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Access to Council of Europe documents and declassification – Regulatory instruments

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Introduction

Since its inception, the Council of Europe has constantly strived to provide better visibility into its activities and adjust access to its documents accordingly. Access rights to documents vary and depend upon the internal protocols and working methods of various bodies and monitoring mechanisms, as well as document types and categories.

As a result, it might be difficult to know which access rule applies to a given document.

The present compilation lists the texts enshrining the rules which are currently in force to regulate access to Council of Europe documents and, where pertinent, their declassification. Only texts that usher in a new rule or aspect have been included. The annex contains texts (including some which are no longer in force) which provide interpretation and background information.

Texts are organised according to their application to internal or official documents¹. Within official documents, a distinction is made between those that apply to the Council of Europe as a whole and those that apply to a specific organ or body.

I. Internal documents

- [Archival policy of the Council of Europe](#) (DGAL 136, 25 February 2009)

The “Archival policy” recommends a new access right for internal electronic documents to be accessible by Council of Europe agents.

“4.5.3. In the interest of transparency and information sharing, it is recommended that any digitally generated document is attributed a default access right “INTERNAL”, meaning open to all staff, offering access to all internal users. Restricted or Confidential access should be adopted only for specific cases, which will be defined in the disposal schedule of a particular entity.”

- [Rule no. 1238 on access to a staff member’s personal administrative file](#) (rule of the Secretary General of 14 December 2006)

Personal administrative files are confidential and can only be consulted at the headquarters of the Council of Europe. Personal files can be consulted by the staff member or his or her representative, the Secretary General, the Deputy Secretary General, the Director General of Administration, the Head of the staff member’s Major Administrative Entity, the Director of Human Resources. Under certain conditions, personal files can be forwarded to the Administrative Tribunal, the Disciplinary Board, the Mediator and the Advisory Committee on Disputes. The Appointments Board can consult certain documents of the personal files.

“RECALLING that, according to Article 46 paragraph 1 of the Staff Regulations, staff members’ personal administrative files are confidential and may only be consulted at the headquarters of the organisation;[...]

1. The procedure for granting a staff member or former staff member and his/her duly authorised representative access, at any time, to the file shall be simple and speedy.

2. A staff member’s personal administrative file may also be consulted by the Secretary General, the Deputy Secretary General, the Director General of Administration and Logistics, the Head of the staff member’s Major Administrative Entity and the Director of Human Resources.

3. A staff member’s personal administrative file may be forwarded to the Administrative Tribunal and the Disciplinary Board at their request in connection with proceedings before them relating to an individual decision affecting the staff member. It may be also forwarded to the Mediators in accordance with the relevant rule.

¹ Resolution(2001)6 has introduced the distinction between internal and official documents. Official documents are the documents of the various Council of Europe organs, bodies and committees. Internal documentation refers to content that is not official and includes sent or received correspondence with the outside.

4. A staff member's personal administrative file may, at his/her request or with his/her agreement, be forwarded to the Advisory Committee on Disputes.
5. The Appointments Board may, in the exercise of its functions, consult all the documents kept in the personal administrative file of a staff member that concern his/her competence, performance and conduct."

- [Resolution Res\(2001\)6 on access to Council of Europe documents](#) (adopted by the Committee of Ministers on 12 June 2001)

Resolution Res(2001)6 points out the meaning of "internal documentation". According to the resolution, internal documents contain information relating to the policies, activities and decisions falling within the sphere of responsibility of the Organisation's Secretariat, including sent or received correspondence with the outside. Internal documents are different from official documents. The Secretary General will lay down rules on access to internal documents, ensuring that these are consistent with the policy on access to official Council of Europe documents.

"Internal documents

[...] the Committee of Ministers invites the Secretary General to lay down rules on access to internal Secretariat documentation², ensuring that these are consistent with the policy on access to official Council of Europe documents laid down by the present resolution. [...]

² "Internal documentation" means any content – other than official documents of the various Council of Europe organs, bodies and committees – whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording) concerning a matter relating to the policies, activities and decisions falling within the Organisation's sphere of responsibility – including sent or received correspondence with the outside."

- [Resolution \(89\) 40 on the future role of the Council of Europe in European construction](#) (adopted by the Committee of Ministers on 5 May 1989)

First document of the Council of Europe in which it is said that "access to documents should be the rule, confidentiality the exception"

"The Committee of Ministers [...]

25. Instructs the Ministers' Deputies to define, together with the Secretary General, a dynamic information policy on the aims, activities and achievements of the Council of Europe, which should include the following aspects:

- arrangements ensuring greater transparency both of the work of intergovernmental committees of experts – access to documents should be the rule, confidentiality the exception - and of the Committee of Ministers
- ways and means of ensuring wider dissemination of information."

- [Regulation outlining a data protection system for personal data files in the Council of Europe](#) (CM/Del/Concl(89)425, item 59b, appendix 14, approved by the Committee of Ministers on 17 April 1989)

Access to personal data shall only take place for necessary administrative tasks of the Organisation. Their communication may only take place with the consent of the person concerned or in accordance with regulations existing within the Organisation. The Data Protection Commissioner has a list specifying the persons or bodies to whom the data may be communicated and for which purposes. Personal data of a sensitive nature may only be collected, stored and used with the consent of the person concerned. Except where overriding reasons of confidentiality exist, any person shall have access to a file containing information relating to him.

"Article 2

The collection, storage and use of personal data shall only take place for the performance of the necessary internal administrative tasks of the Organisation or for the discharge of the functions envisaged in the Statute.

Article 3 [...]

2. The collection, storage and use of personal data, including their communication to third parties, for purposes other than those stated in Article 2, may only take place with the express and written consent of the person concerned or in accordance with safeguards laid down in regulations already existing within the Organisation or to be adopted notably pursuant to Article 6 (b) and (c) of the Appendix to this Regulation. [...]

Article 5

A list of all automated or manual files kept by the Organisation shall be deposited with the Data Protection Commissioner. The list shall specify the person or body responsible for each particular file [...], the persons or bodies to whom the data may be communicated and the purposes for which communication may legitimately take place. [...]

Article 7

Where the performance of the aims specified in Article 2 makes it absolutely necessary to collect, store or use personal data of a sensitive nature, such data may only be collected, stored and used with the express and written consent of the person concerned.

Article 8

1. Except where overriding reasons of confidentiality exist, any person shall, without charge, be entitled to have access to a file containing information relating to him [...]
 2. In the event of a refusal of access for the reasons specified in the preceding paragraph, the Data Protection Commissioner shall, at the request of the person concerned, determine whether the grounds of refusal are well-founded. For this purpose, he/she shall be empowered to inspect the file and to decide whether access should be granted.”

II. Official documents

1. Council of Europe

- [Resolution Res\(2001\)6 on access to Council of Europe documents](#) (adopted by the Committee of Ministers on 12 June 2001)

The objective of the resolution is to extend the document access policy established for the Committee of Ministers to the rest of the Council of Europe. The rules on access to Committee of Ministers documents are directly applicable to the documents of all steering committees and bodies subordinate to the Committee of Ministers. The rules shall be applied by the Partial Agreements except if there are rules allowing better access in force. Independent monitoring bodies will implement the rules of access as long as they are compliant with the conventional or statutory provisions which apply to them. In the case of a doubt or without any specific rule about whether a document is public or not, use may be made of the Procedure for granting public access to documents issued with a security classification (CM/Del/Dec(98)641, appendix 2).

“Documents of the steering committees and the bodies subordinate to the Committee of Ministers

The Committee of Ministers notes that the rules on access to Committee of Ministers documents adopted on 20 December 2000 are directly applicable to all the steering committees and the bodies subordinate to the Committee of Ministers. It notes that the policy on access to documents laid down on that occasion by the Committee of Ministers has therefore been applied by these bodies since 1 January 2001.

Documents of the Partial Agreements of the Council of Europe

The Committee of Ministers notes that the policy on access to documents laid down in the present resolution will be applied by the Partial Agreements of the Council of Europe, without prejudice to any more favourable rules on access already applied by certain Partial Agreements, and subject to duly reasoned specific exceptions which may be adopted by the competent governing bodies.

Documents of the independent monitoring bodies

In the light of the contacts made with the committees under the European Social Charter, the European Committee for the Prevention of Torture, the European Commission against Racism and Intolerance, the Advisory Committee on the Framework Convention for the Protection of National Minorities and the Committee of Experts of the European Charter for Regional or Minority Languages, the Committee of Ministers notes their support for the policy on access to documents laid down in the

present resolution, as well as their willingness to implement the policy, subject to compliance with the conventional or statutory provisions applicable to each of them.

Documents of the Parliamentary Assembly, the Congress of Local and Regional Authorities of Europe, the European Court of Human Rights and the Commissioner for Human Rights

The Committee of Ministers is pleased to note that the principle of transparency is already applied to virtually all the documents of its [...] main institutional partners within the Council of Europe. [...] the Secretariat will ensure that the rules on the protection of personal data are strictly complied with. In the event of any doubt about whether or not a document is public, use may be made of the procedure for access to classified documents set up by the Committee of Ministers in September 1998, particularly in respect of documents – other than those of the Committee of Ministers – which have not been the subject of specific decisions with a view to achieving consistency between access to documents issued before and access to those issued after adoption of the present resolution.”

- [Instruction no. 39 on public access to documents issued with a security classification](#) (instruction of the Secretary General of 25 June 1999)

The instruction explains how to deal with demands received in the framework of the “Procedure for granting public access to documents issued with a security classification (CM/Del/Dec(98)641, appendix 2)”

“3. This instruction, aimed principally at committee secretariats and SEDDOC staff, sets out the procedure to be followed for releasing classified documents to the public, particularly on receipt of specific applications for access to documents. [...]

10. If in doubt as to the possibility of releasing a classified document, the SEDDOC should consult the department which produced the document concerning the action to be taken on the application. [...]

12. According to the decision of the Committee of Ministers, under this procedure:

“The Secretariat will ensure that national interests are protected by checking each document and carefully considering any national positions that are represented. Access to a document may be refused in whole or in part where this is necessary to protect legitimate public or private interests, such as:

- the document was produced outside of the General Secretariat (e.g. by a consultant or a government) and the author has not given permission for it to be made available to the public;
- the document relates to an unfinished work and disclosure might prejudice the outcome of the work;
- protection of privacy and of personal data;
- protection of international relations.”

- [Procedure for granting public access to documents issued with a security classification](#) (CM/Del/Dec(98)641, appendix 2)

The public has access to official classified documents of the Committee of Ministers and its subordinate bodies under certain conditions. Applications should be sent in writing to the Head of the Information Live Cycle Division of the Council of Europe, F-67075 Strasbourg Cedex. In resolution Res(2001)6, the Committee of Ministers recommends that in case of a doubt about a document being public or not, use should be made of the present procedure: “In the event of any doubt about whether or not a document is public, use may be made of the procedure for access to classified documents set up by the Committee of Ministers in September 1998, particularly in respect of documents – other than those of the Committee of Ministers – which have not been the subject of specific decisions with a view to achieving consistency between access to documents issued before and access to those issued after adoption of the present resolution.”. Instruction no. 39 of 25 June 1999 on public access to documents issued with a security classification gives more details on how to deal with applications.

“1. The public shall have access to official documents of the Committee of Ministers and its subordinate bodies under the following conditions¹:

2. Applications for access to documents should be made in writing to the Head of the Documentary Information Section of the Council of Europe, F-67075 Strasbourg Cedex.

3. Applications must contain sufficient information for the document(s) in question to be identified. Where necessary the applicant shall be asked to provide further details.
4. Applicants may have access to documents by consulting them on the spot or by having photocopies sent at a fee determined by the Secretariat.
5. All applicants will receive a reply to their request in writing as soon as possible and in any case within two months. If the reply is wholly or partially negative, the applicant will be informed of the reasons for this [...].
6. Within one year of the date of the written notification of the refusal, applicants may request a review of that decision³.

¹ This procedure [...] does not apply to:

- secret documents until ten years after their date of issue;
- minutes of the Ministerial sessions;
- records of meetings of the Ministers' Deputies.
- Parliamentary Assembly
- Partial Agreements
- human rights cases

[...]

³ This should be made in writing and sent to the Secretary General of the Council of Europe, F-67075 Strasbourg Cedex.”

- [Access to documents](#) (CM/Del/Dec(98)641, item 1.3)

This text states again the access classification levels previously defined in document CM/Del/Concl(63)123/XXVIII and gives a more precise explanation on how to use them.

- *restricted: applies to documents distributed to member Governments and the Secretariat of the Council of Europe*
- *confidential: applies to documents distributed to member Governments and the service or committee responsible for the document*
- *secret: applies to individually numbered documents and issued to persons authorised by the Private Office*

Under certain conditions, detailed in the procedure for granting access of appendix 2, access to a classified document [...] can be allowed.

“Decisions

The Deputies [...]

4. took note that documents of the Council of Europe and its subordinate bodies are distributed as follows:

- documents marked "restricted" are distributed to member Governments and the Secretariat of the Council of Europe;
- documents marked "confidential" are distributed to member Governments and the service or committee responsible for the document. Distribution to other parties requires written permission from the author service;
- documents marked "secret" are individually numbered and issued to persons authorised by the Private Office with signature for receipt;

5. adopted the Procedure for granting public access to documents issued with a security classification as it appears at Appendix 2 to the present volume of Decisions;

6. decided that secret documents will only be eligible for this procedure ten years after their date of issue; [...]"

- [Procedure for granting access to Council of Europe documents](#) (CM/Del/Dec(94)519bis, item 1.3 and appendix 3)

The rule foresees the declassification of a document after a period of 1 year (with the exception of documents outlined in the procedure). As far as documents of the Committee of Ministers and its subsidiary bodies are concerned, this procedure has been superseded by resolution Res(2001)6. The procedure still applies to documents of the Secretariat held in the archives and replaces the 1981 procedure which defined the declassification of the documents held in the archives after a period of 30 years [30-years rule].

“Decisions

The Deputies [...]

3. adopted the Procedure for granting public access to Council of Europe documents, replacing that adopted at their 337th meeting (September 19[8]1, item 9, Appendix VIII), as it appears at Appendix 3 to the present volume of Decisions.[...]

APPENDIX 3 [...]

1. Documents of the Committee of Ministers and the Secretariat held in the archives of the Council of Europe shall be open to public access after a period of one year. This rule will not, however, apply to:

a. documents on which an embargo for a period exceeding one year has been imposed by the [...] Secretary General;

b. documents classified as "secret" [...] and minutes of ministerial Sessions, which shall be declassified after a period of 10 years [...]

c. documents contained in the personal files of staff members and former staff members and in the files of the Recruitment and Promotions Panels, the disclosure of which would affect the respect for private life as protected under the European Convention on Human Rights and the Convention for the Protection of Individuals with regard to automatic processing of personal data. The other documents contained in these files can be made public after a period of 70 years from the date of the last document in the file. Confidential addenda to the Decisions and Records relating to the same subjects shall be subject to the same restrictions;”

2. Committee of Ministers

- [Resolution Res\(2001\)6 on access to Council of Europe documents](#) (adopted by the Committee of Ministers on 12 June 2001)

This resolution determines, among others, the policy of access to documents of the Committee of Ministersⁱⁱ. Exceptions are possible for documents relating to “human rights” and “monitoring” meetings, and the text indicates specific arrangements to be applied to their declassification.

“The Committee of Ministers recalls the rules governing access to its documents (except those relating to “human rights” and “monitoring” meetings) since 1 January 2001, namely:

i. documents not subject to any particular classification are public;

ii. documents classified “restricted” are declassified a year after being issued;

iii. documents classified “confidential” are declassified ten years after being issued;

iv. documents classified “secret” are declassified thirty years after being issued;

and the declassification measures adopted on 20 December 2000 so as to ensure consistency between access to the documents issued before 1 January 2001 and access to those issued since that date.

In the light of the implementation of this new policy since 1 January 2001, the Committee of Ministers resolves:

- to extend application of the aforementioned rules to all its documentation, subject – where documents relating to “human rights” and “monitoring” meetings are concerned – to advance distribution by the Secretariat of the list of documents reaching their declassification date and to the possibility for member states to oppose such declassification;¹

- to finish the process of making consistent conditions for access to documents issued since 1 January 2001 and those issued before that date, through the specific measures detailed in the appendix. [...]

[...] Documents of the steering committees and the bodies subordinate to the Committee of Ministers

The Committee of Ministers notes that the rules on access to Committee of Ministers documents adopted on 20 December 2000 are directly applicable to all the steering committees and the bodies subordinate to the Committee of Ministers. It notes that the policy on access to documents laid down on that occasion by the Committee of Ministers has therefore been applied by these bodies since 1 January 2001. [...]

ⁱⁱ *The resolution recalls and completes the rules governing access to Committee of Ministers documents expressed in the decisions adopted in 2000 (see Report on the implementation of Resolution Res(2000)2 on the Council of Europe's information strategy CM/Del/Dec(2000)735, item 1.5a).*

Appendix

Measures intended to achieve consistency between access to the documents issued after adoption of the present resolution and access to documents issued before its adoption

The Committee of Ministers instructs the Secretariat to carry out declassification as follows:

- i. on 1 January 2002, of all documents classified “restricted” issued between 1 January and 31 December 2000 and of all documents classified “confidential” issued between 1 January and 31 December 1991, as well as of the documents classified “confidential” issued prior to 1 January 1991 which were not already declassified on 20 December 2000;
 - ii. on 1 January 2003, of all documents classified “confidential” issued between 1 January and 31 December 1992;
 - iii. on 1 January 2004, of all documents classified “confidential” issued between 1 January and 31 December 1993;
 - iv. on 1 January 2005, of all documents classified “confidential” issued between 1 January and 31 December 1994;
 - v. on 1 January 2006, of all documents classified “confidential” issued between 1 January and 31 December 1995;
 - vi. on 1 January 2007, of all documents classified “confidential” issued between 1 January and 31 December 1996;
 - vii. on 1 January 2008, of all documents classified “confidential” issued between 1 January and 31 December 1997;
 - viii. on 1 January 2009, of all documents classified “confidential” issued between 1 January and 31 December 1998;
 - ix. on 1 January 2010, of all documents classified “confidential” issued between 1 January and 31 December 1999;
 - x. on 1 January 2011, of all documents classified “confidential” issued between 1 January and 31 December 2000;
 - xi. on 1 July 2011, of the documents classified “confidential” not already declassified with effect from 1 January 2011 in application of the rules on access to Committee of Ministers documents adopted on 20 December 2000;
- subject to compliance with the specific arrangements applied to the declassification of documents relating to “human rights” and “monitoring” meetings, and without prejudice to any ad hoc decisions which might be taken prior to the deadlines indicated above with a view to speedier declassification of certain of these documents, if this were deemed useful or desirable.

¹ Opposition by one or more member states to the declassification of one or more documents is communicated – with the reasons for this opposition – to the Committee of Ministers, which sets a new date for the declassification of the document(s) concerned, within the limit of the maximum period of 30 years laid down for the declassification of documents classified “secret”.

- [Decision of the Committee of Ministers on declassification of documents](#) (CM/Del/Dec(2003)851/1.4)

With this decision, the Committee of Ministers approves report CM/Bur/Del(2003)18 which approves document CM/Bur/Del(2003)19. The latter points out that delegates have the possibility to prevent the automatic declassification of any document.

“Any delegation wishing to prevent the automatic declassification of a document – whether or not this relates to “human rights” or “monitoring” meetings – may do so by informing the Secretariat within 12 months of its date of issue. The Secretariat will periodically check whether an embargo on a document should stand”

- [Classification of documents](#) (CM/Del/Dec(2007)1014, item 1.4)

Abridged reports of meetings of steering committees are made public after examination by the Committee of Ministers.

“The Deputies approved the Bureau's recommendation as set out in document CM/Bur/Del(2007)16 that abridged reports of meetings of steering committees be classified restricted at the date of issue and declassified after examination by the Committee of Ministers.”

- [Report on the implementation of Resolution Res\(2000\)2 on the Council of Europe's information strategy](#) (CM/Del/Dec(2000)735, item 1.5a)

The policy of access to Committee of Ministers documents, in force since 1st January 2001, introduces classification periods according to the documents classification levels. Restricted, confidential and secret documents are respectively declassified 1 year, 10 years and 30 years after being issued. The policy applies to all Committee of Ministers documents except those concerning "human rights" and "monitoring" meetings. Explanatory memoranda are made public at the same time as the conventions and recommendations they accompany.

"The Deputies [...]

7. accordingly decided, as from 1 January 2001, to carry out a new policy of access to Committee of Ministers documents, based on the following principles:

- i. documents not subject to any particular classification would be public;
- ii. documents classified "restricted" would be declassified a year after being issued;
- iii. documents classified "confidential" would be declassified ten years after being issued;
- iv. documents classified "secret" would be declassified thirty years after being issued;

8. decided to apply this policy to all Committee of Ministers documents with the exception of those concerning "human rights" and "monitoring" meetings (which would continue to be covered by the present rules until specific decisions were taken with regard to them), subject to compliance with the rules in force on the protection of personal data;

9. decided, in accordance with the principles set out in decisions 7 and 8 above, to declassify as of 1 January 2001 all documents classified "confidential" issued prior to 31 December 1990 and all documents classified "restricted" issued prior to 31 December 1999, except those concerning "human rights" and "monitoring" meetings;

10. decided that as from 1 January 2001 explanatory memoranda, which are drawn up under the Secretariat's responsibility to make Council of Europe conventions and recommendations easier to understand, will be made public at the same time as the conventions and recommendations they accompany; [...]"

Documents relating to "human rights" meetings:

- [Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements](#) (CM/Del/Dec(2006)964, item 4.4, appendix4)

The annual report of the Committee of Ministers on "Supervision of the execution of judgments of the European Court of Human Rights is made public.

Concerning the execution of judgments, information and documents provided to the Committee of Ministers by the governments and the injured parties are public, under certain conditions and unless decided otherwise. After each meeting, the annotated agenda, decisions taken and other public documents are made public.

Concerning the execution of terms of friendly settlement, similar rules are applied.

"I. General Provisions [...]

Rule 2

1. The Committee of Ministers' supervision of the execution of judgments and of the terms of friendly settlements shall in principle take place at special human rights meetings, the agenda of which is public. [...]

Rule 5

The Committee of Ministers shall adopt an annual report on its activities under Article 46, paragraphs 2 to 5, and Article 39, paragraph 4, of the Convention, which shall be made public and transmitted to the Court and to the Secretary General, the Parliamentary Assembly and the Commissioner for Human Rights of the Council of Europe. [...]

II. Supervision of the execution of judgments [...]

Rule 8

Access to information

1. The provisions of this Rule are without prejudice to the confidential nature of the Committee of Ministers' deliberations in accordance with Article 21 of the Statute of the Council of Europe.

2. The following information shall be accessible to the public unless the Committee decides otherwise in order to protect legitimate public or private interests:

a. information and documents relating thereto provided by a High Contracting Party to the Committee of Ministers pursuant to Article 46, paragraph 2, of the Convention;

b. information and documents relating thereto provided to the Committee of Ministers, in accordance with the present Rules, by the injured party, by non-governmental organisations or by national institutions for the promotion and protection of human rights.

3. In reaching its decision under paragraph 2 of this Rule, the Committee shall take, inter alia, into account:

a. reasoned requests for confidentiality made, at the time the information is submitted, by the High Contracting Party, by the injured party, by non-governmental organisations or by national institutions for the promotion and protection of human rights submitting the information;

b. reasoned requests for confidentiality made by any other High Contracting Party concerned by the information without delay, or at the latest in time for the Committee's first examination of the information concerned;

c. the interest of an injured party or a third party not to have their identity, or anything allowing their identification, disclosed.

4. After each meeting of the Committee of Ministers, the annotated agenda presented for the Committee's supervision of execution shall also be accessible to the public and shall be published, together with the decisions taken, unless the Committee decides otherwise. As far as possible, other documents presented to the Committee which are accessible to the public shall be published, unless the Committee decides otherwise.

5. In all cases, where an injured party has been granted anonymity in accordance with Rule 47, paragraph 3 of the Rules of Court; his/her anonymity shall be preserved during the execution process unless he/she expressly requests that anonymity be waived. [...]

III. Supervision of the Execution of the Terms of Friendly Settlements [...]

Rule 14

Access to information

1. The provisions of this Rule are without prejudice to the confidential nature of the Committee of Ministers' deliberations in accordance with Article 21 of the Statute of the Council of Europe.

2. The following information shall be accessible to the public unless the Committee decides otherwise in order to protect legitimate public or private interests:

a. information and documents relating thereto provided by a High Contracting Party to the Committee of Ministers pursuant to Article 39, paragraph 4, of the Convention;

b. information and documents relating thereto provided to the Committee of Ministers in accordance with the present Rules by the applicant, by non-governmental organisations or by national institutions for the promotion and protection of human rights.

3. In reaching its decision under paragraph 2 of this Rule, the Committee shall take, inter alia, into account:

a. reasoned requests for confidentiality made, at the time the information is submitted, by the High Contracting Party, by the applicant, by non-governmental organisations or by national institutions for the promotion and protection of human rights submitting the information;

b. reasoned requests for confidentiality made by any other High Contracting Party concerned by the information without delay, or at the latest in time for the Committee's first examination of the information concerned;

c. the interest of an applicant or a third party not to have their identity, or anything allowing their identification, disclosed.

4. After each meeting of the Committee of Ministers, the annotated agenda presented for the Committee's supervision of execution shall also be accessible to the public and shall be published, together with the decisions taken, unless the Committee decides otherwise. As far as possible, other documents presented to the Committee which are accessible to the public shall be published, unless the Committee decides otherwise.

5. In all cases, where an applicant has been granted anonymity in accordance with Rule 47, paragraph 3 of the Rules of Court; his/her anonymity shall be preserved during the execution process unless he/she expressly requests that anonymity be waived."

- [Measures to improve the execution of the judgments of the European Court of Human Rights, proposals for the implementation of the Interlaken Declaration and Action Plan](#)

(CM/Del/Dec(2010)1100, item e)

Unless for exceptions, action plans and action reports, together with relevant information provided by applicants are made public.

“Decisions
The Deputies, [...]

5. decided that action plans and action reports, together with relevant information provided by applicants, non-governmental organisations and national human rights institutions under rules 9 and 15 of the Rules for the supervision of execution judgments and of the terms of friendly settlements will be promptly made public (taking into account Rule 9 §3 of the Rules of supervision) and put on line except where a motivated request for confidentiality is made at the time of submitting the information; [...]

3. Parliamentary Assembly

- [Rules of Procedure of the Assembly](#) (Resolution 1202 (1999) adopted by the Assembly on 4 November 1999) with subsequent modifications of the Rules of Procedure, edition January 2012

Provisions for access to Assembly documents appear in the complementary texts of the Assembly's Rules of Procedure. The rules are in line with those of Resolution (2001)6. All documents of the Parliamentary Assembly not subject to any classification are public. Restricted documents will be declassified one year after being issued. Confidential documents will be declassified ten years after being issued. Secret documents will be declassified thirty years after being issued. The President can give access to classified documents on a case-by-case basis on request.

“Additional provisions relating to documents

i. Distribution and classification of Assembly and Committee documents¹

1. All documents of the Parliamentary Assembly not subject to any classification are public.
2. This applies in particular to verbatim reports of Assembly debates (CR), procedural minutes (PV), working papers including reports, questions, communications, etc. (Doc.), texts adopted, orders of the day, information documents (AS/Inf), the Assembly List and other various publications. It applies also to all committee documents with the reference AS/... unless the competent committee or body has decided otherwise.

3. These documents are freely available and may be freely quoted. As far as possible they will also be found on the Parliamentary Assembly website.

4. Draft minutes of the Bureau and of committee meetings remain confidential at least until approved by the following Bureau or committee meeting after which they can be released on request.

5. If a committee decides to classify some of its working papers or documents the following possibilities exist:

Restricted documents will be declassified one year after being issued. They can be made available on request and under the responsibility of the committee concerned or the Secretary General of the Assembly but may not be publicly quoted without special authorisation.

Confidential documents will be declassified ten years after being issued. Unless the President of the Assembly or the Chairperson of the committee decides otherwise, they are only made available to members of the body concerned and some officials and must not be quoted.

Secret documents will be declassified thirty years after being issued. A register listing the numbered copies should be kept by the secretariat concerned.

6. However, on receipt of a well-founded request, the President of the Assembly has the authority, after consulting the Bureau or the Chairperson of the committee concerned, to allow consultation and quotation of all these types of documents [...]

ii. Distribution of non-official documents »

(Rules adopted by the Bureau of the Assembly on 6 December 1976²)

1. Non-official documents are all papers not emanating from a Council of Europe body or authority acting as such³, or from an outside body approached for the purpose by such a body or authority.

2. They include, in particular, documents presented by members of the Assembly in a personal capacity, unsolicited material from non-member governments or other state authorities, non-governmental organisations, press articles, etc.

3. Such documents must not be presented or reproduced on “Council of Europe – Parliamentary Assembly” headed paper.
4. Secretariat departments working for the Assembly, whether in the Secretariat of the Assembly or in General Services, must not arrange for the distribution of non-official documents.
5. The President of the Assembly may, however, if he sees fit, and where appropriate after consultation with members of the Bureau and/or Chairmen of the political groups, national delegations and Committees concerned, authorise distribution of a stock of non-official documents with which he has been supplied, to the individual pigeon-holes of representatives and substitutes. He may also ask the Secretary General of the Council of Europe to authorise technical services to assist in reproducing such documents. Authority may be delegated in this matter to the Secretary General of the Assembly.
6. Furthermore, where such documents are sent to members of the Assembly by name, they shall be passed to the Distribution Service for placing in the individual pigeon-holes.

¹ See progress report of the Bureau and the Standing Committee, Doc. 9203, para. 6, of which the Assembly took note on 24 September 2001. Regarding access to Council of Europe documents, see in particular Resolution (2001) 6 of the Committee of Ministers.

² See Progress Report of the Bureau and the Standing Committee, Doc. 3917, paragraph 24, of which the Assembly took note on 24 January 1977

³ Documents under the reference “AS/Inf”, containing texts of various kinds (press releases, articles, treaties or international agreements, etc.) which may be of interest to members of the Assembly, are issued on the responsibility of the Secretary General of the Assembly and are distributed and available in the same way as official Assembly documents.”

4. Congress of Local and Regional Authorities

- [Rules of procedure of the Congress and its Chambers](#) (Resolution 309 (2010), rules of procedure adopted by the Congress on 29 May 2008 and revised the last time on 27 October 2010)

Public documents are: ratified reports, communications and lists of decisions of the statutory committees of the Congress, adopted reports and statements of the working groups of the Congress and its Chambers, agendas of the Congress, minutes of proceedings of each sitting, reports of debates, reports to the Congress and requests for an opinion, motions tabled by Representatives and Substitutes, resolutions, opinions and recommendations of the Congress, proposed amendments to draft resolutions, opinions and recommendations, written declarations, memoranda submitted by organisations which have the status of observer to the Congress, memoranda submitted by delegations which have a special guest status and any other document considered as a public document by the President of the Congress.

Restricted documents are: Standing Committee, Bureau, statutory committee and working group papers, including minutes, except those being classified as confidential.

Confidential documents: each statutory committee, each working group and bureau may decide that some of their working papers and minutes are to be classified as confidential. This rule is also true for the two Chambers. No declassification is foreseen.

“Chapter XII – Statutory committees [...]

Rule 39

Procedure in the statutory committees [...]

7 Unless the committee decides otherwise, only reports ratified by the committee and communications and lists of decisions drawn up on the responsibility of the Chair shall be made public. [...]

Chapter XIII – Working groups of the Congress and its Chambers [...]

Rule 42

Procedure in working groups [...]

8 Unless a working group decides otherwise, the only documents which shall be made public are reports that have been adopted or statements issued on the responsibility of the Chair. Under no circumstances shall confidential documents be made public. [...]

Chapter XVI – Official documents of the Congress and its Chambers

Rule 51

Public documents

1 The public documents of the Congress are the following:
a agendas of the Congress;

- b minutes of proceedings of each sitting;
 - c reports of debates;
 - d reports to the Congress and requests for an opinion;
 - e motions tabled by Representatives and Substitutes;
 - f resolutions of the Congress;
 - g opinions of the Congress;
 - h recommendations of the Congress;
 - i proposed amendments to draft resolutions, opinions and recommendations;
 - j written declarations;
 - k memoranda submitted by organisations which have the status of observer to the Congress;
 - l memoranda submitted by delegations which have a special guest status;
 - m any other document considered as a public document by the President of the Congress.
- 2 All reports and requests for an opinion referred to in sub-paragraph 1.d above shall be distributed to members of the Congress, to the secretaries of national delegations, including those with special guest status, and to organisations which have the status of observer to the Congress, at least twenty days before the opening of the session at which they are to be discussed.
- 3 Public documents may be freely quoted.
- 4 The present rule shall apply *mutatis mutandis* to both Chambers.

Rule 52

Restricted documents

- 1 Restricted documents are Standing Committee, Bureau, statutory committee and working group papers, including minutes, with the exception of those classified as confidential.
- 2 Restricted documents are distributed to members of the body concerned, to the secretaries of national delegations, including those having a special guest status, to the Chairs of political groups and to the organisations having observer status with the Congress, as well as to organisations or persons invited to a hearing, as provided for in Rule 46 of these Rules of Procedure; they are also available to other persons making a specific request, subject to the control of the secretariat of the Congress. They may only be publicly quoted after having been examined by the body concerned.
- 3 The present rule shall apply *mutatis mutandis* to both Chambers.

Rule 53

Confidential documents

- 1 Each statutory committee, each working group and the bureaux may decide that certain of their working papers and minutes shall be classified as confidential.
- 2 Confidential documents shall be distributed to members of the body concerned and, to the extent necessary for its work, to other persons or organisations by decision of that body; they shall not be publicly quoted.
- 3 The present rule shall apply *mutatis mutandis* to both Chambers.”

5. European Court of Human Rights

- [Convention for the Protection of Human Rights and Fundamental Freedoms](#) as amended by Protocols no. 11 and no. 14 (CETS no. 005, entered into force on 1 June 2010)

Documents of the registry of the Court are public unless decided otherwise. Practical arrangements for access to documents of the Court or the old Court (in place until 1st November 1998) are given on the Court Web site at

<http://www.echr.coe.int/ECHR/EN/Header/The+Court/How+the+Court+works/Archives/>

“Article 40 - Public hearings and access to documents [...]

2. Documents deposited with the Registrar shall be accessible to the public unless the President of the Court decides otherwise.”

- [Rules of Court](#) (entered into force on 1 June 2010)

All documents deposited with the Registry are public, except those deposited within the framework of friendly-settlement and unless decided otherwise. Decisions and judgments given by a chamber or a committee are public.

Files transferred by the Commission to the Court, when Protocol No. 11 came into force, remain confidential unless decided otherwise.

“Rule 33 [...]

(Public character of documents)

1. All documents deposited with the Registry by the parties or by any third party in connection with an application, except those deposited within the framework of friendly-settlement negotiations as provided for in Rule 62, shall be accessible to the public in accordance with arrangements determined by the Registrar, unless the President of the Chamber, for the reasons set out in paragraph 2 of this Rule, decides otherwise, either of his or her own motion or at the request of a party or any other person concerned.

2. Public access to a document or to any part of it may be restricted in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties or of any person concerned so require, or to the extent strictly necessary in the opinion of the President of the Chamber in special circumstances where publicity would prejudice the interests of justice.

3. Any request for confidentiality made under paragraph 1 of this Rule must include reasons and specify whether it is requested that all or part of the documents be inaccessible to the public.

4. Decisions and judgments given by a Chamber shall be accessible to the public. Decisions and judgments given by a Committee, including decisions covered by the proviso to Rule 53 § 5, shall be accessible to the public. The Court shall periodically make accessible to the public general information about decisions taken by single-judge formations pursuant to Rule 52A § 1 and by Committees in application of Rule 53 § 5. [...]

Rule 106 (former Rule 99)

(Relations between the Court and the Commission) [...]

4. The remainder of the case file of the Commission, including all pleadings, in cases brought before the Court under Article 5 §§ 2 to 5 of Protocol No. 11 shall remain confidential unless the President of the Chamber decides otherwise.“

- [Instruction concerning the Court's archives](#) (7 January 2011)

This document is not public. It is precised that documents classified in accordance with Article 39 § 2 and Article 40 § 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms are declassified 30 years after the file is closed. The above period may not be altered save by a reasoned decision of the Registrar of the Court. The Registrar of the Court may give written permission for access to confidential or secret documents.

6. Treaty bodies

6.1.1 Committee of Social Rights (ECSR) - European Social Charter

- [Rules of the European Committee of Social Rights](#) (adopted on 29 March 2004 and revised the last time on 20 February 2009)

Working documents and documents prepared for the deliberations of the ECSR are confidential, they can be declassified when the President agrees to do so. Notes of the ECSR sessions are confidential, no declassification is foreseen. The adopted synopsis of sessions are public. In respect of national reports, the Committee adopts conclusions which are public. In respect of collective complaints, it adopts decisions: the decisions on the admissibility of the complaint are public; the decisions on the merits of a complaint are secret and will be declassified at latest four months after transmission to the Committee of Ministers. Whether the complaint itself is public or not, is decided by the Committee on a case by case basis.

“PART VI: THE WORKING OF THE COMMITTEE [...]

Rule 15 – Secrecy [...]

All working documents are destined for the use of the Committee only and may not be made public except with the agreement of the President. [...]

Rule 17: Synopsis and Notes of the Session

1. After each session, the Executive Secretary shall prepare a draft synopsis for submission to the members of the Committee, who shall adopt the final text at the end of the session. This document shall be public.

2. After the end of each session, the Executive Secretary will produce Notes of the session, reporting the deliberations of the Plenary Committee and the work of sub-committees with a view to their examination by the Plenary Committee at the next session. These Notes are destined for the use of the Committee only and are not public. [...]

PART VII: THE PROCEDURE FOR EXAMINATION OF REPORTS [...]

Rule 22: Adoption of conclusions [...]

4. Following adoption of the conclusions, the Committee shall instruct the Executive Secretary to transmit them to the States, make them public and publish them. [...]

PART VIII: THE COLLECTIVE COMPLAINTS PROCEDURE [...]

CHAPTER II – EXAMINATION OF THE ADMISSIBILITY OF THE COMPLAINT [...]

Rule 30: Examination by the Committee [...]

5. The decision shall be made public and published on the Internet site of the Council of Europe. [...]

CHAPTER III – EXAMINATION OF THE MERITS OF THE COMPLAINT [...]

Rule 35: Committee’s decision on the merits [...]

4. The Committee’s decision on the merits of the complaint shall be made public at the moment of the adoption of a resolution by the Committee of Ministers in conformity with Article 9 of the Protocol or at the latest four months after the report was transmitted to the Committee of Ministers.

5. When the decision becomes public, it is published on the Internet Site of the Council of Europe. [...]

CHAPTER V – PUBLIC NATURE OF THE PROCEDURE

Rule 37: Public Nature of the Case Documents

The text of each registered complaint as well as any appendices and also all submissions, responses or observations submitted by virtue of Rule 31 and 32 shall be public on their transmission to the Committee, unless the Committee decides otherwise on a case by case basis.

Rule 38: Secrecy of Deliberations

All documents prepared for the deliberations of the Committee are destined for the use of the Committee only and shall never be made public, except under the conditions laid down in Rule 15.[...]

6.1.2 Governmental Committee of the European Social Charter

- [Report prepared by the Secretariat](#) (T-SG(2002)12, 9–13 September 2002)

The Governmental Committee has decided to follow the rules set in Resolution (2001) 6: the working documents of the Governmental Committee will not be subject to any classification and will therefore be public. The draft minutes of the meetings will be classified “restricted” and declassified a year after being issued.

“VIII. DECLASSIFICATION OF THE DOCUMENTS OF THE GOVERNMENTAL COMMITTEE:
Resolution Res (2001) 6 of the Committee of Ministers

359. The Committee took note of the Committee of Ministers Resolution Res(2001)6 on access to Council of Europe documents.

360. It decided to implement the rules set in Resolution (2001)6 and took the following decisions:

– the working document will not be subject to any classification and will therefore be public as soon as it is issued;

– the draft minutes of the meetings will be classified “restricted” and will therefore be declassified a year after being issued.”

- [Protocol amending the European Social Charter](#) (CETS no. 142, 21 October 1991)

The Governmental Committee reacts on the decisions and conclusions established by the European Committee of Social Rights (ECSR). The Governmental Committee reports are public.

“Article 27 – Governmental Committee

1. The reports of the Contracting Parties, the comments and information communicated in accordance with paragraphs 1 of Article 23 and 3 of Article 24, and the reports of the Committee of Independent Experts shall be submitted to a Governmental Committee. [...]

3. The Governmental Committee shall prepare the decisions of the Committee of Ministers. [...] It shall present to the Committee of Ministers a report which shall be made public. [...]”

6.2 European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

- [European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment](#). (CETS no. 126, entered into force on 1 February 1989)

Access to documents is governed primarily by the provisions of the Convention.

Thus, the convention mentions public statements (article 10.2) and general annual activity reports (article 12) as documents that are public by nature. The country reports resulting from a visit and the comments by the country concerned are confidential on an indefinite basis. However, the country concerned can ask for the publication of report and comments. In that case, the CPT produces a public document avoiding communication of personal data (article 11).

Other documents that the CPT produces in fulfilling its work are confidential by nature. The decision on this access level is guided by the consideration that public disclosure must not be detrimental to the work of the Committee. In this spirit, at the beginning of each year, the CPT considers "confidential" documents produced more than ten years ago and "restricted" documents produced more than one year ago for possible declassification. All declassified documents, called working papers, are published on the CPT website.

“Article 10 [...]

2 If the Party fails to co-operate or refuses to improve the situation in the light of the Committee's recommendations, the Committee may decide, after the Party has had an opportunity to make known its views, by a majority of two-thirds of its members to make a public statement on the matter.

Article 11

1 The information gathered by the Committee in relation to a visit, its report and its consultations with the Party concerned shall be confidential.

2 The Committee shall publish its report, together with any comments of the Party concerned, whenever requested to do so by that Party.

3 However, no personal data shall be published without the express consent of the person concerned.

Article 12

Subject to the rules of confidentiality in Article 11, the Committee shall every year submit to the Committee of Ministers a general report on its activities which shall be transmitted to the Consultative Assembly and to any non-member State of the Council of Europe which is a party to the Convention, and made public.

Article 13

The members of the Committee, experts and other persons assisting the Committee are required, during and after their terms of office, to maintain the confidentiality of the facts or information of which they have become aware during the discharge of their functions.”

- [Rules of Procedure of the CPT](#) (CPT/Inf/C(2008)1), adopted on 16 November 1989 and amended the last time on 7 March 2008)

The CPT has defined its own "Rules of Procedure", which inter alia clarifies practical matters relating to confidentiality and publication issues. In particular, if a State Party publishes selected extracts from

a visit report, the Committee may decide to publish the complete visit report. If a State Party makes a public statement summarising the report or makes comments on it, the Committee may also decide to publish the complete visit report.

“Rule 39

(Confidential nature of the report) [...]

2. If the Party itself makes the report public, but does not do so in its entirety, the Committee may decide to publish the whole report.

3. Similarly, the Committee may decide to publish the whole report if the Party concerned makes a public statement summarising the report or commenting upon its contents.”

6.3 Advisory Committee on the Framework Convention for National Minorities

- [Resolution CM/Res\(2009\)3 amending Resolution\(97\)10 on the monitoring arrangements under Articles 24-26 of the Framework Convention for the protection of National Minorities](#) (adopted by the Committee of Ministers on 16 April 2009)

The 2009 resolution amends the 1997 resolution with regard to the publicity of Advisory Committee opinions and comments of the State concerned. Before this amendment, the opinion of the Advisory Committee and comments of the State were restricted and became public at the same time as the conclusions and recommendations of the Committee of Ministers.

Following adoption of the amendment, the State has the possibility to publish the Advisory Committee’s opinion, four months after the transmission of the opinion to the authorities concerned, and upon receipt of their written comments, and before the adoption of the respective conclusions and recommendations by the Committee of Ministers. The State may, nevertheless take the initiative to publish the opinion immediately after transmission.

The State may oppose the publication of the opinion and the comments related to the opinion, but has to inform the Secretariat of the Framework Convention in writing.

An additional clause determines that the Advisory Committee’s opinion is made public at the latest 12 months after transmission of the opinion to the State concerned. However, the Committee of Ministers has the right to decide otherwise.

“The Committee of Ministers, [...]

Recalling in this respect the decision adopted in June 2001 (756th meeting of the Ministers’ Deputies), interpreting Resolution (97) 10 so as to allow States Parties to make opinions and state comments public earlier, without prejudice to the adoption of the Committee of Ministers’ resolution,

Decides as follows:

to modify paragraphs 26 and 27 to the text of Resolution (97) 10 and to include a new paragraph 26 bis, as follows:

“[...] 26bis The opinion of the Advisory Committee concerning the report of a State Party shall be made public:

- (a) on the authorisation of the State Party concerned (which authorisation may be given immediately upon transmission of the opinion to the State Party or at any time thereafter);
- (b) four months after transmission of the opinion to the State Party concerned, unless that State Party submits a reasoned objection in writing to the Secretariat;
- (c) at the same time as the conclusions and recommendations of the Committee of Ministers concerning the opinion, unless the Committee of Ministers decides otherwise; or
- (d) at the latest, 12 months after transmission of the opinion to the State Party concerned, unless the Committee of Ministers decides otherwise.

27. The opinion of the Advisory Committee shall be made public together with any comments of the State Party concerned in relation to the opinion, unless the State Party concerned informs the Secretariat in writing that it does not wish the comments to be made public.”

- [Rules of procedure of the Advisory Committee on the Framework Convention for the protection of national minorities](#) (ACFC/INF(1998)002 adopted by the Advisory Committee on 29 October 1998)

Documents of the Committee from meetings held in camera are confidential, unless decided otherwise.

“FUNCTIONING OF THE COMMITTEE [...]

Rule 19

Subject to Resolution(97)10, members of the Committee, members of the Secretariat and other persons assisting the Committee are required to maintain the confidentiality of the documents of the Committee and of the information of which they have become aware at meetings held *in camera*, unless the Committee decides otherwise.”

- [Rules on the monitoring arrangements under articles 24 to 26 of the Framework Convention for the protection of national minorities](#) (Resolution (97) 10 adopted by the Committee of Ministers on 17 September 1997)

State reports are made public after the Secretary General has received them. Conclusions and recommendations of the Committee of Ministers are made public after being adopted.

“20. State reports shall be transmitted by the Party to the Secretary General who will transmit them to the Committee of Ministers. The state reports shall be made public by the Council of Europe upon receipt by the Secretary General, without prejudice to the right of the State to make the report public at an earlier date.

[...]

25. The conclusions and recommendations of the Committee of Ministers shall be made public upon adoption.”

6.4 European Commission against Racism and Intolerance (ECRI)

- [Resolution Res\(2002\)8 on the statute of the European Commission against Racism and Intolerance](#) (adopted by the Committee of Ministers on 13 June 2002)

Country reports are published unless opposition of the concerned state.

“Article 11

[...]

3. ECRI’s country reports are published following their transmission to the national authorities, unless the latter expressly oppose such publication. These reports shall include appendices containing the viewpoints of the national authorities, where the latter deem it necessary.”

- [Internal Rules of Procedure of ECRI](#) (adopted by ECRI on 20 March 2003)

ECRI’s deliberations remain confidential. The full meetings reports as approved by the Chair and Vice-Chairs are only sent to ECRI members. The annual report is made public.

“Article 16

(Privacy of meetings)

1. Meetings shall not be opened to the public, unless ECRI decides otherwise. ECRI’s deliberations remain confidential.

IV. DECISIONS AND REPORTS OF MEETINGS

Article 22 (

Decisions and reports of meetings)

1. At the end of each meeting, the Secretariat shall submit to ECRI for approval a draft abridged meeting report containing a list of decisions adopted at that meeting.

2. The Secretariat shall subsequently prepare a draft full meeting report containing also a summary of the discussions held at the meeting and shall submit it to the Chair and Vice-Chairs for approval. The full meeting report as approved by the Chair and Vice-Chairs shall then be sent to ECRI members.

Article 23

(Annual report)

1. An annual report on ECRI's activities shall be prepared by the Secretariat for each calendar year. This report shall be adopted by ECRI at its first meeting of the following year. 2. The annual report shall be submitted to the Committee of Ministers and made public."

7. Partial Agreements

7.1 European Support Fund for the Co-production and Distribution of Creative Cinematographic and Audio-Visual Works (EURIMAGES)

- [Rules of procedure of the Board of Management of the support fund for the co-production and distribution of creative cinematographic and audiovisual works "EURIMAGES"](#) (adopted by the Board of Management of Eurimages on 17 December 2010)

Documents of the Coproduction Working Group are only intended to participants.

"APPENDIX I
CO-PRODUCTION WORKING GROUP RULES OF PROCEDURE
AND CODE OF PRACTICE [...]

V. Confidentiality

The [...] documents of the CPWG and the Secretariat are subject to strict confidentiality among all the participants in the CPWG, including its members, the national representatives of co-producing countries, observers, the Secretariat and the Chair."

7.2 Group of States against Corruption (GRECO)

- [Rules of procedure of GRECO](#) (Greco(2011)20E, adopted by GRECO on 4-6 October 1999)

GRECO monitoring comprises evaluation procedures leading to the drawing-up of evaluation reports containing recommendations that are addressed to its individual member States and compliance procedures in which the measures taken by the authorities of member States to implement the recommendations are assessed in compliance reports (also called RC-reports for « rapports de conformité »). Information gathered during both procedures (including the RS-reports or "rapports de situation" submitted by governments) is confidential. Evaluation and compliance reports are adopted by GRECO sitting in plenary; they are confidential until the member state in question gives its express consent for the declassification of the report. In practice, declassification is authorised in all cases. The decisions and summary reports of GRECO plenary meetings and the annual activity report and programme of activities are public.

"TITLE III
CONFIDENTIALITY

Rule 34

General provision

1. Information gathered by GRECO in relation to an evaluation or compliance procedure, including replies to the questionnaire, reports on a country visit, RS-reports and related correspondence shall be confidential. The same shall apply to all GRECO meeting reports.

2. In accordance with Article 15, paragraph 5 of the Statute, evaluation reports shall be confidential. The same shall apply to RC-reports. However, GRECO may adopt a summary of each evaluation or RC-report and make it public. In addition, GRECO may make the whole evaluation report and/or a RC-report public, with the comments of the member concerned, whenever requested to do so by that member.

3. No personal data shall be published without the express consent of the person concerned.

[...]

TITLE IV

ANNUAL GENERAL REPORT OF GRECO

Rule 38

Annual report

1. In accordance with Article 8, paragraphs 1, iii. and 3 of the Statute, the Executive Secretary shall submit every year a draft general activity report to GRECO. Once adopted by GRECO, the report shall be transmitted to the Statutory Committee and to the Committee of Ministers. If so requested, the President of GRECO will present this report to the Committee of Ministers during an oral hearing. Subsequently, the report shall also be transmitted to the Parliamentary Assembly and made public.

[...]

3. The report shall be adopted at the first meeting of GRECO in a given calendar year and cover the whole of the preceding calendar year. [...]"

7.3 Council of Europe Development Bank (CEB)

- [Public Information Policy](#) (26 November 2010)

In this policy document, CEB presents the guiding principles to access to the Bank's information. The document contains a list of information which is considered confidential; no declassification procedure for confidential documents is foreseen. Public information includes "anonymised" versions of evaluation reports of which the full versions are confidential.

"Information considered confidential

- Documents intended for internal purposes only or documents classified as internal documents by the Bank
- Documents pertaining to the Organs' decision-making processes, unless Organs approval for release is given
- Legally protected documents, such as legal opinions and correspondence exchanged with external legal advisers, reports and audit documents, documents concerning investigations or cases of litigation
- Information which, if disclosed, would seriously undermine the policy dialogue with the countries concerned
- Information in the Bank's possession which was not created by the Bank, and which has been classified as being sensitive and confidential by its originator or by the person who transmitted it to the CEB, or when those legitimately have requested that its release be restricted
- Information related to procurement processes, in particular pre-qualification information submitted by prospective bidders, tenders, proposals or price quotations, or records of deliberative processes
- Full nominative ex post evaluation reports, of which only the "anonymised" summary report is made public in general; by exception, they may be published provided both the Borrower and the Administrative Council member of the country concerned agree to publication. "Anonymised" evaluation abstracts are made public
- Financial, business or proprietary information received by the Bank within the framework of loan analyses or negotiations, unless permission is given by the organisations concerned to release this information
- Personal data concerning staff members and third parties."

8. Steering Committees

8.1 Steering Committee on the Media and New Communication Services (CDMC)

- [Classification and publication of documents of the Steering Committee on the Media and New Communication Services \(CDMC\) and its subordinate bodies](#) (CDMC(2005)017rev)

CDMC applies general rules of the access to Council of Europe documents, but is more specific with regard to declassification rules: the classification period of restricted documents depends on CDMC decision; a one-year classification period only applies if no period is specified. Confidential documents will be declassified on a case-by-case basis.

“i. Documents not subject to any particular classification are public. This general rule does not apply to documents or parts of documents which relate to unfinished work where disclosure might prejudice the outcome of the work. Documents not subject to any particular classification include:

- agendas and reports of meetings of the CDMC and of its Bureau;
- agendas and reports of the meetings of bodies subordinate to the CDMC;
- terms of reference and work plans of the CDMC and its subordinate bodies;
- reports or papers commissioned by the Secretariat from consultants for the benefit of the CDMC or its subordinate bodies, unless disclosure could prejudice the outcome of ongoing work or would be contrary to the conditions agreed to between the consultant and the Council of Europe.

The publication of information which may prejudice the protection of privacy and personal data can be withheld. In particular, the list of participants appended to a published meeting report – or any other published document containing personal details – should only contain the name and the function of the experts, including the body for which they work. The publication of other contact details is subordinated to the explicit agreement of each expert.

ii. Restricted documents may be rendered public after a specific period or upon decision by the CDMC. If no period is specified, restricted documents will be declassified one year after being issued. Restricted documents include:

- working documents, including annotated agendas, of the CDMC, its Bureau or of bodies subordinate to the CDMC;
- lists of decisions or abridged meeting reports transmitted to the Committee of Ministers, until their approval and publication by the Committee of Ministers;
- draft instruments under Committee of Ministers consideration;
- draft instruments prepared by one of the CDMC’s subordinate bodies, or submitted by such a body to the CDMC, unless a decision is taken to hold a public consultation on them;
- miscellaneous documents submitted by outside sources or CDMC delegates, if their authors request that they be treated as restricted.

iii. As regards other documents, the Council of Europe rules will apply. Nonetheless, the CDMC will be able to declassify confidential documents on a case-by-case basis.”

Appendix

1. Additional documents concerning access to Council of Europe official documents

- [Information Policy](#) (Chapter 9 taken from the text “Working Methods and Procedures: recent developments” of the Committee of Ministers, last update in 2011)
Working methods and procedures: recent developments. Description on how to apply Resolution(2001)6
- [Report on Information Policy](#) (Bjarnason report, RAP-INF(2005)1 revised)
- [Declassification: application of Resolution Res\(2001\)6](#) (Archives(2003)3)
- [Declassification: application of Resolution Res\(2001\)6, draft report to the Rap-Inf](#) (Archives(2002)6)
- [Access to documents in the Council of Europe archives](#) (Archives(2002)5)
- [The Archives of the Council of Europe](#) (RAP-INF(2001)6)
- [Follow-up to the decisions on 20th December 2000 on access to the Council of Europe documents](#) (RAP-INF(2001)1)
- [Nomenclature of Committee of Ministers documentation](#) (CM/Bur/Del(2000)11, 5 May 2000)
- [Report on Information Policy](#) (Warin report, RAP-INF(2000)14)
- [Application of the Procedure for granting public access to documents issued with a security classification](#) (RAP-INF(2000)9)

- [Progress towards transparency](#) (RAP-INF(2000)8)
- [Information Policy of the Committee of Ministers](#) (RAP-INF(2000)3 revised)
- [Access to documents](#) (CM(98)81, prepared by the Secretariat of the Committee of Ministers on 11 May 1998)
- [Declassification of documents of the Committee of Ministers and its subordinate bodies](#) (CM(97)54 prepared by the Secretariat of the Committee of Ministers)
Brief history on current declassification rules
- [Secretariat Memorandum on the classification of Committee of Ministers documents](#) (GR-A(94)10, prepared by the Secretariat of the Committee of Ministers on 14 September 1994)
- [Procedure for granting public access to Council of Europe official documents \[30-years rule\]](#) (CM/Del/Concl(81)337, item 9, appendix 8)
- [Declassification of Council of Europe official documents](#) (CM(80)180, Secretariat memorandum prepared by the Directorate of Administration and the Directorate of Political Affairs)
- [Security classification of Council of Europe documents](#) (CM(63)156)
- [Memorandum prepared by the Directorate of Administration and the Secretariat of the Committee of Ministers](#) (CM(63)128)
- [Documents of the Committee of Ministers](#) (CM/Del/Concl(63)123, point XXVIII)

2. Recommendations issued by the Council of Europe and other international organisations concerning access to documents:

- [Council of Europe Convention on Access to Official Documents](#) (CETS no. 205)
- [Recommendation of the International Council of Archives on Public Access to Records and Archives of International Organizations](#)
- [Recommendation Rec\(2003\)15 of the Committee of Ministers to member states on archiving of electronic documents in the legal sector](#) (adopted by the Committee of Ministers on 9 September 2003)
- [Recommendation Rec\(2002\)2 of the Committee of Ministers to member states on access to official documents](#) (adopted by the Committee of Ministers on 21 February 2002)
- [Recommendation No. R \(2000\) 13 of the Committee of Ministers to member states on a European policy on access to archives](#) (adopted by the Committee of Ministers on 13 July 2000)
- [Recommendation 1173 \(1992\) on the preservation of libraries and scientific archives in the countries of Central and Eastern Europe](#) (text adopted by the Assembly on 3 February 1992)