



EUROPEAN COMMISSION
 Secretariat-General

The Secretary-General

Brussels,
 SG B1

NOTE TO THE DIRECTORS GENERAL AND HEADS OF SERVICE

Subject: Processing of requests under Regulation 1049/2001 for public access to archived documents of former Commissioners and their Cabinets

Requests for public access to documents of former Commissioners or their Cabinets have been steadily increasing. These requests are based on Regulation 1049/2001 which requires replies within specific and short delays.

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 current internal guidelines specify that Commission services need the agreement of the former Head of Cabinet or Deputy Head of Cabinet to obtain access to these documents from the Historical Archives Service. This procedure is very cumbersome for all parties involved. It can lead to considerable delays in the handling of access-to-documents requests and presents a risk for possible non-compliance with Regulation 1049/2001.

In order to allow Commission services to process requests for public access to documents from the Cabinet archives in full compliance with Regulation 1049/2001, the requirement to obtain the agreement of the former Head of Cabinet or Deputy Head of Cabinet is abolished as of 1 January 2016.

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 the portfolio of the former Commissioner for which the DG is responsible,
- needed to process public access to document 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.

This new procedure applies only to the consultation of archived cabinet documents by Commission services that handle public access to documents requests. It does not in any way prejudice the outcome of such requests, which will be examined in accordance with the provisions of Regulation 1049/2001.

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