



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 6 March 2014
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LIMITE

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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 6 March 2014
To: Delegations

Subject: Outcome of the proceedings of the 2478th meeting of the Permanent Representatives Committee held on 11 December 2013
- Item 106. Public Access to documents

1. Following the judgment of the Court of Justice in Case C-280/11P (Access Info Europe)¹, the Council Legal Service informed the Permanent Representatives Committee of the implications of the judgment with regard to the handling of applications for public access to preparatory documents relating to ongoing legislative procedures. The Committee was also consulted, on the basis of document 17177/13, on questions related to the future handling of documents containing delegations' positions which are circulated in the context of on-going legislative procedures.

¹ Judgment of the Court of Justice (First Chamber) of 17 October 2013 in Case C-280/11 P (Council v Access Info Europe), summarised in the Information note from the Legal Service contained in document 15911/13.

2. The Council Legal Service outlined the implications of the Court's judgment in case C-280/11 P, and confirmed that, save in duly justified and exceptional cases, access to the names of Member States, in existing and future documents relating to on-going legislative procedures, would need to be provided from now. Practice with regard to such documents otherwise remained unchanged, as outlined in paragraphs 4 and 5 of document 17177/13.
3. Whether the current practice of recording Member States' names should change in the light of the ruling, was a matter of a policy choice for the Council. No decision was taken to change existing practice. Against this background, the GSC would maintain existing practice of recording the names of delegations, until the Council decided otherwise.
4. The Presidency also made a strong intervention on the practice relating to the dissemination of LIMITE documents; such documents cannot and should not be made public without proper authorization by the Council. The attention of national administrations should be drawn to the relevant provisions.
