



**EUROPEAN COMMISSION**  
Service for Foreign Policy Instruments

Director - Head of Service

Brussels,  
FPI [REDACTED]  
ARES(2015)

**NOTE TO THE ATTENTION OF HEADS OF UNITS – FPI**

**Subject: Handling in FPI of Requests for Access to Documents**

In the context of the recent reorganisation of tasks in Unit FPI.1, I wish to inform you of the internal procedure and the distribution of tasks to deal with applications for access to FPI documents under Regulation 1049/2001.

**1. General framework of Access to Documents (ATD)**

Any citizen of the European Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the EU institutions.

According to the “Report from the Commission” on the application in 2014 of Regulation (EC) N° 1049/2001 regarding public access to European Parliament, Council and Commission documents, in 2014, 6,227 applications have been received and handled by the Commission. For 4,096 (72,77%), full access was granted. For 866 (15,36%), partial access was granted. For 668 (11,87%), access was refused.

In this context, the Service for Foreign Policy Instruments of the Commission (FPI) receives applications for access to documents that have been drafted by FPI itself or are in its possession.

Since the creation of the EEAS in 2011, documents of FPI are retained within the Commission statistics. **The number of requests for ATD sent to FPI has dramatically increased over the last three years: double compared to 2013 and 7 times more compared to 2012.** As a matter of fact, FPI received in 2014 1% of the total number of requests for ATD sent to the Commission, which roughly means 62 requests for access to documents – 5 requests per month on average. At present, the number of requests to FPI is ever increasing.

As regards the requests for ATD at confirmatory level, SG received 2 applications related to requests of ATD previously handled by FPI, in particular the “Palenchuk” and “Guy Martin/Merlyn Sealy” requests. In its reply to the applicants, SG opened the level of access in the first case and confirmed the refusal to access in the second case.

Unit FPI.1 is in charge of the legal and administrative coordination of the replies to applications for ATD concerning matters relating to policies, activities and decisions falling within FPI’s sphere of responsibility.

The function relating to the coordination of the handling of requests of ATD involves two actors, the ATD Legal Coordinator/Correspondent and the Administrative Coordinator.

In FPI, Access to Documents Coordination is as follows (cfr. Access to documents Coordinators' List of the Secretariat-General updated on 23/09/2015):

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The ATD Legal Coordinator is a member of the Network of Access to Documents Commission Legal Coordinators. The ATD Administrative Coordinator is a member of the Network of ATD Administrative Coordinators. Whenever fresh guidance is received based on Commission practice, ATD Case-Law or GestDem IT developments, the contact points in operational units will be informed in time.

## 2. Legal coordination and contact points per unit

Through the functional mailbox FPI ACCESS TO DOCUMENTS, the ATD Coordinator receives specific requests which have been previously registered by the SG in the automated IT application GestDem. The ATD Legal Coordinator will communicate with FPI operational units only through this functional mailbox.

Once received a particular application, the ATD Coordinator, in view of the content and scope of the document, will ask the relevant operational unit of FPI whether in their opinion, the document is to be considered as accessible or not. The ATD Coordinator will draw the attention of the operational unit to any concrete issue or risk linked to the content of the document.

In case that a citizen sends a request for ATD to an operational unit, the operational unit is required to transmit it immediately to FPI.1 so that FPI.1 can register it in GestDem in due time.

An application for access to a document must be handled promptly. Regulation 1049/2001 sets a maximum deadline of 15 working days to send the reply to the applicant.

To facilitate a timely management of the ATD requests and in order to avoid the risk of failure by FPI to reply within the prescribed time-limit, the ATD Coordinator will send a standard message, containing indications, to the relevant contact point in the operational unit (Annex 2), together with the references of the requested document and the details of the applicant as contained in the GestDem form (Annex 2).

The list of contact points per operational unit in FPI is as follows:

- **FPI.2/Sanctions and Restrictive Measures.**
- **FPI.2/IcSP and Foreign Policy Regulatory Instruments.**
- **FPI.3.**
- **FPI.4.**
- **FPI.5.**

Heads of units are requested to notify to FPI.1 of any change in the contact points.

It is of utmost importance to reply within the deadline because an untimely reply entitles the applicant to file a confirmatory application directly before to the Secretary-General of the Commission. This risk should be avoided by all means.

### 3. Administrative coordination and contact points per unit

The administrative coordination of ATD is carried out through GestDem, an automated IT application centrally managed by the SG.

The vast majority of applications for access to documents are filed via the application GestDem, sometimes. However, citizens may also send their applications directly to FPI. In the latter cases, the Access to Documents Administrative Coordinator will register the application in GestDem and will inform the SG (functional mailbox SG DOSSIERS ACCES).

Once the reply has been sent to the applicant, the Access to Documents Administrative Coordinator registers the reply in GestDem in order to close the case.

For all useful purposes of coordination, to avoid any risk of inconsistency as to which applications have been closed and in order to reduce as far as possible the list of initial applications which are still open, GestDem will only be managed by the Administrative Coordinator. Please find below the list of administrative contact points for each unit:

- **FPI.2/Sanctions and Restrictive Measures:**
- **FPI.2/IcSP and Foreign Policy Regulatory Instruments:**
- **FPI.3:**
- **FPI.4:**
- **FPI.5:**

[Redacted contact information]

Negative replies (total or partial refusal) need to be registered and filed in a common folder accessible to administrative contact points in ARES.

In Annex 1 you will find some relevant practical advice on the handling of specific requests of ATD. **I draw your attention on paragraph 8, in particular as regards the documents concerning sanctions, restrictive measures and the Kimberley Process.** Annex 2 provides the standard message sent by FPI.1 to the operational units. Annex 3 contains a standard application form for ATD as it appears in GestDem. Annex 4 contains a checklist prepared by the SG in order to help Commission departments to guarantee the quality of the initial reply in case of partial or total refusal.

Finally, I inform you that the action plan concerning the requests for ATD sent to FPI between 1/07/2014 and 30/06/2015 has been completed and that all the requests have been closed.

[Redacted signature]

Cc.:

[Redacted recipient list]

**Annexes:**

1. Specific advice for the handling of applications for access to documents
2. Standard message from FPI.1 to the units for dealing with applications for ATD
3. Standard GestDem Application Form
4. Checklist of SG: Quality of the initial reply – Timing and quality of the contributions at the confirmatory level