Basic information

2012/0221(APP) APP - Consent procedure Regulation	Procedure completed
Deposit of the historical archives of the institutions at the European University Institute in Florence See also Regulation (EC, Euratom) No 1700/2003 2002/0203(CNS) **Subject** 1.20.05 Public access to information and documents, administrative practice 1.20.09 Protection of privacy and data protection 4.45.06 Heritage and culture protection, movement of works of art 8.40 Institutions of the Union	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
CULT Culture and Education	PACK Doris (PPE)	19/09/2012
	Shadow rapporteur COSTA Silvia (S&D) VATTIMO Gianni (ALDE) TAVARES Rui (Verts/ALE) BISKY Lothar (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
BUDG Budgets	The committee decided not to give an opinion.	
LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	
AFCO Constitutional Affairs	CASINI Carlo (PPE)	09/10/2012

Council of the European Union

Council configuration	Meetings	Date
General Affairs	3380	2015-03-17

European Commission	Commission DG	Commissioner
	Secretariat-General	BARROSO José Manuel

Key events

Date	Event	Reference	Summary
16/08/2012	Preparatory document	COM(2012)0456	Summary
18/03/2013	Legislative proposal published	06867/2013	Summary
16/04/2013	Committee referral announced in Parliament		
23/04/2013	Vote in committee		
30/04/2013	Committee report tabled for plenary, 1st reading/single reading	A7-0156/2013	Summary
21/05/2013	Decision by Parliament	T7-0193/2013	Summary
21/05/2013	Results of vote in Parliament		
17/03/2015	Act adopted by Council after consultation of Parliament		
17/03/2015	End of procedure in Parliament		
25/03/2015	Final act published in Official Journal		

Technical information

Procedure reference	2012/0221(APP)
Procedure type	APP - Consent procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	See also Regulation (EC, Euratom) No 1700/2003 2002/0203(CNS)
Legal basis	Treaty on the Functioning of the European Union TFEU 352-p1sub1
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	CULT/7/10249

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE507.989	25/03/2013	
Committee opinion	AFCO	PE506.236	16/04/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0156/2013	30/04/2013	Summary

Text adopted by Parliament, 1st reading/single reading		T7-0193/2013	21/05/2013	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	06867/2013	18/03/2013	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2012)0456	16/08/2012	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2012)0456	25/10/2012	
Contribution	IT_SENATE	COM(2012)0456	07/11/2012	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EDPS	Document attached to the procedure	N7-0050/2013 OJ C 028 30.01.2013, p. 0009	10/10/2012	Summary

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Regulation 2015/0496
OJ L 079 25.03.2015, p. 0001 Summary

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

2012/0221(APP) - 10/10/2012 - Document attached to the procedure

OPINION OF THE EUROPEAN DATA PROTECTION SUPERVISOR

on the Commission proposal for a Council Regulation amending Regulation (EEC, Euratom) No 354/83,

as regards the deposit of the historical archives of the institutions at the European University Institute in Florence.

Before the adoption of the proposal, the EDPS was given the possibility to provide informal comments. Many of these comments have been taken into account in the proposal. As a result, **the data protection safeguards in the proposal have been strengthened** as regards:

- the provisions on applicable law,
- the determination of the supervisory authority,
- the specification of the EUI's role as a processor, and
- the requirement to adopt implementing rules to address data protection issues at the practical level.

The EDPS considers that it is important that European institutions and bodies have **clear policies of what personal data should or should not go to the historical archives**, and how to safeguard those personal data that will be preserved and made publicly available via the historical archives. For the moment, although document management, data retention and archiving policies exist at many European institutions and bodies [for example, the Common Conservation List ('CCL'), an internal administrative document issued by the Commission], these policies provide only limited guidance on data protection. In addition, it is to be noted that **the existing policies are formulated in internal documents, rather than in a legislative instrument adopted by Council and Parliament**.

The EDPS, in this Opinion, suggests **a few targeted changes** that can be included on the occasion of the current, more limited review of the Archives Regulation. Additionally, he highlights the need for adoption of specific measures, including adequate implementing rules, to ensure that data protection concerns are effectively addressed in the context of legitimate record keeping for historical purposes.

To address remaining data protection concerns, **the EDPS recommends that the proposed amendment to the Archives Regulation**:

- specify the key objectives and minimum content of the implementing rules as well as the procedure for their adoption, including a governance structure to ensure a harmonised and coordinated approach, a clear time-frame for adoption, and consultation of the EDPS,
- clarify the rules applicable to security of personal data held in the historical archives,
- provide safeguards with regard to the private archives held by the EUI, and
- provide at least some minimum clarifications with regard to the privacy exception in Article 2 of the Archives Regulation.

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

2012/0221(APP) - 18/03/2013 - Legislative proposal

PURPOSE: to regularise the existing partnership with the EUI (European University Institute in Florence) as regards the deposit of the historical archives of the European Union institutions at the EUI.

PROPOSED ACT: Council Regulation.

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

CONTENT: this proposed Regulation seeks to ensure that the EU institutions deposit their historical archives at the EUI in Florence (IT) which will make them available to the public.

A series of measures have been envisaged to facilitate this deposit.

For further information concerning the main provision of this proposed Regulation, as well as its financial implications for the European Union's budget, *please refer to the summary of the Commission's initial legislative proposal, dated 16/08/2012*.

The **Council's revised version** however includes a number of changes to the initial draft Regulation.

These changes may be summarised as follows:

- **emphasis on digitisation:** the institutions and EUI should, where possible, make the historical archives available to the public **in digitised and digital form**, so as to facilitate their **consultation on the internet**;
- **derogation from the requirement to deposit archives:** the depositing institutions may, for legal or administrative reasons, exclude the deposit of certain original documents at the EUI. In any event, the depositing institutions shall **retain the ownership** of their archives, as well as exclusive responsibility for the composition of the documents and files that are deposited at or otherwise made available to the EUI;
- **framework agreement between the Parties:** it is proposed to establish in a framework partnership agreement all the detailed provisions on the mutual roles and responsibilities of the institutions and of the EUI for the management of the historical archives of the Union, including their deposit, preservation, access and public consultation;
- **management costs:** the costs for the management of the historical archives of the Union shall be financed through contributions by all depositing institutions to the relevant budget line, within the limits of the yearly appropriations made available by the budgetary authority. Such financial contributions shall not cover costs related to the provision and adaptation of the buildings and repositories to house the archives and its staff. The size of the contributions shall be proportionate to the size of the respective establishment plans of the depositing institutions. Each contribution shall be recalculated whenever additional institutions begin to deposit their historical archives at the EUI or at least every five years;

- **staff responsibility:** the EUI shall be solely responsible for the staff called on to manage the historical archives of the Union deposited at the EUI.

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

2012/0221(APP) - 16/08/2012 - Preparatory document

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).

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

2012/0221(APP) - 30/04/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Culture and Education unanimously adopted the report by Doris PACK (EPP, DE) on the proposal for a Council regulation amending Regulation (EEC/Euratom) No 354/83, as regards the deposit of the historical archives of the institutions at the European University Institute in Florence.

Members recommend that the European Parliament give its consent to the proposed Council regulation. They welcome the fact that wherever possible, the institutions shall make their archives available to the public by electronic means and that it clarifies the rules applicable to the archives in terms of data protection.

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

2012/0221(APP) - 21/05/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 600 to 8, with 15 abstentions, a legislative resolution on the draft Council regulation amending Regulation (EEC /Euratom) No 354/83, as regards the deposit of the historical archives of the institutions at the European University Institute in Florence.

Parliament gave its consent to the draft Council Regulation.

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

2012/0221(APP) - 17/03/2015 - Final act

PURPOSE: to regularise the existing partnership with the EUI (European University Institute in Florence) as regards the deposit of the historical archives of the European Union institutions at the EUI.

LEGISLATIVE ACT: Council Regulation (EU) 2015/496 amending Regulation (EEC, Euratom) No 354/83 as regards the deposit of the historical archives of the institutions at the European University Institute in Florence.

CONTENT: under this Regulation, each institution, other than the Court of Justice of the European Union (CJEU) and the European Central Bank (ECB), shall deposit at the European University Institute (EUI) in Florence the documents which are part of its historical archives and which it has opened to the public.

In 1984, the European Parliament, the Council and the Commission decided to deposit their historical archives at the European University Institute (EUI) in Florence where they are made available to the public. A contract between the European Communities, represented by the Commission, and the EUI was signed for this purpose on 17 December 1984.

The Italian government has made suitable premises available on a permanent basis and free of charge to the EUI to ensure that the deposited archives are preserved and protected in accordance with recognised international standards and to provide the possibility for on-site consultation.

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

Purpose: the aim of this Regulation is to ensure the continued deposit of the historical archives of the institutions at the EUI to be incorporated into Union legislation in order to reflect the role of the EUI as a partner of the institutions in the management of their historical archives. Detailed provisions for the management of the historical archives at the EUI, including their deposit, access and public consultation, as well as the mutual roles and responsibilities of the institutions and of the EUI, should be set out in a framework partnership agreement.

Costs: the costs for managing the historical archives of the Union by the EUI should be financed from the general budget of the Union and those costs should be borne by all depositing institutions to the relevant budget line, within the limits of the yearly appropriations made available by the budgetary authority. Such financial contributions shall not cover costs related to the provision and adaptation of the buildings and repositories to house the archives and its staff. The size of the contributions shall be proportionate to the size of the respective establishment plans of the depositing institutions. Each contribution shall be recalculated whenever additional institutions begin to deposit their historical archives at the EUI or at least every five years.

The EUI shall be solely responsible for the staff called on to manage the historical archives of the Union deposited at the EUI.

Scope: this Regulation should apply to all institutions, and should not alter their responsibility to open their historical archives to the public nor the ownership by each institution of its historical archives. However, the specific nature of the activities of the Court of Justice of the European Union (CJEU) and the European Central Bank (ECB) justifies their exclusion from the obligation set out in this Regulation to deposit their historical archives at the EUI. The CJEU and the ECB may deposit their historical archives at the EUI on a voluntary basis.

The depositing institutions may, for legal or administrative reasons, exclude the deposit of certain original documents at the EUI. In that case, they shall deposit a microform or digital copy of such documents. The depositing institutions shall retain the ownership of their archives, as well as exclusive responsibility for the composition of the documents and files that are deposited at or otherwise made available to the EUI.

Digitalisation of the archives: the institutions and EUI should, where possible, make the historical archives available to the public in digitised and digital form, so as to facilitate their consultation on the internet. The EUI shall ensure the preservation and protection of deposited archives. This preservation and protection shall comply with recognised international standards for the physical protection of archives and shall at least respect the technical and security rules that correspond with those used for the preservation and management of public archives in Italy.

Data protection: personal data contained in the historical archives of the Union deposited at the EUI should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data.

Annex: an annex lays down the provisions for the deposit of the historical archives of the institutions at the European University Institute in Florence. In the case of non-digital archives, the original documents shall be deposited at the EUI for permanent preservation. The depositing institutions shall return the originals to the EUI as soon as they no longer need them.

ENTRY INTO FORCE: 26.3.2015.

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

2012/0221(APP) - 16/08/2012

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.

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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).