

ACCESS TO DOCUMENTS IN DG AGRI



REGULATION (EC) No 1049/2001 –

LEGAL OBLIGATION TO TREAT THE REQUEST AND PROVIDE REPLY

Under the Treaty (Article 15(3) TFEU), any citizen has a right of access to documents of the EU institutions, bodies, offices and agencies.

RECEPTION OF REQUESTS

UNIT R.6 – COORDINATION

- The Access to Documents team in unit R.6 of DG AGRI receives all the requests in the functional mailbox AGRI ACCESS DOCUMENTS and transmits them to the responsible unit;
- In case another unit directly receives a request, it should be sent to unit R.6 for registration and acknowledgement of receipt.

STEPS TO BE FOLLOWED BY THE COMPETENT UNIT RESPONSIBLE FOR SEARCHING, IDENTIFYING, ANALYSING AND PROVIDING THE DOCUMENTS, AND DECIDING WHETHER TO DISCLOSE OR NOT

- Check if there are documents corresponding to the request: Regulation (EC) No 1049/2001 only applies to requests for access to existing documents;
- Draw up a full list of the documents to which the application refers, and closely examine the content of each document in order to determine whether disclosure would undermine one or more of the interests protected by Article 4 of Regulation (EC) No 1049/2001;
- If you are unable to identify the document(s) requested: ask the applicant (via R.6) to provide you with additional information which will enable you to identify the document or to narrow down the request. In this case, the 15 working-day deadline for reply will apply only from the date on which you receive this information;
- In the case of a vague or voluminous request, the statutory deadline of 15 working days may be replaced by a timetable agreed upon with the applicant under Article 6(3) of Regulation (EC) No 1049/2001.

WHAT IF AN APPLICATION MUST BE REFUSED (TOTAL OR PARTIAL REFUSAL)?

- The answer must clearly indicate the grounds for the refusal based on one of the exceptions listed in Article 4 of Regulation (EC) No 1049/2001 and set out specific and detailed arguments justifying the refusal (for legal advice you can contact I.1);
- If only part of the document (e.g. personal data) requested is covered by one or more of the exceptions listed in the Regulation, you must release the remaining parts (partial access) and give reasons for the partial refusal as above (the part of the document to which access has been refused should be blackened by the unit).

WHAT ABOUT DOCUMENTS RECEIVED FROM THIRD PARTIES/MEMBER STATES?

Contact R.6 and ask them to proceed to consultations with the third party – including Member States – to obtain their opinion (or their agreement in the case of a MS) on whether the document may be disclosed, unless it is clear that the document may – or must not – be released.

WHAT IF IT IS NOT POSSIBLE TO REPLY WITHIN THE 15-DAY DEADLINE?

- Contact unit R.6 and ask them to send the applicant a letter before the expiry of the 15-day deadline, notifying him or her of the extension of the deadline and giving reasons for the new deadline;
- Failure to reply within the prescribed time limit constitutes a tacit refusal and entitles the applicant to make a confirmatory application.

CONFIRMATORY APPLICATIONS

- Confirmatory applications are treated by the Secretary-General;
- The competent unit of the DG that was responsible for the documents will cooperate with SG.

CONTACT

Access to documents coordinators - [REDACTED] and [REDACTED], R.6

Legal Advice - [REDACTED] and [REDACTED] I.1



Link to the procedure on the treatment of access to documents requests in DG AGRI

[Access to Documents - Vademecum](#)

March 2015 –AGRI-R.6 - This document has been drafted strictly for information purposes and does not constitute a legal document.