



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 12 January 2001

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PRESIDENCY NOTE

to : COREPER 2

Subject : Draft Council Decision on making certain categories of Council documents
available to the public

Following the presentation by the Secretary-General of the Council of the third report on the implementation of Council Decision 93/731/CE on public access to Council documents (doc. 13275/00) delegations will find in the Annex a draft Council Decision on making certain categories of Council documents available to the public.

**Council Decision on making certain categories of Council documents
available to the public**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 207(3) thereof,

Having regard to its Rules of Procedure, and in particular Article 10 thereof,

Whereas:

- (1) Transparency and openness are essential principles for the functioning of the institutions of the Community. Public access to documents is one of the instruments to apply these principles.
- (2) In accordance with Article 207(3) of the Treaty establishing the European Community, greater public access to documents relating to the Council's legislative activities should be allowed.
- (3) The third report by the Secretary-General of the Council on the implementation of Council Decision 93/731/EC on public access to Council documents¹ shows a substantial increase of the number of requests for access to documents. The report also demonstrates that the public register of Council documents available via the Internet is a valuable tool with a view to identifying and facilitating access to Council documents.
- (4) In order to further increase openness and transparency of the Council's activities, as many Council documents as possible should be made available to the public via the Internet. As requested by the Council, the above-mentioned report by the Secretary-General of the Council contains suggestions to that effect.
- (5) This decision does neither prejudice the application of Council Decision 93/731/EC on public access to Council documents nor the content of the regulation concerning the general principles and limits governing the right of access to documents which has to be adopted pursuant to Article 255(2) of the Treaty establishing the European Community.

DECIDES:

¹ OJ L 340 of 31.12.1993, p. 43, as amended by Decision 96/705/EC (OJ L 325 of 14.12.1996, p. 19) and Decision 2000/527/EC (OJ L 212 of 23.8.2000, p. 9).

Article 1
Definitions

For the purpose of this Decision:

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

Article 2
General rules

The General Secretariat of the Council shall make the following unclassified documents available to the public as soon as they have been circulated:

- a) documents not authored by the Council, which have been made public by their author or with his consent;
- b) provisional agendas of meetings of the various formations of the Council;
- c) provisional agendas of committees and working parties, 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 and which are manifestly not covered by any of the exceptions laid down in Article 4 of Council Decision 93/731/EC on public access to Council documents, excluding Legal Service opinions and contributions;
- d) any document intended to be made public either by its publication in the Official Journal, via the Internet, by press release or by any other means, in particular any final version of a text destined to be adopted by the Council or by Coreper;
- e) minutes of Council meetings after their approval by the Council.

Article 3
Specific rules for legislative documents

1. In addition to the documents mentioned in Article 2, the following legislative documents shall be made available to the public by the General Secretariat of the Council 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 by one of its Member States;

- b) Notes submitted to Coreper and/or to the Council for approval ("I/A" and "A" Item Notes), as well as legislative documents to which they refer;
 - c) decisions adopted by the Council during the procedure referred to in Article 251 of the Treaty establishing the European Community and joint texts approved by the Conciliation Committee;
 - d) any final version of the text of a legislative act to be adopted by the Council and to be published in the Official Journal after its legal linguistic finalisation.
2. After adoption of one of the decisions referred to in paragraph 1 c) or final adoption of the act concerned, the General Secretariat of the Council shall make available to the public any legislative documents relating to this act which were drawn up before this decision, 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.

Article 4
Final provisions

This decision shall be published in the Official Journal.

It shall take effect on ...

Done at Brussels...

For the Council
The President