



**European Committee  
of the Regions**

**DECISION No 0015/2018  
on the recording of activities undertaken by the European Committee of the Regions**

**THE BUREAU OF THE EUROPEAN COMMITTEE OF THE REGIONS,**

**HAVING REGARD TO** the Treaty on the Functioning of the European Union and, in particular, Articles 15(3) and 16(1) thereof,

**HAVING REGARD TO** the Rules of Procedure of the European Committee of the Regions and, in particular, rules 1, 8, 9, 10, 17, 37, 40, 53, 71, 74 and 78 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>1</sup> and, in particular, Article 5 thereof<sup>2</sup>,

**HAVING REGARD TO** Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>3</sup> and, in particular, Articles 2, 4 and 15 thereof,

**HAVING REGARD TO** Decision No 64/2003 of the Bureau of the Committee of the Regions of 11 February 2003 on public access to Committee of the Regions documents<sup>4</sup>,

**HAVING REGARD TO** Decision No 3/2008 of the Bureau of the Committee of the Regions adopting implementing rules concerning Regulation (EC) No 45/2001 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the

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<sup>1</sup> [OJ L 8, 12.1.2001, p. 1.](#)

<sup>2</sup> On 11 December 2018, a new regulation will enter into force: Regulation (EU) 2018/... of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

<sup>3</sup> [OJ L 145, 31.5.2001, p. 43.](#)

<sup>4</sup> [OJ L 160, 28.6.2003, p. 96.](#)

Community institutions and bodies and on the free movement of such data,

**HAVING REGARD TO** Decision No 128/2003 of the Bureau of the Committee of the Regions of 17 June 2003 on public access to Committee of the Regions documents via the electronic document register,

**HAVING REGARD TO** Decision No 129/2003 of the Secretary-General of 17 June 2003 on document management at the Committee of the Regions and, in particular, Titles I, II and III thereof,

**HAVING REGARD TO** Decision No 405/2006 of the Secretary-General of 12 December 2006 on the implementing provisions for Articles 2 and 4 of Decision No 129/2003 of the Secretary-General on document management at the Committee of the Regions: filing of Committee of the Regions documents,

**HAVING REGARD TO** Decision No 214/2008 of the Secretary-General of 11 March 2008 on the implementing provisions for Articles 5, 6, 7 and 8 of Decision No 129/2003 of the Secretary-General on document management at the CoR: "Creating and preserving official files of the Committee of the Regions",

**WHEREAS** Article 1, second paragraph, of the Treaty on European Union stipulates that decisions are taken as openly as possible and as closely as possible to the citizen,

**WHEREAS** Article 42 of the Charter of Fundamental Rights of the European Union stipulates that any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to the documents of the institutions, bodies and agencies of the Union regardless of the medium in which they are stored. According to Article 41 of the Charter, this right is linked to the principle of good administration, which includes the right of every person to have access to his or her file, while respecting the legitimate requirements of confidentiality and professional and business secrecy. It is therefore necessary to ensure, under the conditions and within the limits set out in the applicable general or specific provisions, the right of access to documents of the European Committee of the Regions (hereinafter, CoR), regardless of the medium in which they are stored,

**WHEREAS** it is necessary to ensure, under the conditions set out in the applicable general or specific provisions, the protection of individuals with regard to the processing of personal data. To this end, it is necessary to ensure, first and foremost, that Article 4(1) of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 is adhered to,

**WHEREAS** in accordance with Article 1 of Council Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 amending Regulation (EEC, Euratom) No 354/83 concerning the opening to the public of the historical archives of the European Economic Community

and the European Atomic Energy Community<sup>5</sup>, the CoR is required to constitute its historical archives and open them to the public on the terms stipulated in this Regulation, after 30 years starting from the date of the creation of the document in question,

the CoR is a consultative body of the European Union, made up of regional and local representatives who either hold a regional or local authority electoral office or are politically accountable to an elected assembly. Its consultative work forms an integral part of the European Union's history. It must therefore be accessible to the entire public and remain so,

to preserve this tradition as effectively as possible, the meetings of CoR constituent bodies, bodies contributing to the organisation of its work, bodies set up by the Bureau, and other activities and events supporting the work of the CoR and its members, as well as certain activities of the Secretariat-General, must be recorded and the information stored,

**WHEREAS** there is a need to designate the authority competent to determine when it is necessary to record an activity relating to the functioning of the Secretariat-General of the CoR or an activity subject to specific authorisation arrangements, and the procedure to follow. The appointing authority, or the authority authorised to conclude contracts under Annex IX of the Staff Regulations and any relevant implementing provisions, may therefore authorise recordings of hearings pertaining to investigative or disciplinary procedures,

**WHEREAS** the Rules of Procedure of the CoR stipulate that plenary sessions and meetings of the commissions be public,

**WHEREAS** when drafting minutes, it is necessary to ensure that transcripts needed for the proper functioning of the CoR and its work and activities are accurate,

## **HAS DECIDED**

### **Chapter I – Scope of the decision**

#### **Article 1 – Scope**

1. Without prejudice to paragraphs 2 and 3 of this Article, this decision shall apply to all sound, visual or audio-visual recordings the CoR makes, regardless of the medium in which they are stored.
2. This decision shall not apply to recordings made in a personal capacity during an activity organised by the CoR, nor shall it apply to any recordings made by third parties.

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<sup>5</sup> [OJ L 243, 27.9.2003, p. 1.](#)

3. This decision shall not apply to events organised by third parties but hosted by the CoR.

## **Chapter II – Recording of the meetings of CoR constituent bodies**

### **Article 2 – Plenary sessions**

Plenary sessions shall be audio-recorded for transcription, communication, publicity and historical purposes. The audio-recordings shall be stored in the historical archives of the CoR and the public shall be given access to them after 30 years starting from the date of the creation of the recording in question.

Plenary sessions shall be webstreamed for communication and publicity purposes. The recording shall be kept for a maximum of 5 years.

Audio-visual recordings such as videos, TV footage, photos, etc. may be made during plenary sessions for media coverage and communication purposes, by the Directorate for Communication, unless otherwise decided by the CoR president. The audio-visual recordings are considered part of the historical archives of the institution and shall be kept for 30 years, after which the public shall be given access to them.

### **Article 3 – Bureau meetings**

1. Bureau meetings shall be audio-recorded in order to transcribe the minutes. These audio recordings shall be destroyed as soon as the relevant minutes are approved or, at the latest, six months after the date of the meeting.

Bureau meetings shall not be webstreamed.

Bureau meetings are not filmed or photographed. On specific occasions, audio-visual recordings may be made by the Directorate for Communication based on the CoR's communication priorities, in response to a media request, for media coverage or for press activities, unless otherwise decided by the CoR president. The video recordings and photographs are considered part of the historical archives of the institution and shall be kept for 30 years, after which the public shall be given access to them.

2. When the Bureau meets in camera to take decisions referred to in Rules 72 and 73 of the CoR Rules of Procedure, the meeting shall not be recorded.

### **Article 4 – Meetings of the Conference of Presidents**

The meetings of the Conference of Presidents shall be audio-recorded in order to transcribe the minutes. These audio recordings shall be destroyed as soon as the relevant minutes are approved or, at the latest, six months after the date of the meeting.

The meetings of the Conference of Presidents shall not be webstreamed.

The meetings of the Conference of Presidents are not filmed or photographed. On specific occasions, audio-visual recordings may be made for communication and historical purposes. The video recordings and photographs are considered part of the historical archives of the institution and shall be kept for 30 years, after which the public shall be given access to them.

#### **Article 5 – Activities of the president or the first vice-president**

Audio-visual material, such as audio and video footage, video messages and photographs, may be recorded, of the president's or the first vice-president's, activities, at the request of the president or first vice-president, including their political advisers, and be used for all communication activities, including media coverage, press activities, display at an event the president and first vice-president may or may not attend, and for historical purposes. The public shall be given access to the audio-visual recordings after 30 years starting from the date of the creation of the recording in question.

#### **Article 6 – Meetings of the commissions and related meetings**

1. The meetings of the commissions and of their working groups are audio-recorded for transcription, communication, publicity and historical purposes. In the last case, the audio recording shall be stored in the historical archives of the CoR and the public shall be given access to it after 30 years starting from the date of the creation of the recording in question.

The meetings of the commissions and of their working groups may be webstreamed for communication and publicity purposes, unless otherwise decided by the chair of the commission. The recording shall be kept for a maximum of 5 years.

The meetings of the commissions and of their working groups are not filmed or photographed. On specific occasions, audio-visual recordings may be made by the Directorate for Communication, based on the CoR's communication priorities, in response to a media request, for media coverage or for press activities. The video recordings and photographs are considered part of the historical archives of the institution and shall be kept for 30 years, after which the public shall be given access to them.

2. The meetings of the political coordinators of the commissions shall be audio-recorded in order to transcribe the minutes. These audio-recordings shall be destroyed as soon as the relevant minutes are approved or, at the latest, six months after the date of the meeting. The meetings of the political coordinators shall not be webstreamed, filmed or photographed.
3. The other activities of the commissions, such as seminars and conferences, may be audio-recorded in order to transcribe the minutes. These audio-recordings shall be destroyed as soon as the relevant minutes are approved and, at the latest, six months after the date of the meeting.

The other activities of the commissions, such as seminars and conferences, may be webstreamed for communication and publicity purposes, unless otherwise decided by the chair of the commission. The recording shall be kept for a maximum of 5 years.

On specific occasions, audio-visual recordings may be made during these activities by the Directorate for Communication, based on the CoR's communication priorities, in response to a media request, for media coverage or for press activities. The video recordings and photographs are considered part of the historical archives of the institution and shall be kept for 30 years, after which the public shall be given access to them.

4. When a commission decides to meet in camera for the whole meeting or for a specific item on the agenda according to Rule 53(2) of the Rules of Procedure, it shall not be recorded.

#### **Article 7 – Meetings and activities of the political groups**

The statutory meetings and other activities of the political groups may be recorded by decision of their secretary-general, based on the political group's communication priorities.

The meetings and activities of the political groups may be audio-recorded for transcription, communication, publicity and historical purposes by decision of the political group's secretary-general. Audio-recordings made in order to transcribe the minutes shall be destroyed as soon as the relevant minutes are approved and, at the latest, six months after the date of the meeting or activity. Audio-recordings made for communication, publicity and historical purposes shall be stored by the secretariats of the political groups and the public shall be given access to them after 30 years starting from the date of the creation of the recording in question.

The secretary-general of the political group in question decides whether webstreaming is necessary for communication and publicity purposes. The recording shall be kept for a maximum of 30 years.

The secretary-general of the political group in question decides whether to make and whether to keep video recordings and take and keep photographs of these meetings and activities. The recordings are made for communication, publicity and historical purposes. The recordings may be kept for 30 years from the date of the creation of the recording, after which the public shall be given access to them.

The secretary-general of the political group in question shall grant access to the recordings, according to the group's internal procedure.

### **Chapter III – Recording of the activities of the structures set up under a Bureau decision**

#### **Article 8 – Meetings of the Commission for Financial and Administrative Affairs (CFAA)**

The meetings of the CFAA shall be audio-recorded in order to transcribe the summary of decisions and recommendations. The audio-recordings shall be destroyed as soon as the relevant

minutes are approved or, at the latest, six months after the date of the meeting. The CFAA meetings shall not be webstreamed, video-recorded or photographed.

#### **Article 9 – Meetings and activities of other structures set up under a Bureau decision**

1. The provisions laid down in this Article shall apply to the meetings and activities of the following structures: interregional groups; joint consultative committees and other working groups with third countries; platforms and networks and any other structure set up under a Bureau decision.
2. The meetings and activities of the structures referred to in Article 9(1) may be audio-recorded in order to transcribe the minutes. These audio-recordings shall be destroyed as soon as the relevant minutes are approved or, at the latest, six months after the date of the meeting.

The meetings and activities of other structures set up under a Bureau decision may be webstreamed for communication and publicity purposes, unless otherwise decided by the president of the structure/meeting. The recording shall be kept for a maximum of 5 years.

Audio-visual recordings such as videos, TV footage, photos, etc. may be made during these meetings and activities by the Directorate for Communication, based on the CoR's communication priorities, in response to a media request, for media coverage or for press activities. The video recordings and photographs are considered part of the historical archives of the institution and shall be kept for 30 years, after which the public shall be given access to them.

#### **Chapter IV – Recording of conferences, seminars and similar events supporting the political work of the CoR**

#### **Article 10 – Conferences, seminars and similar events supporting the political work of the CoR**

Conferences, seminars and similar events supporting the political work of the CoR shall be audio-recorded unless otherwise decided by the president. These audio-recordings are made for communication, publicity and transcription purposes. In the last case, the audio-recordings shall be destroyed as soon as the relevant minutes are approved or, at the latest, six months after the date of the meeting. Audio-recordings made for communication and publicity purposes are considered part of the historical archives of the institution and shall be kept for 30 years. The public shall be given access to the final audio-recordings after a period of 30 years starting from the date of the creation of the recording in question.

Conferences, seminars and similar events supporting the political work of the CoR may be webstreamed for communication and publicity purposes. The recording shall be kept for a maximum of 5 years.

Audio-visual recordings, such as videos, TV footage, photos, etc. may be made by the Directorate for Communication, based on the CoR's communication priorities, for media

coverage and communication purposes, unless otherwise decided by the President. The video recordings and photographs are part of the historical archives of the institution and are kept for 30 years, after which they shall be opened to the public.

#### **Article 11 – Other activities, including interinstitutional meetings**

Other activities, including interinstitutional meetings, may be audio-recorded unless otherwise decided by the president. These audio-recordings are made solely for transcription purposes. They shall be destroyed as soon as the relevant minutes are approved and, at the latest, six months after the date of the meeting.

These activities may be webstreamed for communication and publicity purposes, unless otherwise decided by the president. The recording shall be kept for a maximum of 5 years.

These activities are not filmed or photographed. On specific occasions, audio-visual recordings may be made for communication and publicity purposes, unless otherwise decided by the president. The video recordings and photographs are considered part of the historical archives of the institution and shall be kept for 30 years, after which the public shall be given access to them.

### **Chapter V – Recording of the secretariat-general's activities**

#### **Article 12 – Meetings of the national delegations coordinators**

Meetings of the national delegations coordinators (NDC) may be audio-recorded in order to transcribe the minutes, unless otherwise decided by the secretary-general. The audio-recordings shall be destroyed as soon as the relevant minutes are approved or, at the latest, six months after the date of the meeting. NDC meetings shall not be webstreamed, video-recorded or photographed.

#### **Article 13 – Proceedings in the context of internal enquiries and/or disciplinary procedures**

In the context of internal enquiries and/or disciplinary procedures, the hearing of the people concerned by the internal enquiry or disciplinary procedure, of witnesses or third parties by the person responsible for conducting the investigation, by the appointing authority<sup>6</sup> or by the disciplinary board, may be audio-recorded. The audio-recordings shall require the duly accorded consent of the person concerned.

Access to the audio-recordings shall be granted by the appointing authority exclusively to the person concerned or their representative or to other people who can duly justify such access, including, where appropriate, OLAF and the national judicial authorities.

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<sup>6</sup>

The term "appointing authority" also covers the authority authorised to conclude contracts under the Staff Regulations, as well as their delegates.



The Directorate for Human Resources and Finance shall store the audio-recordings for a maximum of 20 years following the closure of the internal enquiry or the disciplinary procedure. If minutes can be drawn up and approved as constituting an adequate transcription or summary of the hearing, to the satisfaction of the people recorded, the audio-recording shall be destroyed.

Proceedings pertaining to internal enquiries and disciplinary procedures shall not be webstreamed, video-recorded or photographed.

#### **Article 14 – Activities organised for the staff of the CoR, including activities open to the staff of other EU institutions**

Activities organised for the staff of the CoR and other EU institutions may be audio-recorded, video-recorded or webstreamed by decision of the relevant data controller for the purposes set out below and in accordance with Regulation 45/2001<sup>7</sup>.

The audio- and video-recordings made for transcription purposes shall be destroyed as soon as the relevant minutes are approved and, at the latest, six months after the date of the meeting in question.

The audio- and video-recordings made for training or awareness-raising purposes shall be kept by the organising service and made accessible to CoR staff for a maximum of 10 years.

The photographs and/or videos made for communication purposes shall be kept for a maximum of 10 years.

Activities organised for the staff of the CoR may be webstreamed for communication and training purposes on the intranet of the CoR. Unless explicitly indicated otherwise, the webstream shall not be recorded. If the webstream is recorded, it shall be kept for a maximum of 5 years.

#### **Article 15 – Events organised by the CoR open to the public**

Events open to the public may be audio-recorded, video-recorded or webstreamed by decision of the relevant data controller for the purposes set out below and in accordance with Regulation 45/2001<sup>8</sup>.

The audio-recordings made for transcription purposes shall be destroyed as soon as the relevant minutes are approved and, at the latest, six months after the date of the meeting in question. The audio-recordings made for communication purposes shall be kept by the organising service for a maximum of 10 years.

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On 11 December 2018, a new regulation will enter into force: Regulation (EU) 2018/... of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

<sup>8</sup>

Idem.

Events open to the public may be webstreamed for communication purposes. Unless explicitly indicated otherwise, the webstream shall not be recorded. If the webstream is recorded, it shall be kept for a maximum of 5 years.

On specific occasions, photographs and/or videos may be taken/made for communication purposes. The organising service shall keep these for a maximum of 10 years.

## **Chapter VI – Protection of personal data, access to and transfers of recordings, right to information**

### **Article 16 – Protection of personal data**

Recordings shall be processed in accordance with the applicable provisions on the protection of individuals with regard to the processing of personal data by the EU institutions and bodies, the CoR implementing rules and the specific provisions laid down in this decision.

### **Article 17 – Access to recordings**

1. Requests for access to recordings submitted under Regulation 1049/2001 shall be governed by Regulation 1049/2001 and Bureau decision 64/2003, without prejudice to Regulation 45/2001<sup>9</sup>. Requests for access to recordings based on Regulation 45/2001 shall be governed by Regulation 45/2001.
2. If the request for access makes no reference to a legal basis, authorisation shall be granted on a case-by-case basis, depending on the nature of the request or the subject in question.
3. Requests for access by the data subject shall be addressed to the relevant data controller. Requests for access by a third party, on the basis of Regulation 1049/2001, shall be addressed to the department responsible for transparency and access to documents.
4. Access to the recordings referred to in Articles 2 to 6, 8 to 12, 14 and 15, shall be granted to data subjects by the relevant data controller. Access to the recordings referred to in Articles 2 to 6, 8 to 12, 14 and 15, shall be granted to third parties, as the case may be, by the department responsible for transparency and access to documents.
5. Access rights to the recordings made on the basis of Articles 7 and 13 of these rules are set out in those articles.

### **Article 18 – Informing the people concerned**

1. Information about these rules shall be given to all members and alternates of the CoR as soon as they take up office, and to the staff of the CoR at the time of recruitment.

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<sup>9</sup>

Idem.

2. In the case of meetings which, under these rules, are recorded as a matter of course, the people attending shall be reminded in advance, and no later than the beginning of the meeting, that the meeting will be recorded and that the relevant provisions of these rules will apply. All participants shall receive the information mentioned in paragraph 4. In addition, an information notice shall be posted at the entrance to the meeting rooms to this effect.
3. In the case of meetings which, under these rules, are not recorded as a matter of course, the people attending shall receive the information mentioned in paragraphs 2 and 4 in advance, and no later than when they receive notice of the meeting.
4. In accordance with Article 11 of Regulation 45/2001,<sup>10</sup> the following information shall be given to the participants in a privacy statement:
  - a) the person responsible for the recordings and his or her contact details
  - b) the purpose and the legal basis of the recording
  - c) the recipients of the recordings or the categories of recipients of the recordings, if any
  - d) the period for which the recordings will be stored
  - e) the existence of the right to request from the data controller access to and rectification or erasure of personal data or restriction of processing of personal data or, where applicable, the right to object to such processing
  - f) where applicable, the fact that the controller intends to transfer the recordings to third countries or international organisations
  - g) the possibility of contacting the CoR data protection officer (DPO) at any time, and the contact details of the DPO
  - h) the right to lodge a complaint with the European Data Protection Supervisor at any time.

#### **Article 19 – Transfer of recordings**

1. Without prejudice to the provisions applicable to historical archives, the transfer of recordings, in whole or in part, to third parties not expressly authorised under the terms of these rules, shall be prohibited.
2. By way of derogation from paragraph 1, recordings may be transferred for communication, publicity and training or awareness-raising purposes in accordance with Regulation 45/2001<sup>11</sup> and other relevant provisions.
3. By way of derogation from paragraph 1, the transfer to OLAF and the national judicial authorities of recordings pertaining to disciplinary procedures and internal enquiries set out in Article 13 shall be governed by the Staff Regulations, Regulation 45/2001<sup>12</sup> and other relevant provisions.

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<sup>10</sup> Idem: Article 15.

<sup>11</sup> Idem.

<sup>12</sup> Idem.

4. The transfer of recordings shall be authorised by the president of the CoR for meetings referred to in chapters II-IV, and by the secretary-general of the CoR, for meetings referred to in chapter V, at the request of the data controller.

#### **Article 20 – Security of recordings**

The person responsible for making and handling the recording shall ensure that adequate measures are in place to prevent any tampering with the recording.

### **Chapter VII – Final provisions**

#### **Article 21 – Delegation**

1. The president and the secretary-general may delegate the powers conferred on them under these rules.
2. Acts of delegation shall stipulate the extent, limits and duration of the powers conferred, as well as the possibility of sub-delegation.

#### **Article 22 – Implementation**

The secretary-general shall be given the task of implementing the measures necessary to ensure the application of these provisions.

#### **Article 23 – Entry into force**

These rules shall enter into force on 1 January 2019.

Done at Brussels, on 4 December 2018.

For the Bureau of the  
European Committee of the Regions

The president,  
Karl-Heinz Lambertz

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