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COUNCIL OF THE  
EUROPEAN UNION

GENERAL SECRETARIAT

# Information handbook of the Council of the European Union



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## **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.

Further information can be obtained from the Public Information Unit at the following address:

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Rue de la Loi 175  
B-1048 Brussels

Tel. 32 (0) 2 285 56 60

Fax 32 (0) 2 235 49 77

E-mail: [public.info@consilium.eu.int](mailto:public.info@consilium.eu.int)

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

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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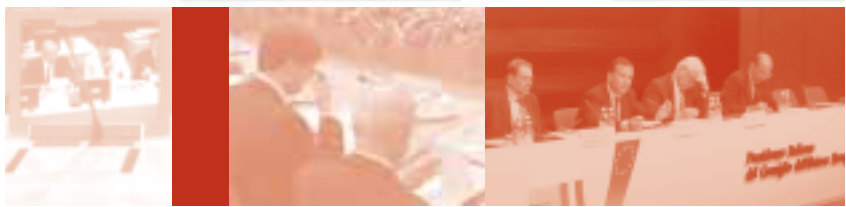
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DG Press, Communications, Protocol

# Information handbook of the Council of the European Union





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## FOREWORD

**O**f the institutions of the European Union, it is the Council which has the political decision-making 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-making process, the Council’s proceedings are not generally public. Measures have been adopted, however, to increase the transparency and openness of the institution and to keep citizens better informed on the Council’s activities as a means of strengthening their confidence in European integration.

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. It takes account of the accession to the European Union of 10 new Member States on 1 May 2004.



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



PART ONE

# BASIC CONCEPTS



## **1. COMPOSITION AND WORKING METHODS**

The Council of the European Union is composed of one representative of each Member State — Belgium, Czech Republic, Denmark, Germany, Estonia, Greece, Spain, France, Ireland, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Slovenia, Slovakia, Finland, Sweden, United Kingdom — of ministerial rank authorised to commit his/her government. The Presidency is held by each Member State, on a rotating basis, for a period of six months (January to June and July to December). The Brussels European Council of October 2002 confirmed that the present rotation order would continue until the end of 2006. The Council will decide on the question of the order of Presidencies for 2007 and onwards as soon as possible and at the latest one year after accession of the first new Member States

There is only one Council, but it meets in different configurations depending on the items on the agenda. The configurations are the following:

- ⌘ General Affairs and External Relations  
(including European Security and Defence Policy and Development cooperation.)
- ⌘ Economic and Financial Affairs (Ecofin)  
(including Budget)
- ⌘ Justice and Home Affairs  
(including Civil Protection)
- ⌘ Employment, Social Policy, Health and Consumer Affairs
- ⌘ Competitiveness (Internal Market, Industry and Research)  
(including Tourism)
- ⌘ Transport, Telecommunications and Energy
- ⌘ Agriculture and Fisheries
- ⌘ Environment
- ⌘ Education, Youth and Culture  
(including Audiovisual)

The General Affairs, Ecofin and Agriculture Councils generally meet once a month, whilst others meet at irregular intervals 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 25 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 ('Coreper II'), and the other of their deputies ('Coreper I') 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.

The Political and Security Committee (PSC) brings together the representatives of the 25 Member States at Ambassador level. Its main functions are to monitor the international situation, and to contribute to the definition of policies, within the European Security and Defence Policy (ESDP). In the event of a crisis, the PSC plays a central role without prejudice to the competence of the Permanent Representatives Committee.

## 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 police and judicial cooperation in criminal matters.

### **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, opinions, resolutions* and *conclusions* are essentially political acts and not legally binding.

There are three main types of decision-making procedure in the European Community: the consultation procedure, the cooperation procedure and the codecision procedure. All three begin with the submission of a Commission legislative proposal. Thereafter, the European Parliament is either simply 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 (codecision procedure).

In the context of the cooperation and codecision 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 codecision 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, funding them in particular from the Union's budget.

The Treaty of Amsterdam has introduced *common strategies*, to be decided by the European Council, i.e. the Heads of State or Government. The Council of Ministers implements the common strategies, in particular by adopting joint actions and common positions.

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

### **Third pillar: Police and judicial cooperation in criminal matters**

In the context of police and judicial cooperation in criminal matters, 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-MAKING

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-making. 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 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. The Treaty of Nice has extended the use of qualified majority voting.

From 1 November 2004, quality majority exists where:

- the majority of Member States vote for the decision
- the decision gets at least 232 votes, based on the new weighting of votes by country.

Moreover, a Member State may request a check to ascertain whether qualified majority covers at least 62% of the total population of the Union. If that proves not to be the case, the decision is not adopted.

As regards the common foreign and security policy, and police and judicial cooperation in criminal matters, the Council is the main decision-making body. The Member States and the Commission have a right of initiative.

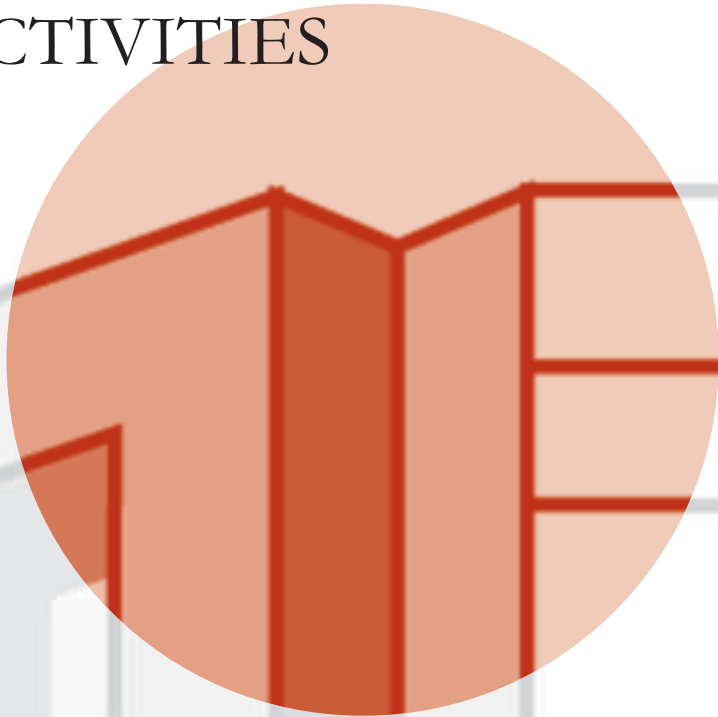
Unlike in the Community domain, in the second and third pillars the rule of unanimity prevails in the Council; however, the implementation of certain decisions may be decided upon by a qualified majority.

#### Weighting of votes:

— Germany, France, Italy, United Kingdom:	29 votes each
— Spain, Poland:	27 votes each
— Netherlands:	13 votes
— Belgium, Czech Republic, Greece, Hungary, Portugal:	12 votes each
— Austria, Sweden:	10 votes each
— Denmark, Ireland, Lithuania, Slovakia, Finland:	7 votes each
— Estonia, Cyprus, Latvia, Luxembourg, Slovenia:	4 votes each
— Malta:	3 votes

PART TWO

INFORMATION  
ON COUNCIL  
ACTIVITIES



## 1. LATEST INFORMATION/ PRESS OFFICE

The establishment plan — with a break-down of the tasks of the Press Office of the General Secretariat — and the contact details of the press attachés of the Member States' Permanent Representations in Brussels can be found in Part Three 'Useful contacts and addresses'. A table showing the order and periods of Council Presidencies up to 2006 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.

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 25 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 releases statements on common foreign and security policy matters and press releases following the signature of international agreements or Association Council, Cooperation Council 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 (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 (see ad hoc arrangements of each Presidency).

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 site

☛ <http://ue.eu.int/newsroom>

The High Representative for the CFSP has an internet site that covers his activities in full.

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](mailto:public.info@consilium.eu.int), or by post, fax, or telephone (tel. 32 (0)2 285 56 50; fax 32 (0)2 235 49 77).

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 site

☛ <http://ue.eu.int> the General Secretariat of the Council provides information on its activities and offers the possibility of ordering certain publications ([bookshop.online@consilium.eu.int](mailto:bookshop.online@consilium.eu.int)).

In addition, it offers a link from its site to the internet 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, this unit maintains contacts with the other departments of the General Secretariat.

The publications of the Council and of certain other Community 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://www.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 must 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](mailto:access@consilium.eu.int)

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

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 can be found in Annex III.

### 3. ACCESS TO COUNCIL DOCUMENTS

All citizens have the right of access to Council documents under the conditions laid down by texts in force (see Annexes 2 and 3).

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, or where appropriate, providing an electronic copy.

To make it easier to find documents that might be requested, the General Secretariat of the Council makes available on the internet a public register of Council documents. Certain categories of documents, 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 web site, “Transparency” section.

The public register of Council documents is available on the Council's internet site:

☛ <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 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 systematically 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 member of the Council or another 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. COUNCIL DELIBERATIONS OPEN TO THE PUBLIC AND PUBLIC DEBATES

Once a year, the General Affairs and External Relations Council holds a public policy debate on the Council's yearly work programme. This yearly public policy debate is broadcast.

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 "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 Luxembourg, depending on the venue of the ministerial meeting.

Television stations applying in advance may record and broadcast the public sessions. Some public debates are also broadcast on 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 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 “Public Debates” chapter).

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 Union* (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 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  
or 32 (0) 2 285 98 64

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 14.30 to 17.30

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

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 is available in electronic form, on CD-ROM (subscription), or for free on EUR-Lex, the portal to European Union law

☛ <http://europa.eu.int/eur-lex>

The Official Journal is available in all the official languages of the Union in both its paper edition and electronic editions.

(<sup>1</sup>) Spanish, Czech, Danish, German, Estonian, Greek, English, French, Italian, Latvian, Lithuanian, Hungarian, Maltese, Dutch, Polish, Portuguese, Slovak, Slovene, Finnish, Swedish

## 8. THE OFFICIAL JOURNAL

The bulk of the Council's legislative and decision-making activity is published in the 20 official languages of the Communities (<sup>(1)</sup>) in the *Official Journal of the European Union (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, which are published either in the paper edition (OJ C), or in a single version available in electronic format (electronic OJ C).

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.

The Council publishes the following acts in the OJ:

- *regulations, directives* and *decisions* adopted in accordance with the codecision 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 in electronic format);
- *conventions* on cooperation in the fields of justice and home affairs (C series, and when they enter into force, an indication to that effect in the L and C series with a reference to the number of the OJ C series in which the text of the convention was published). Council *decisions* establishing conventions are also published.

The following acts relating to CFSP and JHA 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 framework of the EC Treaty or EU Treaty and to *recommendations* based on the Treaty on European Union (C series).

The L series of the Official Journal publishes legislation and the C series publishes communications. The C series is supplemented by an edition existing only in electronic format.

Preparatory acts are published either in the Official Journal, C series in the paper edition, or only in the electronic C series. The Supplement to the Official Journal (S series) contains notices of public contracts and may be consulted for free

☛ <http://ted.publications.eu.int>

For additional information on the OJ, see the site of the Office for Publications

☛ <http://eur-op.eu.int>

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 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 EC Treaty (category L II);
- *conventions* based on the EC Treaty (C series, and when they enter into force, an indication to that effect in the L and C series with 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 historical archives are accessible to the public under the conditions laid down in Council Regulation (EC, Euratom) 1700/2003 of 22 September 2003 amending Council Regulation (EEC, Euratom) 354/83 on the opening of the historical archives to the public.

The above arrangements can exclude certain documents, notably staff files, documents and elements of cases pending judgment by the Court of Justice, and documents containing information relating to the private or professional life of an individual, if the exceptions resulting in limited access to these documents in accordance with EC Regulation 1049/01 still apply.

The archives may be consulted, by appointment, at the Council headquarters. The consultation room is on level 05 of the Justus Lipsius building (entrance: rue Belliard - Chaussée d'Etterbeek 70). It 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').



PART THREE

USEFUL  
CONTACTS  
AND ADDRESSES



## 1. COUNCIL OF THE EUROPEAN UNION

The names and current contact details of Council Heads of Services can be consulted on the Europa site

☛ <http://europa.eu.int/idea/index.htm>

The basic structure of the e-mail address of all Council officials is as follows:

☛ [Firstname.surname@consilium.eu.int](mailto:Firstname.surname@consilium.eu.int)

For compound names or if in doubt, please call the Council (02 285 61 11) for the exact address.

### 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 et 285 73 81

#### 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](mailto:public.info@consilium.eu.int)

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### Pre-arranged order of Presidencies

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	First half	Second half
<b>2004</b>	Ireland	Netherlands
<b>2005</b>	Luxembourg	United Kingdom
<b>2006</b>	Austria	Finland

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### **Office for Official Publications of the European Communities**

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## **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 (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

## ANNEX 1

### **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 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents <sup>(1)</sup>.

(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.

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<sup>(1)</sup>  
OJ L 145, 31.5.2001, p. 43.

#### *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 <sup>(1)</sup>.
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.

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<sup>(1)</sup>  
OJ L 8, 12.1.2001, p. 1.

## ANNEX 2

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

#### *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.

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(\*)  
OJ L 313, 30.11.2001.

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.

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](mailto: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](mailto: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 <sup>(1)</sup> 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

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<sup>(1)</sup>  
OJ L 8, 12.1.2001, p. 1.

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.

## ANNEX 3

### **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 <sup>(1)</sup>,

acting in accordance with the procedure referred to in Article 251 of the Treaty <sup>(2)</sup>,

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.

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<sup>(1)</sup>  
OJ C 177 E, 27.6.2000, p. 70.

<sup>(2)</sup>  
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 cooperation 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 <sup>(1)</sup>, Commission Decision 94/90/ECSC, EC, Euratom of 8 February 1994 on public access to Commission documents <sup>(2)</sup>, European Parliament Decision 97/632/EC, ECSC, Euratom of 10 July 1997 on public access to European Parliament documents <sup>(3)</sup>, and the rules on confidentiality of Schengen documents should therefore, if necessary, be modified or be repealed,

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(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.

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.

*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 citizen's 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.

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( )  
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**













