



**EUROPOS SAJUNGOS  
TARYBA**

**Briuselis, 2006 m. lapkričio 10 d. (14.11)  
(OR. en)**

**14347/06**

**INF 195  
API 115  
JUR 403**

**PRANEŠIMAS DĖL „I/A“ PUNKTO**

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nuo: Informavimo darbo grupės  
kam: Nuolatinių atstovų komitetui (Coreper II)/Tarybai

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Ankstesnio  
dokumento Nr.: 14346/06

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Dalykas: Galimybė visuomenei susipažinti su dokumentais  
– Kartotinė paraiška 37/c/01/06

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Delegacijoms pridedamas Tarybos atsakymo į kartotinę paraišką 37/c/01/06 projektas, išnagrinėtas Informavimo darbo grupės 2006 m. lapkričio 9 d. posėdyje.

Švedijos delegacijos nurodė, kad jos balsuos prieš atsakymo projektą, ir pareiškė: „Švedijos delegacijos manymu, rengti posėdžių, įskaitant darbo grupių posėdžius, protokolus yra gera administracinė praktika.“.

Dauguma delegacijų sutiko paskelbti balsavimo rezultatus.

Todėl Nuolatinių atstovų komiteto prašoma pasiūlyti Tarybai kitame posėdyje:

- posėdžio A punktu užregistruoti pritarimą atsakymo projektui, kuris pridedamas prie šio dokumento, dėl kurio Švedijos delegacija balsuos „prieš“;
- nuspręsti paskelbti balsavimo rezultatus.

Priedo tekstas pateikiamas tik anglų kalba.

**DRAFT**  
**REPLY ADOPTED BY THE COUNCIL ON .....**  
**TO CONFIRMATORY APPLICATION No 37/c/01/06**  
**sent to the Council by e-mail dated 23 October 2006,**  
**pursuant to Article 7(2) of Regulation (EC) No 1049/2001,**  
**for access to documents**

The Council has carefully considered this confirmatory application under Regulation (EC) No 1049/2001 (OJ L 145 of 31.5.2001, p. 43) and Annex II to the Council's Rules of Procedure (Council Decision 2006/683/EC, Euratom - OJ L 285 of 16.10.2006, p. 47) and has come to the following conclusion:

1. On 8 October 2006, the applicant requested access to the “outcome of proceedings” of the meetings of the Working Party on Data Protection held on 14 March and 19 May 2006.
2. In its reply to the applicant dated 12 October 2006, the General Secretariat specified that no outcome of proceedings was drawn up after these meetings. Therefore, the requested documents do not exist.
3. The applicant asks the Council to review its position by referring to Articles 10.1 and 24 of the European Code of Good Administrative Behaviour<sup>1</sup>.
4. The Council would first note that the Regulation, in conjunction with the Council’s Rules of Procedure, is the relevant legal framework for access to Council documents. Moreover, the Council would recall that the provision of information to the public is governed by its Code of good administrative behaviour <sup>2</sup>

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<sup>1</sup> Text adopted by the European Parliament on 6 September 2001 upon recommendation by the European Ombudsman ([http://www.euro-ombudsman.eu.int/code/pdf/en/code2005\\_en.pdf](http://www.euro-ombudsman.eu.int/code/pdf/en/code2005_en.pdf)).

<sup>2</sup> OJ C 189 of 05.07.2001, p. 1

5. The Council has re-examined the dossier and carried out new internal consultations with the relevant department of its General Secretariat. It has come to the conclusion that it cannot but confirm the conclusion by the General Secretariat that the documents to which the applicant refers do not exist.
  
6. The Council recalls that there is neither any legal obligation nor any "universal practice" to establish minutes for all meetings held by the Council's preparatory bodies<sup>3</sup>. The obligations pertaining to the administrative behaviour of the Council's staff—which are laid down in the Council's Code of Good Administrative Behaviour<sup>4</sup>—do not foresee in any obligation to minute meetings of preparatory bodies.

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<sup>3</sup> This principle has been recognised repeatedly by the case law of the Court of First Instance (see the Judgments in Case T-123/99, *JT's Corporation Ltd vs Commission*, [2000] ECR II-3269, paragraph. 67, Case T-311/00, *BAT Ltd vs Commission*, [2002] ECR II-2781, paragraph 35, and Joined Cases T-110/03, T-150/03 and T-405/03, *Sison vs Council*, Judgment of 26 April 2005, paragraph 29. See also the Decision of the European Ombudsman on 11 March 2003 on complaint 1184/2002/PB).

<sup>4</sup> OJ C 189 of 5.7.2001, p. 2.