, 8496/09 EXT
Intercalaires: [1]Publication au JO #
[2]Copie certifiée conforme

This application is developed and supported by DGA 5 SIC.

Part VI: Conclusions

Best Practices

- Transparency is the rule, refusal of access is the exception,
- Exceptions must be interpreted and applied strictly,
- Refusals must be motivated,
- Partial access should always be considered,
- Wider access for documents relating to legislative files,
- No automatic use of LIMITE,
- Existing instructions for drafting ST, CM, DS and internal documents should be followed,
- Given the strict time-limits, requests for access should be examined as quickly as possible.

Openness of Council Sessions:

- Coordinates the overall implementation of the openness of Council Sessions. In particular:
  - Prepares *fiches de vote* with the outcome of voting on legislative acts
  - Indexing of public deliberations and public debates
  - Implements rules on legislative transparency and release of documents after adoption by the Council of a legislative act.

The role of DG F 2 Transparency

Access to documents:

- Coordinates the overall implementation of the policy of public access to Council documents
- Is responsible for the processing of initial and confirmatory requests with a view to:
  - ensure that the rules are applied consistently,
  - reduce additional workload that the examination of documents inevitably generates for other DGs
  - Coordinates consultations
  - Ensures that requests are handled within 15 working days

The role of DG F 2 Transparency

Central Archives:

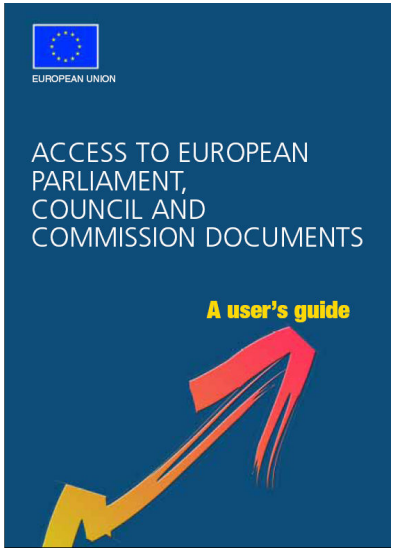
- Supports day-to-day information research
- Enhances the value of our intellectual heritage
- Assists researchers / transparency team

The role of DG F 2 Transparency

How to find the DG F on DOMUS?

DGs and Services → DG F

Publications on access to documents



The Interinstitutional booklet on access to documents:

- summarizes Regulation 1049/2001 and describes how to submit a request for access,
- provides a list of useful addresses (public registers of documents, data bases etc.)

The annual reports

End of presentation