

**Council of Europe Group Access Info Group
(AIG)**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**Rules of Procedure of the Council of Europe Access Info
Group**

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

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Rules of Procedure of the Council of Europe Access Info Group

The Council of Europe Access Info Group (hereinafter referred to as “the Group”),

Having regard to the *Council of Europe Convention on Access to Official Documents (CETS.205)* (hereinafter referred to as the “Convention”),

Pursuant to Article 11, paragraph 5 of the Convention,

Adopts the present rules:

I – THE GROUP

Rule 1 – Mandate

The Group shall monitor the implementation of the Convention by the Parties in accordance with Article 11, paragraphs 1 and 2, and Article 14 of the Convention.

Rule 2 – Exercise of functions

- 2.1. Members shall perform their duties in their individual capacity, shall be independent and impartial in the exercise of their functions, shall not receive any instructions from governments as stipulated in Article 11, paragraph 4 of the Convention. During their term of office, they shall not perform any function which is incompatible with these requirements.
- 2.2. Members shall be available to carry out their duties in an effective manner. They shall have sufficient time and capacity to participate in the meetings and other activities of the Group and to work on the preparation of the reports and other documents of the Group. They shall have good command of at least one of the official languages of the Council of Europe (English or French). Passive knowledge of the other language is desirable.
- 2.3. Where a member of the Group finds himself/herself faced with an apparent or possible conflict of interest in relation to a matter to be examined or decided by the Group, that member would be expected to bring the issue to the Group’s attention and decision giving effect to Rule 2.1. before consideration of that matter.

Rule 3 – Solemn declaration

Each member shall, at the first meeting of the Group at which he/she is present after his/her election, make the following solemn declaration:

“I solemnly declare that I will exercise my functions as a member of the Group honourably, independently, impartially, conscientiously and without accepting any instruction. I will stand by the Group’s decisions”.

Rule 4 – Resignation

Bearing in mind the need to ensure the proper functioning of the Group, a member who wishes to terminate his/her membership shall notify as soon as possible the President of his/her intention to request the Secretary General of the Council of Europe to terminate his/her membership.

Rule 5 – Failure to meet the requirements for membership

- 5.1. If there are serious grounds to believe that a member no longer meets the requirements set out in Rule 2, the Group may, after the member has had an opportunity to state his/her views, decide to invite the Consultation of the Parties to assess whether the matter falls under Rule 8.2. of Resolution [CM/Res\(2021\)2](#) on rules on the election procedure of the members of the Group of Specialists on Access to Official Documents.
- 5.2. The decision to invite the Consultation of the Parties to make this assessment shall be taken by secret ballot and by a two-thirds majority of the members of the Group.

Rule 6 – Election of the President and the Vice-President

- 6.1. The Group shall elect from among its members a President and a Vice-President for a renewable term of office of two years. The term of office of the President or the Vice-President shall end before its normal expiry if he/she ceases to be a member of the Group.
- 6.2. No member of the Group may be elected President or Vice-President for more than six out of eight consecutive years.
- 6.3. If the President or the Vice-President ceases to be a member or resigns his/her office of President or Vice-President before its expiry, the Group shall elect a successor for the remainder of the term of that office.
- 6.4. The elections of the President and Vice-President shall be held separately and by secret ballot. Only the members present may stand for election. The member who obtains a majority of the members entitled to vote shall be elected. If no member receives such majority, a second ballot shall take place. The candidate receiving the highest number of votes shall then be elected. In the event of a tie, the longest serving member shall be appointed. If the members concerned have the same length of time in office, the eldest shall be appointed.
- 6.5. Candidatures for the elections shall preferably be transmitted to the Secretariat at the latest two weeks before the elections. Persons whose candidatures are not announced at the end of the first day of the meeting at which the elections are to take place are not eligible.

Rule 7 – Functions of the President and the Vice-President

- 7.1. The President shall direct and co-ordinate the work of the Group, chair its meetings and perform all other functions conferred upon him/her by the present Rules and by the Group.
- 7.2. In exercising his/her functions, the President shall remain under the authority of the Group.
- 7.3. The President may delegate on an ad hoc basis certain of his/her functions to the Vice-President.
- 7.4. The Vice-President shall take the place of the President if the latter is unable to carry out his/her duties or if the office of President is temporarily vacant. If the President and the Vice-President are at the same time unable to carry out their duties or if their offices are at the same time vacant, the duties of the President shall be carried out by the longest serving member. If two or more members concerned have served the same length of time in the Group, the eldest shall carry out the duties of the President.
- 7.5. The President, or the Vice-President or member replacing him/her, shall retain the right to participate in the discussions of the Group and to vote.
- 7.6. No member of the Group shall preside when a draft report or any other question of substance concerning the Party which proposed him/her as a candidate for the Group is being considered.

Rule 8 – Secretariat

As stipulated in Article 13 of the Convention, the Group shall be assisted by the Secretariat of the Council of Europe in carrying out its functions pursuant to Article 11, paragraphs 1 and 2 and Article 14 of the Convention.

Rule 9 – Seat

The seat of the Group shall be at the premises of the Council of Europe in Strasbourg.

Rule 10 – Languages

The working languages of the Group shall be the official languages of the Council of Europe (English and French).

Rule 11 – Meetings

- 11.1. As stipulated in Article 11, paragraph 1 of the Convention, the Group shall meet regularly and at least once a year with a view to monitoring the implementation of the Convention by the Parties.

- 11.2. Only members of the Group, the designated members of the Secretariat and other persons or organisations invited or approved to do so by the Group participate in its meetings.
- 11.3. Participants in the meetings are required to maintain the confidentiality of the deliberations and of information and proceedings in compliance with Rule 29.5. and Rule 30.2.
- 11.4. The meetings of the Group shall be held at the seat. Exceptionally, the Secretary General may authorise, if there is no objection from the government of the State on whose territory it is intended to hold the meeting and if suitable technical facilities are available on-the-spot, to convene a meeting elsewhere, in accordance with the principles of sound management and within the resources available.
- 11.5. When it is not possible to convene a meeting in a single location, it may be held by videoconference. The proposal to hold a meeting by videoconference shall be made by the President, or by the Secretary General, and approved by the Group, subject to the availability of the necessary budgetary resources. Remote attendance of members at a meeting shall be treated as presence in person for the purposes of the Rules of Procedure, for all proceedings such as quorum, participation in discussions and voting.
- 11.6. Meetings shall be convened at dates decided by the Group or, as circumstances may require, by the President and Vice-President. It shall also meet if at least one third of the members so request.
- 11.7. The Secretariat shall notify the members of the place, date and opening time of the meeting, its probable duration, and the subjects to be dealt with. The convocation should be sent at least four weeks in advance of the meeting, except on grounds of urgency which shall be duly explained.
- 11.8. Members who are unable to attend a meeting of the Group or a part thereof shall notify, in due time, the Secretariat who shall inform the President.

Rule 12 – Agenda

- 12.1. Following consultation with the President, the Secretariat shall transmit a draft agenda to the members at least two weeks in advance of the meeting. The draft agenda shall be published on the relevant Council of Europe website.
- 12.2. The agenda shall be adopted by the Group at the beginning of the meeting.

Rule 13 – Meeting documents

The Secretariat shall transmit to the members, at least two weeks in advance of the meeting, the working documents relating to the different agenda items. The working documents shall be published on the relevant Council of Europe website with the exception of information that is required to be kept confidential pursuant to Rule 29.5. and Rule 30.2.

Rule 14 – Quorum

There shall be a quorum if two-thirds of the members are present.

Rule 15 – Hearings

- 15.1. The Group may request information and opinions from national human rights institutions, non-governmental organisations, and other civil society actors pursuant to Article 11, paragraph 2 of the Convention.
- 15.2. The Group may decide to organise hearings with them. In each case, it shall decide, having regard to Rule 30.2., whether the hearing shall be held *in camera*.

Rule 16 –Publicity of information

Save as otherwise provided for in Rule 29.5. or Rule 30.2. all information shall be public.

II – CONDUCT OF BUSINESS

Rule 17 – Proposals

Any proposal for a decision by the Group must be submitted in writing if a member so requests. In that case, it shall not be discussed until it has been circulated.

Rule 18 – Order of voting on proposals and amendments

- 18.1. If two or more proposals relate to the same subject, they shall be put to the vote in the order in which they were submitted. In case of doubt as to the order of priority, the President shall decide.
- 18.2. Where a proposal is the subject of an amendment, the amendment shall be put to the vote first. Where two or more amendments to the same proposal are presented, the Group shall vote first on whichever departs furthest in substance from the original proposal. It shall then vote on the next furthest removed from the original proposal, and so on until all the amendments have been put to the vote. However, where the acceptance of one amendment necessarily entails rejection of another, the latter shall not be put to the vote. The final vote shall then be taken on the proposal as amended or not amended. In case of doubt as to the order of priority, the President shall decide.
- 18.3. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.
- 18.4. Parts of a proposal or amendment may be put to the vote separately.
- 18.5. In the case of proposals with financial implications, the costliest shall be put to the vote first.

Rule 19 – Points of order

During the discussion of any matter, a member may at any time raise a point of order, which shall immediately be decided upon by the President in accordance with the present Rules. Any appeal against the decision of the President shall immediately be put to the vote. A member may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 20 – Order of procedural motions

Procedural motions shall take precedence over all other proposals or motions except points of order. They shall be put to the vote in the following order:

- a. suspension of the sitting;
- b. adjournment of discussion on the item in hand;
- c. postponement of a decision on the substance of a proposal until a specified date;
- d. closure of discussion on the item in hand.

Rule 21 – Reconsideration of a question

When a decision has been taken it is only re-examined if a member so requests, and if the Group decides to agree with this request.

Rule 22 – Voting

- 22.1. Each member of the Group shall have one vote.
- 22.2. Subject to any contrary provisions in these Rules, voting requires the quorum.
- 22.3. The decisions of the Group shall be taken by a majority of the members present unless otherwise provided in these Rules and by show of hands. A vote shall be held by roll-call when a member so requests; in this event, the roll shall be called in the English alphabetical order of the surnames of the members. A vote shall be held by secret ballot when a request to that effect is supported by one-third of the members of the Group.
- 22.4. After a vote has commenced, there shall be no interruption of the voting except on a point of order by a member in connection with the actual conduct of the voting. Brief statements by members consisting solely of explanations of their votes may be permitted by the President before the voting has commenced or after the voting has been completed.

Rule 23 – Adoption of decisions and meeting reports

- 23.1. At the end of each meeting, the Secretariat shall submit to the Group for its approval a list of the decisions adopted during the meeting. The adopted list of decisions shall be made public.
- 23.2. After each meeting, a draft meeting report containing a summary of the Group's discussions shall be prepared by the Secretariat. This draft report shall be submitted to

the President for approval. The meeting report as approved by the President shall then be made public and transmitted to the members of the Group.

Rule 24 – Periodic meetings with the Consultation of the Parties

- 24.1. The President shall periodically meet with the Consultation of the Parties to inform it about the state of the work of the Group and progress in preparing the Group's reports and conclusions concerning the measures taken by the Parties to implement the provisions of the Convention, as well as any other issue relating to the good functioning of the monitoring mechanism of the Convention.
- 24.2. The Group may decide to invite the Chair of the Consultation of the Parties for exchanges of views.

Rule 25 – Annual report

- 25.1. The Group shall submit to the Consultation of the Parties and the Committee of Ministers an annual report on its activities containing, *inter alia*, information on the organisation and internal workings of the Group and on its activities.
- 25.2. The annual report shall be transmitted to the other bodies and appropriate organs of the Council of Europe and be made public.

III – EVALUATION PROCEDURE

Rule 26 – Baseline evaluation

- 26.1. Each Party shall transmit to the Group, pursuant to Article 14, paragraph 1 of the Convention, within the period of one year following the entry into force of the Convention in respect of the Party concerned, a report containing full information on the legislative and all other measures giving effect to the provisions of the Convention. Reports submitted following the entry into force of the present Rules should be based on the questionnaire prepared by the Group in accordance with Rule 28.1. The Group may indicate to any Party a preferred time-limit for receiving the report within the period of one year following the entry into force of the Convention in respect of that Party.
- 26.2. Each Party shall transmit to the Group, pursuant to Article 14, paragraph 2 of the Convention, an update of the information mentioned in Rule 26.1 before each meeting of the Consultation of the Parties. The Group may indicate to any Party a preferred time-limit for receiving such information.
- 26.3. If a Party fails to submit a report pursuant to paragraph 1 of the present rule within a period of one year following the entry into force of the Convention in respect of that Party, the Group may obtain relevant information through all other means in application of Article 11, paragraph 2 of the Convention and Rules 29 and 30.
- 26.4. When conducting its first baseline evaluation, the Group shall consider in parallel all Parties to the Convention that submitted their reports pursuant to Article 14, paragraph 1

of the Convention at the time of the adoption of these Rules. For Parties that did not submit their reports at that time or that subsequently ratify the Convention, the Group shall decide on how it will consider the reports submitted by the Parties, bearing in mind the number of pending submitted reports at the time of the decision, the date of their submission and geographical balance.

Rule 27 – Subsequent evaluation

- 27.1. Following its baseline evaluation pursuant to Rule 26, the Group evaluates the adequacy of the measures in law and practice taken by the Parties to give effect to the provisions set out in the Convention following a procedure divided into rounds.
- 27.2. The Parties shall undergo all evaluation rounds, unless otherwise decided by the Group by unanimity.
- 27.3. At the beginning of each round, taking due account of the outcome of the baseline evaluation and, where appropriate, of previous rounds, the Group shall define the scope and methodology of the evaluation procedure based on the provisions of the Convention.
- 27.4. The duration of each evaluation round shall be determined by the Group, with due regard to decisions taken under Rule 27.3, the number of the Parties at the time and the resources available to the Group.

Rule 28 – Questionnaires and replies

- 28.1. The Group shall prepare a questionnaire on the basis of which each Party submits a report on legislative and all other measures giving effect to the provisions of the Convention in compliance with Article 14, paragraph 1 of the Convention and Rule 26.
- 28.2. For each subsequent evaluation, the Group may draw up and adopt a questionnaire, which shall serve as a basis for the evaluation of the adequacy of the measures in law and practice taken by the Parties to give effect to the provisions set out in the Convention that fall within the scope of the evaluation as defined under Rule 27.3. The Group shall require each Party to submit its reply to the questionnaire with the time-limit set by the Group.
- 28.3. When drawing up a questionnaire, the Group may request the Secretariat to have recourse to consultancy services, within the limits of budgetary appropriations.
- 28.4. Any questionnaire adopted by the Group in accordance with the Rules 28.1. and 28.2. shall be addressed to the Parties and shall be made public.
- 28.5. The report or reply transmitted to the Group pursuant to Rules 28.1. and 28.2 respectively shall include all necessary reference texts and relevant data.
- 28.6. Pursuant to Article 15 of the Convention, the Group authorises the Secretariat to publish on the website of the Council of Europe the report submitted by the Party and the reply

of the Party to the questionnaire adopted under Rule 28.2 within one week of their submission or earlier if the Group so decides.

Rule 29 – Other requests for information

- 29.1. To fulfil its tasks, the Group may, pursuant to Article 14, paragraph 3 of the Convention, request any information from any Party in addition to that obtained in accordance with Rule 28.
- 29.2. The Group's request shall be made public.
- 29.3. The Party concerned shall provide the information requested within the time-limit set by the Group.
- 29.4. When the Group is not meeting, the President in consultation with the Vice-President may, if appropriate, decide on the Group's behalf to make a request for information under the present Rule. The Secretariat will promptly inform the members of the Group of any request made by the President.
- 29.5. The Group shall publish the information provided by the Party within one week of its receipt. Upon a reasoned request of the Party, the Group may decide that information provided by that Party which falls within the scope of the limitation set out in Article 3 of the Convention shall be kept confidential.

Rule 30 – Information from civil society

- 30.1. Pursuant to Article 11, paragraph 2, of the Convention, the Group may invite national human rights institutions, non-governmental organisations, and other actors engaged in the areas of concern to the Group to provide information relevant to the questionnaires adopted under Rule 28 or requests for information under Rule 29 or to provide any other relevant information in the context of the evaluation procedure within the time-limit set by the Group. The Group may organise hearings with various actors in the field of access to official documents and otherwise have recourse to consultancy services.
- 30.2. Information pertaining to an individual or another private entity shall be kept confidential if release of that information is likely to harm the privacy or other legitimate private or commercial interests.

Rule 31 – Information from other sources

- 31.1. The Group shall take into due consideration relevant information publicly available from the Council of Europe Commissioner for Human Rights, the Parliamentary Assembly, and relevant specialised bodies of the Council of Europe, as well as those established under other regional or international instruments dealing with issues falling within the scope of the Convention.
- 31.2. The Group may invite the bodies mentioned in Rule 31.1. to exchange views on matters falling within the scope of the Convention.

Rule 32 – Languages for communication with the Group

Reports and replies to questionnaires and requests for information as well as other information addressed to the Group shall be submitted in one of the official languages of the Council of Europe (English or French).

IV – REPORTS AND CONCLUSIONS

Rule 33 – Rapporteurs

- 33.1. The Group shall appoint two Rapporteurs for each report evaluating the implementation of the Convention by a Party.
- 33.2. No member of the Group shall be appointed as Rapporteur for the report evaluating the implementation of the Convention by the Party which proposed him/her as a candidate for the Group.

Rule 34 – Draft report

- 34.1. The Rapporteurs shall prepare a draft report containing their findings related to the adequacy of the measures in law and practice taken by the Party to give effect to the provisions of in the Convention under evaluation, as well as conclusions setting out, where appropriate, suggestions and proposals concerning the manner in which the Party may deal with any problems which have been identified.
- 34.2. The draft report shall be examined, discussed and approved by the Group at a meeting.
- 34.3. The draft report as approved by the Group shall be transmitted to the Party concerned for comments, to be provided within the time-limit set by the Group.
- 34.4. The draft report and any comments to it submitted by the Party concerned shall be published at the expiry of the time-limit set by the Group, unless it decides otherwise pursuant to Rule 29.5.

Rule 35 – Report and conclusions

- 35.1. If the Party concerned submits comments to the draft report within the time-limit set by the Group, they shall be taken into account by the Group when establishing its report and conclusions.
- 35.2. The Group shall endeavour to adopt its report and conclusions by consensus. If no consensus can be reached, its report and conclusions shall be adopted by a two-thirds majority of the votes cast.
- 35.3. The report and conclusions shall be transmitted to the Party, which shall be invited to submit any final comments within a month of transmission.

- 35.4. The Group's report and conclusions, together with any final comments by the Party concerned, shall be made public, at the expiry of the time-limit of one month to make comments, and shall be sent to the Consultation of the Parties at the same time.

Rule 36 – Opinions, proposals, and other reports

- 36.1. In accordance with Article 11, paragraph 1, sub-paragraph b (i) of the Convention, the Group may adopt opinions on any question concerning the application of the Convention.
- 36.2. In accordance with Article 11, paragraph 1, sub-paragraph b (ii) of the Convention, the Group may make proposals to facilitate or improve the effective use and implementation of the Convention, including the identification of any problems.
- 36.3. In accordance with Article 11, paragraph 1, sub-paragraph b (iii) of the Convention, the Group may exchange information and report on significant legal, policy or technological developments.
- 36.4. The opinions, proposals and reports under Rules 36.1., 36.2. and 36.3. may have a common meaning for all Parties and may concern articles or themes that are included in the Convention. They may not be Party specific. They may serve as reference for the Parties by developing a greater understanding of the different themes in the Convention and offering clear guidance that can contribute to effective implementation of the provisions of the Convention.
- 36.5. The opinions, proposals and reports under the present Rule shall take into account information submitted by the Parties and the Group's conclusions and findings.
- 36.6. Opinions, proposals and reports under the present Rule shall be communicated to the Consultation of the Parties through annual reports drawn up in accordance with Rule 25.
- 36.7. The Group shall take into consideration the manner in which its opinions, proposals and reports are taken into account by the Parties in the context of the evaluation procedures.
- 36.8. Action taken by the Parties further to the opinions, proposals and reports adopted under the present Rule may be the subject of meetings with the Consultation of the Parties and exchanges of views under Rule 24.

V – Communication and co-operation with the Group

Rule 37 – Treatment of communications received

- 37.1. The Secretariat shall bring to the attention of the Group any communication addressed to it, unless the information contained in it falls outside its field of competence.
- 37.2. Any relevant communication received by individual members of the Group shall be promptly forwarded to the Secretariat who shall bring it to the attention of the Group.

- 37.3. The Secretariat shall keep on file all communications received.
- 37.4. Any confidential information contained in communications received by the Group shall be protected in accordance with Rule 29.5. and Rule 30.2.

Rule 38 – Protection of persons or organisations communicating with the Group

The Group shall ensure that, when carrying out its functions under the Convention, the situation of persons or organisations communicating with it is not prejudiced. The Group shall consider drawing conclusions and, where necessary, taking further steps in relation to any action or omission by a Party leading to such prejudice.

Rule 39 – Appointment of “contact persons” by the Parties

- 39.1. In order to facilitate co-operation, the Secretariat shall request each Party to inform it of the name, title, and details of any “contact person” appointed to liaise with the Group. This information shall be provided to the Secretariat within a reasonable period from the time the Convention becomes effective in respect of that Party.
- 39.2. The Parties shall promptly inform the Secretariat of any change in the appointment of the “contact person” referred to in Rule 39.1.

Rule 40 – Co-operation with the Group

- 40.1. The Group may seek the co-operation of the national authorities dealing with issues falling under the scope of the Convention throughout the evaluation procedure.
- 40.2. If a Party fails to co-operate, the Group may decide, after the Party has had an opportunity to make known its views, to forward a communication on the matter to the Consultation of the Parties for possible further transmission, if deemed necessary, to the Committee of Ministers of the Council of Europe.

VI – Suspension, amendments to and entry into force of the Rules

Rule 41 – Suspension of a Rule

Upon the proposal of a member of the Group, the application of a Rule may be suspended by a decision of the majority of members of the Group, subject to the provisions and in accordance with spirit of the Convention. The suspension shall be limited to its operation to the particular purpose for which such suspension has been sought.

Rule 42 – Amendments

The Group may amend these Rules of Procedure by a decision of the majority of its members.

Rule 43 – Entry into force

These Rules of Procedure shall enter into force upon their adoption.