Deposit of the historical archives of the institutions at the European University Institute in Florence

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PURPOSE: to provide a legal and financial basis for the continued deposit of the historical archives of the institutions of the EU at the European University Institute in Florence (EUI).

PROPOSED ACT: Council Regulation.

BACKGROUND: Council Regulation (EEC, Euratom) No 354/83 as amended by Council Regulation No 1700/2003 requires the EU institutions, as defined in that Regulation, to establish historical archives and to open them to the public once they are 30 years old. It enables each institution to hold its historical archives in whatever place it considers most appropriate.

In 1984, the European Parliament, the Council and the Commission agreed to deposit their historical archives at the European University Institute in Florence (EUI) where they are made available to the public. Since then, the European Court of Auditors, the European Economic and Social Committee and the European Investment Bank have also decided to deposit their archives at the EUI. The terms of the deposit are covered by a contract dated 17 December 1984 between the European Communities, represented by the Commission, and the EUI.

The purpose of depositing the historical archives of the institutions at the EUI is to provide access to the archives from a single location, to promote their consultation and to stimulate research into the history of European integration and the European institutions.

The Italian government makes available to the EUI, permanently and free of charge, suitable premises to house the archives. This ensures that the archives deposited are preserved and protected in accordance with recognised international standards.

The **1984 deposit contract has, however, become outdated** and needs to be replaced by a more solid legal and financial basis for the partnership with the EUI, which reflects the role of the EUI as a partner of the institutions in the management of their historical archives.

IMPACT ASSESSMENT: no impact assessment was undertaken. The interested parties have been consulted. The EUI and Italy, as host institution and host government, have both given their support for the proposal.

LEGAL BASIS: Article 352 of the Treaty on the Functioning of the European Union.

CONTENT: the proposal provides for the deposit of the historical archives by the institutions at the European University Institute in Florence, Italy, where they will be made available to the public by the EUI.

The proposal will not affect the purpose of Regulation No (EEC/Euratom) 354/83, i.e. the opening of the archives of the institutions after 30 years. It simply determines that they will be deposited at the EUI once

the institutions concerned have opened them to the public in accordance with the existing Regulation. This formally recognises the existing situation, as most institutions that have opened their archives already deposit these at the EUI.

The Florence Institute: the EUI is a renowned centre of academic research and learning with a focus on Europe and European integration. It provides state of the art repository and research facilities built expressly for their preservation and consultation, and has an international reputation as the centre for these archives.

EU institutions to whom the obligation applies: all the institutions with the exception of the European Court of Justice and the European Central Bank will in future deposit their historical archives at the EUI once these archives have been opened to the public under the existing Regulation. The European Court of Justice and the European Central Bank have asked to be excluded from the obligation to deposit their historical archives at the EUI. However, they do not rule out doing so in future on a voluntary basis. This is due to the nature of their activities and reflects current practice in many Member States for the historical archives of similar bodies.

Ownership: the proposal will not affect the ownership of the historical archives, which will remain with the depositing institutions, nor will it affect the existing rules under which the institutions decide which documents to open to the public after 30 years.

Paper and digital archives: the proposal distinguishes between the deposit of paper and digital archives. Paper archives will continue to be physically deposited at, and preserved by, the EUI. However, the EUI will not need to preserve the digital archives for the purpose of providing access to these archives. The long-term preservation of digital archives will remain the responsibility of the originating institutions.

Personal data: the proposal clarifies the responsibilities of the EUI for the protection of personal data contained in the historical archives of the institutions. It also provides that each institution shall adopt implementing rules for the application of Regulation No (EC) 354/83 that include rules for the preservation, opening to the public and protection of personal data in the historical archives.

BUDGETARY IMPLICATIONS: the management of the institutions' archives in Florence has been funded from the EU budget since the archives were first deposited at the EUI more than a quarter of a century ago. The Legislative Financial Statement provides for continuation of this funding.

The total amount in respect of administrative expenditure is **EUR 16.170 million from 2013 to 2019 inclusive**. The operational and staff costs incurred by the EUI to manage the historical archives will be funded from the general budget of the EU, excluding any costs related to the provision and equipping of the building(s) and repositories to house the archives and its staff.

The costs shall be shared by the depositing institutions in relation to the work done by the EUI for their respective archives (i.e. on a proportional basis).