

## Chronological table on transparency (1992–2004)

**Caption:** This chronological table shows the key developments and the legal instruments and judgments of the Community institutions and bodies with regard to transparency from 1992 to 2004. This table is taken from the Transparency Guide, an internal document drawn up by the General Secretariat of the Council of the European Union, which constitutes the fifth volume of the 'Council Guide' published in January 2004.

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### Transparency - chronological table (1992-2004)

| Year | Date        | Milestones   | Legal instruments of the Community institutions and bodies               | Judgments of the Court of Justice and of the Court of First Instance |
|------|-------------|--|--|--|
| 1992 | 7 February  | Declaration No 17 annexed to the Final Act of the Treaty on European Union [1]   |  |  |
|      | 16 October  | Birmingham Declaration [2]   |  |  |
|      | 12 December | Conclusions of the Edinburgh European Council on transparency [3]  |  |  |
| 1993 | 8 June      | Commission communication: public access to documents of the institutions<br>Communication to the Council, the European Parliament and to the Economic and Social Committee [4] |  |  |
|      | 8 June      | Council Resolution on the quality of drafting of Community legislation [5]   |  |  |
|      | 21-22 June  | Conclusions of the Copenhagen European Council on access to information [6]  |  |  |
|      | 25 October  | Interinstitutional Agreement between the European Parliament, the Council and the Commission on transparency, democracy and subsidiarity [7]                                   |  |  |
|      | 6 December  |  | Council Decision 93/662/EC adopting the Council's Rules of Procedure [8] |  |
|      | 6 December  |  | 93/731/CE: code of conduct concerning public access to Council           |  |

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|      |              |  | and Commission documents [9]  |  |
|      | 20 December  |  | Council Decision 93/731/EC on public access to Council documents [10]   |  |
| 1994 | 8 February   |  | Decision 94/90/ECSC, EC, Euratom on public access to Commission documents [11]  |  |
| 1995 | 4 March      | Publication in the Official Journal of the Commission communication on improved access to documents [12]               |   |  |
|      | 29 May       | Council conclusions on transparency [13]   |   |  |
|      | 2 October    | Code of Conduct on public access to the minutes and statements in the minutes of the Council acting as legislator [14] |   |  |
|      | 19 October   |  |   | Judgment of the CFI in case T-194/94: John Carvel & Guardian Newspaper v. Council [15] |
| 1996 | 27 February  |  | Decision of the Secretary-General of the Council relating to fees in the context of public access to Council documents [16] |  |
|      | 30 April     |  |   | Judgment of the Court of Justice in case C-58/94 : Netherlands v. Council [17]         |
|      | July         | Initial report on the implementation of Council Decision 93/731/EC on public access to Council documents [18]          |   |  |
|      | 19 September |  | 96/567/EC, ECSC,  |  |

|      |            |  |  |  |
|------|------------|--|--|--|
|      |            |  | Euratom: Commission Decision of 19 September 1996 amending Decision 94/90/ECSC, EEC, Euratom on public access to Commission documents [19] |  |
|      | 6 December | Council conclusions on the review of Council Decision 93/731/EC on public access to Council documents [20] |  |  |
|      | 6 December |  | 96/705/Euratom/ECSC/EC: Council Decision amending Council Decision 93/731/CE on public access to Council documents [21]                    |  |
| 1997 | 5 March    |  |  | Judgment of the CFI in case T-105/95: WWF v. Commission [22] |
|      | 21 March   |  | Decision on public access to documents of the European Environment Agency  |  |
|      | 26 March   |  | Rules on public access to documents adopted by the Management Committee of the European Investment Bank [23]                               |  |
|      | 7 April    |  | Decision No 18/97 laying down internal rules for the treatment of applications for access to documents held by the Court [24]              |  |
|      | 25 May     |  | Decision of the Economic and Social Committee on public access to ESC documents [25]   |  |
|      | 3 June     |  | Decision No 9/97 concerning public access to administrative documents of the European Monetary   |  |

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|      |              |   | Institute [26]   |   |
|      | 10 July      |   | 97/632/EC, ECSC, Euratom: Decision of the European Parliament of 10 July on public access to documents of the European Parliament [27] |   |
|      | 17 September |   | Decision of the Committee of the Regions on public access to documents of the Committee of the Regions [28]                            |   |
|      | 27 October   |   | Decision of the Governing Board on public access to European Training Foundation documents [29]  |   |
|      | 15 December  | Special report by the European Ombudsman to the European Parliament following his own-initiative inquiry into public access to documents [30] |  |   |
| 1998 | 6 February   |   |  | Judgment of the CFI in case T-124/96 Interporc v. Commission [31]             |
|      | 3 March      |   |  | Order by the CFI in Case T-610/97 R: Norup Carlsen and others v. Council [32] |
|      | 19 March     |   |  | Judgment of the CFI in case T-83/96: Gerard van der Wal v. Commission [33]    |
|      | 19 March     |   | Council Decision on establishing a public register of Council documents [34]   |   |
|      | 19 March     | Presidency's conclusions on the transparency of Council activities in the field covered by Title VI of the EU Treaty [35]                     |  |   |
|      | 16 June      | Conclusions of the  |  |   |

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|  |             | Cardiff European Council on transparency [36]   |  |   |
|  | 17 June     |   |  | Judgment of the CFI in case T-174/95: Svenska Journalistförbundet v. Council [37] |
|  | 19 June     | Second report on the implementation of Council Decision 93/731/EC on public access to Council documents [38]  |  |   |
|  | 29 June     | Council conclusions on the second review of Council Decision 93/731/EC on public access to Council documents [39]   |  |   |
|  | 29 June     | Council conclusions on transparency [40]  |  |   |
|  | 16 July     | Resolution on the special report by the European Ombudsman to the European Parliament following his own-initiative inquiry into public access to documents [41] |  |   |
|  | 3 November  |   | ECB/1998/12: Decision of the European Central Bank of 3 November 1998 concerning public access to documentation and the archives of the European Central Bank [42]   |   |
|  | 21 November |   | 1999/738/EC: The European Foundation for the Improvement of Living and Working Conditions Decision of 21 November 1997 on code of conduct concerning public access to documents of the European Foundation for |   |

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|      |             |  | the Improvement of Living and Working Conditions [43]                                       |   |
|      | 6 December  | Council conclusions on Openness and Cooperation in the field of information activities about the European Union [44] |   |   |
|      | 22 December | Interinstitutional Agreement on common guidelines for the quality of drafting of Community legislation [45]          |   |   |
| 1999 | 1 January   | Entry into service of the public register of Council documents   |   |   |
|      | 1 May       | Entry into force of the Treaty of Amsterdam [46]   |   |   |
|      | 31 May      |  | 1999/385/EC, ECSC, Euratom: Council Decision adopting the Council's Rules of Procedure [47] |   |
|      | 8 June      | Council conclusions on transparency and EU information activities [48]   |   |   |
|      | 19 July     |  |   | Judgment in case T-188/97: Rothmans International v. Commission [49]            |
|      | 19 July     |  |   | Judgment of the CFI in case T-14/98: Heidi Hautala v. Council [50]              |
|      | 19 July     | Report on the operation of the public register of Council documents [51]   |   |   |
|      | 14 October  |  |   | Judgment of the CFI in case T-309/97: Bavarian Lager Company v. Commission [52] |
|      | 6 December  |  | 2000/23/EC: Council   |   |

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|      |              |   | Decision on the improvement of information on the Council's legislative activities and the public register of Council documents [53]                                       |  |
|      | 7 December   |   |  | Judgment of the CFI in case T-92/98: Interporc v. Commission [54]  |
| 2000 | 11 January   |   |  | Judgment of the Court of Justice in cases C-174/98 P & C-189/98 P: Gerard van der Wal and Netherlands v. Commission [55] |
|      | 6 April      |   |  | Judgment of the CFI in case T-188/98: Aldo Kuijer v. Council [56]  |
|      | 13 September |   |  | Judgment of the CFI in case T-20/99: Denkvit Nederland BV v. Commission [57]   |
|      | 20 October   |   |  | Judgment of the CFI in case T-123/99, JT's Corporation [58]  |
|      | 7 December   | Solemn declaration of the EU Charter of Fundamental Rights [59] |  |  |
| 2001 | 14 February  |   |  | Order of the CFI in case T-3/00 Pitsiorlas v. Council and ECB [60]   |
|      | 9 April      |   | 2001/320/EC: Council Decision of 9 April 2001 on making certain categories of Council documents available to the public [61]   |  |
|      | 30 May       |   | 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 |  |



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|  |             |   | [62]   |  |
|  | 30 May      | Joint declaration relating to 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 [63] |  |  |
|  | 12 July     |   |  | Judgment of the CFI in case T-204/99: Olli Mattila v. Council [64]                 |
|  | 10 October  |   |  | Judgment of the CFI in case T-111: BAT v. Commission [65]                          |
|  | 13 November |   | European Parliament decision adapting its Rules of Procedure to the provisions of European Parliament and Council Regulation (EC) No 1049/2001 on public access to Parliament, Council and Commission documents [66] |  |
|  | 28 November |   | Bureau Decision on public access to European Parliament documents [67]   |  |
|  | 29 November |   | 2001/840/EC: Council Decision of 29 November 2001 amending the Council's Rules of Procedure [68]   |  |
|  | 5 December  |   | 2001/937/EC, ECSC, Euratom: Commission Decision of 5 December 2001 amending its rules of procedure [69]  |  |
|  | 6 December  |   |  | Judgment of the Court of Justice in case C-353/99 P: Council v. Heidi Hautala [70] |
|  | 11 December |   |  | Judgment of the CFI in case T-191/99:  |

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|      |             |   |  | David Petrie and others v. Commission [71]                                       |
| 2002 | 7 February  |   |  | Judgment of the CFI in case T-211/00: Aldo Kuijer v. Council [72]                |
|      | 3 June      | Entry into service of public registers of Commission and Parliament documents   |  |  |
|      | 25 June     |   |  | Judgment of the CFI in case T-311/00: BAT v. Commission [73]                     |
|      | 22 July     |   | 2002/682/EC, Euratom: Council Decision of 22 July 2002 adopting the Council's Rules of Procedure [74]                        |  |
|      | 27 November |   | Rules on public access to documents adopted by the Management Committee of the European Investment Bank [75]                 |  |
| 2003 | 11 February |   | Committee of the Regions Decision No 64/2003 of 11 February 2003 on public access to Committee of the Regions documents [76] |  |
|      | 6 March     |   |  | Judgment of the Court of Justice in case C-41/00 P: Interporc v. Commission [77] |
|      | 8 April     | Report of the Council on the implementation 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 (2002) [78] |  |  |
|      | 29 April    | Report from the Commission on the application in 2002 of Regulation (EC) No 1049/2001 of the  |  |  |

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|  |              | European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents [79]  |  |  |
|  | 15 May       |   |  | Judgment of the Court of Justice in case C-193/01P, Pitsiorlas v. Council and ECB [80] |
|  | 18 June      | Adoption of Council Regulations Nos 1645/2003 to 1655/2003 extending the scope of Regulation (EC) No 1049/2001 to 11 Community agencies and bodies [81]   |  |  |
|  | 1 July       |   | 2003/603/EC: Decision of the European Economic and Social Committee of 1 July 2003 on public access to European Economic and Social Committee documents [82]   |  |
|  | 22 July      | Adoption of Regulations Nos 1641/2003 to 1644/2003 of the European Parliament and of the Council extending the scope of Regulation (EC) No 1049/2001 to four Community agencies and bodies [83] |  |  |
|  | 17 September |   |  | Judgment of the CFI in case T-76/02: Mara Messina v. Commission [84]                   |
|  | 22 September |   | Council Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 amending Regulation (EEC, Euratom) No 354/83 concerning the opening to the public of the historical archives of the European Economic |  |

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|      |              |  | Community and the European Atomic Energy Community [85] |  |
|      | 25 September | European Parliament resolution on public access to Parliament, Council and Commission documents (implementation of Regulation 1049/2001/EC) [86]   |   |  |
|      | 16 October   |  |   | Judgment of the CFI in case T-47/01 : Co-Frutta v. Commission [87]                           |
| 2004 | 22 January   |  |   | Judgment of the Court of Justice in case C-353/01 P : Mattila v. Council and Commission [88] |
|      | 30 January   | Report from the Commission on the implementation of the principles in Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents [89] |   |  |

[1] Selected instruments taken from the Treaties, Book I, volume 1, p. 639.

[2] Bulletin of the European Communities, No 10-1992, p. 9.

[3] Bulletin of the European Communities, No 12-1992, pp. 19-21.

[4] OJ C 156, 8.6.1993, p. 5.

[5] OJ C 166, 17.6.1993, p. 1.

[6] SN 180/1/93.

[7] Bulletin of the European Communities, No 10-1993, pp. 128-129.

[8] OJ L 304, 10.12.1993, p. 1.

[9] OJ L 340, 31.12.1993, p. 42.

[10] OJ L 340, 31.12.1993, p. 43, Decision repealed by Council Decision 2001/840/EC of 29 November 2001 (see note 68 below).

[11] OJ L 46, 18.2.1994, p. 58, Decision replaced by Regulation (EC) No 1049/2001 of 30 May 2001 (see note 62 below).

[12] OJ C 67, 4.3.1994, p. 5.

[13] 7481/95, pp. 4-5.

[14] 10204/95, pp. 15-18.

[15] ECR [1995] II-2765.

[16] OJ C 74, 14.3.1996, p. 3.

[17] ECR [1996] I-2169.

[18] 8330/96.

[19] OJ L 247, 28.9.1996, p. 45.

[20] 11974/96 - COR 1 REV 1.

[21] OJ L 325, 14.12.1996, p. 19.

- [22] ECR [1997] II-313.
- [23] OJ C 243, 9.8.1997, p. 13; Decision was repealed and replaced by the rules adopted by the Governing Board of the Bank on 27 November 2002; see note 75 below.
- [24] OJ C 295, 23.9.1998, p. 1
- [25] OJ L 339, 10.12.1997, p. 18; this Decision was repealed by the Decision of the Economic and Social Committee of 1 July 2003; see note 82 below.
- [26] OJ L 90, 25.3.1998, p. 43.
- [27] OJ L 263, 25.9.1997, p. 27, Decision replaced by Regulation (EC) No 1049/2001 of 30 May 2001 (see note 62 below).
- [28] OJ L 351, 23.12.1997, p. 70; this Decision was repealed by Decision No 64/2003 of 11 February 2003; see note 76 below.
- [29] OJ C 369, 6.12.1997, p. 10.
- [30] OJ C 44, 10.2.1998, p. 9.
- [31] ECR [1998], II-231.
- [32] ECR [1998], II-485.
- [33] ECR [1998], II- 545.
- [34] 6423/1/98 REV 1.
- [35] 6067/98.
- [36] SN 150/1/98 REV 1.
- [37] ECR [1998], II-2289.
- [38] 6715/2/98 REV 2 COR 1.
- [39] 9191/98 - Annex I.
- [40] 9191/98 - Annex II.
- [41] OJ C 292, 21.9.1998, p. 170.
- [42] OJ L 110, 28.4.1999, p. 30 (replaces Decision No 9/97 of the EMI mentioned in note 26).
- [43] OJ L 296, 17.11.1999, p. 25.
- [44] 13314/1/98 REV 1.
- [45] OJ C 73, 17.3.1999, p. 1.
- [46] Provisions applicable as regards the right of public access to documents: Article 255 of the EC Treaty, Articles 28(1) and 41(1) of the EU Treaty, Declarations 35 and 41 annexed to the Final Act of the Amsterdam Treaty and Articles 230 and 195 of the EC Treaty (possibility of court proceedings or complaints to the Ombudsman in the event of total or partial rejection of a confirmatory application for access) and Article 207(3) of the EC Treaty (establishment in the Council's Rules of Procedure of the conditions under which public access is granted to Council documents).
- [47] OJ L 147, 12.6.1999, p. 13.
- [48] 9064/99.
- [49] ECR [1999] II-2463.
- [50] ECR [1999] II-2489.
- [51] 9862/99.
- [52] ECR [1999] II-3217.
- [53] OJ L 9, 13.1.2000, p. 22, Decision repealed by Council Decision 2001/840/EC of 29 November 2001 (see note 68 below).
- [54] ECR [1999] II-3521.
- [55] ECR [2000] I-1.
- [56] ECR [2000] II-1959.
- [57] ECR [2000] II-3011.
- [58] ECR [2000] II-3269.
- [59] Article 42 of the Charter provides that: "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 European Parliament, Council and Commission documents."
- [60] ECR [2001] II-717.
- [61] OJ L 111, 20.4.2001, p. 29. Decision repealed by Decision 2001/840/EC of the Council of 29 November 2001 (see note 68 below).
- [62] OJ L 145, 31.5.2001, p.43. Regulation 1049/2001 applied from 3 December 2001, replacing with effect from that date the three institutions' existing rules on access, i.e. Council Decision 93/731, Commission

Decision 94/90 and European Parliament Decision 97/632.

[63] OJ L 173, 27.6.2001, p. 5.

[64] ECR [2001] II-2265.

[65] ECR [2001] II-2997.

[66] OJ C 140 E, 13.6.2002, p. 120.

[67] OJ C 374, 29.12.2001, p. 1.

[68] OJ L 313, 30.11.2001, p. 40, repealing Decisions 93/731/EC, 2000/23/EC and 2001/320/EC.

[69] OJ L 345, 29.12.2001, p. 94.

[70] ECR [2001] I-9565.

[71] ECR [2001] II-3677.

[72] ECR [2001] II-485.

[73] ECR [2002] II-2781.

[74] OJ L 230, 28.8.2002, p. 7.

[75] OJ C 292, 27.11.2002, p. 10. These rules annulled and replaced the Decision adopted by the Management Committee on 26 March 1997. See also note 23.

[76] OJ L 160, 28.6.2003, p. 96. This Decision repealed the Decision mentioned in note 28.

[77] Not yet published in the European Court Reports.

[78] 7957/03.

[79] COM (2003) 216.

[80] ECR [2003] I-4837.

[81] OJ L 245, 29.9.2003, pp. 13 to 43.

[82] OJ L 205, 14.8.2003, p. 19. This Decision repealed the Decision mentioned in note 25.

[83] OJ L 245, 29.9.2003, pp. 1 to 12.

[84] Not yet published in the European Court Reports.

[85] OJ L 243, 27.9.2003, p. 1.

[86] A5-0298/2003.

[87] Not yet published in the European Court Reports.

[88] Not yet published in the European Court Reports.

[89] COM (2004) 45 final.