



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 15 March 2013

7432/13

**Interinstitutional File:
2012/0224 (APP)**

**INF 42
ARCH 5
OC 144**

“I/A” ITEM NOTE

From: General Secretariat
To: Coreper/Council
No. prev. doc.: 6524/13 INF 20 ARCH 3
No. Cion prop.: 13183/12 INF 127 ARCH 2

Subject: Proposal for a Council Regulation amending Regulation (EEC/Euratom) No 354/83, as regards the deposit of the historical archives of the institutions at the European University Institute in Florence
COMMON GUIDELINES
Consultation deadline for Croatia: 19 March 2013

I. INTRODUCTION

1. On 16 August 2012 the Commission published its proposal to amend the Council Regulation (EEC/Euratom) 354/83 concerning the opening to the public of the historical archives.¹
2. The Commission proposal will make it obligatory for all EU institutions ² to deposit their paper historical archives at the European University Institute in Florence. Furthermore, the proposal clarifies the rules on data protection applicable to the institutions' archives deposited in Florence.

¹ 13183/12 INF 127 ARCH 2.

² With the exception of the Court of Justice of the European Union and the European Central Bank.

3. The proposal is based on Article 352 TFEU requiring unanimity in Council after having obtained the consent of the European Parliament.

II. EXAMINATION OF THE PROPOSED REGULATION

4. The Working Party on Information discussed the proposal in its meetings on 14 September, 02 and 26 October 2012, 14 January 2013 and 15 February 2013.
5. Following discussions in the Working Party on Information and taking into account the concerns raised by the European Parliament, the proposal was modified in particular to
 - o clarify the rules and the basis for sharing the costs of managing the historical archives at the EUI between EU institutions (see article 8(8));
 - o explicate in the Regulation the management structure between the EU and the EUI (see article 9(3));
 - o further clarify the applicable data protection rules, in particular by reaffirming the supervisory role of the European Data Protection Supervisor over EU institutions (see articles 8(9) and 8(10)); and
 - o address the treatment of digital archives (see article 9(1)).
6. The changes are reflected in the text as set out in 6524/13 INF 20 ARCH 3. The Working Party on Information expressed its general agreement through silence procedure ending 25 February 2013 on this text.
7. In the meantime, the Czech Republic finalised its national parliamentary proceedings and lifted its reservation.
8. Germany and the United Kingdom have domestic parliamentary procedures ongoing, but subject to those, can accept the content of the proposal. In the meantime they can give their agreement to request for the consent of the European Parliament.
9. In the meantime, the text has been revised by the lawyer linguists as set out in 6867/13 INF 27 ARCH 4 OC 95.

III. CONCLUSION

10. In the light of the above Coreper/Council is invited:

- (a) to agree on the text of the proposed Regulation, as set out in 6867/13 INF 27 ARCH 4 OC 95; and
- (b) to decide to transmit to the European Parliament the draft text of the Regulation as set out in 6867/13 INF 27 ARCH 4 OC 95 in order to obtain the consent of the European Parliament in accordance with Article 352 TFEU.
