
Policy on Public Access to Documents¹ at the European Institute for Gender Equality

¹ In accordance with Regulation (EC) N° 1049/2001

Article 1

Scope and Beneficiaries

- 1.1 This policy prescribes the arrangements under which the public, within the meaning of Article 2(1) and 2(2) of Regulation N° 1049/2001, shall be granted access to documents held by the European Institute for Gender Equality (hereinafter referred to as "the agency") in implementation of Regulation N° 1049/2001.
- 1.2 Any citizen of the Union, and any natural or legal person residing in or having its registered office in a Member State, has a right of access to documents of the agency pursuant to Article 2(1) of Regulation N° 1049/2001.
- 1.3 Pursuant to Article 2(2) of Regulation N° 1049/2001, citizens of third countries not residing in a Member State and legal persons not having their registered office in one of the Member States shall enjoy the right of access to agency documents on the same terms as the beneficiaries referred to in Article 2(1) of Regulation N° 1049/2001.

Article 2

Applications for access to Agency documents

- 2.2 Applications for access to a document which are not directly accessible via the agency's website shall be sent to the agency by electronic mail, by post, in a sufficiently precise manner to enable the agency to identify the document(s). The relevant contact details are in Annex 1 of this policy and may be updated periodically.
- 2.3 If an application is imprecise, as defined in Article 6(2) of Regulation N° 1049/2001, the agency shall invite the applicant to provide additional information to clarify the application, and shall assist the applicant in doing so, for example, by providing information on the use of public registers of documents. The deadline for the agency to respond to the application shall be 15 working days from the date of receipt of the information necessary to identify the document in question.
- 2.4 The agency shall respond to initial and confirmatory applications within 15 working days from the date of registration of the application.
- 2.5 In exceptional cases, for example, in the event of an application relating to a very long document or to a very large number of documents, in the case of complex or bulky applications, the deadline may be extended by an additional 15 working days. Reasons must be given for any extension of the deadline and any such extension must be notified to the applicant prior to expiry of the original deadline.
- 2.6 Any decision to deny access to a document or part of a document shall state the reason for refusal basing it on one of the exceptions listed in Article 4 of Regulation N° 1049/2001. The applicant shall be informed of the remedies available to him or her.
- 2.7 Where the application seeks to obtain access to documents containing personal data, the provisions of the Regulation (EC) N° 45/2001 shall be applicable in their entirety.

Article 3

Processing of initial applications

- 3.1 Where the document requested is directly accessible as defined in Article 12 of Regulation N° 1049/2001 and Article 7 of this policy, the applicant shall be notified as such together with details of how to retrieve the document in question.
- 3.2 Applications relating to documents which are not directly accessible shall be acknowledged by the agency pending an answer, unless this answer can be sent by return post.
- 3.3 Acknowledgement of receipt and the answer shall be sent in writing, where appropriate, by electronic means.
- 3.4 The agency's Document Access Coordinator shall inform the applicant of his/her decision with respect to the initial application.
- 3.5 In the event of a total or partial refusal, the decision shall inform the applicant of his/her right to submit, within 15 working days from receipt of the answer, a confirmatory application to the agency.
- 3.6 Failure by the agency to reply within the prescribed time limit shall entitle the applicant to make a confirmatory application.

Article 4

Processing of confirmatory applications

- 4.1 The Director is authorised to take decisions regarding confirmatory applications. Within 15 working days from receipt of such an application, the Director shall either grant access to the document concerned and provide access in accordance with Article 2 of this policy, or state the reasons for the total or partial refusal.
- 4.2 The decision shall be notified to the applicant in writing, where appropriate by electronic means, and shall inform him or her of their right to take action before a court or, if appropriate, to lodge a complaint with the European Ombudsman.
- 4.3 The agency's failure to reply within the prescribed time limit shall be considered as a negative reply and entitles the applicant to lodge a complaint with the European Ombudsman or institute court proceedings against the agency.

Article 5

Third-party documents

- 5.1 Where the agency receives an application for access to a document which it holds but which originates from a third party, the agency shall check whether one of the exceptions provided for under Article 4 of Regulation N° 1049/2001 applies.
- 5.2 If, after that examination, the agency considers that access to it must be refused under one of the exceptions provided for by Article 4 of Regulation N° 1049/2001, the

negative answer shall be sent to the applicant without consultation of the third-party author.

- 5.3 The agency shall grant the application without consulting the third-party author where the document requested has already been disclosed either by its author or under Regulation N° 1049/2001 or similar provision.
- 5.4 The agency shall grant the application without consulting the third-party author where it is obvious that the disclosure, or partial disclosure, of its contents would not affect one of the interests referred to in Article 4 of Regulation N° 1049/2001.
- 5.5 In all other cases, the third-party author shall be consulted. In particular, if an application for access concerns a document originating from a Member State, the agency shall consult the originating authority.
- 5.6 The third party consulted shall be given a deadline for reply, which shall allow the agency to respect its own deadline to reply to the applicant. In the absence of an answer within the set period, or in those cases where the third party is untraceable or unidentifiable, the agency shall reach a decision in accordance with the criteria set out in Article 4 of Regulation N° 1049/2001, taking into account the legitimate interests of the third party on the basis of the information at his or her disposal.
- 5.7 If the agency intends to give access to a document against the explicit opinion of the author, it shall inform the author of its intention to disclose the document. This disclosure shall take place 10 working days following the notification to the document's author, and shall draw his or her attention to the remedies available to the author to oppose disclosure.

Article 6

Exercise of the right of access

- 6.1 Documents shall be sent by post or, if available, by e-mail. If documents are voluminous or difficult to handle, the applicant may be invited to consult the documents at the agency's premises. This consultation shall be free of charge.
- 6.2 If the document has been published, the answer shall consist of the publication references or, for documents available on the agency's website or other websites, the appropriate Uniform Resource Locator (URL).
- 6.3 If the volume of the documents requested exceeds twenty pages, the applicant may be charged a fee of EUR 0,10 per page² plus carriage costs for making the necessary copies. They shall not exceed a reasonable amount.

Article 7

Measures Facilitating Access to Documents

² This fee is provided taking inspiration from Article 7 of the Annex to Commission Decision N° 2001/937/EC of 5 December 2001 amending the Commission's Rules of Procedure.

- 7.1 In order to make the right of access provided for in Regulation N° 1049/2001 effective, the agency shall as far as possible make documents directly accessible by providing access to a register of documents. The register shall be accessible electronically.
- 7.2 A help page shall be provided to assist the public in finding specific documents.
- 7.3 The register shall contain the title of the document (in the languages in which it is available), its serial number, and an indication of the author (agency or third party) and the date of entry in the register.
- 7.4 For documents which are directly accessible, the register shall include a hyperlink to the document in question.
- 7.5 For documents which are not directly accessible, the register will provide details of how to request access.
- 7.6 The types of documents available via the register are listed in Annex 2 of this policy.

Article 8

Report

- 8.1 Pursuant to article 17(1) of Regulation N° 1049/2001, a report shall be annexed to the agency's annual report including the number of cases in which the institution refused to grant access to documents, the reasons for such refusals and the number of sensitive documents not recorded in the register.

Article 9

Internal organisation

- 9.1 The Director shall ensure coordination and uniform implementation of the listed provisions by the agency's staff. To this end, he or she shall provide all the necessary advice and guidelines.
- 9.2 The agency will adapt its current practices to meet the policy's provisions at the latest 6 months after its signature.

Article 10

Entry into force

- 10.1 This policy shall enter into force upon its adoption by the Management Board of the European Institute for Gender Equality.

Article 11

- 11.1 This policy applies in conjunction with Article 11 of the Rules of Procedure of the agency's Management Board and Article 9 of the agency's Internal Rules.

Contact details

This Annex provides the contact details for applications for access to documents Addresses for submission of applications for access to documents held by the European Institute for Gender Equality.

Applications shall be sent for the attention of the Document Access Coordinator by one of the methods below:

1. By post:

European Institute for Gender Equality
Document Access Coordinator
Gedimino pr. 16,
LT – 01103 Vilnius,
LITHUANIA

2. By electronic mail:

documents@eige.europa.eu

3. Via the European Institute for Gender Equality's website:

www.eige.europa.eu

Document Register³

Bodies of the agency

- Meeting notification and summary of proceedings
- Rules of procedure
- Decisions, Opinions

The agency's work

- Strategic planning documents
- Reports, comparative studies, surveys, other studies
- Newsletters, brochures, fact sheets, media releases
- Annual Reports

Administrative documents

- Annual Activity reports
- Cooperation agreements
- Rules and Procedures
- Budget and Financial documents
- Decisions of the Budget discharge (either a document or a link to the Official Journal of the European Union)
- Public procurement (includes list of awarded contracts)
- Vacancy notices

Announcements

- Invitations/public events
- Announcements to public consultations

³ This list is not exhaustive.