

**[Insert Mission Logo]**

**[CSDP Mission Name]**

**Standard Operating Procedure (SOP)  
on public access to documents**

## **1. Purpose**

1.1. CSDP Missions must guarantee the right of public access to documents as one of the fundamental rights and freedoms enshrined in Article 42 of the Charter of Fundamental Rights of the European Union (hereinafter referred to as the Charter).

1.2. Provisions on public access to documents applicable to the CSDP missions should reflect, by analogy, the principles which stem from the legal framework on public access to documents applicable to the European Union institutions, namely in 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 (hereinafter, Regulation 1049/2001)<sup>1</sup> and the Decision of the High Representative of the Union for Foreign Affairs and Security Policy of 19 July 2011 on the rules regarding access to documents (2011/C 243/08)<sup>2</sup>.

1.3. The purpose of this policy is to define the principles, conditions and limits for the public access to documents in the <name of the Missions> (hereinafter 'the Mission').

## **2. Scope**

2.1. Any citizen of the Union, or any natural or legal person residing or having its registered office in a Member State, has a right of access to the Mission's documents, consistent with the principles, conditions and limits laid down in Regulation 1049/2001 and, in accordance with the specific provisions laid down in this policy. This right of access concerns documents held by the Mission, namely, documents drawn up or received by it and in its possession.

2.2. In order to ensure a right of access commensurate to that under the Decision of the High Representative of the Union for Foreign Affairs and Security Policy of 19 July 2011 on the rules regarding access to documents (2011/C 243/08), any natural or legal person not residing, or not having their registered office, in one of the Member States enjoys the right of access to the Mission documents, referred to in paragraph 2.1, in accordance with the same principles, conditions and limits.

## **3. Making an application**

3.1. An application for access to a Mission document must be sent by post or by e-mail to the Mission as follow:

Postal address: <Mission address>

E-mail: <Mission e-mail>

3.2. As soon as the application is registered, an acknowledgement of receipt must be sent to

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<sup>1</sup> OJ L 145, 31.5.2001, p. 43

<sup>2</sup> OJ C 243, 20.8.2011, p. 16

the applicant

3.3. Upon registration the application will be processed by the Mission and sent to the Legal Adviser of the Civilian Planning and Conduct Capability (hereinafter, "CPCC") for information.

#### **4. Time limits**

4.1. The Mission must answer initial and confirmatory applications within 15 working days of the date of registration of the application.

4.2. If an application is imprecise or unclear, the Mission will invite the applicant to provide additional information to make it possible to identify the documents requested. In this case the deadline for reply will run only from the time when the Mission has received this additional information.

4.3. In the following exceptional cases the deadlines may be extended by 15 working days:

- a) in the case of complex or bulky applications;
- b) if consultation of a third party is required.

4.4. The applicant and the CPCC must be informed of any such extension and of the reasons for it.

#### **5. Negative response**

5.1. If the answer to an application is even partly negative, it must state the reasons for the refusal based on one of the exceptions set out in Regulation 1049/2001, and inform the applicant of his right to submit a confirmatory application (in the case of an answer to an initial application).

5.2. If a document has been transmitted to a third party and is no longer held, the Mission must inform the applicant of the transmission, thereby allowing the latter to redirect their enquiry.

#### **6. Handling of replies**

6.1. Answers to initial applications is handled by the Mission Member holding the most relevant position to reply to the request, on the advice of the Legal Adviser of the Mission. After consulting the CPCC, the reply should be signed by the Deputy Head of Mission.

6.2. Answers to confirmatory applications are decided upon by the Head of Mission, after consultation with the Legal Adviser of the Mission and the CPCC.

## **7. Third party documents held by the Mission**

7.1. Where the Mission receives an application for a document which it holds, but which originates from a third party, the third party must be consulted unless it is clear that the document should or should not be disclosed, in light of the exceptions set out in the Regulation 1049/2001.

7.2. The application will be granted without consultation of the third party if the document has already been made public by its originator.

## **8. Classified documents**

8.1. Where an application for access to a document concerns EU classified information (EUCI) within the meaning of Council Decision of 23 September 2013 on the security rules for protecting EU classified information (2013/488/EU)<sup>3</sup>, it must be handled only by officials entitled to acquaint themselves with the document.

8.2. Reasons must be given on the basis of the exceptions listed in Article 4 of the Regulation 1049/2001 for any decision refusing access to all or part of a classified document. If access to the requested document cannot be refused on the basis of those exceptions, the official handling the application will ensure that the document is declassified before it is sent to the applicant.

## **9. Modalities of access**

9.1. Documents to which access has been granted will be sent to the applicant by mail or e mail. If the documents requested are voluminous or difficult to handle, the applicant may be invited to consult them on the spot.

9.2. If the document has been already released to the public, an answer may consist in informing the applicant how to obtain the requested document (*i.e.* providing the web address where it may be found).

## **10. Effect**

This SOP will take effect on the day following its signature. It will be published on the website of the Mission or be made available to Mission members via other appropriate means.

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<sup>3</sup> OJ L 274, 15.10.2013, p. 1