

TC-CP(2024)11  
3 October 2024

## **Consultation of the Parties**

### **Council of Europe Convention on Access to Official Documents (CETS No. 205)**

#### **Conclusions and recommendations on the implementation of the Council of Europe Convention on Access to Official Documents by Ukraine**

The Consultation of the Parties to the Council of Europe Convention on Access to Official Documents (CETS No. 205) (hereinafter referred to as “the Convention”), acting under the terms of Article 12, paragraph 2, sub-paragraphs a and b, of the Convention;

Bearing in mind the provisions of Article 11, paragraph 1, of the Convention concerning the role of the Council of Europe Access Info Group (AIG) in monitoring the implementation of the Convention;

Bearing in mind the overarching obligation under Article 2, paragraph 2, of the Convention on each Party to take the necessary measures in its domestic law to give effect to the provisions for access to official documents set out in this Convention;

Having regard to the Rules of Procedure of the Consultation of the Parties;

Having examined the baseline evaluation report concerning the implementation of the Convention by Ukraine adopted by the AIG at its 6<sup>th</sup> meeting (29-31 May 2024) which focuses on the Law on Access to Public Information;

1. Welcomes the following elements of the Law on Access to Public Information:

- 1.1. its application to the widest range of public authorities covered by the Convention and to all information held by them in compliance with Article 1, paragraph 2, of the Convention;
- 1.2. the implementation of the principles of Article 2, paragraph 1, of the Convention;
- 1.3. the general compliance of the limitations of the right of access with the grounds and principles provided for in Article 3, paragraphs 1 and 2, of the Convention;
- 1.4. its implementation of the requirements and principles of Article 4 of the Convention regarding requests for access to official documents, Article 5 of the Convention regarding processing of requests for access to official documents, Article 6 of the Convention regarding forms of access to official documents, Article 7 of the Convention regarding charges for access to official documents Article 8 of the Convention regarding review procedures;
- 1.5. its measures to comply with Articles 9 and 10 of the Convention respectively on complementary measures and documents made public at the initiative of public authorities;

2. Recommends that Ukraine take the following measures identified on the basis of the AIG’s report:

- 2.1. reconsider the qualification “in the process of their performance of their duties” in the definition of public information contained in Article 1 of the Law on Access to Public Information (paragraphs 12-13 and 53 of the AIG report);
- 2.2. ensure compliance of the restrictive ground concerning the prevention of the disclosure of information received in confidence provided by Article 6(2) of the Law on Access to Public Information and the Law on Information with the legitimate limitation grounds provided for in Article 3, paragraph 1, of the Convention;

3. Requests the government of Ukraine to report to the Consultation of the Parties on the measures taken to improve the implementation of the Convention pursuant to point 2 of the present conclusions by 6 October 2025.