How to Deal With a Request for Access to Documents?

Who can request access to documents?

On the basis of Regulation 1049/2001, citizens, civil societies, public authorities and other institutions have the right to request access to a document held by the EEAS.

Table of Contents

A/ Which "documents" are concerned?

B/ What procedure should be followed?

1/ Reception

2/ Identification of the document(s) and assignment

3/ Releasability

4/ Further steps

C/ Legal/ administrative framework

D/ Contact persons in the Division

A/ Which "documents" are concerned?

All documents held by the EEAS, including those received from third parties, concerning a matter relating to the policies, activities and decisions falling within the EEAS sphere of responsibility – whatever the medium, type or classification.

B/ What procedure should be followed?

1/ Reception

- Whenever a EEAS division or EU delegation receives a request for access to documents, it must immediately forward this request by e-mail to SG.2 (EEAS ACCESS TO DOCUMENTS). SG.2 registers the request and ensures processing and follow up.
• The EEAS has a period of 15 working days to reply, starting once SG.2 sends the requester an acknowledgement of receipt. This period can exceptionally be extended by a further 15 working days.

2/ Identification of the document(s) and assignment

• SG.2 assigns the request to the concerned division and includes instructions and templates for reply.
• The division should first double-check that the topic falls within EEAS area of competence (if not, please inform by email EEAS ACCESS TO DOCUMENTS).
• The division should then identify the document(s) concerned. At times, the transparency team in SG.2 has already identified some documents or found out who the originator of the documents was. It is, however, also important in these cases that the division in charge verifies if more documents can be identified matching the details of the request.
• If it is unclear whether a document can be disclosed, SG.2 will consult the EEAS desk being the originator of the document (or the entity that has succeeded to the originator).

3/ Releasability

• The division receives an assignment by e-mail with the request to identify the documents concerned and provide advice on their releasability.
• The desk should reply by e-mail to EEAS ACCESS TO DOCUMENTS within the period fixed (5 to 10 working days) and specify whether the document(s) concerned can be released (partially or totally) or not.
• Any refusal (whole or partial) has to be justified against the exceptions provided for in Art. 4 of Regulation 1049/2001. The division must draft a text based on the templates provided, justifying why the Art 4 exemptions apply to the specific document which has been requested (i.e. what “harm” a disclosure could cause).
• We kindly ask the divisions to validate any reply with their Head of Divisions and inform EEAS ACCESS TO DOCUMENTS accordingly.

4/ Further steps

• If the examination of the document leads to the conclusion that it is public or that it can be released, SG.2 sends the document to the applicant in the language and in the form requested.
• If the examination of the document leads to the conclusion that one or more of the exceptions provided for in Art. 4 of Regulation 1049/2001 apply, access to the document is refused and SG.2 informs the requestor accordingly.
• The EEAS has the obligation to always examine whether grounds for refusal concern only certain specific parts of the requested document, in which case partial access is granted. The parts of the document to be protected are redacted or deleted. Relevant information on the reasons to refuse access to the deleted parts must be provided in the draft reply.
• If and when relevant, a classified document might be wholly or partially declassified to allow access. The relevant procedure will be followed for that purpose by SG.2, together with the EEAS EUCI Central Registry where appropriate.

Back To Top

C/ Legal/ administrative framework

• Art. 15, 3 of the Treaty on the Functioning of the European Union
• Regulation of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents
• Decision of the High Representative of the Union for Foreign Affairs and Security Policy of 19 July 2011 on the rules regarding access to document

EEAS website on access to documents: Click here

Back To Top

► D/ Contact persons in the Division:

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E-mail address: EEAS ACCESS TO DOCUMENTS

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