

**Resolution [Res\(2001\)6](#)
on access to Council of Europe documents**

*(Adopted by the Committee of Ministers
on 12 June 2001
at the 756th meeting of the Ministers' Deputies)*

The Committee of Ministers,

Having regard to the Statute of the Council of Europe;

Having regard to its Resolution (2000)2 on the Council of Europe's information strategy;

Reaffirming its wish to endow the Council of Europe with an active and consistent information policy, based on the principle that "transparency is the rule and confidentiality the exception";

Referring to its decisions of 20 December 2000 introducing a new policy on access to Committee of Ministers documents with effect from 1 January 2001, and wishing, in the light of implementation of that decision, to extend this policy to the whole of the Council of Europe;

Referring also to its decisions of 17 April 2001 concerning the improvement of transparency in "Human Rights" meetings;

Having regard to the relevant texts adopted in this field by the Council of Europe for its member states, particularly the Declaration on the freedom of expression and information, of 29 April 1982, Recommendation No. R (81) 19 on the access to information held by public authorities and Recommendation No. R (2000) 13 on a European policy on access to archives;

Convinced that the application by the Council of Europe of the principles and standards which it lays down for its member states is a fundamental element of the Organisation's credibility and consistency;

Welcoming the support given by the Presidents of the Parliamentary Assembly, the Congress of Local and Regional Authorities of Europe and the European Court of Human Rights, as well as the positive results of the contacts made with all Council of Europe bodies;

On the basis of the report presented by the Rapporteur of the Ministers' Deputies on information policy,

Resolves as follows:

Committee of Ministers documents

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.

The Committee of Ministers notes that, in application of the extension of its new policy on access to documents to all of its documentation, the principle of publicity of the results of its activities (particularly the texts adopted and the decisions taken) will be generally applied to all its meetings, unless a decision to the contrary is taken on an *ad hoc* basis by the Committee of Ministers.

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.

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”.

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 aforementioned main institutional partners within the Council of Europe. It reaffirms its will to continue co-operation with them, within the framework set by the present resolution, with a view not only to more open access to Council of Europe documents, but also to a broader dissemination of these documents to interested circles and to the public in general.

The Committee of Ministers gives its support in this respect to the Secretary General's efforts to redefine and reactivate the Council of Europe's archives policy.

Internal documents

Within the framework of the current redefinition of the Council of Europe's archives policy, 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.

Implementation of the present resolution

The present resolution is applicable from the date of its adoption. When it is implemented, 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.

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;

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.

- 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.