

**Decision of the Court of Justice of the European Union****of 10 June 2014****concerning the deposit of the historical archives of the Court of Justice of the European Union at the Historical Archives of the European Union (European University Institute)**

(2015/C 406/02)

THE COURT OF JUSTICE OF THE EUROPEAN UNION,

Having regard to the Protocol on the Statute of the Court of Justice of the European Union ('the Protocol') and, in particular, Articles 35 and 53 thereof and Article 7(1) of Annex I thereto;

Having regard to Article 20(3) of the Rules of Procedure of the Court of Justice, Article 26 of the Rules of Procedure of the General Court and Article 19(2) of the Rules of Procedure of the Civil Service Tribunal;

Having regard to Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community<sup>(1)</sup>, as amended by Council Regulation (EC, Euratom) No 1700/2003 of 22 September 2003<sup>(2)</sup>;

Having regard to the Agreement between the European Communities and the European University Institute (EUI) dated 17 December 1984 concerning the contract for the deposit at the EUI of the historical archives of the Communities and their opening to the public by the EUI, and in particular Article 3 thereof;

Having regard to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data<sup>(3)</sup>;

Having regard to the decision of the Administrative Committee of 29 April 2013 on the composition of the catalogue of the historical archives;

HAS ADOPTED THE FOLLOWING DECISION:

*Article 1***Purpose**

1. This Decision lays down the internal rules concerning the deposit of the historical archives of the Court of Justice of the European Union at the Historical Archives of the European Union (European University Institute).
2. This Decision shall be supplemented by regulations of the Court of Justice, the General Court and the Civil Service Tribunal concerning the detailed rules on the custody and the opening to the public of documents held by those courts in connection with their judicial role and by the decision of the Registrar of the Court of Justice of the European Union concerning the detailed rules on the custody and the opening to the public of documents held by the Court of Justice of the European Union in the exercise of its administrative functions.

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<sup>(1)</sup> OJ L 43, 15.2.1983, p. 1.

<sup>(2)</sup> OJ L 243, 27.9.2003, p. 1.

<sup>(3)</sup> OJ L 8, 12.1.2001, p. 1.

*Article 2***Scope**

1. This Decision shall apply to the historical archives of the Court of Justice of the European Union resulting from the activities of the courts and the services constituting the institution.
2. Historical archives of the Court of Justice of the European Union shall be defined as all originals or equivalent documents listed in the catalogue for more than 30 years, in accordance with the classification plan adopted by the Administrative Committee. So far as concerns documents relating to judicial proceedings, the 30-year period shall be calculated as from the date on which the relevant proceedings were closed.
3. The classification plan of the catalogue of the historical archives of the Court of Justice of the European Union shall be amended on the basis of the decisions taken by the Administrative Committee.

*Article 3***Deposit of the historical archives**

1. The Court of Justice of the European Union shall deposit its historical archives at the EUI under the conditions laid down in this Decision and in an agreement concluded with the EUI for that purpose.
2. Liability and the financial conditions governing the deposit, digitalisation, transport costs and transfer costs of the historical archives of the Court of Justice of the European Union at the EUI shall be defined in the agreement made between the Court of Justice of the European Union and the EUI.
3. Paragraph 1 shall not prevent the Court of Justice of the European Union from excluding, for legal reasons or for requirements related to proper functioning, certain originals or equivalent documents from the deposit.

*Article 4***Detailed rules on the opening to the public of the historical archives**

1. Before giving access to a deposited document, the EUI shall seek the authorisation of the Court of Justice of the European Union. That request shall be examined by the Court of Justice of the European Union, in particular in the light of the exceptions under Articles 35 and 53 of the Statute of the Court of Justice of the European Union and Article 7(1) of Annex 1 thereto and Article 2 of Regulation (EEC, Euratom) No 354/83, as amended. The documents may be made available by category in so far as it is determined by the Court of Justice of the European Union that none of those exceptions is applicable.
2. The requests concerning documents relating to judicial proceedings shall be examined by the court concerned which shall check, in accordance with the detailed rules adopted by that court, that none of the exceptions arising from Article 2 of Regulation (EEC, Euratom) No 354/83 precludes access being given. Under no circumstances shall access be given to documents relating to the secrecy of the deliberations.
3. The EUI shall make available to the public, in the form of copies unless the user shows a special and duly substantiated interest in obtaining access to the original in accordance with Article 1(5) of Regulation (EEC, Euratom) No 354/83, the historical archives of the Court of Justice of the European Union which are deposited with it, subject to the application of paragraphs 1 and 2 of this Article.
4. The detailed rules on the opening of the historical archives transferred by the Court of Justice of the European Union to the EUI shall be available on the website of each of the two institutions by means of the presentation of the catalogue and the access conditions.

Done at Luxembourg, 10 June 2014.

*Registrar*

A. CALOT ESCOBAR

*President*

V. SKOURIS

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