# Information handbook

of the Council of the European Union

General Secretariat of the Council of the European Union

DGF Information Policy, Transparency, Public Relations

A great deal of additional information on the European Union is available on the Internet. It can be accessed through the Europa server (http://europa.eu.int)

Cataloguing data can be found at the end of this publication

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#### **FOREWORD**

Of the institutions of the European Union, it is the Council which has the political decision-taking power in fields within the sphere of competence of the Union. With the participation of the European Parliament, the Council is also responsible for legislating in Community fields at the initiative of the Commission.

The Council's activity is characterized by seeking the best possible solutions through negotiation. This often involves lengthy, laborious discussions both in the preparatory stages – meetings of national experts and Permanent Representatives (Ambassadors) – and in ministerial meetings.

In order to maintain the effectiveness of the decision-taking process, the Council's proceedings are not generally public and its deliberations are covered by the obligation of professional secrecy.

However, a number of measures have been adopted in recent times to increase the transparency and openness of the Institution and thus to strengthen citizens' confidence in European integration.

The purpose of this Guide – which has been prepared on the responsibility of the General Secretariat of the Council and has no legal scope – is to explain certain basic concepts of how the Council works, but above all to provide practical information both on existing sources of information and on the implementation of measures adopted with regard to openness and transparency.

Through this Guide the General Secretariat intends to respond to the appeal from the Council for measures to be put into practice to make the public more aware of the possibilities that exist in terms of transparency, especially as regards access to documents.

This initiative is also entirely in line with the new Treaty signed in Amsterdam on 2 October 1997, which introduces the concept of transparency and under which decisions must be taken with the greatest possible respect for the principle of openness.

Jürgen Trumpf Secretary-General of the Council of the European Union

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# BASIC CONCEPTS

#### **BASIC CONCEPTS**

#### NOTICE TO READERS

The expressions in bold type refer to Part III (Contacts and useful addresses).

# (1) Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, Netherlands, Austria, Portugal, Finland, Sweden, United Kingdom.

#### 1. Composition and working methods

The Council of the European Union is composed of one representative of each Member State (¹) of ministerial rank authorized to commit his/her Government. The Presidency is held by each Member State in turn for six months.

There is one Council, but it meets in different compositions depending on the items on the agenda. The most common compositions are the following: General Affairs, Agriculture, Budget, Consumers, Culture, Development, Economic and Financial Affairs (Ecofin), Education, Energy, Environment, Industry, Justice and Home Affairs, Internal Market, Fisheries, Research, Health, Telecommunications, Transport and Employment and Social Affairs.

The General Affairs, Economic and Financial Affairs (Ecofin) and Agriculture Councils meet once a month, whilst others meet two to four times a year depending on the urgency of the topics discussed.

Ministerial meetings are held in Brussels, at the Council's headquarters, expect for April, June and October, when the meetings are held in the European Centre in Luxembourg.

The Member States have **Permanent Representations** to the European Union in Brussels.

The fifteen Permanent Representatives usually meet each week in a committee known as the "Permanent Representatives Committee" (Coreper). That Committee – divided into two parts, one composed of the Permanent Representatives, the other of their Deputies – is responsible for preparing for the Council's proceedings. Preparation for the Agriculture Council is the responsibility of the Special Committee on Agriculture (SCA).

The numerous working parties, composed of national delegates and experts, submit their reports, following thorough examination of proposals, to Coreper and the SCA.

#### **BASIC CONCEPTS**

#### 2. Council acts

The structure of the Treaty on European Union (TEU) organizes the Union's activities in three fields ("pillars"), on the basis of which the Council's proceedings are arranged.

The first pillar covers activities deriving from the Treaty establishing the European Community (TEC), involving "Community" policies such as agriculture, environmental protection or economic and commercial questions.

The second and third pillars cover the Common Foreign and Security Policy (CFSP) and Cooperation in the fields of Justice and Home Affairs (JHA) respectively.

#### First pillar

In the Community domain Council acts may take the form of regulations, directives, recommendations or opinions.

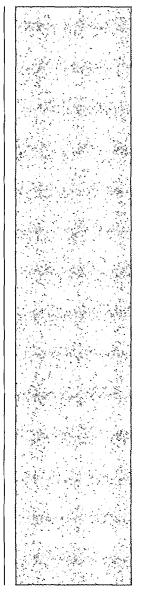
Regulations are general in scope and directly applicable in all Member States.

*Directives* bind Member States as to the results to be achieved, while leaving national authorities competence as to form and means. Directives therefore require national measures to be taken to transpose them into national law.

*Decisions* are compulsory for those to whom they are addressed. They may apply to one or all Member States, to enterprises or individuals.

Recommendations and opinions or indeed resolutions and conclusions are essentially political acts and not legally binding.

There are three main types of decision-taking procedure in the European Community: the consultation procedure, the codecision procedure and the cooperation procedure. All three begin with the submission of a Commission legislative proposal. Thereafter, the European Parliament is either only consulted by the Council before



#### **BASIC CONCEPTS**

the act is adopted (consultation procedure), or it is co-author of the act with the Council (codecision procedure), or it cooperates closely in preparing the act adopted by the Council (cooperation procedure).

In the context of the codecision and cooperation procedures the Council adopts, following a first reading of the Commission proposal by the European Parliament, acts called *common positions* which are sent to the European Parliament to enable it to hold a second reading of the draft legislative act.

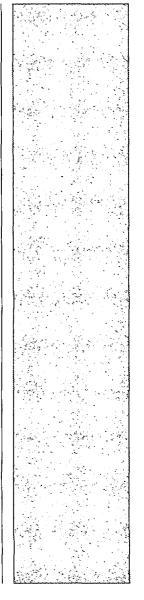
The codecision procedure makes provision for the convening of a Conciliation Committee, which is composed of representatives of both Institutions, in the event of the Council not accepting all the European Parliament amendments to the Council's *common position*. Where the Conciliation Committee reaches agreement that agreement takes the form of a *joint text* which then becomes, unless rejected, the legislative act adopted jointly by the European Parliament and the Council.

#### Second pillar

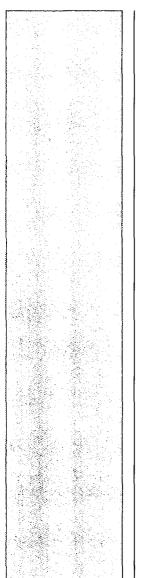
With regard to the Common Foreign and Security Policy, the Council may, whenever it sees fit, define a common position (not to be confused with *common positions* in the Community domain) which reflects, for example, the European Union's approach in a given international situation. It is therefore for Member States to ensure that their national policies are in line with the common positions in question.

The Council may also adopt *joint actions* (e.g. support for a peace process between third countries in dispute) which bind Member States in the positions they adopt and the measures they take.

The Council or its Presidency on behalf of the Council may also make *statements* or *declarations* expressing the Union's position on foreign policy matters.



#### **BASIC CONCEPTS**



#### Third pillar

In the context of Cooperation on Justice and Home Affairs, Council acts may take the form of *joint positions* and *joint actions* as well as of *conventions*, the latter having to be ratified by the Member States in accordance with their respective constitutional rules. *Joint positions* are used more to define in advance the policy which the Member States will adopt in an international forum. *Joint actions* are used to establish a number of standards or principles which Member States undertake to apply at national level.

#### 3. Decision-taking

The European Commission holds the right of initiative as regards Community questions. The European Parliament is closely involved in decision-taking. The social partners and other interest groups, through the Economic and Social Committee, and local and regional authorities, represented on the Committee of the Regions, are consulted by the Council.

In this area, a large number of the legislative decisions may be taken by the Council by a qualified majority, i.e. a type of majority where the votes of members of the Council are weighted (¹). In practice the Council always endeavours to achieve the broadest possible consensus before acting.

As regards the Common Foreign and Security Policy and Cooperation in the field of Justice and Home Affairs, the Council is the main decision-taking body. The Member States have a right of initiative, as does the Commission in certain cases.

Unlike in the Community area, in the second and third pillars the rule of unanimity prevails in the Council; however, the implementation of joint actions may be decided upon by a qualified majority.

#### (1) WEIGHTING

- Germany, France, Italy, United Kingdom: 10 votes each;
- Spain: 8 votes;
- Belgium, Greece, Netherlands, Portugal: 5 votes each:
- Austria, Sweden:
   4 votes each;
- Denmark, Ireland, Finland;
   3 votes each;
- Luxembourg: 2 votes.

Qualified majority: 62 votes out of 87

The Office for Official Publications of the European Communities (OPOCE) prints, circulates and sells the Official Journal.

A list of the main sales outlets of the Office for Publications is given at the end of this Guide.

In addition to the paper version, the OJ may be obtained by electronic means, notably the CELEX computerized interinstitutional documentation system for European law and the EUDOR electronic document delivery system.

(1) Spanish, Danish, German, Greek, English, French, Italian, Dutch, Portuguese, Finnish and Swedish

#### 1. The Official Journal

The bulk of the Council's legislative and decision-taking activity is published in the eleven official languages of the Communities (1) in the Official Journal of the European Communities (OJ).

The OJ comprises two series ("L" and "C") and a Supplement ("S").

Acts with a binding legal effect are published in the "L" series. That series is divided into two categories (I and II), category "L.I" comprising acts whose publication is a condition of their applicability and category "L.II" comprising acts whose publication is not a condition of their applicability.

The "C" series contains a broad spectrum of information and communications, including preparatory acts in the course of the legislative process.

The Supplement to the Official Journal ("S" series) contains notices of public contracts issued by the contracting authorities of Member States, of third countries, of Community institutions, etc.

As regards the work of the Council, the following acts are automatically published in the OJ:

regulations, directives and decisions adopted in accordance with the decision-making procedure

(European Parliament and Council acts) and Council regulations and directives addressed to all Member States (category "L.I");

common positions and statements of reasons for preparatory acts adopted by the codecision and cooperation procedures ("C" series);

conventions on cooperation in the fields of justice and home affairs ("C" series, together, when they enter into force, with an indication of that entry into force in the "L" and "C" series and a reference to the number of the OJ "C" series in which the text of the convention was published). The Council decision establishing the said convention is also published by analogy.

The following acts relating to CFSP and JHA cooperation are published in the OJ by a decision of the Council acting unanimously in each case at the time of their adoption:

common positions and joint actions (category "L.II");

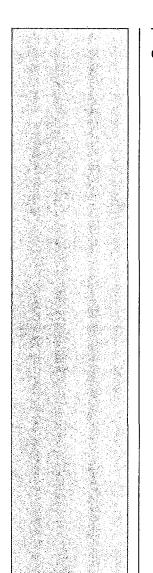
measures implementing joint actions or conventions (in JHA matters) (category "L.II").

The same principle applies to *resolutions* and *conclusions* adopted in the TEC or TEU framework and to *recommendations* based on the TEU ("C" series).

Both these systems can be accessed via the Internet at the following addresses:
http://www.eudor.com/sshttp://europa.eu.int/celex

Other facilities concerning Internet access to the contents of the OJ are available from the Publications Office's website http://eur-op.eu.int

"EUR-Lex"
(http://europa.eu.int/
eur-lex) provides
free access to the
C and L series of
the Official Journal
for a period of 20
days



The following TEC acts are published in the OJ by a decision of the Council acting unanimously:

directives which are not adopted under the codecision procedure and directives which are not of general application (category "L.II");

decisions other than those adopted by the codecision procedure (category "L.II");

recommendations based on the TEC (category "L.II");

conventions based on the TEC ("C" series, together, when they enter into force, with an indication of that entry into force in the "L" and "C" series and a reference to the number of the OJ "C" series in which the text of the convention was published).

#### 2. Public debates

Policy debates on the work programme submitted by the Presidency in the context of General Affairs and Economic and Financial Affairs Council meetings are the subject of public retransmission by audiovisual means.

The Council may also decide on a case-by-case basis that certain debates will also be the subject of public retransmission where they relate to important issues affecting the interests of the Union or significant new legislative proposals.

An indicative list of public meetings is approved by the Council at the beginning of each six-monthly Presidency. That list features in a press release. Each public meeting subsequently forms the subject of a special announcement by the General Secretariat's **Press Office**.

Retransmissions of public meetings take place at the Council's headquarters in Brussels or in Luxembourg, depending on the venue for the ministerial meeting.

Recording and retransmission facilities may be provided for television channels which so request in advance.

In addition to the accredited press, any individual wishing to follow the proceedings is admitted, for the occasion, to the Press Centre.

Groups are requested to contact the Visits Department.

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The establishment plan - with a breakdown of the tasks of the Press and Current Information Office of the Council General Secretariat and the coordinates of the Press Attachés from the Permanent Representations of the Member States in Brussels are given in the Chapter "Useful contacts and addresses". A table showing the order and periods of Council Presidencies up to 2003 is given on page 39.

The Council's Press Centre is open each working day between 08.30 and 18.00.

During Council meetings it remains

#### 3. Up-to-date information

The Press has many sources for obtaining information on the Council's activities: the Presidency, Press Office of the General Secretariat, the 15 delegations and the Commission, which attends every Council meeting.

After each ministerial meeting – and also often during adjournments of the proceedings – the Presidency of the Council gives press conferences to inform journalists of the Council's decisions and conclusions. He is regularly accompanied by the relevant Member(s) of the European Commission.

A detailed press release is published by the Press Office, on the General Secretariat's responsibility, after each meeting.

For their part, the Ministers of the Member States regularly give information – especially to their national press – on the results of Council meetings, either at the end of the meeting or during an adjournment.

Furthermore, throughout the Council meeting the Presidency's spokesmen, the members of the Press Office, and the spokesmen of the Member States and of the Commission keep the press abreast of the state of play.

Before each Council meeting, the Presidency, with the assistance of the Press Office of the General Secretariat, give briefings to set out the topics for discussion by the Council; the agenda is published in the form of a press release. Furthermore, the Press Office prepares information notes and background on the subjects on the agenda.

The Press Office also circulates Common Foreign and Security Policy (CFSP) declarations and press releases following the signing of international agreements or meetings with third countries of association councils, cooperation councils or other meetings.

In addition to press releases the following practical information is regularly available from the Press Office:

- Presidency work programmes containing the dates of all Council meetings;
- practical information on informal meetings of ministers in the country holding the Presidency;
- agendas for the weekly meetings of Coreper and the Special Committee on Agriculture;
- various information notes on decisions adopted by the written procedure, the proceedings of the Council-European Parliament Conciliation Committee, etc.

open at least one hour after the end of the proceedings.

Access is open to journalists accredited to the European Institutions – press card prepared by the Commission's Spokesman's Service – and to journalists in possession of a national press card.

An ad hoc visitor's pass, usually valid for one day, may be obtained on a reasoned request (issued at the entrance to the Press Centre).

The same provisions also apply to access to the Press Centre of the Kirchberg European Centre when Council meetings are held in Luxembourg (April, June and October).

Special accreditation is required for European Council meetings and informal meetings (see each Presidency's ad hoc provisions).

For detailed information on the facilities available to the press, journalists may contact the Press Office.

All information documents published by the Press Office may be obtained at the Press Centre. They are also available – and therefore accessible to the general public – on the Council's Internet website: http://ue.eu.int/newsroom

As regards European Council meetings ("Summits" of Heads of State and Government), the Press Office circulates the declarations of the European Council and the Presidency's conclusions and also assists the press.

In general terms the Press Office contributes to the day-to-day information of the press on all the Council's activities and assists journalists in their search for information on subjects under discussion in the Council's subordinate bodies.

The Press Office holds at the disposal of the media photographs taken at ministerial meetings or other important events. It also deals with the practical organization of the Council's public debates and the management of the Press Centre.

#### 4. Publication of the results of votes

One of the tangible measures to increase the transparency of the Council's proceedings is the publication of the votes and of any explanations of votes, as provided for in the Council's Rules of Procedure adopted on 6 December 1993 (1).

The results of the votes by the members of the Council are systematically published when the Council acts as legislator, i.e. when it adopts legally binding standards, whether through regulations, directives or decisions, on the basis of the relevant provisions of the Treaties.

However, deliberations leading to the adoption of internal measures, administrative or budgetary acts, acts concerning interinstitutional or international relations or non-binding acts such as conclusions, recommendations or resolutions are not regarded as legislative acts.

The results of voting are also made public when the Council adopts common positions in the framework of codecision or cooperation procedures or when members of the Council vote in the Conciliation Committee in the context of the codecision procedure.

Votes and explanations of votes are published in the press releases circulated by the **Press Office** of the General Secretariat of the Council.

Since 1995 voting records have appeared in the Review of the Council's work published annually by the General Secretariat of the Council.

(1) OJ No L 304, 10.12.1993, pp. 1 to 8.

The votes of members of the Council may be accompanied by explanations of vote, which are also made public at the request of their author(s).

Where the Council is not acting as legislator, it is also possible for voting results and explanations of vote to be made public by a decision of the Council, which must be unanimous, where the Council is acting in the context of the Common Foreign and Security Policy and of Justice and Home Affairs.

#### 5. Publication of statements and minutes

In the context of the decision-making procedure, the Council, the Commission and/or one or other of the members of the Council may feel compelled to make written statements in the Council minutes. Such statements have no legal effect and are regarded as a political instrument intended to facilitate decision-making.

Public access to statements in the Council minutes and to the minutes themselves was made possible by the Code of Conduct which the Council adopted on 2 October 1995.

In that Code the Council stated that it was in favour of statements in its minutes at the time of final adoption of legislative acts as a general rule being released to the public. In concrete terms, when such acts are adopted the Council decides that the statements in question are not the subject of professional secrecy. At the request of one of its members the Council may also record that the simple majority required for releasing those statements to the public has not been achieved, but that is a situation which occurs only very rarely.

As regards its minutes, the Council undertook to publish items on its agenda relating to the final adoption of legislative acts.

Statements which
the Council decided
to publish pursuant
to the Code of
Conduct of
2 October 1995 are
available the same
day from the Press
Office of the
Council General
Secretariat.

Press releases distributed by that Office indicate the existence of statements relating to a given act by an asterisk.

The Information
Policy,
Transparency,
Public Relations
unit prepares
monthly lists of
definitive legislative
acts adopted by the
Council,
incorporating the
results of votes and
the statements in
the minutes which

the Council has

decided to release to the public.

The lists and extracts from the minutes may be consulted in the Library of the Council General Secretariat.

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The minutes in question contain, for each agenda item concerned, an indication of the documents submitted to the Council, the decisions taken or the conclusions reached by the Council, and the statements in the Council minutes which the Council has decided to make public.

#### 6. Access to Council documents

The public has the right of access to Council documents under the conditions laid down in Decision 93/731/EC of 20 December 1993. That Decision reflects the provisions of the Code of Conduct on the matter adopted by the Council and the Commission on 6 December 1993.

The procedure guarantees applicants a maximum period for a reply by the Council, a thorough examination of their application and the right of appeal to the Council if the first reply – given by the General Secretariat – is negative.

The Secretary-General is obliged to provide a reply within one month, although this can, exceptionally, be extended by a further month.

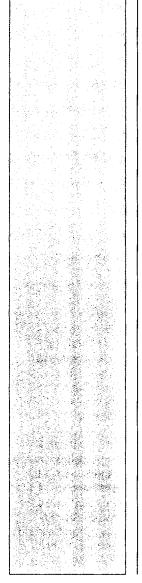
Where access to a document is granted, the applicant may consult the document *in situ* or a copy of the document may be sent to him at his expense. A fee (ECU 10 plus 0,036 per sheet) is charged if the consignment exceeds 30 pages.

Access to a document may be refused where such access would adversely affect the protection of certain interests listed in the text of the Decision or because the secrecy of the Council's deliberations should be protected.

Applications for access to internal Council documents should be submitted in writing in one of the official languages of the Communities to the General Secretariat of the Council of the European Union, rue de la Loi 175, B-1048 Brussels.

The text of Decision 93/731/EC as amended by Decision 96/705/EC of 6 December 1996 is **Annexed** to this Guide.

Information on the implementation of this policy may be obtained from the Access to documents department.



The applicant then has one month to submit to the Council itself a confirmatory application.

If the confirmatory application is rejected, the applicant is informed of the substance of the provisions of Articles 138e and 173 of the Treaty establishing the European Community, concerning the conditions for referral to the Ombudsman and the review by the Court of Justice of the legality of Council acts respectively.

#### 7. Documentation and general information

Requests for documentation and general information on the Council's activities should be made in writing or orally to the relevant department.

The Council General Secretariat publishes regularly or periodically various publications, such as the Review of the Council's activities (annual), the Rules of Procedure, a list of basic texts on information policy and transparency and general information brochures and folders.

Bibliographies on subjects relating to the Council's work can also be prepared on request.

The Council General Secretariat provides in its Internet website (http://ue.eu.int) information on its activities and offers the possibility of ordering certain publications. In addition, it offers a link from that site to the Internet website of each Presidency (http://ue.eu.int/presid).

Requests for information or any question relating to the Council of the European Union may be sent by electronic mail to the address "public.relations@consilium.eu.int". The information/
Documentation
Department may be contacted during working hours. To meet the demands of the public, that department liaises with the other departments of the General Secretariat.

Council publications and some of the publications of the other institutions are available in the General Secretariat's "Bookshop", which may be visited by those interested by presenting themselves at reception.

Most Council publications may be obtained from the Office for Publications of the European Communities and its sales outlets.

The library is open to outside visitors provided that they can give proof of genuine interest.

The opening hours are 08.30 to 12.45 and 13.45 to 17.00 from Monday to Friday.

Visitors must present themselves at reception, which will contact the library staff.

#### 8. The Library

The Council has a library, open by appointment to external visitors, containing works, reference books, documents on paper or microfiche, newspapers and Community publications. Visitors have access to the Community databases and to the Internet.

While it has a stock similar to that of other Community libraries, the Council library has its own characteristics, as it includes everything relating to the Council and its activities (publications, press releases, public documents, basic bibliography, works and articles).

The library possesses in particular collections of the following publications:

- Official Journal of the European Communities in the eleven official Community languages on paper, on microfiche and electronically;
- Official Journals of the Member States:
- Community law;
- Information series on European integration;

- Extracts from the minutes of Council meetings which have been released to the public and statements in the minutes which have been released to the public (since October 1995);
- Lists of legislative acts with voting results;
- Daily press review. Some fifty daily newspapers published in the Member States are examined, chiefly on the basis of Community policies;
- Periodicals. The library subscribes to some 700 general or specialist periodicals which can be consulted *in situ*.
   The articles selected are catalogued then preserved (on paper, microfiche and CD-ROM), thus forming a database which currently contains 15 000 titles.

In the reading room two computers are available to the public to access the library catalogue (Minidoc), the Community databases (CELEX, ECLAS, SCAD, etc.) and to a large number of databases dealing with subjects such as Member States' legislation and to the Internet.

Requests for visits must be made to the Visits

Department.

Staff from the departments will contact the group leader to confirm the reservation and for wider information on the group.

Requests from travel agencies or other commercial organizations are not accepted.

#### 9. Information visits

The possibility of information visits to the Council is open to any organized group of persons over 17 years of age wishing to acquaint themselves with the Institution at first hand.

Groups of visitors are met by the Visits Department at the main reception of the Justus Lipsius building. They are then taken to a meeting room where a speaker explains, in straightforward terms, how the Council works. Other speakers may take the floor, if the group so wishes, to explain, for example, the legal aspects of the Council and of the EU, or specific policies of interest to the group.

Once a year (generally the second Saturday in May) the Council organizes, in concert with the other EU Institutions, an "open day" when those who so wish can visit the Council premises without prior appointment. Guided tours are then organized within the building by officials from the Institution.

#### 10. Historical archives

The **archives** contain Council documents dating from more than 30 years ago. The originals are sent to the **University Institute in Florence** and a complete set of copies is kept on microfiche at the Council headquarters.

The archives are as a rule open to the public and may be consulted on simple request, under the conditions laid down in Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 on the opening of the historical archives of the European Communities to the public ('), in Commission Decision 359/83/ECSC of 5 February 1983 on the opening of the historical archives of the European Coal and Steel Community to the public (2) and Decision No 682/96 of the Secretary-General of the Council on the opening of the historical archives of the Council to the public.

The above arrangements exclude certain documents, notably personnel files, documents and items for cases before the Court of Justice for judgment and documents containing information relating to the private or professional life of a given person.

The archives may be consulted, by appointment, at the Council headquarters. The consultation room is on level 05 of the Justus Lipsius building (rue Belliard entrance) and is open to the public on working days from 09:00 to 16:30.

For each visit the visitor must present himself to the official designated for that purpose. The official in charge of the room authorizes copies on paper (maximum 20 copies).

(1) OJ No L 43, 15.2.1983, pp. 1 to 3. (2) OJ No L 43, 15.2.1983, pp. 14 and

## USEFUL CONTACTS AND ADDRESSES

#### **USEFUL CONTACTS AND ADDRESSES**

#### 1. The Council of the European Union

#### - Headquarters

#### Justus Lipsius building

rue de la Loi 175 B-1048 Brussels tel.: (32-2) 285.61.11

fax: (32-2) 285.73.97 and 285.73.81

telex: 21711 - CONSIL B

#### Venue for Luxembourg meetings

European Centre Kirchberg Plateau L-2929 Luxembourg

tel.: (352) 4300-1

### - Prearranged order of Presidencies

	First half	Second half
1998	United Kingdom	Austria
1999	Germany	Fintand
2000	Portugal	France
2001	Sweden	Belgium
2002	Spain	Denmark
2003	Greece	

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- Member States' Permanent Representations
  - Press and Information Counsellors

#### **BELGIUM**

rue Belliard 62 B-1040 BRUSSELS

#### Nille VAN HELLEMONT

Chancellor

tel.: (32-2) 233.21.70 fax: (32-2) 231.10.75

#### **DENMARK**

rue d'Arlon 73 B-1040 BRUSSELS

## Søoren Juul JØRGENSEN Secretary

tel.: (32-2) 233.08.11 (32-2) 233.08.69 fax.: (32-2) 230.93.84

#### **GERMANY**

rue J. Lalaing 19-21 B-1040 BRUSSELS

#### Michael ZENNER

Counsellor, Spokesman

tel.: (32-2) 238.19.59 fax: (32-2) 238.19.46

#### Ulrich HACKENBRUCH

Attaché

tel.: (32-2) 238.18.77 fax: (32-2) 238.19.46

#### **GREECE**

avenue de Cortenberg 71 B-1040 BRUSSELS

#### Grigoris ARZOGLOU

Counsellor

tel.: (32-2) 230.62.37 fax: (32-2) 230.66.51

#### Loukas PANOUSSIS

Secretary

tel.: (32-2) 230.62.37 fax: (32-2) 230.66.51

#### **SPAIN**

bd. du Régent 52 B-1000 BRUSSELS

#### Ana María RODRÍGUEZ PÉREZ

Counsellor

tel.: (32-2) 509.86.42 (32-2) 509.86.63 fax: (32-2) 511.48.86

#### **FRANCE**

place de Louvain 14 B-1000 BRUSSELS

#### Chantal de BOURMONT

Counsellor, Spokesman

tel.: (32-2) 229.82.79 fax: (32-2) 229.82.80

#### Jean-François BAZIN

Press Attaché

tel.: (32-2) 229.82.78 fax: (32-2) 229.82.80

#### **IRELAND**

rue Froissart 89/93 B-1040 BRUSSELS

#### Vincent HERLIHY

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# COUNCIL DECISION ON PUBLIC ACCESS TO DOCUMENTS

# COUNCIL DECISION 93/731/EC of 20 December 1993 on public access to Council documents

#### THE COUNCIL,

Having regard to the Treaty establishing the European Community, and in particular Article 151(3) thereof,

Having regard to its Rules of Procedure, and in particular Article 22 thereof,

Whereas on 6 December 1993 the Council and the Commission approved a code of conduct concerning public access to Council and Commission documents, reaching common agreement on the principles which must govern such access;

Whereas provisions should be adopted for the implementation of those principles by the Council;

Whereas these provisions are applicable to any document held by the Council, whatever its medium, excluding documents written by a person, body or institution outside the Council;

Whereas the principle of allowing the public wide access to Council documents, as part of greater transparency in the Council's work,

must however be subject to exceptions, particularly as regards protection of the public interest, the individual and privacy;

Whereas, in the interests of rationalization and efficiency, the Secretary-General of the Council should sign on behalf of the Council and on its authorization replies to applications for access to documents, except in cases where the Council is called upon to reply to a confirmatory application;

Whereas this Decision must apply with due regard for provisions governing the protection of classified information,

#### HAS DECIDED AS FOLLOWS:

#### Article 1

- 1. The public shall have access to Council documents under the conditions laid down in this Decision.
- Council document means any written text, whatever its medium, containing existing data and held by the Council, subject to Article 2(2).

#### Article 2

 An application for access to a Council document shall be sent in writing to the Council (¹). It must be made in a sufficiently precise manner and must contain information enabling the document or documents requested to be identified. Where necessary, the applicant shall be asked for further details.

2. Where the requested document was written by a natural or legal person, a Member State, another Community institution or body, or any other national or international body, the application must not be sent to the Council, but direct to the author.

#### Article 3

- The applicant shall have access to a Council document either by consulting it on the spot or by having a copy sent at his own expense. The fee shall be set by the Secretary-General.
- The relevant departments of the General Secretariat shall endeavour to find a fair solution to deal with repeat applications and/or those which relate to very large documents.
- Anyone given access to a Council document may not reproduce or circulate the document for commercial purposes through direct sale without prior authorization from the Secretary-General.

#### Article 4

- Access to a Council document shall not be granted where its disclosure could undermine:
- the protection of the public interest (public security, international relations, monetary stability, court proceedings, inspections and investigations),
- the protection of the individual and of privacy,
- the protection of commercial and industrial secrecy,
- the protection of the Community's financial interests,
- the protection of confidentiality as requested by the natural or legal person who supplied any of the information contained in the document or as required by the legislation of the Member State which supplied any of that information.
- 2. Access to a Council document may be refused in order to protect the confidentiality of the Council's proceedings.

#### Article 5

The Secretary-General shall reply on behalf of the Council to applications for access to Council documents, except in the cases referred to in Article 7(3), in which the reply shall come from the Council.

#### ANNEX

#### Article 6

Any application for access to a Council document shall be examined by the relevant departments of the General Secretariat, which shall suggest what action is to be taken on it.

#### Article 7

- 1. The applicant shall be informed in writing within a month by the relevant departments of the General Secretariat either that his application has been approved or that the intention is to reject it. In the latter case, the applicant shall also be informed of the reasons for this intention and that he has one month to make a confirmatory application for that position to be reconsidered, failing which he will be deemed to have withdrawn his original application.
- 2. Failure to reply to an application within a month of submission shall be equivalent to a refusal, except where the applicant makes a confirmatory application, as referred to above, within the following month.
- 3. Any decision to reject a confirmatory application, which shall be taken within a month of submission of such an application, shall state the grounds on which it is based. The applicant shall be notified of the decision in writing as soon as possible and at the same time informed of the content of Articles 138e and 173 of the Treaty establishing the European Community,

relating respectively to the conditions for referral to the Ombudsman by natural persons and review by the Court of Justice of the legality of Council acts.

- 4. Failure to reply within a month of submission of the confirmatory application shall be equivalent to a refusal.
- 5. Exceptionally, the Secretary-General, having notified the applicant in advance, may extend by one month the time limits laid down in the first sentence of paragraph 1 and in paragraph 3.

#### Article 8

This Decision shall apply with due regard for provisions governing the protection of classified information.

#### Article 9

In 1996, and every two years thereafter, the Secretary-General shall submit a report on the implementation of this Decision.

#### Article 10

This Decision shall take affect on 1 January 1994. Done at Brussels, 20 December 1993.

Council of the European Union

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