



**European Committee
of the Regions**

The President

Brussels, 09/10/2020
PCab/SoB/MA/ssch DEC 302/2020

Decision No 18/2020

of 9 October 2020

on public access to Committee of the Regions documents

THE BUREAU OF THE COMMITTEE OF THE REGIONS,

- HAVING REGARD TO** the Treaty on the Functioning of the European Union and, in particular, Article 15(3) thereof,
- HAVING REGARD TO** Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents¹,
- HAVING REGARD TO** Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC²,
- HAVING REGARD TO** the Committee of the Regions' Rules of Procedure, in particular Rule 78 thereof,

¹ OJ L 145, 31.5.2001, p. 43.

² OJ L 295, 21.11.2018, p. 39.

HAVING REGARD TO Committee of the Regions Bureau Decision No 64/2003 of 11 February 2003 on public access to Committee of the Regions documents³,

HAVING REGARD TO Committee of the Regions Bureau Decision No 128/2003 of 17 June 2003 on public access to Committee of the Regions documents via the electronic document register,

WHEREAS in the Joint Declaration on Regulation (EC) No 1049/2001, the European Parliament, the Council and the Commission request the other institutions to adopt internal rules regarding public access to documents, taking into account the principles and limits set out in this Regulation⁴,

WHEREAS the creation of a list of directly accessible documents pursuant to Rule 78(2) of the Committee of the Regions' Rules of Procedure and the Committee's arrangements for the exercise of citizens' right to access documents need to be combined in a single decision in order to facilitate transparency for citizens,

HAS DECIDED AS FOLLOWS:

CHAPTER I

GENERAL PROVISIONS

Article 1

Beneficiaries, scope and types of access

1. Any citizen of the Union and any natural or legal person residing or having its registered office in a Member State shall have a right of access to Committee of the Regions ('the Committee') documents, subject to the principles, conditions and limits set out in Regulation (EC) No 1049/2001 and the specific provisions laid down in this Decision.
2. For the purpose of this Decision, the term 'Committee documents' means any content within the meaning of Article 3(a) of Regulation (EC) No 1049/2001 which has been drawn up or received by one of the Committee's constituent bodies or by the Committee's Secretariat-General.
3. The Committee shall provide public access to its documents through the register laid down in Chapter II and on request in accordance with Chapter III.

³ OJ L 160, 28.6.2003, p. 96.

⁴ OJ L 173, 27.6.2001, p. 5.

CHAPTER II

REGISTER OF COMMITTEE DOCUMENTS

Article 2

1. In accordance with Articles 11 and 12 of Regulation (EC) No 1049/2001, a register of documents shall be established within the Committee.
2. Committee documents mentioned in the list appended to this Decision and documents to which access has been granted under Chapter III of this Decision shall be directly accessible to citizens in electronic form in the register.
3. The Committee may decide to include in the register documents other than those mentioned in paragraph 2. In this case, the Committee shall decide, on account of the nature of each document, either to make the document directly accessible to citizens in electronic form in the register or to include in the register only a reference number for the document, the subject matter and/or a short description of its content and the date on which it was received or drawn up and recorded in the register.

CHAPTER III

PROCEDURE FOR ACCESS ON REQUEST

Article 3

Documents accessible on request

Committee documents that are not mentioned in the list appended to this Decision shall, as far as possible, be accessible to citizens on request, subject to the limits laid down in Articles 4 and 9 of Regulation (EC) No 1049/2001.

Article 4

Initial application

1. Submission:
 - 1.1. Applications for access to a document shall be sent to the Secretariat-General of the Committee in any form of writing, including in electronic format, in one of the languages listed in Article 1 of Regulation No 1/1958 determining the languages to be used by the European Economic Community⁵.

⁵ OJ P 017, 6.10.1958, p. 385.

- 1.2. Applications shall be made in a sufficiently precise manner and shall in particular contain information enabling the document or documents requested to be identified as well as the name and contact details of the applicant.
 - 1.3. If an application is not sufficiently precise, the Committee shall ask the applicant to clarify it and shall assist him or her in doing so; in this case, the period for replying shall be suspended until the Committee receives this information.
 - 1.4. In the event of repeated or successive applications concerning very long documents or a large number of documents, the Committee may confer with the applicant informally with a view to finding a solution.
 - 1.5. The applicant is not obliged to state the reasons for the application.
2. Processing:
- 2.1. An application for access to a document held by the Committee shall be sent on the same day as it is registered to the team responsible for handling applications for access to documents, which shall acknowledge receipt of the application, draft a reply and deliver the document within the prescribed time limit.
 - 2.2. If the application relates to a document drawn up by the Committee to which one of the exceptions laid down in Article 4 of Regulation (EC) No 1049/2001 may be applicable, the team responsible for the register shall contact the originator of the document, which shall suggest the course of action to be taken within five working days.
 - 2.3. If the doubt as to disclosure concerns documents from third parties, the Committee shall consult the latter, giving them no less than five working days in which to make their position known, with a view to assessing whether one of the exceptions laid down in Article 4 of Regulation (EC) No 1049/2001 is applicable.
 - 2.4. If the application submitted to the Committee concerns a document that originates from another institution and has not yet been made public by that institution, the Committee shall give the institution responsible for the document no less than five working days in which to express any reservations regarding disclosure of the document.
 - 2.5. If no reply is received from the third parties or the institution from which the document originates within the prescribed deadline, the Committee shall carry on with the procedure.
3. Decision:
- 3.1. Where access to the requested document is granted, the Committee shall, within 15 working days from registration of the application, supply the requested document to the applicant. The Director of Directorate A shall be responsible for replies giving access to the requested documents.

- 3.2. Where access to the requested document is refused, the Committee shall, within 15 working days from registration of the application, notify the applicant in writing of the grounds for the total or partial refusal and inform the applicant of his or her right to make a confirmatory application. Failure by the Committee to reply within the prescribed time limit shall entitle the applicant to make a confirmatory application. The Secretary-General shall be responsible for replies refusing, totally or partially, access to the requested documents.
- 3.3. In exceptional cases, for instance where an application relates to a very long document or a large number of documents, the time limit provided for in paragraphs 3.1 and 3.2 may be extended by 15 working days, provided the applicant is notified in advance and that detailed reasons are given.
- 3.4. The Director of Directorate A and the Secretary-General may delegate their respective powers mentioned in paragraphs 3.1 and 3.2.

Article 5

Confirmatory applications

1. Submission:

- 1.1. Confirmatory applications shall be sent to the Committee within 15 working days from receipt of the total or partial refusal of access to the document requested or, in the absence of any reply to the initial application, from the expiry of the period fixed for the reply.
- 1.2. Confirmatory applications shall be made in accordance with the same formal requirements as for the initial application.

2. Processing:

The provisions laid down in Article 4(2) of this Decision shall apply by analogy to the processing of confirmatory applications; however, the Committee shall not be under the obligation to acknowledge receipt of the confirmatory application.

3. Decision:

- 3.1. Where access to the requested document is granted, the Committee shall, within 15 working days from registration of the confirmatory application, supply the requested document to the applicant. The President shall be responsible for replies giving access to the requested documents.
- 3.2. Where access to the requested document is refused, the Committee shall, within 15 working days from registration of the confirmatory application, notify the applicant in writing of the grounds for the total or partial refusal and inform the applicant of the remedies open to him

or her. The President shall be responsible for replies refusing, totally or partially, access to the requested documents.

- 3.3. In exceptional cases, for instance where a confirmatory application relates to a very long document or a large number of documents, the time limit provided for in paragraphs 3.1 and 3.2 may be extended by 15 working days, provided the applicant is notified in advance and that detailed reasons are given.
- 3.4. The President may delegate the powers mentioned in paragraphs 3.1 and 3.2.

Article 6

Remedies

Where the Committee totally or partially refuses to grant access to a document following a confirmatory application or fails to reply within the prescribed time limit, the applicant shall have the possibility of instituting court proceedings against the Committee and/or making a complaint to the European Ombudsman under the conditions laid down in Article 263 and 228 of the Treaty on the Functioning of the European Union, respectively.

Article 7

Issue of documents and cost of the reply

1. Issue of documents

- 1.1. Documents are to be supplied in the form of a paper copy, or in electronic format, with full regard to the applicant's preference.
- 1.2. If a document has already been released by the Committee or by another institution and is easily accessible, the Committee may facilitate access to the document by informing the applicant of how to obtain the requested document.

2. Cost of the reply

The cost of producing and sending copies of 20 or more A4 pages may be charged to the applicant. This charge may not exceed the real cost of the operation. Supply in electronic format shall be free of charge.

CHAPTER IV

FINAL PROVISIONS

Article 8

Implementing measures

The Secretary-General shall be given the task of implementing the measures necessary to ensure the application of this Decision.

Article 9

Repeal of Decision No 64/2003 and of Decision No 128/2003

This Decision repeals Committee of the Regions Bureau Decision No 64/2003 of 11 February 2003 on public access to Committee of the Regions documents and Committee of the Regions Bureau Decision No 128/2003 of 17 June 2003 on public access to Committee of the Regions documents via the electronic document register.

Article 10

Entry into force

This Decision shall enter into force on the date following that of its publication in the Official Journal of the European Union.

Done at Brussels, 9 October 2020

For the Bureau of the Committee of the Regions

signed
Apostolos Tzitzikostas

Appendix

List of Committee of the Regions documents directly accessible to the public

1. Documents relating to political work

Requests and reasons for drawing up an own-initiative opinion
Allocations of referrals
Thematic commission draft opinions
Thematic commission draft outlook opinions
Thematic commission draft reports
Thematic commission draft outlook reports
Commission draft resolutions
Information memos provided to members in commission meetings
Amendments to commission draft opinions
Amendments to commission draft outlook opinions
Amendments to commission draft reports
Amendments to commission draft outlook reports
Amendments to commission draft resolutions
Draft opinions submitted to plenary sessions
Draft outlook opinions submitted to plenary sessions
Draft reports submitted to plenary sessions
Draft outlook reports submitted to plenary sessions
Draft resolutions submitted to plenary sessions
Information memos/Background notes submitted to plenary sessions
Amendments to draft opinions submitted to plenary sessions
Amendments to draft outlook opinions submitted to plenary sessions
Amendments to draft reports submitted to plenary sessions
Amendments to draft outlook reports submitted to plenary sessions
Amendments to draft resolutions submitted to plenary sessions
Records of the proceedings at plenary sessions
Opinions of the (European) Committee of the Regions
Outlook opinions of the (European) Committee of the Regions
Commission reports stating the reasons for bringing an action for infringement of the subsidiarity principle or failure to carry out obligatory consultation of the Committee
Reports of the (European) Committee of the Regions
Outlook reports of the (European) Committee of the Regions
Resolutions of the (European) Committee of the Regions
Decisions not to draw up an opinion

2. Documents relating to the organisation and functioning of Committee decision-making bodies

Draft Rules of Procedure

Amendments to draft Rules of Procedure

Rules of Procedure

Reports on the revision of the Rules of Procedure

Plenary session decisions on the election of Bureau members

Plenary session decisions on setting-up commissions

Bureau decisions on setting-up working groups, joint consultative committees, interregional groups, task forces and other political bodies

Plenary session decisions on the nomination of the President

Plenary session decisions on the nomination of the 1st Vice-President

3. Documents relating to CoR political strategy

Draft declarations

Declarations

Annual evaluation reports

End of term evaluation reports

Executive summaries and reports on the impact of Committee opinions

Executive summaries and annual activity reports

Political priorities

Start-of-term political programmes

CoR thematic commission work programmes

4. Documents relating to the work of Committee bodies

Bureau documents

Compositions

Notices of meeting

Draft agendas

Attendance lists

Bureau memos

Calendars of meetings

Minutes

Conference of Presidents

Agendas

Plenary session documents

Notices of meeting

Draft agendas

Minutes

Attendance lists

Statements and speeches by guest speakers

Documents of Committee thematic commissions (in addition to those mentioned under point 1), joint consultative committees, working groups, interregional groups, task forces and other Committee political bodies

Political priorities (as included in action plans and work programmes)

Start-of-term political programmes

Activity reports and thematic reports

Recommendations

Compositions

Notices of meeting

Draft agendas

Minutes

Attendance lists

Proposals for external activities

Presentations relating to thematic debates or opinions

Presidency

Statements and speeches by the President

Statements and speeches by the Vice-Presidents

Members

Appointments of members

Members' letters of resignation

Ends of members' terms of office

Declarations of members' financial interests

Expenses and allowances

Rules on the reimbursement of travel expenses and the payment of flat-rate travel and meeting allowances for members

Documents of political groups

Setting-up of groups

Meetings between commission chairs and the Committee President

Notices of meeting

Agendas

Seminars and conferences

Notices of meetings, seminars and conferences

Follow-up documents

5. Documents of CoR networks and platforms

European grouping of territorial cooperation (EGTC)

Register

National decisions

Subsidiarity Monitoring Network (SMN)

Subsidiarity work programmes

Subsidiarity annual reports
Studies
Subsidiarity conference agendas
Brochures
Consultation reports
Contributions by SMN partners

Europe2020 platform
Monitoring reports
Lists of members

Division of powers platform
Division of powers studies

6. Documents relating to communication and research

Strategic documents
Committee Communication Strategies
Annual communication action plans
Annual communication reports (on activities from the previous year)

Other documents
Press releases
Electronic newsletters (distributed via the subscription service available on the website homepage)

Organisation of events (conferences, round tables, public hearings, workshops, etc.)
Notices of meetings (conferences, round tables, public hearings, workshops, etc.) which are open to the public
Information for members on events organised by the Committee
Programmes/agendas of events organised by the Committee
Summaries/analyses/evaluations of events organised by the Committee

Studies carried out by the Committee
Studies
Bureau research programmes

Members' guides
Guide for rapporteurs
Guide for members

7. Documents relating to relations with others

Cooperation agreements
Communications with European and international institutions and bodies
Communications with Member States
Communications with local and regional authorities
Communications with international organisations
Communications with associations

European groupings of territorial cooperation

8. Documents relating to Committee administration, planning and reporting

Recruitment and traineeships

Vacancy notices

Privacy statements relating to the recruitment of officials, secondment of seconded national experts and traineeships

Rules applicable to national experts seconded to the Committee

Rules governing the traineeships scheme of the Committee

Rules regarding financial contribution towards the travel expenses actually incurred at the beginning and end of traineeships by standard trainees at the Committee departments of the Committee

Tender procedures

General conditions for purchase orders (low-value contracts)

Privacy statement relating to public procurement procedures

Contract notices published in the Official Journal

Award notices published in the Official Journal

Ex-ante publication of upcoming low- and middle-value contracts

List of low- and middle-value contracts signed by the Committee in the previous year

List of specific contracts and order forms based on a framework contract signed by the CoR in the previous year

Whistleblowing rules and declarations of outside activities of senior officials

Privacy statement relating to data protection during whistleblowing processes

Rules on whistleblowing

Administrative arrangements between the Committee and OLAF

Annual information regarding the occupational activities of former senior officials