



[Name of Directorate]  
[Name of Unit]  
Head of Unit

## NOTE FOR THE ATTENTION OF HOU R&I H.1

**Subject: Contribution to request for public access to documents GestDem 202X/XXX**

Please find below the complete contribution requested for the reply to the request for public access to documents – GestDem 202Y/XXXX – introduced in the framework of Regulation (EC) No 1049/2001.

### 1. SCOPE OF THE REQUEST

Are clarifications from the applicant needed to identify the documents?

NO / YES

*(if YES, please contact immediately the Access to documents team in order to allow it to send a clarification request to the applicant)*

### 2. IDENTIFICATION OF DOCUMENTS FALLING UNDER THE SCOPE OF THE REQUEST

As a reminder, the definition of a ‘document’ is, according to art. 3(a) of Regulation 1049/2001 – “*any content whatever its medium concerning a matter relating to the policies, activities and decisions falling within the institution’s sphere of responsibility*”.

Please provide a numbered list of documents (with Ares – or other eDomec compliant register – reference) falling within the scope of the request<sup>1</sup>. Any document without one of the abovementioned references should be registered beforehand in Ares, if it fulfils the three cumulative criteria for registration<sup>2</sup>.

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<sup>1</sup> Certain parts of a document might cover subject matters that do not fall under the scope of the specific access to documents application. Unless these parts are already public anyway or unless it is decided to nevertheless release them in accordance with Regulation 1049/2001 to the public, such parts would require an 'out-of-scope' indication and will be expunged accordingly prior to the release.

<sup>2</sup> In accordance with the [SG Guidelines on document registration and access to documents](#), e-mails are also concerned when they have been registered in Ares. E-mails circulated within an informal, preliminary exchange of views between colleagues or containing iterations of a preliminary document, are normally not registered in Ares and therefore are not concerned by access to documents requests. Nevertheless, in case the registration criteria were not applied correctly, namely European Commission services kept unregistered documents and e-mails in their files which should have been registered, the documents concerned are to be registered ex-post as soon as they have been identified in the framework of a request for access to documents, and in any case before replying to the applicant.

## 2.1. Wide-scope request

Following setting up the list of documents and your initial assessment, would you categorise the request as a 'Wide-scope request'<sup>3</sup>?

NO / YES

(if YES, please explain, why you believe that this applications should be handled as a 'wide-scope request'): .....

## 2.2. No documents held ('devoid of purposes')

In case no pertinent document exists, please tick the following box:

- ☐ I certify that no document falling within the scope of the request has been found.

## 3. OPINION ON DISCLOSURE

In case of documents originating from third parties<sup>4</sup>, unless it is clear that the document(s) shall or shall not be disclosed, please indicate the necessity of third party consultation regarding the possibility to grant partial or full access to the document(s) requested.

Please note that the general rule is to disclose whatever is not covered by one or more exceptions of Regulation (EC) No 1049/2001. For each document, the following opinion should be provided:

A) Can we grant **full access**?

B) Can we grant **partial access**, due to one or more exceptions of Article 4(1)-(3)?

Please indicate which specific exception(s) mentioned in Article 4(1)-(3) of Regulation 1049/2001 applies/apply for the respective parts for which access is denied:

- ☐ public security [i.e.: first indent of Article 4(1)(a)];
- ☐ defence and military matters [second indent of Article 4(1)(a)];
- ☐ international relations [third indent of Article 4(1)(a)];
- ☐ financial, monetary or economic policy of the Community or a Member State [fourth indent of Article 4(1)(a)];

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<sup>3</sup> Requests, which have such a wide temporal and/or material scope that their detailed treatment could substantially impair the normal functioning of the relevant Commission services. Please contact the Access to documents legal team for further guidance.

<sup>4</sup> The third-party originator is to be understood as the entity or individual who submitted the documents to the Commission.

- ☐ privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data [Article 4(1)(b)];
- ☐ protection of commercial interests of a natural or legal person, including intellectual property [first indent of Article 4(2)];
- ☐ court proceedings and legal advice [second indent of Article 4(2)];
- ☐ the purpose of inspections, investigations and audits [third indent of Article 4(2)];
- ☐ document drawn up by an institution for internal use or received by an institution, which relates to a matter where the decision has not been taken by the institution, if disclosure of the document would seriously undermine the institution's decision making process [first subparagraph of Article 4(3)];
- ☐ document containing opinions for internal use as part of deliberations and preliminary consultations within the institution concerned, even after the decision has been taken, if disclosure of the document would seriously undermine the institution's decision-making process [second subparagraph of Article 4(3)].

Please provide for each applicable exception a detailed reasoning. This reasoning is necessary for the legal validation of the potential application of exceptions, which is performed by the Access to documents team.

C) Should we **refuse access** due to one or more exceptions of Article 4(1)-(3)?

If the document is covered in its entirety by one or several exceptions, please clearly indicate, which exception(s) applies to which parts of the document – providing as outlined further above, a detailed reasoning in relation to the applicable exception(s).

Please identify accordingly the (respective parts of) the documents for which you consider that access must be denied in relation to the specific exception(s). If applicable, indicate also any 'out-of-scope' parts of the document (e.g. parts of a briefing that in your view concern a different subject than the request).

#### 4. ENCLOSURES:

Please provide as annexes (1 document per annex) the documents identified under Section 1. Please provide only the original versions of the documents without any redactions.

#### 5. ADDITIONAL COMMENTS

*[Please provide any pertinent additional comments.]*

[Name and signature of the HoU]