Basic information

2002/0203(CNS) CNS - Consultation procedure Regulation	Procedure completed
Access to documents: opening to the public of the historical archives of the Community and the EAEC See also 2012/0221(APP) **Subject** 1.20.05 Public access to information and documents, administrative practice	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs		

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs and Internal Market	The committee decided not to give an opinion.	
ITRE Industry, External Trade, Research, Energy	The committee decided not to give an opinion.	
AFCO Constitutional Affairs	MAIJ-WEGGEN Hanja (PPE-DE)	04/11/2002

Council of the European Union

Council configuration	Meetings	Date
General Affairs	2522	2003-07-21
Competitiveness (Internal Market, Industry, Research and Space)	2525	2003-09-22

European Commission

Commission DG	Commissioner
Secretariat-General	

Key events

Date	Event	Reference	Summary

19/08/2002	Legislative proposal published	COM(2002)0462	Summary
23/09/2002	Committee referral announced in Parliament		
18/02/2003	Vote in committee		Summary
18/02/2003	Committee report tabled for plenary, 1st reading/single reading	A5-0035/2003	
11/03/2003	Decision by Parliament	T5-0076/2003	Summary
30/04/2003	Modified legislative proposal published	COM(2003)0244	Summary
22/09/2003	Act adopted by Council after consultation of Parliament		
22/09/2003	End of procedure in Parliament		
27/09/2003	Final act published in Official Journal		

Technical information	
Procedure reference	2002/0203(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	See also 2012/0221(APP)
Legal basis	EC Treaty (after Amsterdam) EC 308
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/16605

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act	
Regulation 2003/1700 OJ L 243 27.09.2003, p. 0001-0004	Summary

Access to documents: opening to the public of the historical archives of the Community and the EAEC

2002/0203(CNS) - 11/03/2003 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Marcelino OREJA ARBURUA (EPP-ED, Spain) and made some amendments to the Commission's proposal. (Please refer to the document dated 18/02/03.) Parliament also stated in the recitals that the exceptions to public right of access provided for in Regulation 1049/2001/EC are exhaustive and apply independently of the place in which documents are kept. Documents selected for keeping in special archives do not constitute a special category of documents in this respect. Parliament went on to call for initiation of the conciliation procedure under the joint declaration of March 1975 if the Council intends to depart from the Parliament's text. It also called on the

European Convention to examine the possibility of including all agencies and bodies of the EU within the scope of Article 225 of the Treaty in order to facilitate the application of a constant regime on access to documents and on the historical archives.

Access to documents: opening to the public of the historical archives of the Community and the EAEC

2002/0203(CNS) - 22/09/2003 - Final act

PURPOSE : to amend Regulation 354/83/EC in order to align exceptions to the public's right of access with the exceptions in Regulation 1049/2001 /EC. LEGISLATIVE ACT : Council Regulation 1700/2003/EC, Euratom amending Regulation 354/83/EEC, Euratom concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community. CONTENT : Article 255 of the Treaty gives any citizen of the Union and any natural or legal person residing or having its registered office in a Member State a right of access to European Parliament, Council and Commission documents. The general principles and the limits governing the public's right of access to documents of the European Parliament, the Council and the Commission were laid down in Regulation 1049/2001/EC. The exceptions to public right of access provided for in that Regulation are applicable for a maximum period of 30 years, irrespective of the place where the documents are stored. The exceptions relating to protection of privacy or commercial interests and the specific provisions on sensitive documents may, however, apply beyond that period if necessary. Council Regulation 354/83/EC, Euratom provides that the public will not be given access to certain categories of documents 30 years after the documents were created. Pursuant to Article 18(2) of Regulation 1049/2001/EC, this Regulation brings the exceptions into line with the exceptions to right of access provided for in Regulation 1049/2001/EC. The following additional points should be noted: -for the purposes of Regulation 354/83/EEC, Euratom, the European Economic and Social Committee, the Committee of the Regions and similar agencies and bodies set up by the Community legislature must establish its historical archives and open them to the public on the terms provided for by this Regulation after the expiry of a period of 30 years starting from the date of the creation of the document; -all documents available to the public before expiry of 30 years will remain available without restriction; -wherever possible, the institutions must make their archives available to the public by electronic means. They must also conserve documents which are available in forms meeting special needs (Braille, large text or recordings). Each institution will publish information annually on its historical archiving activities. ENTRY INTO FORCE : 17/10/03.

Access to documents: opening to the public of the historical archives of the Community and the EAEC

2002/0203(CNS) - 30/04/2003 - Modified legislative proposal

The Commission states that it has decided to accept a large proportion of the amendments proposed by the Parliament. It resents an amended proposal. On the question of Regulation 1049/2001, the proposal states: - the exceptions to public right of access provided for in Regulation 1049/2001 are applicable for a maximum period of 30 years. The exceptions relating to protection of privacy or commercial interest and the specific provisions on sensitive documents apply beyond that period if necessary; - Council Regulation 354/83 provides that the public will not be given access to certain categories of documents 30 years after the documents were created. Pursuant to Article 18(2) of Regulation 1049/2001, these exceptions must be brought into line with the exceptions to right of access provided for in that Regulation; - all documents available to the public before the expiry of 30 years will remain available without restriction; - the proposal goes on to make specific reference to the exceptions contained in Articles 4(1) and (2) of Regulation 1049/2001; - the Regulation will apply to "similar agencies and bodies"; - where possible, the institutions will make their archives available to the public by electronic means, and conserve documents in forms meeting special needs.

Access to documents: opening to the public of the historical archives of the Community and the EAEC

2002/0203(CNS) - 19/08/2002 - Legislative proposal

PURPOSE : to amend amending Regulation 354/83/EEC, Euratom concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community. CONTENT : the general principles and the limits governing the public's right of access to documents of the European Parliament, the Council and the Commission were laid down in European Parliament and Council Regulation 1049/2001/EC. The exceptions to public right of access provided for in Regulation 1049/2001/EC are applicable for a maximum period of thirty years. The exceptions relating to protection of privacy or commercial interests and the specific provisions on sensitive documents may, however, apply beyond that period if necessary. Council Regulation 354/83/ EEC, Euratom provides that the public will not be given access to certain categories of documents thirty years after the documents were created. It is necessary to bring these exceptions into line with the exceptions to right of access provided for in Regulation 1049/2001/EC.