

TRANSPARENCY

Access to documents

European Commission– SG B4



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Documents emanating from Member States delegations

The General Secretariat of the Council requests the Commission not to consult individual delegations, but to contact the Council (via their email address: access@consilium.europa.eu) in case of any request for access to documents from national delegations represented within the Council or one of its preparatory bodies.

Indeed, where a national delegation is acting within the framework of the decision-making process within the Council, it has been agreed that it is acting as a member of the institution (the Council being composed of Ministers) and not as a third-party with respect to the institution¹. The position of the Member States within the Council is part of the institution's preparatory work.

Consequently, this means that:

- For documents drawn up by the Member States expressing their position in their capacity of members of the Council, the consultation on the disclosure of such documents shall be deposited with the General Secretariat of the Council, in the context of the Memorandum of Understanding;
- The documents from the Member States as such, are to be considered as documents of a third-party and require the consultation of the Member States concerned.

¹ Legal position expressly agreed by the COREPER in 2002 (see 6898/02), following the opinion of the Council's Legal Service (see 5108/02) and the note from the Secretariat-General with ref. 6203/02.