

Fiche 6

Access to documents of the Members of the Commission/Cabinets

Main issues:

- Documents of the Cabinets/Commissioners fall under the scope of Regulation 1049/2001. On the substance, as any other document they should be assessed under Regulation 1049/2001 with a view to a potential full or partial disclosure.
- Different procedures apply, depending on whether the access-to-documents request concerns the current Commissioners/Cabinets or former Commissions, as explained below.

Current administrative practice:

- ***Access to documents concerning the current Commissioners and their Cabinets:***

Requests for access to documents of the current Commissioners and their Cabinets are dealt with by the relevant DGs/services servicing the respective Commissioner (including the President and the Vice-Presidents of the Commission). According to the Commission's administrative practice, documents are typically identified by the Cabinets and the replies are prepared by the relevant service, after having consulted the Cabinet concerned regarding the potential disclosure. The replies are signed by the Director-General in charge (or, in case the reply is prepared by the Secretariat-General, by the responsible Director).

- ***Access to documents of the previous Commissions***

The following procedure applies when access to documents of the former President's Cabinet and Cabinets of all other former Members of the Commission is being sought:

The documents of former Commissioners and their Cabinets are transferred to the Historical Archives Service in OIB at the end of the mandate of each College. The unit in each Directorate-General or equivalent service responsible for handling access-to-documents requests may request archived Cabinet documents directly from the Historical Archives Service on the condition that the documents are:

- related to portfolio of the former Commissioner for which the DG is responsible;
- needed to process public access-to-documents requests based on Regulation 1049/2001.

Requests for public access to documents of a more collegial nature or of a more specific nature with no link to the portfolio of the former Commissioner, will fall under the responsibility of the SG, which will decide on the appropriate follow up.

Case-law:

-

Reference documents/links:

- Note of the Secretary-General to the Directors General and Heads of Service of 2/12/2015; ARES(2015)5517046.
- Examples of confirmatory decisions and the summary of the case-law are available on the Commission's access-to-documents webpages on *My Intracomm*¹;
- The full text of judgments of the EU Courts can be consulted on the website of the ECJ: www.curia.eu

February 2016

¹ <https://myintracomm.ec.europa.eu/sg/docinter/Pages/tools.aspx>;