

## How Should Citizens Request EU Documents?

### Internal Guides and DG Practices Discourage Access to EU Documents

On Thursday 19 November, Access Info and Corporate Europe Observatory will be meeting with DG Trade to discuss its controversial internal guide on access to documents, leaked in April and amended in June following protests from civil society.

Particularly controversial was the guidance (now deleted) on not recording relations with industry lobbyists: such as "don't refer to the great lunch you have had with an industry representative privately or add a PS asking if he/she would like to meet for a drink".<sup>1</sup>

On Thursday 19 November, **Access Info Europe** will launch a report on its investigations into the internal guides of 16 other DGs. The report, "[\*Question to Brussels: How should a citizen request EU Documents?\*](#)" will be available on this link from 19 hrs on 17 November.

The research found lack of clarity about the rules for access to documents is leading to problems in the treatment of requests for information. Although none of the other guides were anything like as problematic as that of DG Trade, one serious failing is that most of the guides, including that of the Secretariat General are out of date and do not give guidance on how to interpret the rules in line with recent European Court of Justice jurisprudence.

DG Competition refused to disclose its internal guidelines on the grounds that they would "harm the decision-making process" and "had not been validated by the Commission".

The Access Info researchers also found numerous obstacles facing members of the public filing a request for documents for the first time. The researchers found that some DGs do not offer clear mechanisms for filing access to documents requests, do not treat requests submitted via website enquiry forms as formal requests, do not acknowledge these requests, do not issue official access to documents reference numbers, and sometimes refuse to process the requests. Some of this behaviour flouts the very clear guidelines from the Secretariat General that each DG should receive and process requests.

*"For members of the public, it's hard to know where to start if you have a question for Brussels,"* comments Helen Darbshire, Executive Director of Access Info Europe. *"For those concerned about reducing the public perception of the European Union as distant and impenetrable, making it easier to ask a question would be a very good place to start"*.

Another serious problem is languages: only 2 of the 16 DGs had an internet page about access to documents in all the official languages of the EU. *"If you don't speak English, you will fall at the first hurdle when trying to access EU information,"* added Darbshire.

Poor document management was another issue: DG Employment responded saying they had no internal guidelines on how to answer access to information requests; a couple of weeks later an e-mail was received with the guidelines (in French) attached.

***The recommendations in the report include:***

- The Secretariat General should make public and review all internal guidelines on access to documents and should ensure that they conform to the rules and relevant court jurisprudence and Ombudsman decisions.
- Serious attention should be paid to the DG Trade internal guidelines which are a great variance from the norm (and possibly the DG Competition).
- The EU as a whole should make the process of requesting information more transparent to the public, for example with an “access to information” button on the front page of the website of each EU body;
- Ensure that all DGs receive, acknowledge, and process requests for documents;
- Address the language issue and ensure that information about the access to documents rules and the request forms are in all EU languages;
- Make sure that the public is not obliged to provide information about themselves more than the basic name, e-mail or address, and description of the information requested.

***Notes for editors:*** The DG Trade manual (Vademecum) suggested staff keep two types of meeting reports, a “factual” one for public release and a more personal one with notes of politically controversial issues, internal assessments and follow-up proposals, which would not need to be disclosed. More generally, it tells officials to draft reports of meetings with and emails to third parties (“e.g. industry”) particularly carefully – as these are “favourite 'targets' of requests for access to documents, especially by NGOs”. It particularly advises staff to avoid remarks about informal meetings with industry representatives in emails, which might be subject to information requests.

***For more information, please contact:***

Helen Darbishire, Executive Director, Access Info Europe  
+ 34 667 685 319 [helen@access-info.org](mailto:helen@access-info.org)