Document lifecycle : General aspects

Please find hereafter Frequently Asked Questions about the **general aspects** of the document lifecycle.

⌄ Frequently Asked Questions on other aspects
- FAQ on Gathering
- FAQ on Registration
- FAQ on Processing
- FAQ on Distribution
- FAQ on Analysis
- FAQ on Access to file

- How to handle documents ? (Document Management in the Commission and in DG COMP)
- Handling of e-mails
- Cabinet Requests
- Courrier du Président (CDP, President's mail)
- Personal deliveries?
- Trainings

ⓘ **Contact**
COMP APPLICATIONS SUPPORT

How to handle documents ? (Document Management in the Commission and in DG COMP)

Document Management in the Commission are known as the **e-Domec** rules.

One of the main ideas is the **Registration**
 ⌄ Registration is...
   Registration is the action to

- identify a document with certainty
- acknowledge the sending or the reception of a document
- incorporate it into the EC archiving system (the "Register")

   In practice, it means to

- describe the document and its attachments with metadata
- assign a unique identifier, the <u>Registration number</u>
- upload the document into ARES (the EC standard registration system) or equivalent system.
- link it to a File (which is part of the EC Filing Plan)

   Registration

- ensures integrity and preservation of documents (contrary to keeping documents in a working space (mailbox, shared drives));
- ensures that important documents are quickly and easily retrieved;
- is essential for the efficiency of the institution, for business continuity;
- is an essential prerequisite when the Commission needs to provide documentary proof of its action or when handling a request for access

Which documents need to be registered ?
 ⌄ Criterias
   Documents which meet all following 3 criteria :

1. document is **drawn up or received** by the institution:
   a) documents drawn up by the institution that have been approved as ready by a person who takes responsibility for its content and
   b) documents intentionally delivered to the Commission;
2. document is **related** to the policies, activities and decisions falling within the institution's responsibility; and
3. information contained in the document is **important and not short-lived** (would losing the information have negative administrative or legal effect for the Commission? Does the document require action or follow-up or involve responsibility of the institution?)

In Competition law enforcement,

the Commission actions are subject to **scrutiny** from the Court, the complainants, the Ombudsman or other stakeholders. Only documents that are part of the file can be used as evidence and invoked in defence of the case at the Court (whether concerning substance or procedures).

Accordingly, the document management is of core importance for handling of a competition case. All documents that make the case file are registered (if a document is not registered, it is not part of the case file). In antitrust and merger control areas the parties also have right to **access to the file** (with the exception of internal documents, busienss secrets and other confidential information) and the notion of the file is spelled out in the case law and accordingly reflected in the access to file notice :

˅ The Commission file...

"*The 'Commission file' in a competition investigation (hereinafter also referred to as 'the file') consists of all documents, which have been obtained, produced and/or assembled by the Commission Directorate General for Competition, during the investigation. The term 'document' is used for all forms of information support, irrespective of the storage medium. This covers also any electronic data storage device as may be or become available.*" (§8)

Following types of internal documents are sometimes missing from the case files, and should be registered :

˅ Examples
- meeting notes/minutes (state of play meetings, meetings or telephone conversations with parties on substance matters etc.);
- Advisory Committee documentation (appointment of rapporteur, dispatch of documents, minutes);
- final advice of CET;
- report from the panel to the Director General;

Following types of documents are **not to be registered** :

˅ Examples
- **drafts** (not validated by the person who takes responsibility);
- **informal exchange of views** (e-mails between colleagues and the texts circulated in such exchanges, such as exchanges with the desk officer in a coordination unit or with Legal Service desk officer - unless the case team decides that certain communications contain essential information that needs to be kept);
- **short lived matters** (invitations, correspondence on practicalities in organisation of meetings teleconferences etc.)

In horizontal matters,

it is more difficult to outline types of documents to be registered, because the tasks vary. In addition to the registration criteria outlined above,

- keep trace of conclusions reached and of reasons for the decisions
- correspondence with external parties (both inside and outside the Commission).

˅ Examples
- minutes of weekly meetings with the Commissioner
- minutes of various DG COMP internal meetings **where decisions are taken or guidance provided** (OCM, SMM, ATMM, MMM, SAMM, DIT)
- documents of various working groups (often using collaborative space for working drafts, but final output should be registered under a HT file)
- conclusions (including minutes) from the ECN working groups and other ECN meetings (registration of such ECN documents is recurrently reviewed with unit A4 and further guidance will be provided)
- minutes of important meetings on specific projects

Registration in DG COMP

In order to ensure integrity, preservations and completeness of documents in a case file or horizontal task file, DG COMP has opted since years for a model complementary to the standard one used in Commission (decentralised, based purely on ARES), which is also taken into consideration by the Secretariat General:

- DG COMP **own Case Management Applications**, used for both case and non-case related files, which embeds a specific **document management system** – **EDMA**: EDMA has been recognised by the Secretariat General as e-Domec compliant and is integrated with ARES; supports DG COMP project organisation and the related Need to Know access principle; offers specific functions needed by DG COMP (e.g. access to file, reporting) and links with specific applications (e.g. SANI, ECN-I, eDiscovery, Petra, Collaborative workspace, K-drive, eTrustEx)
- a **centralised registration system:** specific teams in the Registry that are dedicated to registration to ensure coherence, independent check of the documents (to observe that the registration criteria are respected) and to achieve economies of scale.

Therefore, the corporate document management system ARES is not used in DG COMP the standard way, and its component ARESLook is not needed (not installed in DG COMP).

> **Management of documents that do not meet the registration criteria**
>
> A substantial part of the knowledge in DG COMP is included in **internal mail exchange**. The draft documents and internal e-mail exchanges do not meet the eDomec registration criteria as they are drafts, contain informal exchanges of views or are exchanges on short lived matters.
>
> Those exchanges are also important for **continuity of the business**, both within cases/ horizontal tasks (e.g. in view of changes in the teams – staff leaving and joining the teams) and between tasks (management of knowledge of a topic and finding examples). This is particularly important for functioning of the DG COMP matrix organisation.
>
> That knowledge should not be lost for the team and DG COMP overall.
>
> **Guidance** :
>
> - **Case and horizontal task documents** that are not to be registered: To be stored either in **Collaboration workspaces** (re commended option for new cases) or **in K:drive**, where case/horizontal task teams themselves store the working/intermediary and background documents, including e-mails.
> - **Unit activity documents** (e.g. unit meetings/events, organisational matters of the unit): These unit specific documents are usually stored S: drive (since H:\ migration to S:\ on 12/09/2016).
>   A better alternative is to also use the K:\ drive, where access rights can be managed directly by the Head of Unit by defining the team of the related HTs. Therefore, some additional HTs can be created : eg. Unit social activities, Unit HR (hidden), Unit past cases, Sector Knowledge, etc.
>   (more information available here)
> - **Manuals and guidance information**: Stored in **DG COMP's Wiki**, where information is managed by the relevant responsible Unit.

⌄ More information

- SEC(2009)1643. Implementing rules for the decision 2002/47/EC, ECSC, EURATOM on document management and for the decision 2004/563/EC, EURATOM on electronic and digitised documents. 30/11/2009
- The Commission Notice on access to File - Commission Notice on the rules for access to the Commission file in cases pursuant to Articles 81 and 82 of the EC Treaty, Articles 53, 54 and 57 of the EEA Agreement and Council Regulation (EC) No 139/2004, OJ of 22.12.2005, C-325/7 explains the principles relating to access to file as well as the treatment of confidential information
- Document Management and access to documents. Note to Directors General, Heads of Cabinet and Directors of Executive agencies. ARES(2015)182108

- An introduction to Document Management in COMP as part of
  - the Newcomers training
  - the Induction Training cycles : Antitrust

Handling of e-mails

⌄ Click here to expand...

From **1 July 2015**, emails **older than 6 months** will be **deleted** if stored in

- **Inbox**, and subfolders
- **Sent items,** and subfolders
- **Deleted items**, and subfolders

This applies both to your personal mailbox **and to functional mailboxes** (Unit mailboxes, ...)

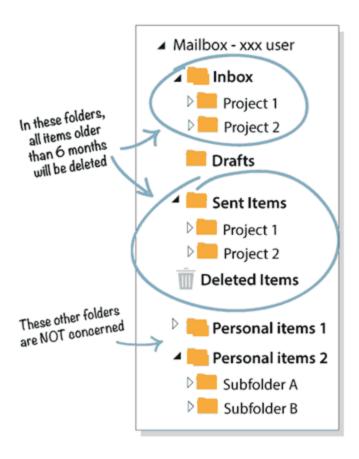This will also apply if you are **on holiday** on 1 July (but not for maternity or sick leave).

Additional information is available here.

What to do ?

- **Register important emails**
  As any other document, emails containing important information, not short-lived should be registered.
  In COMP, it's very easy and takes you only a few seconds :
  * Put the Registry in copy to outgoing emails
  * Forward the email as attachment to your Registry, mentioning the File reference (case number or HT reference) :
  - "COMP GREFFE ANTITRUST"
  - "COMP MERGER REGISTRY"
  - "COMP STATE AID GREFFE"

- **Other emails you want to keep**
  - Use the K-drive or Collaboration space of the relevant File (case or HT) to store those
  - For horizontal matters for which no file is available, create new folders directly within your mailbox (not under "Inbox" or "Sent Items"). see How to.

Mailbox - xxx user

▲ Inbox
  ▷ Project 1
  ▷ Project 2

Drafts

▲ Sent Items
  ▷ Project 1
  ▷ Project 2

Deleted Items

In these folders, all items older than 6 months will be deleted

▷ Personal items 1
▲ Personal items 2
  ▷ Subfolder A
  ▷ Subfolder B

These other folders are NOT concerned

Cabinet Requests

˅ Click here to expand...

From Feb 3rd 2014, Cabinet Requests (and CDP) will be handled through ARES, and especially with the e-Signatory function.

Please consult the dedicated page.

Here is the training material : e-Signatory for Cabinet Requests & CDP

Courrier du Président (CDP, President's mail)

˅ Click here to expand...

From Feb 3rd 2014, Cabinet Requests (and CDP) will be handled through ARES, and especially with the e-Signatory function.

Please consult the dedicated page

Here is the training material : e-Signatory for Cabinet Requests & CDP

Personal deliveries?

˅ Please click here to expand...

We ARE NOT ALLOWED TO RECIEVE CD, DVD, paper documents directly. Please see instructions below:

Special care should be taken if we are receiving sensitive information. In order to follow Art. 3.3 Commission Regulation (EC) No 794/2004, from 1 July 2008, "all correspondence in connection with a notification shall be transmitted electronically via the secured e-mail system Public Key Infrastructure (PKI)".

- Below 4MB: Registries should receive secured emails encrypted using "Qualified PKI Certificates" which can be used below 4 MB (before encryption). On the DG COMP website ("Contact"), external parties can find information how to obtain such certificate via certificates providers or any national certification authority.
- Under 4MB: Registries should receive a PKI email and the cover letter should contains the information about the documentation that will be received and that the annexes will be sent via post in a digital device (usually a CD/DVD). The registries will this cover e-mail in the case with corresponding the sending date and will wait for the arrival of the CD to complete the registration.

For security reasons, since 2001, documents can never be delivered in person directly to the EC buildings. They will be filtered to a central

Registry which will then dispatch it to the relevant service.

Colleagues in DG COMPETITION are reminded not to have private parcels nor private letters sent to DG COMPETITION. Neither by normal nor registered mail

The mail clerks and the Registries do not have the capacity to handle private deliveries, nor is it their task to handle these

It is not always obvious whether a parcel is indeed private or work-related and thus for one of the Registries to handle

Thank you for respecting this

Trainings

ⱽ Click here to expand...

Several trainings are regularly organised :

- Newcomers : within the general training for Newcomers, an introduction to Document Management in COMP
  Find here also the introduction on information and document management tools used in COMP, part of the Newcomers package.
- Document Management introduction, as part of the Induction Training cycles : Antitrust - Merger

- Exchanges with other DGs (ARES)
- Practical Access to file