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ΕΥΡΩΠΑΪΚΟ ΕΛΕΓΚΤΙΚΟ ΣΥΝΕΔΡΙΟ
EUROPEAN COURT OF AUDITORS
COUR DES COMPTES EUROPÉENNE
CÚIRT INIÚCHÓIRÍ NA HEORPA



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Decision No 14-2009 amending Court Decision No 12-2005 regarding public access to Court documents

THE COURT OF AUDITORS OF THE EUROPEAN COMMUNITIES,

Having regard to its Rules of Procedure¹, and in particular Article 30 thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities², and in particular Articles 143(2) and 144(1) thereof,

Having regard to Court Decision No 12-2005 of 10 March 2005 regarding public access to Court of Auditors documents,

Whereas, following the reorganisation of the CEAD Group and the Presidency departments, references to the Director of External Relations must be replaced by the wording “Director of Audit Support and Communication”,

HAS DECIDED AS FOLLOWS:

Article 1

Footnotes 7 and 8 to Article 5 of Court Decision No 12-2005 are amended thus:

“Applications for access

Applications for access to a document must be made in writing⁷, either in hard copy or electronically, in one of the languages referred to in Article 314 of the EC Treaty⁸ and in a sufficiently precise manner to enable the Court of Auditors to identify the document. The applicant is not obliged to state reasons for the application.

¹ OJ L 18, 20.1.2005, p. 1.

² OJ L 248 16.9.2002, p. 1.

⁷ Addressed to the European Court of Auditors, **Director of Audit Support and Communication**, 12, rue Alcide De Gasperi, L-1615 Luxembourg. Fax (+352) 43 93 42, e-mail euraud@eca.europa.eu.

⁸ Currently: **Bulgarian**, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, **Romanian**, Slovak, Slovenian, Spanish and Swedish.”

Article 2

Article 6 of Decision No 12-2005 shall be amended thus:

“Processing of initial applications

1. *Applications for access to documents shall be dealt with by the **Director of Audit Support and Communication**. He shall send an acknowledgement of receipt to the applicant, examine the application and decide what action shall be taken.*
2. *According to the subject matter of the application, the **Director of Audit Support and Communication** shall inform and, where necessary, consult the Member concerned, the Secretary-General, the Legal Service or the Data Protection Officer before deciding whether the document requested should be released.*
3. *Applications for access to a document shall be handled promptly. Within 15 working days from registration of the application, the Court of Auditors shall either grant access to the document requested and provide access in accordance with Article 9 or, in a written reply, state the reasons for the total or partial refusal and inform the applicant of his or her right to ask the Court to reconsider its position in accordance with Article 7.*
4. *In the event that an application relates to a very long document or to a very large number of documents, the Court of Auditors may confer with the applicant informally, with a view to finding an appropriate solution. In such cases, the time-limit provided for in paragraph 3 may be extended by 15 working days, provided that the applicant is notified in advance and that reasons are given.”*

Article 3

Article 9 of Decision No 12-2005 is amended thus:

“Access following an application

1. *The applicant may consult documents to which the Court of Auditors has granted access either at the premises of the Court of Auditors in Luxembourg or by receiving a copy, including, where available, an electronic copy. In the first case, the date and time of consultation shall be agreed between the applicant and the **Director of Audit Support and Communication**.*

2. *The cost of producing and sending copies may be charged to the applicant. This charge shall not exceed the real cost of producing and sending the copies. Consultation on the spot, copies of fewer than 20 A4 pages and direct access in electronic form shall be free of charge.*
3. *If a document is publicly accessible, the Court of Auditors may fulfil its obligation of granting access to the requested document by informing the applicant how to obtain it.*
4. *Documents shall be supplied in an existing version and format (including electronically or in an alternative format) with regard to the applicant's preference. The Court is not obliged to create a new document or to compile information at the applicant's request."*

Article 4

All references to Decision No 12-2005 in any other decision must be understood in the context of the above amendments.

Article 5

The Secretariat of the Court shall be responsible for consolidating Decision No 12-2005, as amended.

Article 6

These amendments to Decision No 12-2005 shall enter into force with immediate effect.

Done at Luxembourg, 5 February 2009.

For the Court of Auditors

Vítor Caldeira
President