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COUNCIL OF
THE EUROPEAN UNION

GENERAL SECRETARIAT

Information handbook of the Council of the European Union



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Information handbook

**of the Council
of the European Union**

**General Secretariat
of the Council of the European Union**

***DG F
Press, Communications, Protocol***

Notice

This handbook, which has been prepared by the General Secretariat of the Council, does not commit the Community institutions or the governments of the Member States.

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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>).

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

Under the Treaty of Amsterdam, which entered into force on 1 May 1999, decisions must be taken with the greatest possible respect for the principle of openness. 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 documents takes account of this principle.

The purpose of this handbook — which has been prepared on the responsibility of the General Secretariat of the Council and has no legal force — 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.

Javier Solana Madariaga
Secretary-General of the Council
of the European Union/
High Representative for the
Common Foreign and
Security Policy



PART I

**BASIC
CONCEPTS**

1. Composition and working methods

The Council of the European Union is composed of one representative of each Member State — Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Austria, Portugal, Finland, Sweden, United Kingdom — of ministerial rank authorised 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 configurations depending on the items on the agenda. The configurations are the following:

- General Affairs
- Agriculture
- Economic and Financial Affairs (Ecofin)
- Environment
- Transport and Telecommunications
- Employment and Social Policy
- Fisheries
- Industry and Energy
- Justice, Home Affairs and Civil Protection
- Internal Market, Consumer Affairs and Tourism
- Research
- Budget
- Culture
- Development
- Education and Youth Affairs
- Health.

The General 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, except 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 15 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 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.

2. Council acts

The structure of the Treaty on European Union (EU Treaty) organises 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 (EC Treaty), 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.

With the Treaty of Amsterdam, some third-pillar subjects such as visas, immigration, asylum and other policies connected with the free movement of persons have been transferred to the first pillar.

First pillar: Community domain

In the Community domain, Council acts may take the form of regulations, directives, decisions, 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 undertakings or individuals.

Recommendations and **opinions** or **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 cooperation procedure and the co-decision procedure. All three begin with the submission of a Commission legislative proposal. Thereafter, the European Parliament is either just consulted by the Council before the act is adopted (consultation procedure), or it cooperates closely in preparing the act adopted by the Council (cooperation procedure) or it is joint author of the act with the Council (co-decision procedure).

BASIC CONCEPTS

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

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

Second pillar: Common foreign and security policy

With regard to the common foreign and security policy (CFSP), including the European security and defence policy (ESDP), the Council may, whenever it sees fit, define a **common position** (not to be confused with common positions in the Community domain under the first pillar) 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.

Joint actions provide for the means needed to implement them, in particular funding from the Union's budget.

The Treaty of Amsterdam has introduced **common strategies**, to be decided on by the European Council, i.e. the Heads of State or Government. They are implemented by the Council, i.e. the ministers, in particular through the adoption of joint actions and common positions.

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

Third pillar: Cooperation in the fields of justice and home affairs

In the context of cooperation in the fields of justice and home affairs (JHA), Council acts may take the form of:

- **common positions:** these define the approach of the Union to a particular matter;
- **decisions:** these are adopted in accordance with the objectives of Title VI of the Treaty on European Union, excluding any approximation of the laws and regulations of the Member States. Decisions are binding and may not entail direct effect;
- **framework decisions:** these are approximate laws, regulations and administrative provisions of the Member States. Framework decisions are binding upon the Member States as to the result to be achieved but shall leave to the national authorities the choice of form and methods. They may not entail direct effect;
- **conventions:** these are traditional international law instruments (such as conventions on extradition). The Council recommends that the Member States adopt them in accordance with their respective constitutional requirements.

3. Decision-taking

The European Commission holds the right of initiative as regards Community questions. As a rule, the European Parliament and the Council are 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 for certain subjects.

In the Community domain, 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. 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 fields 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.

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

BASIC CONCEPTS

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.

PART II

**INFORMATION
ON COUNCIL
ACTIVITIES**

The establishment plan — with a breakdown of the tasks of the Press Office of the General Secretariat — and the contact details of the press attachés of the Permanent Representations of the Member States in Brussels are given in Part III 'Useful contacts and addresses'. A table showing the order and periods of Council Presidencies up to 2003 can also be found there.

The Council's Press Centre is open each working day between 8.30 and 18.00.

During Council meetings, it remains open at least one hour after the end of the meeting.

Access is open to journalists accredited to the European institutions — press card issued by the Commission's Press Office — and to journalists in possession of a national press card.

1. Latest information/Press Office

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

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

A detailed press release is published after each meeting by the Press Office of the General Secretariat.

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 spokespersons for the Presidency and the High Representative, the members of the Press Office, and the spokespersons for the Member States and for the Commission keep the press abreast of events.

Before each Council meeting, the Presidency, with the assistance of the Press Office of the General Secretariat, gives 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 material on the subjects on the agenda.

The Press Office also circulates common foreign and security policy declarations and press releases following the signing of international agreements or meetings of association councils, cooperation councils or other meetings with third countries.

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 the Permanent Representatives Committee 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.;
- all information concerning the High Representative for the CFSP, Mr Solana (diary, contacts, speeches, communiqués, reports, articles, CV, etc.).

A special 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 arrangements 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 (each Presidency makes its own arrangements).

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

INFORMATION ON COUNCIL ACTIVITIES

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 web site (<http://ue.eu.int/newsroom>).

The High Representative for the CFSP, Mr Solana, has an Internet site which covers his activities in full (<http://ue.eu.int/solana>).

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

In general terms, the Press Office helps to keep the press informed from day to day 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 also deals with all practical aspects of organising press conferences, public debates, etc., and the management of the Press Centre in general. It has available for the media photographs taken at ministerial meetings or other important events.

2. General information

Relations between members of the General Secretariat of the Council and the public are governed by a code of good administrative behaviour set out in Annex 1.

Requests for general information regarding Council activities can be made by e-mail (public.info@consilium.eu.int), or by post, fax, or telephone (tel. 32 (0)2 285 71 83; fax 32 (0)2 285 63 61).

The General Secretariat of the Council regularly publishes various general information documents, brochures and leaflets on Council activities.

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

On its Internet web site (<http://ue.eu.int>), the Council General Secretariat provides information on its activities and offers the possibility of ordering certain publications ('Bookshop on line'). In addition, it offers a link from that site to the Internet web site of each Presidency (<http://ue.eu.int/presid>).

The Public Information Unit may be contacted during working hours. To respond to the public's questions, the unit gets in touch with the other departments of the General Secretariat.

Council publications and some of the publications of the other institutions are available at the General Secretariat's Documentation Centre, which those interested may visit by applying to the reception desk.

Most Council publications may be obtained from the Office for Official Publications of the European Communities (<http://eur-op.eu.int>) and its sales outlets.

To consult the frequently asked questions (FAQs) on the Council, visit the Internet site (<http://ue.eu.int/informations>).

Applications for access to Council documents should be submitted in writing in one of the official languages of the Communities to the Secretary-General of the Council of the European Union, rue de la Loi 175, B-1048 Brussels (fax 32 (0)2 285 63 61) or by e-mail: access@consilium.eu.int.

An extract from the Council's Rules of Procedure regarding access to documents is set out in Annex 2 to this handbook.

The text of 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 documents is given in Annex 3.

3. Access to Council documents

All citizens have the right of access to Council documents under the conditions laid down in Council Decision 2001/840/EC of 29 November 2001 amending the Council's Rules of Procedure concerning the implementation of 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 documents.

The General Secretariat is obliged to provide a reply within 15 working days, although this can, exceptionally, be extended by a further 15 working days.

Access to documents generally involves issuing a copy of the document, or, where appropriate, by providing an electronic version.

In order to make it easier to find documents which might be requested, the General Secretariat of the Council publishes a public register of Council documents on the Internet. Certain categories of document, in particular where the Council is acting in its capacity as legislator, are available to the public directly via the document register. Furthermore, documents which have been supplied in response to individual requests are also available via the register.

Access to a document may be refused where such access would adversely affect the protection of certain interests.

The applicant then has 15 working days to submit a confirmatory application.

If the confirmatory application is rejected in its entirety or in part, the applicant is informed of the terms of Articles 195 and 230 of the Treaty establishing the European Community, concerning the conditions for referral to the Ombudsman and review by the Court of Justice of the legality of Council acts respectively.

Further information on access to Council documents is available from the Access to Documents Department (see 'Useful contacts and addresses') or from the Council's web site under 'Transparency'.

The public register of Council documents is accessible on the Internet (<http://register.consilium.eu.int>).

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

Statements in the minutes are available the same day from the Press Office of the General Secretariat of the Council.

The General Secretariat of the Council prepares monthly lists of legislative and non-legislative acts adopted by the Council, which include the results of votes, the voting rule and the statements in the minutes.

The lists may be consulted on the Council's Internet site in the 'Transparency' section, under 'Summary of Council acts'.

4. Publication of the results of votes, statements and minutes

The results of votes held among Council members are automatically made public when the Council is acting in its capacity as legislator.

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 the results of votes and explanations of vote to be made public by a decision of the Council, which must be unanimous.

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.

The rules governing public access to statements in the Council minutes and to the minutes themselves are similar to those on the publication of the results of votes.

The minutes contain, for each agenda item, a list of the documents submitted to the Council, the decisions taken or the conclusions reached by the Council, and the statements in the minutes.

5. 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 broadcast to the public by audiovisual means.

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

An indicative list of public debates is approved at the beginning of each six-monthly Presidency. It is published on the Council's Internet site (under the heading 'Public events'). Each public debate subsequently forms the subject of a special announcement by the General Secretariat's Press Office.

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

Recording and retransmission facilities can be provided for television channels which make a request in advance. Some public debates are also transmitted via the Internet by Europe by Satellite (<http://europa.eu.int/comm/ebs>).

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

Larger groups are requested to contact the Visits Department beforehand (see the following chapter 'Information visits' and 'Useful contacts and addresses').

Requests for visits must be made three months in advance, in writing, to the Visits Department (fax 32 (0)2 285 66 09) (see also the chapter 'Public debates').

Staff of that department will contact the group leader to confirm the reservation and to obtain further information on the group.

Requests from travel agencies or other commercial organisations are not accepted. For further information, visit the web site (<http://ue.eu.int/visites>).

6. Information visits

The possibility of making information visits to the Council is open to any organised group of (at least 10) persons over 18 years of age wishing to acquaint themselves with the institution at first hand.

Groups of visitors are met by staff of 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 (at the beginning of May), the Council organises, 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 organised within the building by officials from the institution.

7. The library

The Council has a library, open by appointment to visitors from outside.

It contains monographs, reference works, official journals of each Member State of the European Union, the *Official Journal of the European Communities* (on paper, microfiche, CD-ROM and online) and Community publications.

While it has a stock similar to that of the other libraries of the European institutions, the Council library has its own characteristics, as it includes everything relating to the Council and its activities, focusing more particularly on the second and third pillars (CFSP and JHA).

The library has the *Bibliography on the Council*, which is updated annually and is available on request.

The library subscribes to some 600 general or specialist periodicals which can be consulted *in situ*. The articles selected are scanned, then catalogued and stored (on paper, microfiche and CD-ROM) thus forming a database which currently contains approximately 20 000 titles.

Newspapers and weekly publications are made available to the public in the reading room. Computers are available to access library catalogues, the Community databases and the Internet.

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

It is situated on the second floor of square Frère Orban 10 (tel. 32 (0)2 285 65 41).

Opening hours are 9.00 to 17.00 from Monday to Friday.

Visitors must apply to the reception desk, which will contact the library staff (see 'Useful contacts and addresses').

The Council Legal Service has a specialised legal library. It is in the Justus Lipsius building, Office 20.40 FG 41 (tel. 32 (0)2 285 74 54). Opening hours: 9.00 to 13.00 and 14.00 to 17.30.

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

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

In addition to the paper version, the OJ may be obtained by electronic means, in the form of a CD-ROM, and free of charge on the Internet via the EUR-Lex computerised interinstitutional documentation system for European law (<http://europa.eu.int/eur-lex>). Furthermore, there is also the CELEX system which is not completely free of charge (<http://europa.eu.int/celex>).

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

8. The Official Journal

The bulk of the Council's legislative and decision-taking activity is published in the 11 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).

The L series of the Official Journal contains legislative acts.

The C series contains a broad range of information and communications, including preparatory acts in the course of the legislative process, which are published on the Internet in the electronic Official Journal C ... E.

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 published in the OJ:

- **regulations, directives** and **decisions** adopted in accordance with the co-decision 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 co-decision and cooperation procedures (C series in electronic format);
- **conventions** on cooperation in the fields of justice and home affairs (C series, together, when they enter into force, with an indication of their 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, joint actions** and **common strategies** (under Titles V and VI of the EU Treaty);
- measures implementing joint actions or conventions (in JHA matters) (under Titles V and VI of the EU Treaty).

The same principle applies to **resolutions** and **conclusions** adopted in the EC Treaty or EU Treaty framework and to **recommendations** based on the Treaty on European Union (C series).

Acts preparing legislation are published in the electronic Official Journal. The S (Supplement) series may be consulted free of charge on the Internet (<http://ted.eur-op.eu.int>).

Other facilities concerning Internet access to the content of the OJ are available from the web site of the Publications Office (<http://eur-op.eu.int>).

INFORMATION ON COUNCIL ACTIVITIES

The following acts under the Treaty establishing the European Community (EC Treaty) are published in the OJ by a decision of the Council acting unanimously:

- **directives** which are not adopted under the co-decision procedure and directives which are not of general application (category L II);
- **decisions** other than those adopted by the co-decision procedure (category L II);
- **recommendations** based on the EC Treaty (category L II);
- **conventions** based on the EC Treaty (C series, together, when they enter into force, with an indication of their 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).

9. 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 ⁽²⁾, in Commission Decision No 359/83/ECSC of 8 February 1983 on the opening of the historical archives of the European Coal and Steel Community to the public ⁽³⁾ and Decision No 1044/1999 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 an individual.

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 9.00 to 16.30.

On each visit, the visitor must report to the official in charge (see 'Useful contacts and addresses').

⁽²⁾ OJ L 43, 15.2.1983, p. 1.

⁽³⁾ OJ L 43, 15.2.1983, p. 14.

PART III

**USEFUL
CONTACTS
AND
ADDRESSES**

1. Council of the European Union

Headquarters

Justus Lipsius building

Rue de la Loi 175
B-1048 Brussels
Tel. 32 (0)2 285 61 11
Fax 32 (0)2 285 73 97 and 285 73 81
Telex: 21711 — CONSIL B

Venue for Luxembourg meetings

European Centre
Plateau du Kirchberg
L-2929 Luxembourg
Tel. (352) 43 00-1
Fax (352) 430 25 73 36

Internet

<http://ue.eu.int>

E-mail

public.info@consilium.eu.int

Pre-arranged order of Presidencies

| | First half | Second half |
|-------------|-------------------|--------------------|
| 2002 | Spain | Denmark |
| 2003 | Greece | |

Member States' Permanent Representations

Press and information counsellors

BELGIUM

Rond-point Schuman 6
B-1040 Brussels

Mr Serge Dickschen

Tel. 32 (0)2 233 21 71
Fax 32 (0)2 231 10 75

DENMARK

Rue d'Arlon 73
B-1040 Brussels

Mr Samuel Magid

Tel. 32 (0)2 233 08 69
Fax 32 (0)2 230 93 84

GERMANY

Rue J. de Lalaing 19–21
B-1040 Brussels

Mr Peter Schoof

Tel. 32 (0)2 238 19 59
Fax 32 (0)2 238 18 54

GREECE

Avenue de Cortenberg 71
B-1040 Brussels

Mr Nicolaos Vlahakis

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Fax 32 (0)2 230 66 51

SPAIN

Boulevard du Régent 52
B-1000 Brussels

Ms Ana María Rodríguez Pérez

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509 86 63
Fax 32 (0)2 511 48 86

FRANCE

Place de Louvain 14
B-1000 Brussels

Mr Gérard Guillonnet

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IRELAND

Rue Froissart 89–93
B-1040 Brussels

Ms Sinéad Ryan

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ITALY

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B-1000 Brussels

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of the United Nations
Chemin Louis Dunant 2
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Office for Liaison with the United Nations
345 East 46th Street, sixth floor
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Secretary-General/High Representative
Mr Javier Solana Madariaga

Mr Alberto Navarro
Head of Cabinet of the Secretary-General

Deputy Secretary-General
Mr Pierre de Boissieu

Ms Elda Stifani
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Matters covered by Coreper I (internal market, consumer affairs, industry, telecommunications, energy, environment, research, transport, social affairs, health, education, culture, fisheries)

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Mr Laurent Benhamou

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Transparency (public information, legislative transparency, access to documents)

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Tel. 32 (0)2 285 65 41

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Office: 10 BD 52

Tel. 32 (0)2 285 91 68

E-mail: bookshop.online@consilium.eu.int

Archives

Mr Willem Stols

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Directorate-General A — Administration

Recruitment

Tel. 32 (0)2 285 66 74

Fax 32 (0)2 285 66 76

Traineeships

Tel. 32 (0)2 285 65 36

Fax 32 (0)2 285 84 44

E-mail: service.recrutement@consilium.eu.int

2. Other useful addresses

European Parliament

Internet: <http://www.europarl.eu.int>

Strasbourg

Avenue de l'Europe
BP 1024/F
F-67000 Strasbourg Cedex
Tel. (33) 388 17 40 01
Fax (33) 388 17 51 84

Brussels

Rue Wiertz 60
B-1047 Brussels
Tel. 32 (0)2 284 20 05
Fax 32 (0)2 230 75 55

Luxembourg

Plateau du Kirchberg
L-2929 Luxembourg
Tel. (352) 43 00-22597
Fax (352) 43 00-22457

USEFUL CONTACTS AND ADDRESSES

European Commission

Internet: <http://europa.eu.int/comm>

Brussels

B-1049 Brussels

Tel. 32 (0)2 29-91111

Fax 32 (0)2 29-50138

Luxembourg

Jean Monnet building

L-2920 Luxembourg

Tel. (352) 43 01-1

Fax (352) 43 61 24

Court of Justice of the European Communities

Boulevard Konrad Adenauer

L-2925 Luxembourg

Tel. (352) 43 03-1

Fax (352) 43 03-2600

Internet: <http://curia.eu.int>

European Court of Auditors

12, rue Alcide De Gasperi

L-1615 Luxembourg

Tel. (352) 43 98-45410

Fax (352) 43 98-46430

Internet: <http://www.eca.eu.int>

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B-1000 Brussels
Tel. 32 (0)2 546 90 11
Fax 32 (0)2 513 48 93
Internet: <http://www.esc.eu.int>

Committee of the Regions

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Tel. 32 (0)2 282 22 11
Fax 32 (0)2 282 23 25
Internet: <http://www.cor.eu.int>

European Investment Bank

100, boulevard Konrad Adenauer
L-2950 Luxembourg
Tel. (352) 43 79-1
Fax (352) 43 77 04
Internet: <http://bei.eu.int>

European Investment Fund

43a, avenue J. F. Kennedy
L-2968 Luxembourg
Tel. (352) 42 66 88-1
Fax (352) 42 66 88-200
Internet: <http://fei.eu.int>

USEFUL CONTACTS AND ADDRESSES

European Central Bank

Eurotower
Kaiserstraße 29
D-60311 Frankfurt-am-Main
Tel. (49-69) 134 40
Fax (49-69) 13 44 60 00
Internet: <http://www.ecb.int>

Ombudsman

1, avenue du Président Robert Schuman
BP 403
F-67001 Strasbourg Cedex
Tel. (33) 388 17 23 13
Fax (33) 388 17 90 62
Internet: <http://www.euro-ombudsman.eu.int>

European Agency for Safety and Health at Work

Gran Vía, 33
E-48009 Bilbao
Tel. (34) 944 79 43 60
Fax (34) 944 79 43 83
Internet: <http://agency.osha.eu.int>

European Environment Agency

Kongens Nytorv 6
DK-1050 Copenhagen K
Tel. (45) 33 36 71 00
Fax (45) 33 36 71 99
Internet: <http://www.eea.eu.int>

**European Agency for the Evaluation
of Medicinal Products (EMA)**

7 Westferry Circus

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Fax (44-20) 74 18 84 16

Internet: <http://www.emea.eu.int>

Translation Centre for the Bodies of the European Union

New hemicycle

Level – 4

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L-1499 Luxembourg

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Fax (352) 42 17 11-220

Internet: <http://www.cdt.eu.int>

**European Centre for the Development of
Vocational Training (Cedefop)**

Europe 123

GR-57001 Thessaloniki (Thermi)

Tel. (30-310) 49 01 11

Fax (30-310) 49 01 02

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European Training Foundation

Villa Gualino
Viale Settimio Severo, 65
I-10133 Turin
Tel. (39) 01 16 30 22 22
Fax (39) 01 16 30 22 00
Internet: <http://www.etf.eu.int>

**European Foundation for the Improvement of
Living and Working Conditions**

Wyattville Road
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Dublin 18
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Tel. (353-1) 204 31 00
Fax (353-1) 282 64 56
Internet: <http://www.eurofound.eu.int>

**European Monitoring Centre for Drugs and
Drug Addiction**

Palacete Mascarenhas
Rua da Cruz
de Santa Apolónia, 23–25
P-1149-045 Lisbon
Tel. (351) 218 11 30 00
Fax (351) 218 13 17 11
Internet: <http://www.emcdda.eu.int>

Community Plant Variety Office

BP 2141
3, boulevard Maréchal-Foch
F-49021 Angers Cedex 02
Tel. (33) 241 25 64 00
Fax (33) 241 25 64 10
Internet: <http://www.cpvo.eu.int>

Office for Harmonisation in the Internal Market (trade marks and designs)

Avenida de Aguilera, 20
E-03080 Alicante
Tel. (34) 965 13 91 00
Fax (34) 965 13 91 73
Internet: <http://www.oami.eu.int>

Office for Official Publications of the European Communities

2, rue Mercier
L-2985 Luxembourg
Tel. (352) 29 29-1
Fax (352) 49 57 19
Internet: <http://www.eur-op.eu.int>

European Police Office (Europol)

Raamweg 47
The Hague
Netherlands
Tel. (31-70) 302 50 00
Fax (31-70) 345 58 96
Internet: <http://www.europol.eu.int>

USEFUL CONTACTS AND ADDRESSES

General Secretariat ACP (African, Caribbean and Pacific States)

Avenue Georges Henri 451
B-1200 Brussels
Tel. 32 (0)2 743 06 00
Fax 32 (0)2 735 55 73
Internet: <http://www.acpsec.org>

European University Institute in Florence

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I-50016 San Domenico di Fiesole (Florence)
Tel. (39) 05 54 68 51
Fax (39) 055 59 98 87
Internet: <http://www.iue.it>

ANNEXES

1. **Code of good administrative behaviour**
 2. **Specific provisions of the Council's Rules of Procedure regarding public access to Council documents**
 3. **Regulation of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents**
-

**DECISION OF THE SECRETARY-GENERAL OF
THE COUNCIL/HIGH REPRESENTATIVE
FOR COMMON FOREIGN AND SECURITY POLICY**

of 25 June 2001

**on a code of good administrative behaviour for the General Secretariat
of the Council of the European Union and its staff in their professional
relations with the public**

(2001/C 189/01)

THE SECRETARY-GENERAL OF THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 207(2) thereof,

Having regard to the Council's Rules of Procedure, and in particular Article 23 thereof,

Whereas:

(1) The provisions of Community law on openness and transparency should be fully respected in the daily practice of the General Secretariat of the Council (hereinafter referred to as the 'General Secretariat').

(2) Experience has shown that a number of requests from citizens for general information fall outside the scope of the rules governing public access to Council documents as laid down in Regulation (EC) No 1049/2001 ⁽¹⁾ of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

(3) Guidance should be provided for members of staff in their professional relations with the public,

HAS DECIDED AS FOLLOWS:

Article 1

A code of good administrative behaviour for the General Secretariat of the Council of the European Union and its staff in their professional relations with the public is hereby adopted. This code is contained in the Annex.

Article 2

1. The objective of this Decision and the annexed code is to facilitate the implementation of rights and obligations flowing from the treaties and acts adopted for their application, without creating additional rights.

2. This Decision shall not prevail over any provision of the Treaty on European Union, the Treaty establishing the European Community, the Staff Regulations of officials and the conditions of employment of the other servants of the European Communities, Regulation (EC) No 1049/2001 of the European Parliament and of the Council or any decision taken by the Council regarding public access to Council documents.

Article 3

The necessary measures shall be taken within the General Secretariat to ensure that this Decision and the annexed code:

- are published in the *Official Journal of the European Communities*, C series, are publicised as widely as possible and made available to the public via the Internet;
- are respected by members of staff.

Article 4

The code of good administrative behaviour annexed to this Decision shall be reviewed two years after the date on which it takes effect, in the light of the experience gained from its implementation.

Article 5

This Decision shall take effect on 25 June 2001.

Done at Brussels, 25 June 2001.

The Secretary-General/High Representative
Javier SOLANA

ANNEX

Code of good administrative behaviour for the General Secretariat of the Council of the European Union and its staff in their professional relations with the public

Article 1

General provisions

1. In their professional relations with the public, members of staff, that is to say, officials and other servants of the General Secretariat of the Council covered by the Staff Regulations of officials of the European Communities and the conditions of employment of other servants of the European Communities (hereinafter referred to as 'Staff Regulations'), shall observe the provisions set out in this Code of good administrative behaviour (hereinafter referred to as the 'Code'). Persons employed under private law contracts, experts on secondment from national services and trainees, etc. working for the Council Secretariat should also be guided by it.
2. The relations between the General Secretariat of the Council and its staff are governed exclusively by the Staff Regulations.

Article 2

Scope of application

This Code lays down the general principles of good administrative behaviour applicable to members of staff in their professional relations with the public, except where these are governed by specific provisions, such as the rules concerning access to documents and public tendering procedures.

Article 3

Non-discrimination

In dealing with requests and answering enquiries, members of staff shall ensure that the principle of equal treatment is observed. Persons in the same situation shall be treated in the same manner, unless specific treatment is justified by the objective characteristics of the matter in question.

Article 4

Fairness, loyalty and neutrality

1. Members of staff shall act in a fair and reasonable manner.
2. In their professional relations with the public and in accordance with their obligations (in particular those imposed by Article 11 of the Staff Regulations), members of staff shall in all circumstances act in the interests of the European Union and of the Council and shall not allow themselves to be influenced by personal or national considerations nor by political pressure or express personal legal opinions.

Article 5

Courtesy

Members of staff shall act in a conscientious, correct, courteous and approachable manner. In replying to correspondence or telephone calls or in any other professional contact with the public, they shall endeavour to be as helpful as possible.

Article 6

Provision of information

1. Members of staff shall provide the public with the information requested, falling within their area of responsibility. They shall ensure that the information is as clear and comprehensible as possible.
2. If, for reasons of confidentiality and/or pursuant to applicable rules (in particular Article 17 of the Staff Regulations), a member of staff considers that he is unable to divulge the information requested, the reasons why such information cannot be provided shall be given to the person concerned.
3. When access to a Council document is requested, the specific provisions regarding public access to documents shall apply.

Article 7

Replying to letters in the language used by the members of the public

In accordance with Article 21 of the Treaty establishing the European Community, the General Secretariat of the Council shall reply to letters in the language of the initial letter, provided that it was written in one of the official languages of the Community.

Article 8

Telephone calls

1. When answering the telephone, members of staff shall identify themselves and their service. They shall also establish the identity of the caller. Unless reasons of confidentiality, as referred to in Article 6(2), prevent it, they shall provide the requested information or direct the caller to the appropriate source. However, in cases of hesitation as to whether that information may be provided, they shall consult their hierarchy or refer callers to their superior.
2. Should an oral request for information be imprecise or complex, the member of staff approached may ask the person concerned to formulate the request in writing.

Article 9

Written replies and their deadlines

1. Members of staff shall without delay, and normally within 15 working days following receipt, reply to all requests for information addressed to the General Secretariat.
2. Where a reasoned reply cannot be provided within the period referred to in paragraph 1, the member of staff responsible shall inform the correspondent thereof without delay. In this event, the correspondent shall be given a definitive reply as soon as possible.
3. The service and the name of the member of staff in charge of the matter shall be indicated in the reply.
4. No reply need be provided where:
 - an excessive number of identical letters or requests has been received;
 - a reply has already been given to the same request from the same person;
 - the request is of an improper nature.
5. Should a request in writing fall outside the area of responsibility of the member of staff receiving it, the request shall be forwarded to the competent service of the General Secretariat without delay for handling by that service.
6. If the request is imprecise or complex, the member of staff may ask the correspondent to clarify the request.
7. If the member of staff considers that a request should have been addressed to another institution, another body, another organisation or a national administration, the member of the public shall be informed of this, and the request shall immediately be forwarded to the institution, body or administration concerned.

Article 10

Requests from the media

The Press Service is responsible for contacts with the media. However, when requests for information from the media concern technical subjects falling within their specific areas of responsibility, members of the staff may answer them.

Article 11

Data protection

1. Members of staff handling an individual's personal data shall observe the provisions set out in Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽¹⁾.

2. In accordance with that Regulation, members of staff shall refrain from processing personal data for non-legitimate purposes or transmitting such data to unauthorised third parties.

⁽¹⁾ OJ L 8, 12.1.2001, p.1.

SPECIFIC PROVISIONS OF THE COUNCIL'S RULES OF PROCEDURE REGARDING PUBLIC ACCESS TO COUNCIL DOCUMENTS ⁽¹⁾

Article 1

Scope

Any natural or legal person shall have access to Council documents subject to the principles, conditions and limits laid down in Regulation (EC) No 1049/2001 and the specific provisions laid down in this Annex.

Article 2

Consultation as regards third-party documents

1. For the purpose of applying Article 4(5) and Article 9(3) of Regulation (EC) No 1049/2001 and unless it is clear, upon examination of the document in the light of Article 4(1), (2) and (3) of Regulation (EC) No 1049/2001, that it shall not be disclosed, the third party concerned shall be consulted if:

- (a) the document is a sensitive document as defined in Article 9(1) of Regulation (EC) No 1049/2001;
- (b) the document originates from a Member State and
 - was submitted to the Council before 3 December 2001; or
 - the Member State concerned requested that it not be disclosed without its prior agreement.

2. In all other cases, where the Council receives an application for a third-party document in its possession, the General Secretariat, for the purpose of applying Article 4(4) of Regulation (EC) No 1049/2001, shall consult the third party concerned unless it is clear, upon examination of the document in the light of Article 4(1), (2) and (3) of Regulation (EC) No 1049/2001, that it shall or shall not be disclosed.

3. The third party shall be consulted in writing (including by e-mail) and be given a reasonable time limit for its reply, taking into account the time limit laid down in Article 7 of Regulation (EC) No 1049/2001. In the cases referred to in paragraph 1, the third party shall be asked to give its opinion in writing.

⁽¹⁾ OJ L 313, 30.11.2001.

4. Where the document does not fall within paragraph 1(a) or (b) and the General Secretariat, in the light of the third party's negative opinion, is not satisfied that Article 4(1) or (2) of Regulation (EC) No 1049/2001 is applicable, the Council shall be seized of the matter.

If the Council envisages the release of the document, the third party shall be informed immediately in writing of the Council's intention to release the document after a time period of at least 10 working days. At the same time, the third party's attention shall be drawn to Article 243 of the Treaty establishing the European Community.

Article 3

Requests for consultation received from
other institutions or from Member States

Requests for consultations with the Council made by another institution or a Member State concerning an application for a Council document shall be sent via e-mail to access@consilium.eu.int or by fax to 32 (0)2 285 63 61.

The General Secretariat shall give its opinion on behalf of the Council promptly, taking into account any time limit required for a decision to be made by the institution or the Member State concerned, and at the latest within five working days.

Article 4

Documents originating from Member States

Any request by a Member State under Article 4(5) of Regulation (EC) No 1049/2001 shall be made in writing to the General Secretariat.

Article 5

Referral of requests by Member States

When a Member State refers a request to the Council, it shall be handled in accordance with Articles 7 and 8 of Regulation (EC) No 1049/2001 and the relevant provisions of this Annex. In the event of a total or partial refusal of access, the applicant shall be informed that any confirmatory application must be addressed directly to the Council.

Article 6

Address for applications

Applications for access to a document shall be addressed in writing to the Secretary-General of the Council/High Representative, rue de la Loi/Wetstraat 175, B-1048 Brussels, by e-mail to access@consilium.eu.int or by fax to 32 (0)2 285 63 61.

Article 7

Processing of initial applications

Subject to Article 9(2) and (3) of Regulation (EC) No 1049/2001, any application for access to a Council document shall be handled by the General Secretariat.

Article 8

Processing of confirmatory applications

Subject to Article 9(2) and (3) of Regulation (EC) No 1049/2001, any confirmatory application shall be decided upon by the Council.

Article 9

Charges

The charges for producing and sending copies of Council documents shall be set by the Secretary-General.

Article 10

Public register of Council documents

1. The General Secretariat shall be responsible for providing public access to the register of Council documents.
2. In addition to the references to documents, it shall be indicated in the register which documents drawn up after 1 July 2000 have already been released to the public. Subject to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽¹⁾ and Article 16 of Regulation (EC) No 1049/2001, their content shall be made available on the Internet.

Article 11

Documents directly accessible to the public

1. This Article shall apply to all Council documents, provided that they are not classified and without prejudice to the possibility of making a written application in accordance with Article 6 of Regulation (EC) No 1049/2001.

2. For the purpose of this Article:

- 'circulation' shall mean distribution of the final version of a document to the members of the Council, their representatives or delegates;
- 'legislative document' shall mean any document concerning the examination and adoption of a legislative act within the meaning of Article 7 of the Council's Rules of Procedure.

3. The General Secretariat shall make the following documents available to the public as soon as they have been circulated:

- (a) documents of which neither the Council nor a Member State is the author, which have been made public by their author or with his agreement;
- (b) provisional agenda of meetings of the Council in its various formations;
- (c) any text adopted by the Council and intended to be published in the *Official Journal of the European Communities*.

4. Provided that they are clearly not covered by any of the exceptions laid down in Article 4 of Regulation (EC) No 1049/2001, the General Secretariat may also make the following documents available to the public as soon as they have been circulated:

- (a) provisional agenda of committees and working parties;
- (b) other documents, such as information notes, reports, progress reports and reports on the state of discussions in the Council or in one of its preparatory bodies which do not reflect individual positions of delegations, excluding Legal Service opinions and contributions.

5. The General Secretariat shall make the following legislative documents available to the public, in addition to the documents referred to in paragraphs 3 and 4, as soon as they have been circulated:

- (a) cover notes and copies of letters concerning legislative acts addressed to the Council by other institutions or bodies of the European Union or, subject to Article 4(5) of Regulation (EC) No 1049/2001, by a Member State;
- (b) notes submitted to Coreper and/or to the Council for approval ('I/A' and 'A' item notes), as well as the draft legislative acts to which they refer;
- (c) decisions adopted by the Council during the procedure referred to in Article 251 of the EC Treaty and joint texts approved by the Conciliation Committee.

6. After adoption of one of the decisions referred to in paragraph 5(c) or final adoption of the act concerned, the General Secretariat shall make available to the public any legislative documents relating to this act which were drawn up before one of such decisions and which are not covered by any of the exceptions laid down in Article 4(1), (2) and (3), second subparagraph, of Regulation (EC) No 1049/2001, such as information notes, reports, progress reports and reports on the state of discussions in the Council or in one of its preparatory bodies ('outcomes of proceedings'), excluding Legal Service opinions and contributions.

At the request of a Member State, documents which are covered by the first subparagraph and reflect the individual position of that Member State's delegation in the Council shall not be made available to the public under these provisions.

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 documents

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 255(2) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Acting in accordance with the procedure referred to in Article 251 of the Treaty ⁽²⁾,

Whereas:

(1) The second subparagraph of Article 1 of the Treaty on European Union enshrines the concept of openness, stating that the Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen.

(2) Openness enables citizens to participate more closely in the decision-making process and guarantees that the administration enjoys greater legitimacy and is more effective and more accountable to the citizen in a democratic system. Openness contributes to strengthening the principles of democracy and respect for fundamental rights as laid down in Article 6 of the EU Treaty and in the Charter of Fundamental Rights of the European Union.

(3) The conclusions of the European Council meetings held at Birmingham, Edinburgh and Copenhagen stressed the need to introduce greater transparency into the work of the Union institutions. This Regulation consolidates the initiatives that the institutions have already taken with a view to improving the transparency of the decision-making process.

(4) The purpose of this Regulation is to give the fullest possible effect to the right of public access to documents and to lay down the general principles and limits on such access in accordance with Article 255(2) of the EC Treaty.

⁽¹⁾ OJ C 177 E, 27.6.2000, p. 70.

⁽²⁾ Opinion of the European Parliament of 3 May 2001 (not yet published in the Official Journal) and Council Decision of 28 May 2001.

(5) Since the question of access to documents is not covered by provisions of the Treaty establishing the European Coal and Steel Community and the Treaty establishing the European Atomic Energy Community, the European Parliament, the Council and the Commission should, in accordance with Declaration No 41 attached to the Final Act of the Treaty of Amsterdam, draw guidance from this Regulation as regards documents concerning the activities covered by those two Treaties.

(6) Wider access should be granted to documents in cases where the institutions are acting in their legislative capacity, including under delegated powers, while at the same time preserving the effectiveness of the institutions' decision-making process. Such documents should be made directly accessible to the greatest possible extent.

(7) In accordance with Articles 28(1) and 41(1) of the EU Treaty, the right of access also applies to documents relating to the common foreign and security policy and to police and judicial co-operation in criminal matters. Each institution should respect its security rules.

(8) In order to ensure the full application of this Regulation to all activities of the Union, all agencies established by the institutions should apply the principles laid down in this Regulation.

(9) On account of their highly sensitive content, certain documents should be given special treatment. Arrangements for informing the European Parliament of the content of such documents should be made through interinstitutional agreement.

(10) In order to bring about greater openness in the work of the institutions, access to documents should be granted by the European Parliament, the Council and the Commission not only to documents drawn up by the institutions, but also to documents received by them. In this context, it is recalled that Declaration No 35 attached to the Final Act of the Treaty of Amsterdam provides that a Member State may request the Commission or the Council not to communicate to third parties a document originating from that State without its prior agreement.

(11) In principle, all documents of the institutions should be accessible to the public. However, certain public and private interests should be protected by way of exceptions. The institutions should be entitled to protect their internal consultations and deliberations where necessary to safeguard their ability to carry out their tasks. In assessing the exceptions, the institutions should take account of the principles in Community legislation concerning the protection of personal data, in all areas of Union activities.

(12) All rules concerning access to documents of the institutions should be in conformity with this Regulation.

(13) In order to ensure that the right of access is fully respected, a two-stage administrative procedure should apply, with the additional possibility of court proceedings or complaints to the Ombudsman.

(14) Each institution should take the measures necessary to inform the public of the new provisions in force and to train its staff to assist citizens exercising their rights under this Regulation. In order to make it easier for citizens to exercise their rights, each institution should provide access to a register of documents.

(15) Even though it is neither the object nor the effect of this Regulation to amend national legislation on access to documents, it is nevertheless clear that, by virtue of the principle of loyal cooperation which governs relations between the institutions and the Member States, Member States should take care not to hamper the proper application of this Regulation and should respect the security rules of the institutions.

(16) This Regulation is without prejudice to existing rights of access to documents for Member States, judicial authorities or investigative bodies.

(17) In accordance with Article 255(3) of the EC Treaty, each institution lays down specific provisions regarding access to its documents in its rules of procedure. Council Decision 93/731/EC of 20 December 1993 on public access to Council documents ⁽¹⁾, Commission Decision 94/90/ECSC, EC, Euratom of 8 February 1994 on public access to Commission documents ⁽²⁾, European Parliament Decision 97/632/EC, ECSC, Euratom of 10 July 1997 on public access to European Parliament documents ⁽³⁾, and the rules on confidentiality of Schengen documents should therefore, if necessary, be modified or be repealed,

HAVE ADOPTED THIS REGULATION:

Article 1

Purpose

The purpose of this Regulation is:

- (a) to define the principles, conditions and limits on grounds of public or private interest governing the right of access to European Parliament, Council and Commission (hereinafter referred to as 'the institutions') documents provided for in Article 255 of the EC Treaty in such a way as to ensure the widest possible access to documents,
- (b) to establish rules ensuring the easiest possible exercise of this right, and
- (c) to promote good administrative practice on access to documents.

⁽¹⁾ OJ L 340, 31.12.1993, p. 43. Decision as last amended by Decision 2000/527/EC (OJ L 212, 23.8.2000, p. 9).

⁽²⁾ OJ L 46, 18.2.1994, p. 58. Decision as amended by Decision 96/567/EC, ECSC, Euratom (OJ L 247, 28.9.1996, p. 45).

⁽³⁾ OJ L 263, 25.9.1997, p. 27.

*Article 2***Beneficiaries and scope**

1. Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the institutions, subject to the principles, conditions and limits defined in this Regulation.
2. The institutions may, subject to the same principles, conditions and limits, grant access to documents to any natural or legal person not residing or not having its registered office in a Member State.
3. This Regulation shall apply to all documents held by an institution, that is to say, documents drawn up or received by it and in its possession, in all areas of activity of the European Union.
4. Without prejudice to Articles 4 and 9, documents shall be made accessible to the public either following a written application or directly in electronic form or through a register. In particular, documents drawn up or received in the course of a legislative procedure shall be made directly accessible in accordance with Article 12.
5. Sensitive documents as defined in Article 9(1) shall be subject to special treatment in accordance with that Article.
6. This Regulation shall be without prejudice to rights of public access to documents held by the institutions which might follow from instruments of international law or acts of the institutions implementing them.

*Article 3***Definitions**

For the purpose of this Regulation:

- (a) 'document' shall mean any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording) concerning a matter relating to the policies, activities and decisions falling within the institution's sphere of responsibility;
- (b) 'third party' shall mean any natural or legal person, or any entity outside the institution concerned, including the Member States, other Community or non-Community institutions and bodies and third countries.

Article 4

Exceptions

1. The institutions shall refuse access to a document where disclosure would undermine the protection of:

(a) the public interest as regards:

- public security,
- defence and military matters,
- international relations,
- the financial, monetary or economic policy of the Community or a Member State;

(b) privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data.

2. The institutions shall refuse access to a document where disclosure would undermine the protection of:

- commercial interests of a natural or legal person, including intellectual property,
- court proceedings and legal advice,
- the purpose of inspections, investigations and audits,

unless there is an overriding public interest in disclosure.

3. Access to a document, drawn up by an institution for internal use or received by an institution, which relates to a matter where the decision has not been taken by the institution, shall be refused if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure.

Access to a document containing opinions for internal use as part of deliberations and preliminary consultations within the institution concerned shall be refused even after the decision has been taken if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure.

4. As regards third-party documents, the institution shall consult the third party with a view to assessing whether an exception in paragraph 1 or 2 is applicable, unless it is clear that the document shall or shall not be disclosed.

5. A Member State may request the institution not to disclose a document originating from that Member State without its prior agreement.

6. If only parts of the requested document are covered by any of the exceptions, the remaining parts of the document shall be released.

7. The exceptions as laid down in paragraphs 1 to 3 shall only apply for the period during which protection is justified on the basis of the content of the document. The exceptions may apply for a maximum period of 30 years. In the case of documents covered by the exceptions relating to privacy or commercial interests and in the case of sensitive documents, the exceptions may, if necessary, continue to apply after this period.

Article 5

Documents in the Member States

Where a Member State receives a request for a document in its possession, originating from an institution, unless it is clear that the document shall or shall not be disclosed, the Member State shall consult with the institution concerned in order to take a decision that does not jeopardise the attainment of the objectives of this Regulation.

The Member State may instead refer the request to the institution.

Article 6

Applications

1. Applications for access to a document shall be made in any written form, including electronic form, in one of the languages referred to in Article 314 of the EC Treaty and in a sufficiently precise manner to enable the institution to identify the document. The applicant is not obliged to state reasons for the application.

2. If an application is not sufficiently precise, the institution shall ask the applicant to clarify the application and shall assist the applicant in doing so, for example, by providing information on the use of the public registers of documents.

3. In the event of an application relating to a very long document or to a very large number of documents, the institution concerned may confer with the applicant informally, with a view to finding a fair solution.

4. The institutions shall provide information and assistance to citizens on how and where applications for access to documents can be made.

Article 7

Processing of initial applications

1. An application for access to a document shall be handled promptly. An acknowledgement of receipt shall be sent to the applicant. Within 15 working days from registration of the application, the institution shall either grant access to the document requested and provide access in accordance with Article 10 within that period or, in a written reply, state the reasons for the total or partial refusal and inform the applicant of his or her right to make a confirmatory application in accordance with paragraph 2 of this Article.
2. In the event of a total or partial refusal, the applicant may, within 15 working days of receiving the institution's reply, make a confirmatory application asking the institution to reconsider its position.
3. In exceptional cases, for example in the event of an application relating to a very long document or to a very large number of documents, the time limit provided for in paragraph 1 may be extended by 15 working days, provided that the applicant is notified in advance and that detailed reasons are given.
4. Failure by the institution to reply within the prescribed time limit shall entitle the applicant to make a confirmatory application.

Article 8

Processing of confirmatory applications

1. A confirmatory application shall be handled promptly. Within 15 working days from registration of such an application, the institution shall either grant access to the document requested and provide access in accordance with Article 10 within that period or, in a written reply, state the reasons for the total or partial refusal. In the event of a total or partial refusal, the institution shall inform the applicant of the remedies open to him or her, namely instituting court proceedings against the institution and/or making a complaint to the Ombudsman, under the conditions laid down in Articles 230 and 195 of the EC Treaty, respectively.
2. In exceptional cases, for example in the event of an application relating to a very long document or to a very large number of documents, the time limit provided for in paragraph 1 may be extended by 15 working days, provided that the applicant is notified in advance and that detailed reasons are given.
3. Failure by the institution to reply within the prescribed time limit shall be considered as a negative reply and entitle the applicant to institute court proceedings against the institution and/or make a complaint to the Ombudsman, under the relevant provisions of the EC Treaty.

Article 9

Treatment of sensitive documents

1. Sensitive documents are documents originating from the institutions or the agencies established by them, from Member States, third countries or international organisations, classified as 'TRÈS SECRET/TOP SECRET', 'SECRET' or 'CONFIDENTIEL' in accordance with the rules of the institution concerned, which protect essential interests of the European Union or of one or more of its Member States in the areas covered by Article 4(1)(a), notably public security, defence and military matters.
2. Applications for access to sensitive documents under the procedures laid down in Articles 7 and 8 shall be handled only by those persons who have a right to acquaint themselves with those documents. These persons shall also, without prejudice to Article 11(2), assess which references to sensitive documents could be made in the public register.
3. Sensitive documents shall be recorded in the register or released only with the consent of the originator.
4. An institution which decides to refuse access to a sensitive document shall give the reasons for its decision in a manner which does not harm the interests protected in Article 4.
5. Member States shall take appropriate measures to ensure that when handling applications for sensitive documents the principles in this Article and Article 4 are respected.
6. The rules of the institutions concerning sensitive documents shall be made public.
7. The Commission and the Council shall inform the European Parliament regarding sensitive documents in accordance with arrangements agreed between the institutions.

Article 10

Access following an application

1. The applicant shall have access to documents either by consulting them on the spot or by receiving a copy, including, where available, an electronic copy, according to the applicant's preference. The cost of producing and sending copies may be charged to the applicant. This charge shall not exceed the real cost of producing and sending the copies. Consultation on the spot, copies of less than 20 A4 pages and direct access in electronic form or through the register shall be free of charge.

2. If a document has already been released by the institution concerned and is easily accessible to the applicant, the institution may fulfil its obligation of granting access to documents by informing the applicant how to obtain the requested document.

3. Documents shall be supplied in an existing version and format (including electronically or in an alternative format such as Braille, large print or tape) with full regard to the applicant's preference.

Article 11

Registers

1. To make citizens' rights under this Regulation effective, each institution shall provide public access to a register of documents. Access to the register should be provided in electronic form. References to documents shall be recorded in the register without delay.

2. For each document the register shall contain a reference number (including, where applicable, the interinstitutional reference), the subject matter and/or a short description of the content of the document and the date on which it was received or drawn up and recorded in the register. References shall be made in a manner which does not undermine protection of the interests in Article 4.

3. The institutions shall immediately take the measures necessary to establish a register which shall be operational by 3 June 2002.

Article 12

Direct access in electronic form or through a register

1. The institutions shall as far as possible make documents directly accessible to the public in electronic form or through a register in accordance with the rules of the institution concerned.

2. In particular, legislative documents, that is to say, documents drawn up or received in the course of procedures for the adoption of acts which are legally binding in or for the Member States, should, subject to Articles 4 and 9, be made directly accessible.

3. Where possible, other documents, notably documents relating to the development of policy or strategy, should be made directly accessible.

4. Where direct access is not given through the register, the register shall as far as possible indicate where the document is located.

*Article 13***Publication in the Official Journal**

1. In addition to the acts referred to in Article 254(1) and (2) of the EC Treaty and the first paragraph of Article 163 of the Euratom Treaty, the following documents shall, subject to Articles 4 and 9 of this Regulation, be published in the Official Journal:

- (a) Commission proposals;
- (b) common positions adopted by the Council in accordance with the procedures referred to in Articles 251 and 252 of the EC Treaty and the reasons underlying those common positions, as well as the European Parliament's positions in these procedures;
- (c) framework decisions and decisions referred to in Article 34(2) of the EU Treaty;
- (d) conventions established by the Council in accordance with Article 34(2) of the EU Treaty;
- (e) conventions signed between Member States on the basis of Article 293 of the EC Treaty;
- (f) international agreements concluded by the Community or in accordance with Article 24 of the EU Treaty.

2. As far as possible, the following documents shall be published in the Official Journal:

- (a) initiatives presented to the Council by a Member State pursuant to Article 67(1) of the EC Treaty or pursuant to Article 34(2) of the EU Treaty;
- (b) common positions referred to in Article 34(2) of the EU Treaty;
- (c) directives other than those referred to in Article 254(1) and (2) of the EC Treaty, decisions other than those referred to in Article 254(1) of the EC Treaty, recommendations and opinions.

3. Each institution may in its rules of procedure establish which further documents shall be published in the Official Journal.

*Article 14***Information**

- 1. Each institution shall take the requisite measures to inform the public of the rights they enjoy under this Regulation.
- 2. The Member States shall cooperate with the institutions in providing information to the citizens.

Article 15

Administrative practice in the institutions

1. The institutions shall develop good administrative practices in order to facilitate the exercise of the right of access guaranteed by this Regulation.
2. The institutions shall establish an interinstitutional committee to examine best practice, address possible conflicts and discuss future developments on public access to documents.

Article 16

Reproduction of documents

This Regulation shall be without prejudice to any existing rules on copyright which may limit a third party's right to reproduce or exploit released documents.

Article 17

Reports

1. Each institution shall publish annually a report for the preceding year including the number of cases in which the institution refused to grant access to documents, the reasons for such refusals and the number of sensitive documents not recorded in the register.
2. At the latest by 31 January 2004, the Commission shall publish a report on the implementation of the principles of this Regulation and shall make recommendations, including, if appropriate, proposals for the revision of this Regulation and an action programme of measures to be taken by the institutions.

Article 18

Application measures

1. Each institution shall adapt its rules of procedure to the provisions of this Regulation. The adaptations shall take effect from 3 December 2001.
2. Within six months of the entry into force of this Regulation, the Commission shall examine the conformity of Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (*) with this Regulation in order to ensure the preservation and archiving of documents to the fullest extent possible.

(*) OJ L 43, 15.2.1983, p. 1.

3. Within six months of the entry into force of this Regulation, the Commission shall examine the conformity of the existing rules on access to documents with this Regulation.

Article 19

Entry into force

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Communities*.

It shall be applicable from 3 December 2001.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 May 2001.

For the European Parliament
The President
N. FONTAINE

For the Council
The President
B. LEJON



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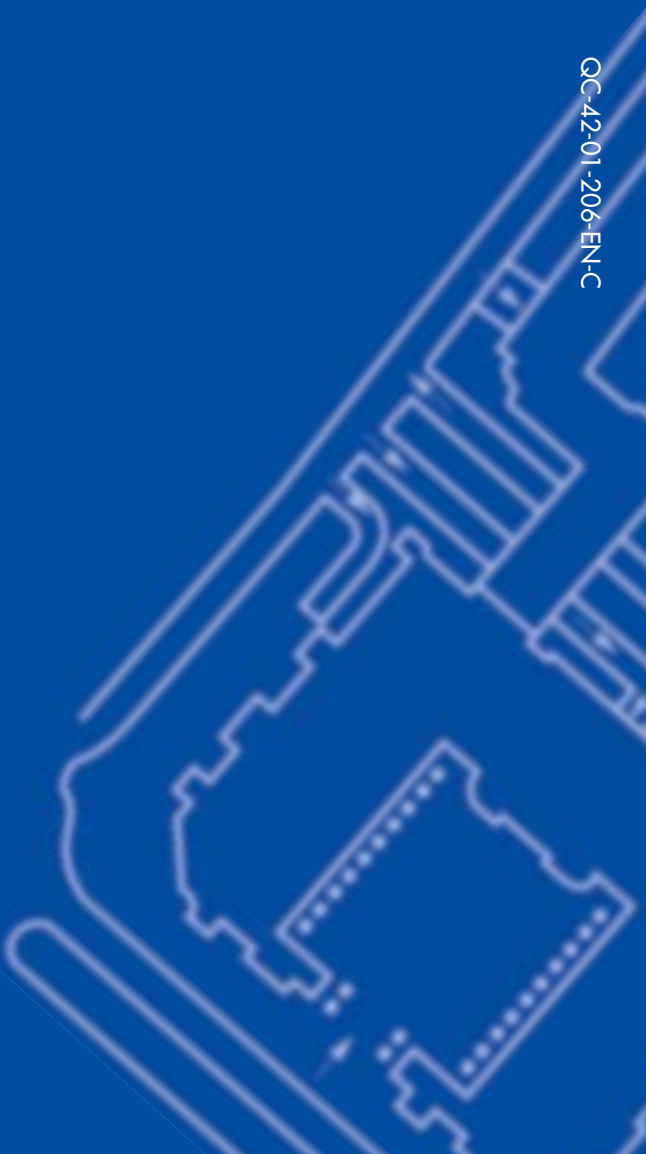
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