



Accessing Information from the European Union

Guide on Access to EU Documents

The **Guide on Access to EU Documents** was prepared by Access Info Europe.

Access Info Europe is an international human rights organisation, based in Madrid, which works to promote and protect a strong and functioning right of access to information in Europe and globally.

Access Info Europe advances the right of access to information as a tool for defending human rights, for facilitating public participation in decision making, and for holding governments accountable.

We work to make the European Union more open, and to help European citizens and residents exercise their right of access to EU documents.

*We hope that by making it easier for you to exercise
your right to EU documents, we can all make the EU more
open and accountable to European citizens!*

Note: *This Guide on Access to EU Documents is specifically about accessing documents in the possession of EU institutions, bodies and agencies. For details on how to request information from Member States, please see other information and toolkits available from Access Info Europe on the websites www.access-info.org and www.legalleaks.info.*



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OVERVIEW

This Guide on Access to EU Documents is designed for all European citizens and residents. It should be of special interest to civil society organisations, journalists, academics, businesses including small and medium-sized enterprises, and all others who are interested in accessing documents held by the European Union.

The guide takes you step-by-step through using the EU's access to information rules, from requests to appeals to the European Ombudsman and the Court of Justice of the European Union.

You don't need prior experience! The guide is for you whether you are a novice sending your first request or an experienced user wanting to take a case to Europe's highest court.

➤ The importance of the information held by the European Union

The EU is the world's first truly supranational body as it is increasingly responsible for many aspects of the everyday lives of 450 million people living in its Member States.

It is estimated that as many as 70% of national laws are influenced by rules and policies set by the European Union. For these rules to be designed with participation of the European public, for them to be legitimate, transparency is essential.

➤ It's your right!

The European Union has recognised that there is a fundamental human right of access to EU documents for all EU citizens and residents. This right is enshrined in both the **EU Charter of Fundamental Rights (Article 42)** and in the **Treaty on the Functioning of the European Union (Article 15)**.

The EU's transparency rules are set out in **Regulation (EC) 1049/2001 regarding public access to European Parliament, Council and Commission documents** – it's not a very exciting name, but it's an important set of rules, because it gives you and every European citizen and resident the right to get information from many EU bodies. We will call it simply "**Regulation 1049**".

➤ What's in this Guide

- ✓ We tell you about your right!
- ✓ We show you how to use Regulation 1049 – *we hope you are already getting used to the name!* – and related rules;
- ✓ We show you how to write a request – it's easy! – and how to send it;
- ✓ We give you tips on the best things to say so that your requests are more likely to

be answered quickly;

- ✓ We tell you how to use our excellent requests platform, AsktheEU.org, so that it's even easier to send a request;
- ✓ We explain the bureaucratic process that your request will go through and we demystify some EU jargon;
- ✓ We explain what you can do if there is a delay in answering. Or what you can do if you are unhappy with the answer you got and want to challenge it;
- ✓ We also tell you how you can contact the Access Info team and get help from our experts, as well as some of our network of pro bono lawyers.

So, let's get started with getting information from the European Union.

First, let's learn about the right of access to information – your right to know – and how to make use of it!

1. The Right to Know

Everyone has the right to access to information held by public authorities. Everyone!

This right has been recognised as a fundamental human right by multiple international human rights bodies, including the Inter-American Court of Human Rights in 2006 and the European Court of Human Rights in 2009, and confirmed in 2011 by the United Nations Human Rights Committee in General Comment 34.

There are over 70 countries in the world with constitutional provisions on this right, including many European Countries. In the European Union, all 27 countries have a national access to information law that permits citizens to request information from their governments.

In 2020, the Council of Europe Convention on Access to Official Documents entered into force. It is the first binding international legal instrument to recognise a general right of access to documents held by public authorities. The Convention stipulates that the request process should be easy and free, and that limitations to access are only permitted to protect certain specific interests, such as national security, commercial secrets, or privacy.

1.1 The EU recognises a fundamental right of access to its documents

The European Union has recognised that all citizens and residents in the EU have a right to access to documents held by EU institutions, offices, bodies and agencies.

They didn't quite go so far as the international standards because only those people who are citizens of EU countries or resident in an EU Member State can exercise this right.

Legal persons in the EU region can also request access to EU documents.

What's a legal person? It's a company, be they big or small businesses, and also civil society organisations (also known as NGOs) or any registered associations (such as an association of small businesses or of neighbours in a district of a town).

Article 42 of the **European Charter of Fundamental Rights** states:

*Any citizen of the 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 institutions, bodies, offices and agencies of the Union, whatever their medium.***

Article 15 of the **Treaty on the Functioning of the European Union (TFEU)** stresses

the importance of transparency of the EU to ensure citizen participation and accountability:

*In order to promote **good governance** and ensure the **participation of civil society**, the Union institutions, bodies, offices and agencies shall conduct their work **as openly as possible**.*

*Each institution, body, office or agency shall **ensure that its proceedings are transparent** and shall elaborate in its own Rules of Procedure specific provisions regarding access to its documents.*

In addition, the **Treaty on the European Union (TEU)** includes a series of provisions on democratic principles. **Articles 10.3 and 11.2** respectively state that:

*Every citizen shall have the **right to participate** in the democratic life of the Union. Decisions shall be taken **as openly and as closely as possible to citizen**.*

*The institutions shall maintain an **open, transparent and regular dialogue** with representative associations and civil society.*

TIP! Show you know your rights: We recommend that you refer to the TFEU and the TEU when you are submitting a request or appealing an unsatisfactory response. It can help to show that you know what you are talking about!

1.2 Three bodies not fully covered by the access to documents right

For three EU bodies, the right to ask only applies to their administrative tasks, such as budgeting and staff matters, but not the substantive content of their work.

These are the Court of Justice of the European Union, the European Central Bank and the European Investment Bank.

This specification is included in **Article 15** of the **Treaty on the Functioning of the European Union (TFEU)**:

*The Court of Justice of the European Union, the European Central Bank and the European Investment Bank shall be subject to this paragraph **only when exercising their administrative tasks**.*

(In case you are wondering, Access Info doesn't agree with this limitation, but that's how it is, for now at least!).

What are my alternatives? If you are looking for non-administrative information from the Court of Justice of the European Union, the European Central Bank, or the European Investment Bank you will have to find alternative routes:

- You could see if other EU bodies hold the information, for example, the Commission might hold documents relating to Court of Justice cases;
- You could ask Member States if they hold the information, especially if they were in correspondence with the ECB or the EIB, or involved in a court case.

TIP! Try another way: *If the body you are interested in is not fully covered by Regulation 1049, then consider if another institution holds the information, such as national governments or parliaments.*

BOX I: Access to information at Member State level

Each Member State of the European Union has a national access to information law that gives the right to its citizens to submit access to information requests to national government bodies and to regional and local administrations.

Usually, other EU citizens and residents, and often any requester from anywhere in the world, can also use these national laws.

To find out about access to information laws in the Member States of the European Union, including information on time frames and appeal processes, visit the [RTI Rating website](#), where worldwide access to information laws are analysed and ranked.

Permanent Representations to the European Union

Each Member State of the European Union has an office in Brussels called "Permanent Representation" which serves as a contact point between the national Ministries in the Member States and the institutions of the European Union.

Permanent Representations operate under national access to information laws. If you are interested in their work, remember that the request process is the same as for the national government of that country.

2. Regulation 1049: The EU's Transparency Law

The rules for accessing EU documents are set out in [Regulation \(EC\) 1049/2001 regarding public access to European Parliament, Council and Commission documents](#). The number 1049 is because it was the 1049th regulation adopted in 2001. So now it's a grown up regulation, over 20 years old. Anyway, that's the full title, but we just call it "Regulation 1049".

We know you love the name now: "Regulation 1049"



2.1 Why access to documents not information?

Many national rules are now called "access to information" or "freedom of information" laws, but at the EU level it's "access to documents".

Why documents? The main reason is that in 2001, many public officials were still thinking in terms of bureaucratic documents, rather than in digital information.

The right of access to documents may seem like a narrower concept than the "right of access to information, but in reality it's not much different. This is because **Article 3 of Regulation 1049** defines document broadly:

*"Documents" shall mean **any content whatever its medium** (written on paper or stored in electronic form or as a sound, visual or audiovisual recording) concerning a matter relating to the **policies, activities and decisions** falling within the institution's sphere of responsibility.*

In addition, **Article 2 of Regulation 1049** says that it applies "to all documents held by an institution, that is to say, documents drawn up or received by it and in its possession, in all areas of activity of the European Union." This language makes clear that a document is intended to be everything held by the EU institution, regardless of its format or its content.



We recommend you to always mention the word "documents" when you are submitting a request to an EU body.

What will happen if I ask for information, not documents? If you just ask a rather general question – such as “What is the EU doing about migration?” or “What kinds of policies did the EU develop during the covid pandemic?”, then there is a risk that it will be treated not under our beloved Regulation 1049 but rather under the **European Code of Good Administrative Procedure**. This administrative code makes it an obligation for European public officials to provide members of the public with the information they request (**Article 22**).

As a result, when a request is not framed as a request for documents, but as a more general question for information, and when Regulation 1049 is not mentioned, EU bodies tend to process the request as a request for information.

Requests for information, however, don’t have the same time frames nor the same appeal possibilities compared to access to documents requests. Therefore, it is important to specifically asking for documents held by the EU institution, rather than submitting very general questions.

Here’s an example of how to ask for documents instead of information, in this case about a meeting that just took place:

✘ “What was discussed at yesterday’s meeting on the mobile phone roaming charges?”.

✔ “Under Regulation 1049, I would like access to all the documents that relate to the 15 July meeting on mobile phone roaming charges.”

TIP! Remember the technicality: *Mention the words “document” or “Regulation 1049/2001” just to be sure the correct procedure will be applied. If you realise the institution is not treating your request as a formal access to documents request, be ready to remind the institution about your right of access to EU documents and ask for your request to be processed under Regulation 1049. If you are having problems with this, let the Access Info team know and we will try to help you.*

2.2 What’s in Regulation 1049?

Regulation 1049 provides the legal framework for submitting a request, receiving a response, and challenge unfavourable decisions. Specifically:

- **Article 1** explains the purpose of this regulation, stating that EU institutions should “ensure the widest possible access to documents”;
- **Article 2** indicates who is entitled to enjoy and use the right of access to EU documents and expresses the scope of Regulation 1049, establishing that it “shall

apply to all documents held by an institution”;

- **Article 3** defines what a “document” is;
- **Article 4** lists all the exceptions that EU bodies can recall to refuse access to a document. For more information on the exceptions please visit *Section 5*;
- **Articles 6, 7, 8** clarifies the requesting process and time frames. It illustrates how requests should be made, what to do in case of a refusal, and how to institute court proceedings against the institution and/or make a complaint to the Ombudsman;
- **Article 10** is about the means requesters have to access documents held by the institutions, including consulting them on the spot;
- **Article 11** outlines the importance of public registers of documents. *Annex II* provides a list of the most important registers and databases.

2.3 Does Regulation 1049 apply to all EU bodies?

Regulation 1049 was developed to permit public access to documents belonging to the three main EU institutions: The European Parliament, the European Commission and the Council of the European Union. Hence its name.

There are a lot of other EU bodies. We have counted at least 60 of them. Even though they all have to comply with the right in the EU treaties, the majority has not adopted Regulation 1049 but **their own internal rules and guidelines for access to documents**.

These decisions have small differences with Regulation 1049. The process is often so similar that if you apply via AsktheEU.org, you probably won’t notice the difference. You might find that in some cases time frames are different or that you don’t get the document in the format you want. *Table I* summarises these differences.

TABLE I: Main differences in access to documents regulations of key EU bodies

Institution	Internal regulation	Eligibility	Time frames	Exceptions
Court of Justice of the European Union	Decision of 26 November 2019 concerning public access to documents held by the ECJ in the exercise of its administrative functions	The Court may grant access to documents to any natural or legal person not residing or not having its registered office in a Member State	One month to receive an answer; one month extension period; one month to submit a confirmatory application	✓ Follows Regulation 1049

European Central Bank	2004/258/EC Decision of 4 March 2004 on Public Access to ECB documents	The ECB may grant access to ECB documents to any natural or legal person not residing or not having its registered office in a Member State	Twenty days to receive an answer; twenty day extension period; twenty days to submit a confirmatory application	✓ Follows Regulation 1049
European Economic and Social Committee	2003/603/EC Decision of 1 July 2003 on public access to EESC documents		✓ Follows Regulation 1049*	✓ Follows Regulation 1049
European External Action Service	Decision of the High Representative of the Union for Foreign Affairs and Security Policy of 19 July 2011 on the rules regarding access to documents	Any natural or legal person not residing in one of the Member States shall enjoy the same right of access to EEAS documents on the same terms, with the exception of the right to make a complaint to the European Ombudsman	✓ Follows Regulation 1049*	✓ Follows Regulation 1049
European Committee of the Regions	Decision No 18/2020 on public access to CoR documents		✓ Follows Regulation 1049*	✓ Follows Regulation 1049
European Border and Coast Guard Agency	Management Board Decision No 25/2016 of 21 September 2016 adopting practical arrangements regarding public access to the documents held by the Agency	Any citizen or resident of the EU or of a Schengen Associated Country. On a case-by-case decision, the Agency may grant access to documents to any natural or legal person not residing or not having its registered office in a Member State/Schengen Associated Country	✓ Follows Regulation 1049*	✓ Follows Regulation 1049
European Court of Auditors	ECA Decision No 12/2005 as amended by Decision No 14/2009 regarding public access to Court documents	The Court may grant access to documents to any natural or legal person not residing or not having its registered office in a Member State	✓ Follows Regulation 1049 NB. Confirmatory applications are called "requests for reconsideration"	The Court may decide to allow access to a document where there is an overriding public interest in its disclosure
European Union Agency for Fundamental Rights	Decision adopted on 14 December 2012 by the Management Board of FRA		✓ Follows Regulation 1049	✓ Follows Regulation 1049
European Environment Agency	Implementing rules for the application of Regulation 1049 as adopted by the Management Board on 22	Citizens of third countries not residing in a Member State and legal persons not having their registered office in one of the	✓ Follows Regulation 1049*	✓ Follows Regulation 1049

	June 2004	Member States shall enjoy the right of access to Agency documents on the same terms		
European Medicines Agency	EMA policy on access to documents (POLICY/0043)	✘ EMA is no longer in a position to process access to documents requests issued from outside the EU. The Agency will not process requests that are abusive, repetitive and/or excessive in number	✔ Follows Regulation 1049	EMA will ensure compliance in particular with the protection of commercially confidential information, personal data and other conflicting interests. EMA shall only release documents once the concerned procedure has been finalised
European Food Safety Authority	Decision of the Management Board laying down practical arrangements for implementing Regulation 1049 and Articles 6 and 7 of Regulation 1367/2006	EFSA shall make every effort to process applications for access to documents originating from citizens of third countries not residing in the territory of an EU Member State	✔ Follows Regulation 1049*	✔ Follows Regulation 1049 Exceptions shall be applied strictly as they deviate from the overarching principle of the widest possible access to documents
European Asylum Support Office	Decision No 6 of 20 September 2011 laying down practical arrangements regarding public access to the documents of the EASO	✔ Any natural or legal person has a right of access to EASO documents	✔ Follows Regulation 1049*	All exceptions unless there is an overriding public interest in disclosure
European Institute for Gender Equality	Policy on Public Access to Documents at the EIGE	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	✔ Follows Regulation 1049*	✔ Follows Regulation 1049
European Maritime Safety Agency	Administrative Board Decision concerning the arrangements to be applied by the Agency for public access to documents of 25 June 2004	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	✔ Follows Regulation 1049*	✔ Follows Regulation 1049

		of access to Agency documents on the same terms		
European Chemicals Agency	Decision on the implementation of Regulation 1049 adopted by the ECHA Management Board on 23 April 2008	✓ "The public" has access to the Agency's documents	✓ Follows Regulation 1049*	✓ Follows Regulation 1049
European Union Intellectual Property Office	Decision No CA-03-22 of the Administrative Board of the Office for Harmonization in the Internal Market of 24 November 2003	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 Office documents on the same terms	✓ Follows Regulation 1049*	✓ Follows Regulation 1049

* If an application is imprecise, the deadline for reply shall run only from the time when the institution receives additional information

NB. The European Ombudsman and the European Defence Agency directly apply Regulation 1049.

3. Requesting Documents Step-by-Step

Let us take you through the ten steps you should follow when you are planning to ask for access to EU documents

Step 1: Look at the registers

Before even considering to submit an access to documents requests, you should check if the documents you are looking for are already public. This is to save your time, and the time of the EU's officials.

We strongly recommend checking the EU public registers and open data portals.

Almost all EU bodies and institutions have a **public register** website that contains references to documents produced or received by them. The vast majority of these documents can be directly consulted and downloaded from the website, completely free of charge. There is also an **EU open data portal**, which contains a lot of interesting and useful datasets.

See *Annex II* for a list of the EU's documents registers and databases with links.

Step 2: Identify the right EU body

Once you are sure that your document is not already public, it is essential to identify the appropriate body which might hold the documents you are looking for. On [AsktheEU.org](https://asktheeu.org) it is possible to look at the full list of EU institutions that accept access to documents requests.

How do I know which is the right body? If you are not sure which institution might have the information you are looking for, we recommend you browse online and read the descriptions of each public body to see what are their responsibilities.

Careful! There might be more institutions that deal with the same topic. For example, if your request relates to environmental matters, you will find that the European Environment Agency is responsible for providing information on environmental matters and support sustainable development. Similarly, the European Commission's Directorate-General for Environment proposes and implements many EU environmental policies.

Try to identify the body that most closely has to do with what you're looking for. If you are still not sure, contact us for help!

Don't panic! If you do send your request to the wrong body, don't worry too much about it. Regulation 1049 requires every EU body to provide information and assistance to citizens on how and where applications for access to documents can be made. So if

you send a request to a body that doesn't hold the information, they should redirect you to the body which might have it.

Step 3: Decide how you are going to ask





➤ **Ask by email, post, fax, filling in the application form or via AsktheEU.org!**

Regulation 1049 states that requesting information from the European Union can be done "in any written form, including electronic form".

It calls requests "applications". Here is what **Article 6** says:

Applications for access to a document shall be made in any written form, including **electronic form**, in one of the languages referred to in Article 314 of the EC Treaty and in a sufficiently precise manner to enable the institution to identify the document. The applicant is **not obliged to state reasons** for the application.

We think that "any written form" includes:

- Post 
- Email 
- Fax 
- or online on the websites of the EU bodies and institutions – application form 










































(We have never tested fax – we don't even have a fax machine – and we don't recommend trying!)

Most EU bodies agree with our interpretation, yet some don't take requests by email, contrary to what their internal regulations and decisions state.

Table II shows the means in which it is possible to request documents from key European Union bodies, as explained on their official websites. As the majority no longer have their email addresses online, we included them in the table. Feel free to use them to send them requests by email!

TABLE II: Means of requesting documents from key EU bodies

Institution	How to request on the body's website	Body's access to docs email address
European Commission		sg-acc-doc@ec.europa.eu
European Parliament	 	AccesDocs@europarl.europa.eu

Council of the European Union/European Council	 	Access@consilium.europa.eu
Court of Justice of the European Union	   	ecj.registry@curia.europa.eu
European Central Bank		ecb.secretariat@ecb.int
European Investment Bank	  	info@eib.org
European Economic and Social Committee		access2documents@eesc.europa.eu
European External Action Service	 (postal address and fax available on EEAS' internal regulation)	access-to-documents@eeas.europa.eu
European Committee of the Regions	 	transparence@cor.europa.eu
European Border and Coast Guard Agency	 	pad@frontex.europa.eu / frontex@frontex.europa.eu
European Defence Agency		accesstodocuments@eda.europa.eu
European Ombudsman	  	eo@ombudsman.europa.eu
European Court of Auditors		eca-info@eca.europa.eu
European Union Agency for Fundamental Rights	   	documents@fra.europa.eu
European Environment Agency	 	info@eea.europa.eu
European Medicines Agency		info@ema.europa.eu
European Food Safety Authority	 	efsa.public.access.to.documents@efsa.europa.eu
European Asylum Support Office	 (postal address available on EASO's internal regulation)	info@easo.europa.eu
European Institute for Gender Equality	 (email address available on EIGE's internal regulation)	eige.sec@eige.europa.eu
European Maritime Safety Agency	  (email available on EMSA's internal regulation)	information@emsa.europa.eu / documents@emsa.eu.int
European Chemicals Agency	   (email address available on ECHA's internal regulation)	access-to-documents@echa.europa.eu
European Union Intellectual Property Office	   	PublicRegister@euipo.europa.eu

3.1 You can use !

Requests can also be submitted by creating an account on [AsktheEU.org](https://www.asktheEU.org), the online free request platform managed by Access Info Europe and mySociety.

Access Info launched AsktheEU.org in 2011, and it now has over 10,000 Requests on it!

The great thing about AsktheEU.org is that you can look at requests made by others, and follow the responses received in real-time.

You can request documents from all EU bodies, agencies and institutions, except from the European Medicines Agency, which only accepts requests sent using the application form available on its website. Frontex, the European Border and Coast Guard Agency, recently introduced a new (more complicated) system to respond to access to documents requests. Although you'll need to contact the Access Info team to access any response sent by Frontex, it is still possible to send requests to the Agency using the platform.



Access Info strongly recommends using email or the AsktheEU.org website!

Why is this? Three reasons:

- ✓ You have a record of your requests and the date it was sent;
- ✓ You don't have to give any of the additional information (such as profession and country of residence) that some forms ask for;
- ✓ You get an answer straight to your inbox.

BOX II: AsktheEU PRO

In 2020, Access Info Europe launched AsktheEU Pro, an improved toolkit to request documents from the EU. Pro has been designed for journalists, academics and CSOs who make frequent use of this right to carry out their research and investigations.

You should be interested in the Pro version of AsktheEU.org if:

- You would like to keep your requests and responses private for a chosen period of time while working on a story;
- You send tons of requests per month and would like to track and manage your FOI projects more easily. Pro has a new, more dynamic, private dashboard;
- You've always dreamed to be able to send "batch requests"- the same request to multiple EU bodies.

➤ **Asking is Free: However you ask, it's always free of charge!**

Submitting your request for information to the EU is **always free of charge**.

EU bodies can charge for copying and posting documents, although the first 20 pages of photocopying should also be free (**Article 10.1 of Regulation 1049**).

In practice we have never seen charges being levied. Plus, as we recommend, most requests are done by email so that eliminates cost considerations.

Similarly, making appeals to EU bodies and a complaint to the European Ombudsman is also always free of charge.

TIP! Request documents to be sent by email: *To be 100% sure you'll avoid copying costs, mention in your request that you are seeking information in electronic format.*

Step 4: Decide which language you will use

If you are reading this guide in English [French / Spanish / German], you might prefer to submit your request in one of those languages, or in your native language.

There are 24 official EU languages, and you have a right to ask in any of those languages! **Article 6 of Regulation 1049** says clearly "Applications for access to a document shall be made ... in one of the [EU official] languages."

If you decide to do this, we recommend that you state if you can read in another language (English or French for instance) for receiving documents.

Just note that the EU body will be obliged to answer your request in the language in which you presented it, but it is not required to translate the actual documents for you.

TABLE III: Languages in which it is practically* possible to request documents from key EU bodies on their websites

Institution	Possible to request in all 24 languages
European Commission	✓
European Parliament	✓
Council of the European Union/European Council	✓
Court of Justice of the European Union	✓
European Central Bank	✓
European Investment Bank	Yes, in theory, but application form only available in English, French or German. Where possible, the Bank's staff will reply in the EU language used by the applicant
European Economic and Social Committee	Page in theory available in all 24 languages, but in practice application form only available in English. The applicant may ask for the document to be translated into another official language of

	the EU. In this case, the existing freelance rates applied by the Committee to external translation shall apply
European External Action Service	Language requested option only in English or French; application form only available in English
European Committee of the Regions	✓
European Border and Coast Guard Agency	✗ Not mentioned/form only available in English
European Defence Agency	✓
European Ombudsman	✓
European Court of Auditors	✓
European Union Agency for Fundamental Rights	✓
European Environment Agency	✗ Not mentioned
European Medicines Agency	✗ Not mentioned/form only available in English
European Food Safety Authority	✗ Not mentioned. EFSA may seek consent of applicants to receive replies in English, EFSA's working language, when the application is submitted in another official language of the EU
European Asylum Support Office	Yes, in theory, but form only available in English
European Institute for Gender Equality	✗ Not mentioned/form only available in English
European Maritime Safety Agency	✗ Not mentioned/form not available
European Chemicals Agency	✗ Not mentioned/form only available in English
European Union Intellectual Property Office	✓
*the table does not refer to what internal regulations and decisions say, but to the email addresses/fax numbers/postal addresses and application forms available on the websites of the bodies.	

Step 5: Decide what to say

Many people find this the hardest part, but don't worry, it's not that complicated!

➤ **Be specific**

We recommend being simple and clear in your request. Just state which information or documents you are looking for. This will make it easier for the public official to locate the document and answer you quickly.

Avoid submitting requests that are overly broad or that cover extensive periods of time and so might apply to too many documents. The EU body has 15 working days to answer, but they can extend this if it's a very large request and then it starts to get slow. It's best to start small and then you can always ask for more later.

A request can be easily narrowed down by:

- ✓ Asking for a specific kind of document: meeting minutes, correspondence, awards granted, draft decisions, reports, contracts, legal advice;
- ✓ Asking for specific content: institutions' positions, expenses of missions, evaluations

on the implementation of programs, decision-making process;

- ✓ Asking for a specific time span, such as for specific years;
- ✓ Asking for a subset of documents such as about an EU expert group or a Member State.

➤ **Be ready to negotiate**

If you are concerned that your request is a bit broad, just say something like “I’d be happy to discuss narrowing my request if it applies to a large number of documents.”

Regulation 1049 at Article 6.3 requires that if a request refers to “a very large number of documents, the institution concerned may confer with the applicant informally, with a view to finding a fair solution.”

It’s a clever strategy to show you are ready to negotiate.

➤ **Be ready to provide a clarification**

If your request is not sufficiently precise, the public official will ask you to submit a clarification in order to help them identify the document you’re looking for.

A clarification request can come at any time, and the clock will be stopped while they are clarifying. Some EU bodies don’t even start counting the 15 working days until after you have clarified. This is a failing of Regulation 1049 which does not set guidelines on the time frames for providing clarification. In any case, **we recommend that you respond rapidly to any clarification request** so that you get your answer sooner rather than later.

TIP! Ask what the new deadline is: *If the clarification process has taken a few days and you are not sure from when you should start counting the 15 working day-period to receive a response, ask directly the institution. It’s likely that they will start counting from the day they received your final clarification, but always better to be sure and agree together on a deadline.*

➤ **Be polite, but not too formal**

You do not need to write a formal message when requesting EU documents but it is recommended to maintain a polite tone. Below is an example of a typical access to documents request, as you’ll find it on [AsktheEU.org](https://asktheeu.org):

Dear Sir/Madam,

Under the right of access to documents in the EU Treaties, as developed in Regulation 1049/2001, I hereby request access to documents that contain the following information:

- (i)
- (ii)

I would prefer for this information to be sent to me in electronic format, to the email address provided below.

Thank you.

Yours sincerely,

Name Surname, email

➤ **Be smart: provide the document's reference number**

Regulation 1049 does not oblige you to identify a specific document by any formal reference, but it's useful if you happen to know the reference number.

Sometimes you can find reference numbers in the EU's registers of document. Or you might have seen a cross-reference in another document. If for some reason you have the reference number of the document you are looking for, the public official will be able to search more easily and get back to you promptly.

Step 6: Remember your rights: No explanations needed!

We already suggested that you show that you know your rights by mentioning Regulation 1049 and even the EU treaties in your request.

Another right you have is that you never have is to say why you want the information, nor how you plan to use it, nor with whom you will share it.

Article 6 of Regulation 1049 says "*the applicant is not obliged to state reasons for the application.*" Anyone who asks you any of these questions is breaking the law!

Step 7: What personal information do I have to give?

You are only required to give enough information about yourself in order to allow for the processing of the request, namely, **your name and a contact address** (either email or

post) to which a response can be sent.

There is a small problem which is that, in practice, some EU bodies go beyond what is stated in Regulation 1049 and ask the requester to provide additional personal information to start processing the requests.

The biggest problems are:

- **The European Commission will ask you for your postal address.** Yes, even if you ask via email! The Commission does this in case it needs to send you a formal refusal with proof of delivery so that you can challenge it. The European Ombudsman has questioned the necessity of this. Access Info is against it. But, for now, you simply have to give a postal address when requesting from the Commission.
- **Frontex, the European Border and Coast Guard Agency, asks for your ID!** The Agency says that this is so that it can check if you are an EU citizen or resident. You will have to send by email or post a copy of your ID. We are also against this policy and are working to change it.

TIP! Request to the EU even if you are not an EU citizen: *In practice, most EU bodies will answer requests from anyone. Plus, if it comes via email or the webform doesn't ask for your nationality/residence, they don't know if you are a citizen or resident or not. The Commission asks for a postal address, for example, but usually processes requests outside the EU.*

Step 8: Ask for your preferred format

EU bodies and institutions are not required to create new pieces of documents if your request pertains to information contained in different documents. In fact, according to **Article 10.3 of Regulation 1049**, documents "shall be supplied in an existing version and format (including electronically or in an alternative format such as Braille, large print or tape)".

Also according to the same article, documents should be provided "**with full regard to the applicant's preference.**" This is especially helpful when requesting statistics and figures, being the requester allowed to ask for spreadsheets or other kinds of excel file formats.



Since it's your right, you should also ask for documents in **machine-readable format**. It will help you extract the information you need more easily, and you'll be able to re-use

the documents in your research and investigations. We recommend you state your format preference at the bottom of each request you send!

Step 9: Your request is ready to go

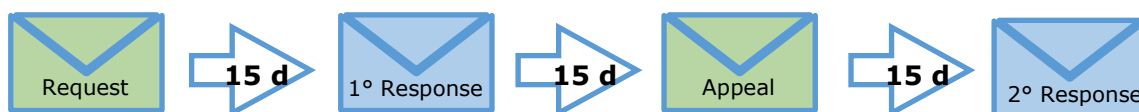
PRESS SEND!

But ... before you get yourself a cup of tea or coffee (or something stronger) ...

Step 10: Prepare to keep track of your request

It's a great idea to be ready to keep a track of your request and time frames.

The EU body has 15 working days to answer and, if you appeal, there is another 15 working days for you to do so, and then another 15 working days for the EU body:



So do keep an eye out for an acknowledgement of receipt and a reference number which will help you track your request.

Take a note of the date you send the request and put an alarm on your phone or mark on your calendar to send a reminder email or to appeal in case the institution does not reply on time.

➤ **Acknowledgement of receipt**

Regulation 1049 states that EU institutions, bodies, offices or agencies shall send an **acknowledgement of receipt to confirm that they received your request**. When sending you this acknowledgment they should also make you aware of the 15 working day deadline they have for answering you and give you information on your right to appeal.

When requesting documents held by the EU, the institution provides a **unique reference number for your request**. In EU jargon, this is called 'GESTDEM number'. The GESTDEM number helps both parties to keep track of the process and avoids any mix-ups in case that either the institution or the requester needs to send follow-up about an

earlier request.

➤ **Time frames for responding to initial requests**

Regulation 1049 establishes that the EU institutions have **15 working days to respond** to initial access to documents requests, with a possible extension of up to 15 additional working days 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.” The requester should be notified of the delay and reasons for this delay should be provided.

If you do not receive a reply within 15 working days, you should either **send a reminder email or use your right to appeal**. A lack of response within the designated time limit counts in fact as “administrative silence”, which means that an appeal could be sent without waiting for the institution's reply.

TIP! Let us know: *The abuse of the time limits has, unfortunately, become very frequent. As this sort of mute refusal should be discouraged, Access Info regularly collects and presents such data to the European Ombudsman, who has the power to issue opinions to promote good administration at EU level. If this happens to you, reach out! We'd be happy to help.*

➤ **Deadline for appealing**

You can appeal to challenge an answer or, as just explained, to complain about the lack of an answer (silence).

Regulation 1049 gives the requester 15 working days from the day they received the answer they are challenging to submit an appeal. You need to be organised here, because you are a busy person, and three weeks fly by really fast!

In the case of silence there is no time limit and you can appeal at any time after the 15 working days for responding have elapsed.

For more information on how to write and send an appeal, see *Section 4* below on how to submit a confirmatory application.

Ok, now you can get that drink ...

4. Challenging a Refusal

So, you waited 15 working days, or a bit more, and then you didn't get the answer you were expecting

There are various ways in which you can be disappointed with the answer to your request:

- * **Information Not Held:** You are told that the information is not held by that EU institution or body. This could be true, so you need to consider if you think that the answer is credible, for instance, if they have told you who might hold the information or explained clearly why it's not the kind of document that that body ever has. On the other hand, you might believe that they do have the information but maybe the public official handling your request didn't manage to find it;
- * **Incomplete Answer:** You only get part of the information you asked for, but no formal refusal, or the documents you are given do not correspond to everything you asked for in your question;
- * **Full Refusal:** You are refused access to all the documents you asked for, in their entirety, being told that various exceptions apply;
- * **Partial Access:** You are given documents but chunks of them are blacked out on the basis of the exceptions in Regulation 1049;
- * **Administrative Silence:** The 15-day deadline has passed, and you haven't had a reply. Maybe you already sent a reminder note, and there is still no response. Or maybe the body informed you have a 15-day extension, but has still not answered after that longer time limit.

In all these cases, you might decide that you want to appeal. We strongly recommend you to do it: appealing is free, fast and the EU's data shows that appeals often result in the release of more information, for example by converting a denial of any access at all into a partial access decision.

In the EU, submitting an appeal is called a "**confirmatory application**" - the name comes from asking the body to "confirm" their original response.



This "confirmation" process is handled by a different, higher level within the EU body. For instance, in the Commission, it's the Secretariat General which handles confirmatory applications against all Directorate Generals. In the Council, the appeal is passed up to the Working Party on Information, which is made of representatives of each of the 27 Member States.

4.1 How to write an appeal - a “Confirmatory Application”

To submit your appeal – your confirmatory application – all you have to do is write back to the body or institution which denied you the information and **outline your reasons for being dissatisfied with their answer**. You have to do this within 15 working days (3 weeks) from receiving the notification of the refusal.

This is an example of a simple confirmatory application:

Dear Sir/Madam,

This is a confirmatory application submitted as set out in Article 7(2) of Regulation (EC) No 1049/2001, to challenge your refusal to provide access to documents to my request with reference number GESTDEM _.

I respectfully request that you reconsider this decision, taking into account the following arguments:

i)

ii)

Please do not hesitate to contact me should you require any clarifications on this confirmatory application.

Yours sincerely,

Name Surname

TIP! Seek Inspiration: Searching *AsktheEU.org* can be very useful as the website contains hundreds of examples of confirmatory applications submitted by the users of the platform.

4.2 Use common sense to counter the legal arguments

If you had a formal refusal (rather than an incomplete answer or administrative silence), then the decision letter from the EU body is likely to be full of legal text, explaining why they think that exceptions apply to the documents that you have asked for.

This can be a bit intimidating, but you can still appeal. Remember that the burden is on the public body to show why you can't have the information, and in the end you might ask that this be reviewed by the European Ombudsman or the Court.

What if I am not a lawyer? You don't need to be a lawyer to argue back against these legal arguments. Just try using common sense. You can do this by seeing if the refusal convinces you.

When refusing access, the EU body has to demonstrate that making the documents public would cause **"real and non-hypothetical harm"** to one of the interests protected by the exceptions in **Article 4 of Regulation 1049**. Is that credible for you in this case?

- If the reasoning for not providing you access to the documents requested is not clear or doesn't convince you, then, in your confirmatory application, you should ask the body to explain how and why the release of that document would specifically undermine one of the legitimate interests found in the exceptions.
- If the exceptions are clearly outlined in their response, you should try to argue against their points and demonstrate that they should grant you access, at least partial, to everything that is not sensitive information.

What is sensitive information? Personal information is an example of what it is normally considered sensitive information by the EU. If you request information that relates to a natural person, the EU body is obliged to keep it confidential and redact it on the documents you requested. Bank account numbers, social security numbers, or healthcare information is personal information.

TIP! Quote, quote, and quote: *When submitting a confirmatory application, quote the EU Charter of Fundamental Rights and the EU Treaties. Quoting from the [judgements of the European Court of Justice](#) on access to documents is also a good idea. This is something that the Access Info Europe team can help you on.*

4.3 Insist on getting partial access to the information requested

Article 4.6 of Regulation 1049 clearly states that "If only parts of the requested document are covered by any of the exceptions, the remaining parts of the document shall be released."

This means that EU institutions are obliged to examine the possibility of providing partial access to the documents requested by blacking out or otherwise removing the parts that are "sensitive" and granting access to the rest.

Partial access to documents can still be useful, for two reasons:

- You can make use of the information you do get, which is probably better than nothing!

- You will have some idea about the information that you did not receive. This can help you formulate your subsequent appeal to the Court of European Ombudsman, or give you ideas about what to put in a follow-up request.

TIP! Look at the Ombudsman's website: *The Ombudsman has ruled on many matters of public interest including access to documents. You might want to quote from some of the Ombudsman's findings when submitting your confirmatory application!*

4.4 Use the public interest argument

If your request for access to documents has been rejected, and if the refusal is based on an exception that includes a **public interest test** (see below for more details on exceptions), you should always refer to the public interest in transparency when drafting your confirmatory application. This is because the public authority must **balance the harm** that disclosure would cause against the public interest served by disclosure of the information.

In your confirmatory application you should ask them to explain why they consider this harm to be **substantial enough to override the public interest** in accessing that document. You should also argue that there is a high public interest in ensuring EU transparency and accountability and explain what the public interest is in accessing that particular document you requested.

Have a look at the following *Section 5* for more information about the exceptions to the right of access to EU documents. Understanding the exceptions will help you to draft more convincing arguments and should give you higher chances of success.

TIP! Go public: *If you are a journalist or civil society organisation and have been refused access to EU documents, you may want to make use of the denial to write a story or include it in a report. Tweet about a refusal and let people know how the process has been! It might help you to get the attention of more people around an investigation, and you will spread the word with your community about this right!*

5. Getting to know the exceptions to access

Unfortunately there are exceptions. Don't worry, we're about to explain them all to you!

The right of access to information or, in the EU's case, the right of access to documents, **is not an absolute right**. There are exceptions. There are for when releasing the information would cause harm to a specific interest.

The EU follows international standards with the list of protected interests in **Article 4 of Regulation 1049**.

TABLE IV: Exceptions under Article 4 of Regulation 1049

Exceptions where EU body must show that disclosure would cause harm:	Exceptions where EU body must show that disclosure would cause harm and that there is no overriding public interest:
<ul style="list-style-type: none"> ✓ Public security ✓ Defence and military matters ✓ International relations ✓ The financial, monetary or economic policy of the Community or a Member State 	<ul style="list-style-type: none"> ✓ Commercial interests of a natural or legal person, including intellectual property ✓ Court proceedings and legal advice ✓ The purpose of inspections, investigations and audits
<ul style="list-style-type: none"> * Privacy and the integrity of the individual 	<ul style="list-style-type: none"> * Ongoing decision making * Finished decision making

The main difference from the best international standards, is that in the column on the left, the EU body only has to show that giving you the documents would harm a protected interest; they don't have to consider the public interest in releasing the information. Here are some examples of how these tests are applied:

- If an EU body is refusing you information because it would cause harm, for example, to **international relations** in a delicate negotiation with another country, they don't have to think about the public interest that there might be in you knowing that information;
- If a document contains the names of private individuals who have been meeting with EU officials – let's imagine, for example, human rights activists from a repressive country – then releasing their names would clearly cause **harm to their integrity, including physical integrity**, and the EU body doesn't have to balance that against the public interest. They might, however, release the names of the top EU officials in the meeting, as there is no real harm in that;
- On the other hand, when it comes to an **ongoing decision-making process**,

maybe revealing the details of the current negotiations would cause some harm, but it could also help you participate in the discussions, so the balance could come down in favour of the public interest in releasing the documents;

- The same with **commercial interests**: maybe knowing how much a company is charging for supplying the EU with paper clips is something that would harm its ability to compete on the open market, but at the same time, there is a public interest in knowing how public money is being spent.

In all these cases, the EU body has to apply the exceptions **strictly and narrowly**. They have to demonstrate that making public the documents would pose a **foreseeable and more than purely hypothetical harm** to one of the interests protected by the exceptions.

If you don't think that they have done that based on the response you received, then you can argue back against the refusal to give you the information and, in your confirmatory, ask that either the body gives a more compelling response or that it release to you the documents.

5.1 Special tips on privacy

Both privacy and access to documents are fundamental human rights in the European Union since the Treaty of Lisbon came into force in 2009.

The problem here is that Regulation 1049 hasn't yet been updated, so currently the balance is tipped a bit more in favour of privacy and data protection as a stronger right.

The EU's current data protection rules are set down in **Regulation 2018/1725**, which is supposed to be harmonised with the access to information rules but there are still a wide range of different opinions about where exactly to strike the balance with privacy.



One thing that may happen to you is that, when the EU body denies you access to personal data, they will say that you didn't demonstrate in your request why you should have access to that data. This is because with personal data protection there is a **reverse burden**, and, rather than the body having to show why they can't give you the information, with personal data you have to demonstrate that they can.

This is a complex area and you are welcome to talk to an Access Info expert if you have such a problem. In the meantime, our recommendation is to argue as follows:

- If the information relates to **public figures, high level EU officials, leaders of**

Member States or other national governments, or people who have been directly involved in taking a decision, then argue that it's important to know who has political and decision-making responsibility;

- If the information relates to **lower level officials**, or is data that contains the names of other **private persons** have come into contact with the EU but are not responsible for decisions, then ask for the rest of the document with those names blanked out. Although it's not quite the same, getting partial access to documents which shows you the substance of the debate is better than no access at all.

5.2 Documents that the EU has received from others

We saw earlier that the EU's access to documents rules apply to all information held by EU bodies, whether they created the documents themselves or received them from others.

There are **three main external sources of documents** that an EU body holds:

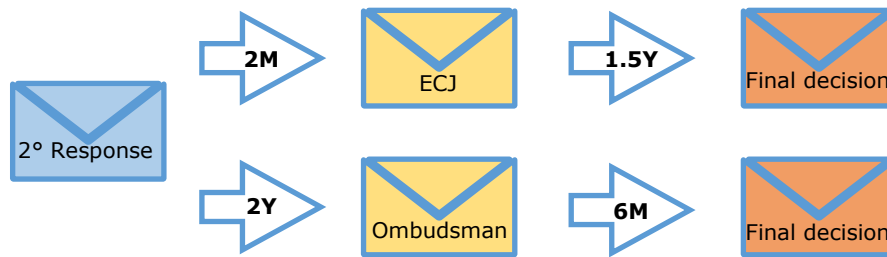
- Other EU bodies';
- Member States';
- Other third parties', which could be other countries or private bodies, such as companies or non-governmental organisations.

If a request might result in the release of documents received from one of these third parties and if it's not clear and obvious that the document can be released, then **Regulation 1049 at Article 4.4** requires that the EU body consults with the third party before disclosure. The goal of the consultation is to get perspectives which might help the EU body decide on the harm of releasing the documents to the public.

It's important to note that the third party cannot prohibit release, but they are merely consulted. If they really object to release of the information, they would have to go to the Court to stop it. This rarely happens.

Member States get a special mention here, as they can formally request that they EU body doesn't give out documents that the Member State without its permission. Even so, the jurisprudence of the Court of Justice of the European Union has made clear that this is **not an absolute veto right**, and the EU body takes the final decision. To block this, a Member State would have to go to Court to stop disclosure. Again, this is most unusual.

6. Taking your case to Court or complaining to the Ombudsman



If your confirmatory application is not successful, you have the choice of taking the institution to the EU General Court **within two months** of the new refusal or complaining to the European Ombudsman **within two years**. Each method has its pros and cons, but it is worth noting that you cannot do them both, **you must choose one or the other**.

6.1 Take a case before the Court of Justice of the European Union

The advantage of appealing before the Court of Justice of the European Union in Luxembourg is that the Court's decision **is legally binding**. This means that the body is obliged to give you the documents if the Court of Justice decides that the refusal to provide you the documents was wrong.

Bringing an action before the Court of the First Instance requires the **assistance of a lawyer** who is registered in one of the 27 Member States. For this reason, it can be very expensive.

Still, if you think you have a strong case it is worth considering taking the refusal to your access to documents request to the Luxembourg Court – legal challenges can help contribute to the long-term development of the right of access to information.

You should consider bringing a judicial challenge to the Court of Justice if:

- ✓ You think your arguments are strong and you have a high probability of success;
- ✓ You believe the information will still be relevant even after the added delay (court cases can take a long time, even years!);
- ✓ You think your case will have a broader, positive impact on the access to documents jurisprudence or create behavioural change;
- ✓ You have capacity to make the investment and you are sure you will be able to cover costs if you lose.



Note that there exists a possibility to bring your case to the Court of Justice immediately after you receive the first refusal. This means that you could skip one step of the process (confirmatory application) and go straight to Court, if you have some urgency in receiving the documents. However, Access Info strongly recommends you to always submit a confirmatory application and present your main arguments before taking your case to Court.

TABLE V: Pros and cons of bringing your case to Court

Pros	Cons
<ul style="list-style-type: none">✓ Court decisions are binding✓ It contributes to develop case law and create binding interpretations of the law	<ul style="list-style-type: none">✗ It's a slow process✗ It's costly (the loser might be asked to pay the costs of the EU body)✗ Both procedural rules and scope of review are strict and limited

6.2 Making a complaint to the European Ombudsman

The European Ombudsman investigates complaints about maladministration in the activities of the European Union institutions, bodies, offices, and agencies.

The Ombudsman's powers are set out in **Article 228** of the **Treaty on the Functioning of the European Union** and the office is referred to in **Article 43** of the **Charter of Fundamental Rights of the EU**.

Lodging a complaint with the European Ombudsman is an easy option as it's a **free, fast and flexible** process, and you don't need a lawyer. As to the speed of the procedure, it's worth noting that the Ombudsman has a **fast-track process** for access to documents requests relating information which seems to have a particular public interest, in order to reach decisions more rapidly than the average processing time.

Another advantage of going to the European Ombudsman's office is that, unlike Courts, it investigates problems and can make recommendations related to good administration. As a result, EU citizens and residents can make complaints that include things like complications in the processing of a request or excessive delays or even lack of courteous treatment by EU officials. It is also possible to combine a number of requests in one complaint if they relate to the same topic.

On the other hand, the Ombudsman’s **decisions are not binding**. However, the Ombudsman’s power to criticise EU bodies in public and to attract media attention means that in many cases the EU institutions do actually comply with these recommendations.

In 2020, EU bodies reacted positively to 93 out of the 118 proposals the Ombudsman made to correct or improve their administrative practices. Out of 17 institutions to which she made proposals, 10 complied fully with all solutions, suggestions and recommendations. Have a look at the Ombudsman’s last [Annual Report](#) for more information.

TIP! Look out for messages from your desk officer: *When you submit a complaint to the European Ombudsman, you are appointed a desk officer responsible to investigate on your case. They will inspect the original documents and ask both parties to comment on each other’s arguments. As they might ask you to provide further documentation, watch out for messages which might end up in your spam folder and make sure you respond promptly! There will be specific deadlines to follow.*

BOX III: Pros and cons of complaining to the European Ombudsman

Pros	Cons
<ul style="list-style-type: none">✓ There is no need to hire a lawyer✓ It’s free of charge✓ It’s faster than going to Court✓ Wider maladministration issues are considered part of the complaint✓ It is possible to complain up to two years after receiving the unfavourable decision	<ul style="list-style-type: none">✗ Decisions are not binding and might be ignored by the EU bodies✗ The Ombudsman can mediate to find a solution to your complaint but is unlikely to issue a detailed legal analysis on the finer points of law

BOX IV: Access Info’s Pro Bono Legal Services

Access Info makes available a Pro Bono legal service for those journalists, human rights advocates and CSOs that received a refusal to their access to documents request and would like to appeal to either the European Ombudsman or the Court of Justice of the European Union.

Reach out to Access Info if you need legal assistance! The Access Info team assists with filing both the confirmatory application and the eventual complain to the Ombudsman, as well as by putting in contact the requester with a lawyer available to assist pro bono before the Luxembourg Court.

Annex I: Requesting environmental information

With regard to environmental information, a specific legal framework was adopted through the **United Nations Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters**, signed on 25 June 1998, (the “**Aarhus Convention**”).

The access to information provisions of the Aarhus Convention are twofold: they provide for the way access on requests must be handled by public authorities and they explain the measures which need to be taken to ensure the collection and dissemination of environmental information.

The Convention was approved by the EU through the adoption in 2006 of **Regulation 1367/2006**, also called “**Aarhus Regulation**”, which transposes the Convention into EU law, making it an integral part of the EU legal order and binding EU institutions, agencies and bodies as well as the Member States.

➤ **Defining environmental information**

Pursuant to **Article 2(3) of the Aarhus Convention** and **Article 2(1)(d) of the Aarhus Regulation**, environmental information is defined as:

- ✓ Information on the state of the elements of the environment (air, water, soil, land, biological diversity);
- ✓ Information on the factors affecting or likely to affect the elements of the environment (substances, energy, noise, emissions);
- ✓ Information on the measures affecting or likely to affect such elements and factors;
- ✓ Reports on the implementation of environmental legislation;
- ✓ Economic analyses used in the framework of measures;
- ✓ Information on the state of human health and safety, conditions of human life.

➤ **Rights for all**

Contrary to Regulation 1049, which only applies to EU citizens or residents, the Aarhus Regulation mentions that it “shall apply to any request by an applicant for access to environmental information held by Community institutions and bodies **without discrimination as to citizenship, nationality or domicile** and, in the case of a legal person, without discrimination as to where it has its registered seat or an effective centre of its activities”.

➤ **Different deadlines**

The deadline for responding to initial access to documents requests in the case of environmental information is **one month**, as opposed to the 15 working days set out in the EU access to documents regulation. Note that there is a possibility to extend this deadline by another month in the case of complex or large requests.

➤ **Narrower (better) exceptions**

When a request related to environmental information is submitted under the Aarhus Regulation, the requester has a stronger right to get access to the data. This means that the EU institution has the obligation to apply **the exceptions more narrowly**, taking into account the public interest served by disclosure.

Exceptions like the protection of the “commercial interests of a natural or legal person, including intellectual property” or of “court proceedings and legal advice” are therefore much weaker when it comes to environmental information. The Aarhus Regulation specifies that whenever these exceptions are applicable, there is **always an overriding public interest in disclosure** if the information concerns to emissions into the environment, or related topics.

TIP! Mention both: *If you want to request environmental information from the EU, we recommend you mention both Regulation 1049 and the Aarhus Regulation. On top of your request, state that you are submitting an application in accordance with both Article 2 of Regulation 1049 and Article 3 of Regulation 1367/2001, you’ll make sure the institution gives more thought to your public interest arguments.*

Annex II: Accessing EU documents [registries and databases]

Document registries

The **European Parliament** has its own public register of documents, which can be found at:

<https://www.europarl.europa.eu/RegistreWeb/home/welcome.htm?language=en>

The **Council of the European Union's** document register can be found at:

<https://www.consilium.europa.eu/en/documents-publications/public-register/>

The **European Commission's** document register can be found at:

<https://ec.europa.eu/transparency/regdoc/?language=en>

The **European Economic and Social Committee's** register of documents can be found at: <https://www.eesc.europa.eu/en/register-documents>

The **Committee of the Regions** (the EU's assembly of regional and local representatives) also has a register of documents:

<https://dmsearch.cor.europa.eu/search/public>

Databases

ArchisPlus: the European Commission's historical archives database. **Website:** https://ec.europa.eu/historical_archives/archisplus/arcp_central.cfm?page=fonds_recherche

EUR-Lex: the Official Journal of the European Union and legislation in force.

Website: <http://eur-lex.europa.eu/en/index.htm>

Europa: the gateway to the European Union, with publications and documents.

Website: <https://europa.eu/>

Legislative Observatory of the European Parliament (OEIL): provides a summary of European Union decision-making processes. It summarises all stages of procedures and the full text of all documents drawn up by Parliament. **Website:**

<http://www.europarl.europa.eu/oeil>

Pre-Lex: a database of inter-institutional procedures. It enables you to follow the main stages of the decision-making process between the Commission and the other institutions and see the full text of the documents. **Website:** <https://eur-lex.europa.eu/collection/legislative-procedures.html?locale=en>

Ted (Tenders electronic daily): Supplement to the Official Journal. You can see the calls for tender published by the institutions. **Website:**

<http://ted.europa.eu/TED/main/HomePage.do>

EU Whoiswho: The European Union Official Interinstitutional Directory. You can search by person, entity or hierarchy. **Website:** <http://europa.eu/whoiswho/public>

Accessing Information from the European Union: Guide on Access to EU Documents was prepared by Access Info Europe.

For more information, please visit www.access-info.org

Get help from the Access Info team:

The Access Info team has lawyers and experts in the right of access to information ready to help you with your access to information requests.

If you have submitted a request for information and it has been ignored or denied, we'd like to hear about it. We will find a way to help you, for example by giving you advice on how to appeal or by finding a lawyer who might be able to assist you.

Write to the Access Info team here: info@access-info.org.

This guide is for **anyone who needs to get access to information** held by EU bodies. Whether you are an individual wanting to exercise your democratic right to know what is going on at the EU level, you are a civil society organisation that needs EU information to advance and protect the public interest, or you are a journalist, or an academic or a business person, particularly in a small and medium enterprise, this Guide has been designed for you.

Access Info's Guide on Access to EU Documents contains detailed information on the **fundamental right of access to EU documents**, and includes a step-by-step guide on how to make requests and file confirmatory applications (appeals). The guide also contains tips for arguing against non-disclosure as well as information about appealing to the European Ombudsman or the Court of Justice of the European Union.