

Conclusions of the General Affairs Council on public access to the minutes and statements in the minutes (2 October 1995)

Caption: Conclusions of the 1871st General Affairs Council meeting, held on 2 October 1995, concerning the Code of Conduct on public access to the minutes and statements in the minutes of the Council of the European Union acting as legislator.

Source: Press Releases. [ON-LINE]. [Brussels]: Council of the European Union, [30.11.2006]. 10204/95 (Presse 271). Available on http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/gena/028a0034.htm.

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http://www.cvce.eu/obj/conclusions_of_the_general_affairs_council_on_public_access_to_the_minutes_and_statements_in_the_minutes_2_october_1995-en-88eb321a-e66b-4266-b375-e7489b9333c0.html

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**1871st Council meeting
- General Affairs -
Luxembourg, 2 October 1995**

[...]

13. Transparency of Council proceedings

- Code of Conduct on public access to the minutes and statements in the minutes of the Council acting as legislator, adopted by the Council:

"This Code of Conduct concerns items in the Council minutes relating to the final adoption of legislative acts within the meaning assigned to that term in the Annex to the Council's Rules of Procedure and the statements thereon.

A. Statements

1. The Council agrees to use statements in the minutes sparingly, it being understood that this instrument must continue to contribute to the efficiency of the decision-making process.

2. To that end, the Council bodies will endeavour, wherever appropriate, to incorporate the content of projected statements in the legislative act itself (recital or enacting terms), or in the statement of reasons in the case of a common position within the meaning of Articles 189b and 189c of the EC Treaty.

Some statements by members of the Council could become explanations of vote as referred to in the second subparagraph of Article 5(1) of the Council's Rules of Procedure.

3. If the Council, the Commission and/or the members of the Council deem it advisable to make statements, those statements should observe the requirement of compatibility with the text of the act.

4. The Council is in favour of public access, in general, to statements which it enters in its minutes when adopting legislative acts. When adopting such acts, the Council will therefore decide, in principle, that these statements are not covered by the obligation of professional secrecy, save in cases where, at the request of one of its members, the Council establishes that it does not have the simple majority required by Article 5(1) of its Rules of Procedure to waive that obligation.

In the case of a statement by one or more members of the Council, the Council will seek the agreement of the author(s) of the statement before deciding to make it available to the public.

Where a member of the Council requests that one of his statements be made available to the public by the Council, the Council will endeavour to comply with that request, on the understanding that each member of the Council may make his own statements public, acting on his own responsibility.

B. Minutes

1. When adopting the minutes of its meetings, the Council will systematically examine the question of whether to make public the references to documents before the Council⁽¹⁾ and the decisions taken or conclusions reached by the Council which are contained in the minutes relating to the final adoption of its legislative acts. As regards statements in the minutes, the decision taken by the Council when adopting the legislation will determine whether they can be made available to the public, without prejudice to application of the Council Decision of 20 December 1993 on public access to Council documents.

2. The Council's aim in making this examination will be to reach decisions which ensure the widest possible

public availability of its minutes, save in exceptional cases where one of the reasons referred to in Article 4(1) of the Council Decision of 20 December 1993 on public access to Council documents does not so permit.

3. Where minutes contain statements by one or more members of the Council, the Council will seek the agreement of the author(s) of the statement(s) before taking a decision.
4. The Council shall take decisions on whether to make its minutes public on the basis of suggestions made by Coreper acting on a report from the Antici Group or the Mertens Group, as appropriate.
5. This Code of Conduct does not apply to items in minutes of Council meetings held prior to the date of its adoption."

[...]

(1) The decision to make minutes public does not mean that the documents referred to therein will be available to the public.