



10 BASIC PRINCIPLES

*driving the rules of access to documents under the
Regulation 1049/2001*

1. **COORDINATION** of handling of requests for access to documents is ensured by the unit A.4. Each request has to be transmitted without delay to the JRC ACCESS DOCUMENTS functional mailbox.
2. **DEADLINE** of 15 working days from when the Commission receives the request must be strictly respected. Lack of reply within that time limit means tacit refusal of access. One extension of the deadline is possible – only if justified and if the applicant is informed before the expiration of the deadline.
3. **EVERYBODY** has a right to submit a request for access to documents. Do not be surprised if a PhD student or a journalist approaches you requesting access to the newest scientific report.
4. **EVERY DOCUMENT** can be requested. The widest possible access to Institution's documents has to be ensured and the "document" is *any content in whatever medium (...) held by the Institution*. This broad definition encompasses work-in-progress and documents originating from third parties.
5. **NOT EVERY** document has to be **RELEASED**. Refusal of access can be justified by way of exceptions to the general principle of widest possible access.
6. The exceptions protect certain and concrete **INTERESTS** of the Institutions or third parties. The release has to pose HARM to the interests to enable the JRC to invoke the exception.
7. The exceptions have to be applied **STRICTLY**. The risk of harm associated with release of the document must be specific and actual. It cannot be purely hypothetical, but must be reasonably foreseeable.
8. The application of the exceptions must be compliant with the principle of **PROPORTIONALITY**. If only certain part of the contents of the document relates to interests covered by exceptions, access to the remaining part of the document has to be granted (partial access).
9. In case of documents originating from **THIRD PARTIES**, the originator has to be consulted before the document is released.
10. **EQUAL TREATMENT** has to be ensured. The document released to one applicant may not, in principle, be refused the other.