



MENU

- OUR DG ▶
- HUMAN RESOURCES ▶
- FP MANAGEMENT ▶
- PROCEDURES & RULES ▶
- REFERENCE SOURCES ▶
- SOCIAL & PRACTICAL ▶
- INTERNAL COMMUNICATION ▶

INTRANET

[Site map](#) | [Contact](#) | [Help](#) | [Search](#)

Public Access to Documents

CONTACT

[FMB: RTD ACCESS DOCUMENTS](#)

CONTACT PERSONS



PERSONS IN CHARGE

 Head of Unit J.1, Head of Sector for Work Programme, Evaluation

,Transparency and European Ombudsman

Public Access to documents

1. Public access to the documents of EU institutions
2. Beneficiaries of the right of access and the time-limits
3. Documents that are subject to public access
4. Exceptions to the right of access
5. The kinds of access the Commission provides
6. Means of redress in access to documents
7. DG RTD internal procedure in access to documents
8. Responsibility of DG RTD operational units in access to documents

1. General information on Working Arrangements

2. Working arrangements in access to documents on GoFund (access for the Research family)

Public Access to documents

1. PUBLIC ACCESS TO THE DOCUMENTS OF EU INSTITUTIONS

Under the principle of transparency laid down in Article 15(3) of TFEU, the public is entitled to the widest possible access to the documents of EU institutions in line with [Regulation \(EC\) No 1049/2001](#)¹. This Regulation applies only if the applicant specifically asks for a document².

In addition to Regulation 1049/2001, [Regulation \(EC\) No 1367/2006](#)³ implementing the provisions of the Aarhus Convention applies whenever access to a document containing environmental information is requested.

If the applicant asks for information, the Unit which has the requested information handles such request for information in accordance with the [Code of Good Administrative Behaviour](#).

2. BENEFICIARIES OF THE RIGHT OF ACCESS AND THE TIME-LIMITS

Pursuant to Regulation 1049/2001 and the [Commission Decision \(C\(2001\) 3714\)](#) any natural or legal person has a right of access to the documents of the Commission.

When the Commission receives an initial application for access to a document in its possession, it has to reply to the applicant within 15 working days from the registration of the application. In exceptional cases (e.g. if the application concerns a very long document or a very large number of documents), this time-limit may be extended once for further 15 working days.

3. DOCUMENTS THAT ARE SUBJECT TO PUBLIC ACCESS

Regulation 1049/2001 applies to all documents drawn up or received by the Commission and in its possession, in all areas of activity of the European Union. The general principle is that the public must be given the widest possible access to the Commission's documents, subject to respect for certain public and private interests and the smooth running of the Commission's work (as specified in the exceptions to the right of access in Article 4 of Regulation 1049/2001).

No category of documents is a priori excluded from the right of access, not even the classified documents. For this purpose, every requested document has to be examined thoroughly. It has to be assessed on a case by case basis whether there is a risk that the document's disclosure would undermine one of the interests protected by the exceptions in Article 4 of Regulation 1049/2001. The identified risk must be reasonably foreseeable and not purely hypothetical. Only if such risk exists, can the relevant exception(s) of Article 4 of Regulation

1049/2001 be invoked and access to the requested document(s) be partially or fully denied.

4. EXCEPTIONS TO THE RIGHT OF ACCESS

Public access to the Commission's documents can only be refused if disclosure would harm a specific public or private interest, which is protected in Article 4 of Regulation 1049/2001. The exceptions to the right of access have to be interpreted strictly.

a) Absolute exceptions (Article 4(1) of Regulation 1049/2001)

The Commission may refuse access to the document in its possession where disclosure would undermine the protection of:

- the public interest as regards public security, defence and military matters, international relations and/or the financial, monetary or economic policy of EU or a Member State;
- privacy and the integrity of the individual, in particular in accordance with EU legislation regarding the protection of personal data (Regulation 45/2001 in particular).

These exceptions to the right of access are absolute exceptions that do not have to be balanced against the public interest in disclosure.

b) Relative exceptions (Article 4(2) and (3) of Regulation 1049/2001)

The Commission may also refuse access to the document in its possession where disclosure would undermine the protection of:

- commercial interests of a natural or legal person, including intellectual property,
- court proceedings and legal advice,
- the purpose of inspections, investigations and audits.

As regards the protection of the Commission's decision making process, the Commission may refuse access to the document for internal use that is in its possession where disclosure would seriously undermine the institution's decision-making process. Once the decision has been taken, there is less need for (and a more limited scope of) protection.

These exceptions may be applied unless there is an overriding public interest in disclosure of the requested document. The overriding public interest must, first, be a public interest and, secondly, outweigh the harm caused by disclosure. The Commission has to assess whether there is an overriding public interest in disclosure and balance each of the exceptions to the right of access against such public interest. In addition, it has to assess the potential arguments of the applicant justifying the existence of an overriding public interest in releasing the requested document.

5. THE KINDS OF ACCESS THE COMMISSION PROVIDES

The Commission provides **full access** to a document in its possession if it contains no sensitive information that is protected under Article 4 of Regulation 1049/2001.

The Commission provides **partial access** to a document in its possession if only parts of its content are protected under Article 4 of Regulation 1049/2001. In this case all protected information is redacted (obscured) in the document before the document is disclosed to the applicant.

The Commission provides **no access** to the document in its possession if all of its content is protected under Article 4 of Regulation 1049/2001.

Whenever access to a document is partially or fully refused, the Commission has to justify refusal by explaining to the applicant which exceptions to the right of access apply in a given case.

6. MEANS OF REDRESS IN ACCESS TO DOCUMENTS

In case the Commission Directorate or service handling the initial application refuses access to the requested document or its part, the applicant has the right to submit a confirmatory application to the Secretariat General of the Commission within 15 working days.

In case the Secretariat General of the Commission refuses their confirmatory application, all applicants have the right to institute court proceedings under the conditions of Article 263 of the TFEU. In addition, EU citizens and natural or legal persons residing or having their registered office in a Member State can also complain to the European Ombudsman under the conditions laid down in Article 228 of the TFEU.

7. DG RTD INTERNAL PROCEDURE IN ACCESS TO DOCUMENTS

In our DG, Unit J.1 coordinates all access to documents requests addressed to DG RTD. Applicants can request access to the documents in possession of DG RTD either via the Commission [online form](#) or the J.1 functional mailbox [RTD ACCESS DOCUMENTS](#). If a request for access to documents is addressed to an operational Unit of DG RTD, the operational Unit has to inform Unit J.1 of such request as soon as possible, in order to enable J.1 to reply to the applicant within the prescribed time-limit of 15 working days.

In line with DG RTDs internal procedure in access to documents, the Access to documents team in Unit J.1 is in charge of:

- (1) identifying the Unit under whose remit falls the document, requested by the applicant (i.e. identifying the 'owner' Unit),
- (2) providing guidance to the 'owner' Unit in the implementation of Regulation (EC) No 1049/2001 and
- (3) preparing a suitable initial reply to the applicant on the basis of the documents and the assessment that the 'owner' Unit provides.

8. RESPONSIBILITY OF DG RTD OPERATIONAL UNITS IN ACCESS TO DOCUMENTS

When so requested by the Access to documents team of J.1, the 'owner' Unit has to:

- (1) Identify the documents which fall within the scope of the request;
- (2) Provide the original identified documents to J.1 (either as links to the documents/publications or in any legible e-format);
- (3) Indicate whether the identified documents may be fully or partially disclosed;
- (4) If the 'owner' Unit objects to the (full) disclosure of the identified documents, it should indicate how, in their view, disclosure would affect the interest(s) protected under Article 4 of Regulation 1049/2001. If the 'owner' Unit considers that the documents could be partially released, it should provide to J.1 the corresponding redacted version of

the documents.

In line with the Commission's internal rules on access to documents, positive replies (and partially negative replies where only personal data are redacted in the documents) may be signed by any official to whom the Director-General has delegated such power (in DG RTD the Head of Unit J.1). All other partially negative replies, negative replies or devoid of purpose replies must be signed by the DG RTD Director-General and must meet the minimum requirements of the [SG Checklist/Quality Chart](#).

Working arrangements in the Research family in access to document

1. General information on Working arrangements

Pursuant to the [Common Support Centre Operating rules](#), the Common Legal Support Service (Unit J.1) is in charge of "ensuring a common approach to requests for access to documents [...] for Horizon 2020 by providing legal advice if requested by the research DGs, Executive Agencies or Joint Undertakings".

Working arrangements in the Research family in access to documents concerning Horizon 2020 cover three elements:

- a register of access to documents cases,
- a guidance document on disclosure of documents under Horizon 2020 and FP7 and
- an access to documents communication channel.

2. Working arrangements in access to documents on GoFund (access for the Research family)

Working arrangements in access to documents on [GoFund](#) (access for the Research family)

Useful Links

- [Register of Commission documents](#)
- [Access to documents on Europa portal](#)
- [Access to documents webpage of the Commission's Secretariat General](#)
- [The relevant case-law of the Court of Justice of the European Union](#)

Footnotes

¹Regulation (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, 31.5.2001, p. 43) – hereinafter referred to as "*Regulation 1049/2001*".

²Pursuant to Article 3(1) of Regulation 1049/2001 a "*document*" shall mean any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording) concerning a matter relating to the policies, activities and decisions falling within the institution's sphere of responsibility".

³Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ L 264, 25.9.2006, p. 13).

