

Guidelines on document registration

All of the European Commission's activities and decisions in the political, legislative, technical, financial and administrative fields lead to the production of **documents**. Moreover, the European Commission needs to be able, at any time, to provide information and documentary proof on the matters for which it is accountable.

The identification of documents and their retrieval from the underlying document management systems is also essential for the efficient and timely handling of requests for access to documents under Regulation (EC) No 1049/2001.

These guidelines provide updated guidance on what should be registered in the Commission's document management systems and what not, including updated practical registration criteria. They replace the guidance note from January 2015 'Document management and access to documents – Note to Directors General and Heads of Cabinet'.¹

1) What is a 'document held by the European Commission'?

The wording used in Regulation (EC) No 1049/2001 to define its material scope only provides limited guidance in this respect. Indeed, according to Article 2 (3), the Regulation shall (only) 'apply to all documents held by an institution, that is to say, documents drawn up or received by it and in its possession, in all areas of activity of the European Union' concerning a matter relating to the policies, activities and decisions falling within the institution's sphere of responsibility.

Given the lack of a clear definition of 'a document held by the European Commission', the European Commission has been interpreting this concept in line with the European Commission Decision on document management² and the 2015 guidance note, which established that a document drawn up or received by the European Commission must be registered in the Commission's corporate document management system (Ares or equivalent³) based on specific registration criteria.

Consequently, provided the registration criteria are applied correctly, **only registered documents fall under the scope of Regulation (EC) No 1049/2001.**⁴

¹ Ref. Ares(2015)182108.

² Commission Decision of 23 January 2002 amending its Rules of Procedure, C(2002)99, OJ L 21 of 24.01.2002, p.23.

³ Such as Decide, ABAC, etc. These systems have been/are undergoing integration with Hermes/Ares/Nomcom ('IT rationalisation' project).

⁴ Therefore, when processing a request for access to documents, documents are normally searched only in Ares or in other document management systems. 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) Document registration, filing and retrieval

In accordance with the European Commission Decision on document management⁵, a document drawn up or received by the European Commission must be registered if it contains important information that is not short-lived and/or may involve action or follow-up by the European Commission or one of its departments. Not registering such a document could prevent the institution from retrieving it at a later date.

Keeping documents in a working space such as shared drives or electronic mailbox folders does not ensure their integrity, preservation and retrieval. It is therefore **essential that all documents that meet the registration criteria, defined in the document management ('eDomec') rules and explained and developed further in section 5 of the present guidelines, are actually registered.**

Registering a document does not mean that it will automatically be released in case of a request for access, as an exception⁶ may well apply to the whole or parts of it.

While registering a document ensures its integrity and preservation, filing it facilitates its retrieval, both by enabling the identification of the document within its original context and by making it accessible to a larger number of colleagues. All documents registered in the European Commission's document management systems should therefore also be properly filed.

An unfiled document is only accessible to a few colleagues (the document stakeholders, i.e. the sender(s), recipient(s), and colleagues with a task related to it). Filing a document makes it accessible to the members of the group that have been granted access to the file. This is usually a Unit or a Directorate-General/service. Access should be on a need-to-know basis. For files which are of general interest and not sensitive it is recommended to give Commission-wide access⁷.

While Ares provides a broad range of search functionalities, the retrieval of registered documents still depends critically on their proper filing.

3) The treatment of e-mails

The registration criteria defined in the document management ('eDomec') rules, explained and developed further in section 5 of the present guidelines, also apply to e-mails⁸.

⁵ Decision 2002/47, Article 4.

⁶ In the sense of Article 4 of 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, OJ L 145/2001 of 31.5.2001, p. 43.

⁷ See also Commission Staff Working Document of 18 October 2016 accompanying the document 'Data, Information and Knowledge Management at the European Commission', Action 1.2, SWD(2016)333.

⁸ The same also holds true for other media such as SMS, although in practice the criteria are less frequently met than for e-mails. However, should it be the case, the content of such other media should be transferred or copied to an e-mail account and then registered as an e-mail or, if this is technically not possible, scanned and then registered by some other means, such as a note to the file.

- E-mails circulated within an informal, preliminary exchange of views between colleagues or containing iterations of a preliminary document (for instance, in relation to a draft legislative proposal), or in which the content has been superseded⁹ and/or embodied by ensuing e-mails forming part of the same exchange, should not be registered.

In case of a request for public access, e-mails falling under the scope of the request should be retrievable in the European Commission's corporate document management systems ('Ares' or equivalent)¹⁰, in the same way as other types of documents fulfilling the registration criteria. Such registration in Ares ensures their integrity and preservation. Conversely, e-mails that do not qualify for registration should not be registered in Ares.

Unregistered e-mails are automatically deleted from the electronic mailbox after 6 months ('Inbox' and 'Sent Items' segments)¹¹.

4) Documents produced using collaborative working platforms¹²

A collaborative working platform is a shared computer system that helps people to create documents or content individually or together with colleagues, to work across Units and services and support innovation, and to share knowledge, open communication and staff engagement.

Collaborative working platforms are complementary to the European Commission's corporate document management systems, such as Ares, but they do not replace them. Collaborative working platforms are generally used for preparatory work, related discussion and drafting.

Any document or content from collaborative working platforms that meets the criteria set out in section 5 must be registered in Ares¹³ or in an equivalent European Commission document management system.

- In the context of collaborative working platforms and applying the registration criteria, only the document that reflects the final outcome of the collaborative work is considered for registration.

⁹ The e-mail/document the content of which supersedes an earlier document/content needs to be meaningful and comprehensible on its own. Otherwise, it cannot be considered as superseding the earlier e-mail/document.

¹⁰ The most practical way to register e-mails is to use the Outlook plugin 'Areslook'.

¹¹ Staff is able to transfer e-mails to personal folders for purely personal use outside service activity, with the consequence that the European Commission considers such transferred items to be strictly personal items, not Commission documents, so such transfer must not be practiced as an alternative to proper registration in Ares.

¹² 'Collaborative working platforms. Guidelines for information and document management' (Ares(2017)5412049).
https://webgate.ec.testa.eu/Ares/documentInfoDetails.do?documentId=080166e5b4b615c1&f=ex_t.

¹³ 'AresBridge' is the tool that facilitates the Ares integration of web document collaboration and co-creation products by providing direct save and register functionalities into Ares. For more information, please contact your DMO.

5) Registration criteria

It is complex to draw up a definitive list or typology of documents with clear and unambiguous rules for what must be registered and what not. The question of whether or not to register a given document can only be answered by analysing it in context.

This analysis must be applied to all documents, whatever their medium.

However, analysing a document does not necessarily entail detailed scrutiny of its content. On the contrary, in most cases a brief study, or even a cursory glance, is sufficient to arrive at a conclusion. This is particularly true as experience of registration, and of the types of documents usually dealt with, is built up within the European Commission's services.

In order to help to build up such experience, and for use in less clear-cut cases, the following three questions need to be answered. **If the answer to all of the following questions is 'yes', then the document needs to be registered** in Ares and/or the relevant corporate document management system.

- 1. Is the document related to the policies, activities or decisions falling within the institution's sphere of responsibility?**
- 2. Is the information contained in the document important and not short-lived?**

This question requires subtle judgement taking into account the content and context of the document concerned.

- A document that requires action or follow-up by the European Commission or one of its departments, or involves the responsibility of the institution, is important and not short-lived. Likewise, a document that may later be needed as proof in accordance with the rules and regulations applicable to the underlying 'business process'¹⁴ is considered important and not short-lived;
- In contrast, information is considered to be unimportant and short-lived if not keeping it would have no negative administrative or legal effect for the European Commission.

- 3. Is the document drawn up or received by the European Commission?**

- A document is considered 'drawn up' only if it is 'stable', i.e. if it has been approved as ready for transmission by the person who is empowered to take responsibility for its content¹⁵ in accordance with the rules and regulations applying to the underlying 'business process';

¹⁴ A business process covers a pre-defined workflow with clearly defined steps deriving from the procedural requirements or internal rules, and descriptions of the outcome concluding each step.

¹⁵ Depending on the business process concerned, this can be an individual staff member (as in certain human resources-related business processes) or an entity established on an ad hoc basis (such as project evaluation committees) or on a more permanent basis (such as Units, Cabinets).

- This person does not have to be the person charged with the practical task of drafting or typing but rather the person or administrative entity responsible for the content in accordance with the procedural requirements and internal rules of the European Commission for the business process concerned;
- A document is considered as ‘received’ if it has been intentionally delivered to the European Commission by the (external) sender¹⁶.

It follows from these three cumulative criteria that various documents of a preliminary nature, such as e-mails containing iterations of a document (for instance, a draft legislative proposal, a draft policy communication or a draft impact assessment), exchanged between individual Commission staff members without constituting the position of the administrative entity or without being empowered to take responsibility for its content, or documents being prepared in collaborative spaces should not necessarily be considered as having been drawn up or received by the European Commission.

Similarly, if the content of a draft text or an e-mail exchange between separate administrative entities within or between (a) Directorate(s)-General has been superseded or embodied by ensuing draft texts or e-mails forming part of the same exchange of views or consultations, there is no need for registration..

For instance, in cases where, according to the applicable rules, agreement is to be obtained from a given entity, only the final consultation and the approval/final opinion of that entity requires registration.¹⁷

In this context, due and full implementation of Internal Control Principle No 13¹⁸ is expected.

¹⁶ Other documents received through IT platforms, e.g. the Delegates Portal of the Council used for document distribution to Member States delegations and the Commission, may be considered documents received by the Commission when the other cumulative conditions set out in the present guidelines are met.

¹⁷ This is without prejudice to situations in which several consultations occur on the same text.

¹⁸ Internal control framework of the European Commission: 13. The Commission obtains or generates and uses relevant quality information to support the functioning of internal control, C(2017)2373 final.

Examples of items to be, or not to be registered (non-exhaustive)	
Yes	No
<ul style="list-style-type: none"> - Formal notes and communications, both received and sent, especially to/from external parties; - Financial documents (as per DG BUDG guidelines); - Minutes of meetings, especially with other institutions or external stakeholders, and, for important meetings held by Directors, Directors-General, Cabinet Members or Commissioners, briefings/speaking/defensive etc.; - Information received from/sent to the Member States or other EU institutions in accordance with the rules governing the underlying business process, or received from/sent to external stakeholders; - Contributions to interservice consultations; - Documents (including notes to the file and important, not short-lived e-mails) that attest situations or events, justify decisions made or otherwise explain important steps in the development of official actions; - Instruction notes and guidelines for services; - The final exchange between two or more administrative entities (whether within or between (a) Directorate(s)-General), reflecting the result of earlier, more preliminary exchanges, if that final exchange requires action or follow-up by the Commission or may later be needed as proof in accordance with the rules and regulations applicable to the underlying 'business process'. 	<ul style="list-style-type: none"> - Drafts (i.e. documents not yet validated by the person who is empowered to take responsibility for them in accordance with the underlying business process); - E-mails and other texts circulated within an informal, preliminary exchange of views between colleagues; - Exchanges on short-lived matters (such as exchanges regarding practical meeting arrangements); - Information on one's personal situation, unless it documents or implements the procedures established by the Staff Regulations; - Informal, preliminary exchanges of views between European Commission staff with a view to determining the position of the administrative entity responsible for the document's content; - Iterations of a preliminary document (e.g. a draft legislative proposal or policy communication or a draft impact assessment) or of e-mails, the content of which has been superseded and/or embodied by ensuing draft texts or e-mails forming part of the same exchange of views or consultations; - Early versions of documents being prepared in collaborative spaces, i.e. versions that do not reflect the final outcome or document of the collaborative work on the platform.