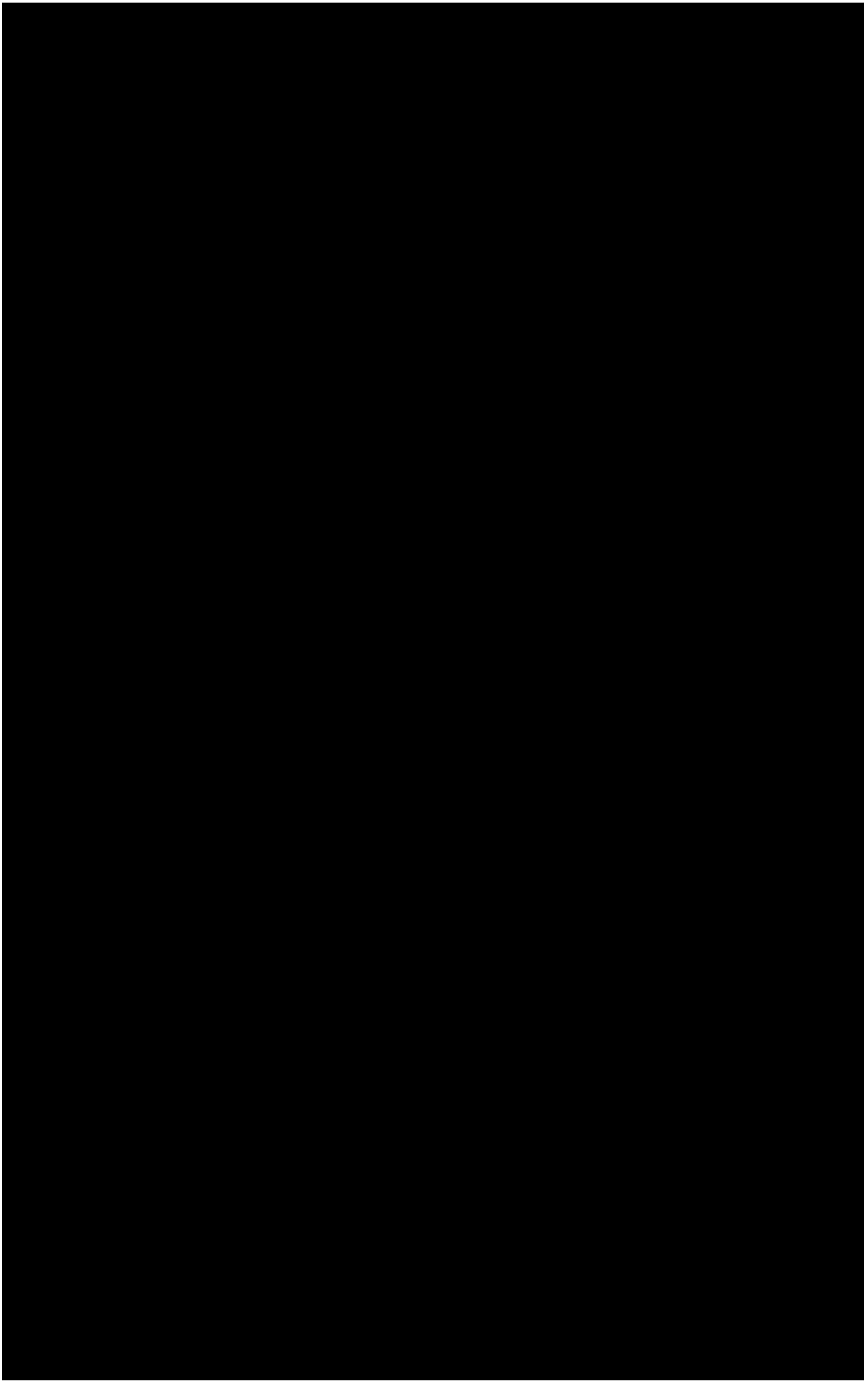


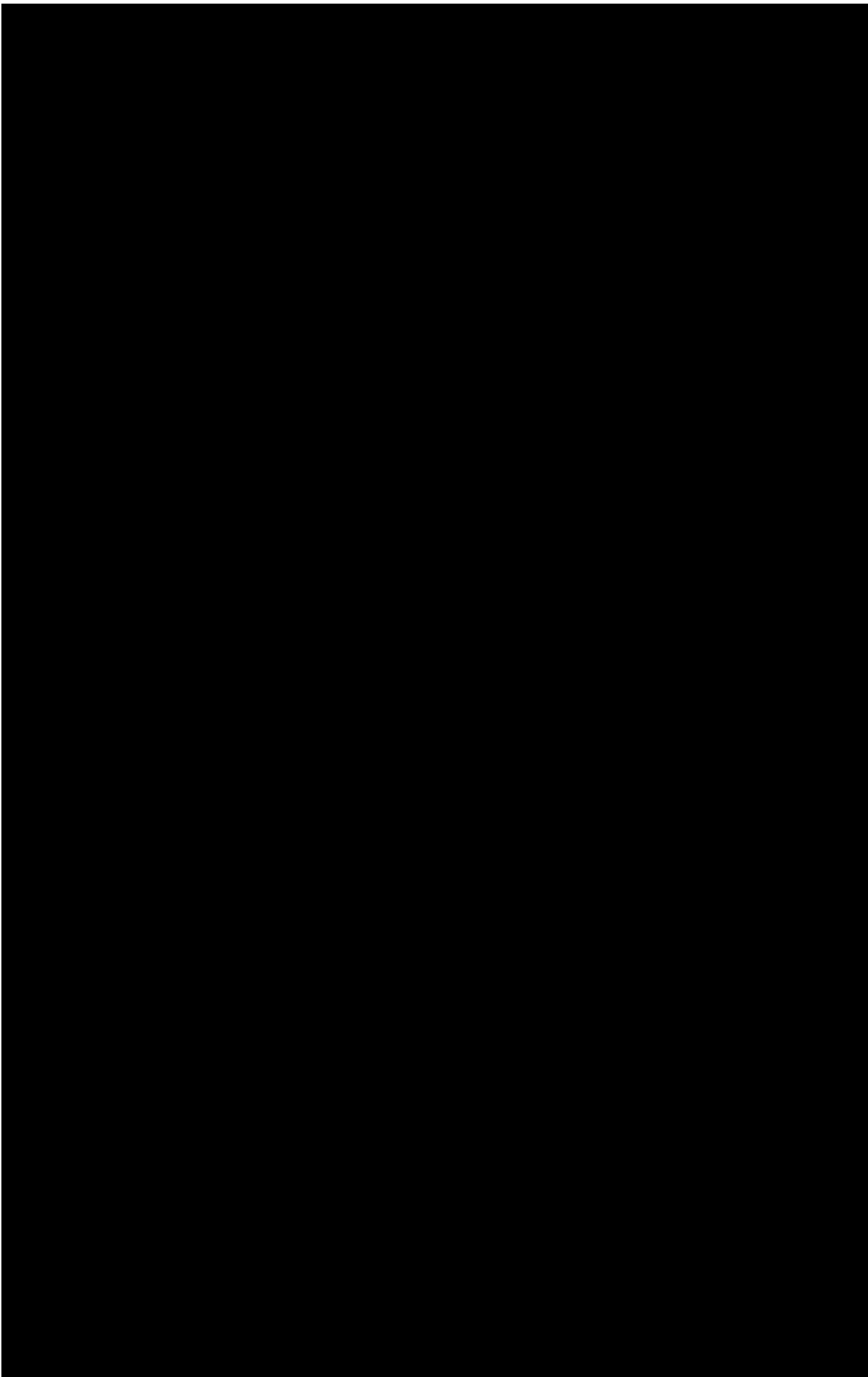


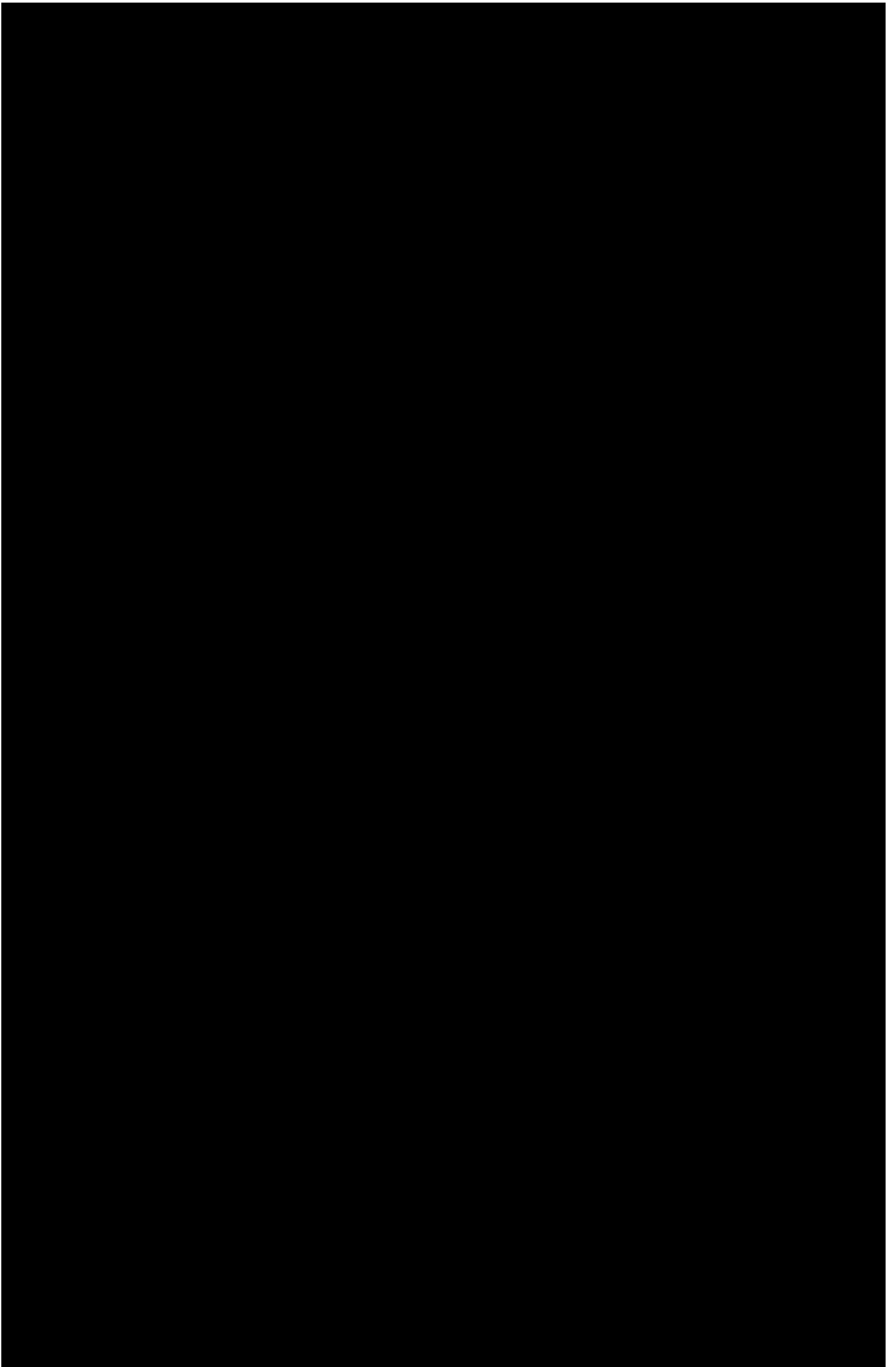
2019 CHAIR OF THE **JHA AGENCIES NETWORK**

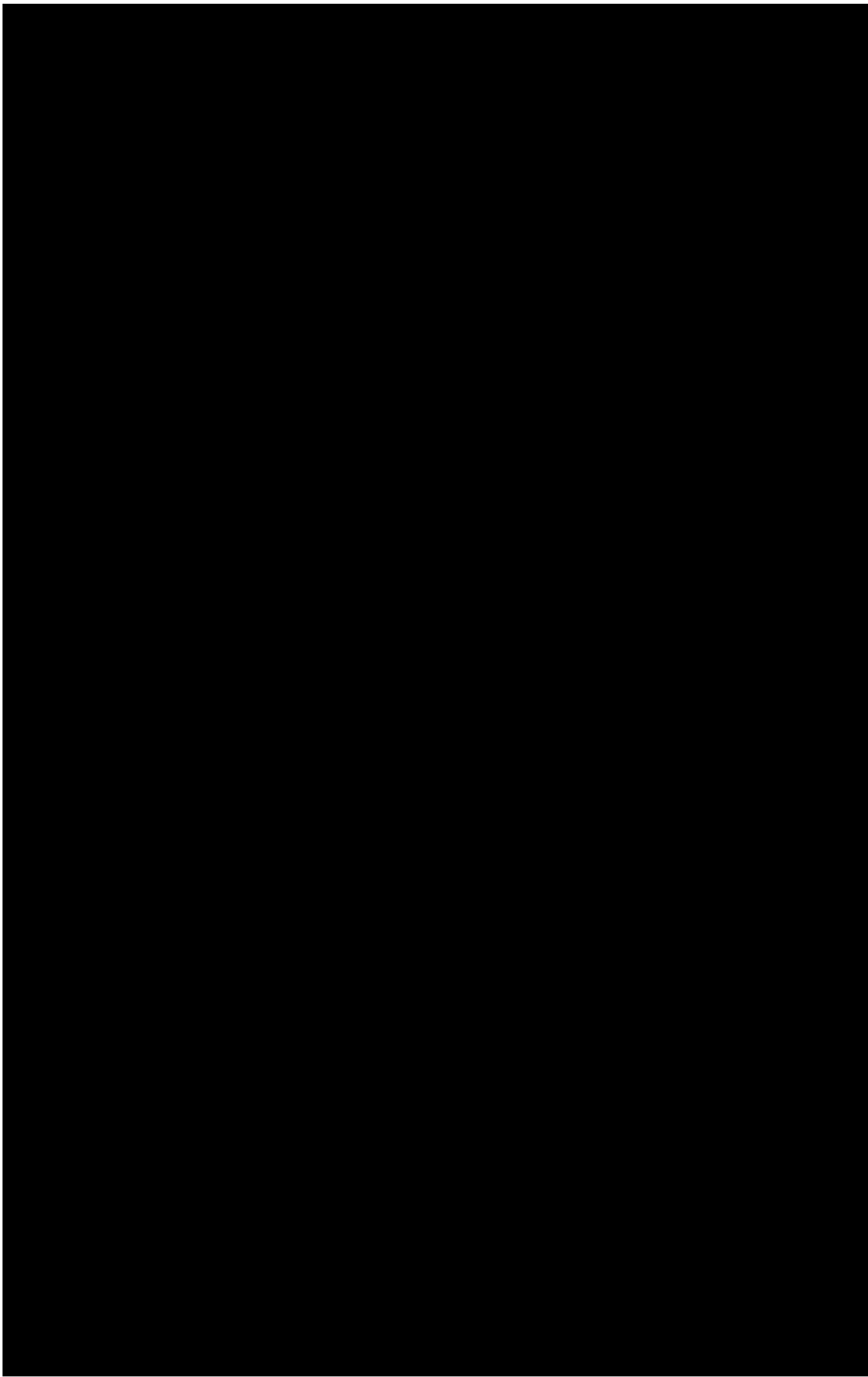
DISCUSSION PAPERS
1ST JHA AGENCIES NETWORK MEETING
The Hague, 26-27 February 2019

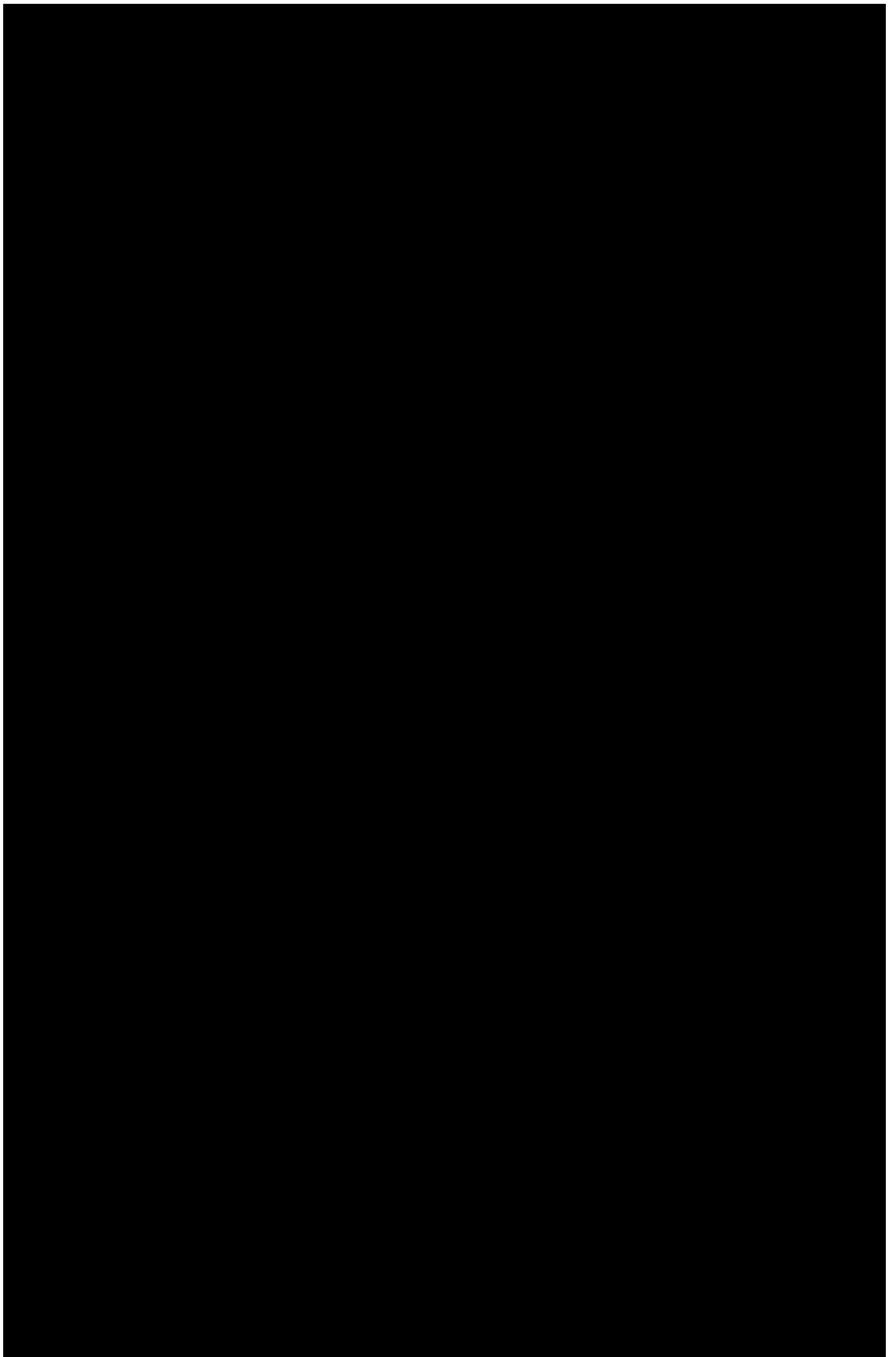


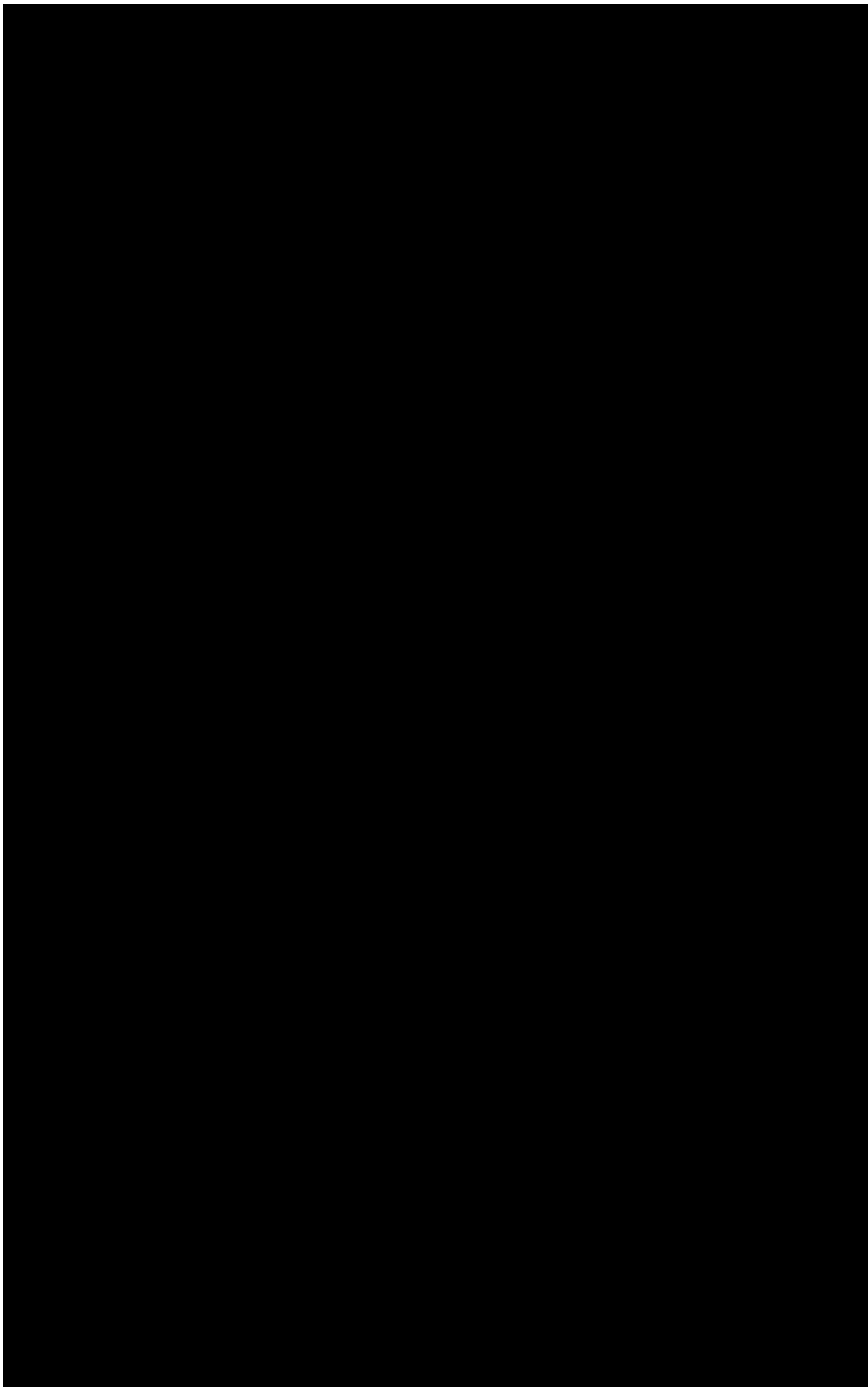


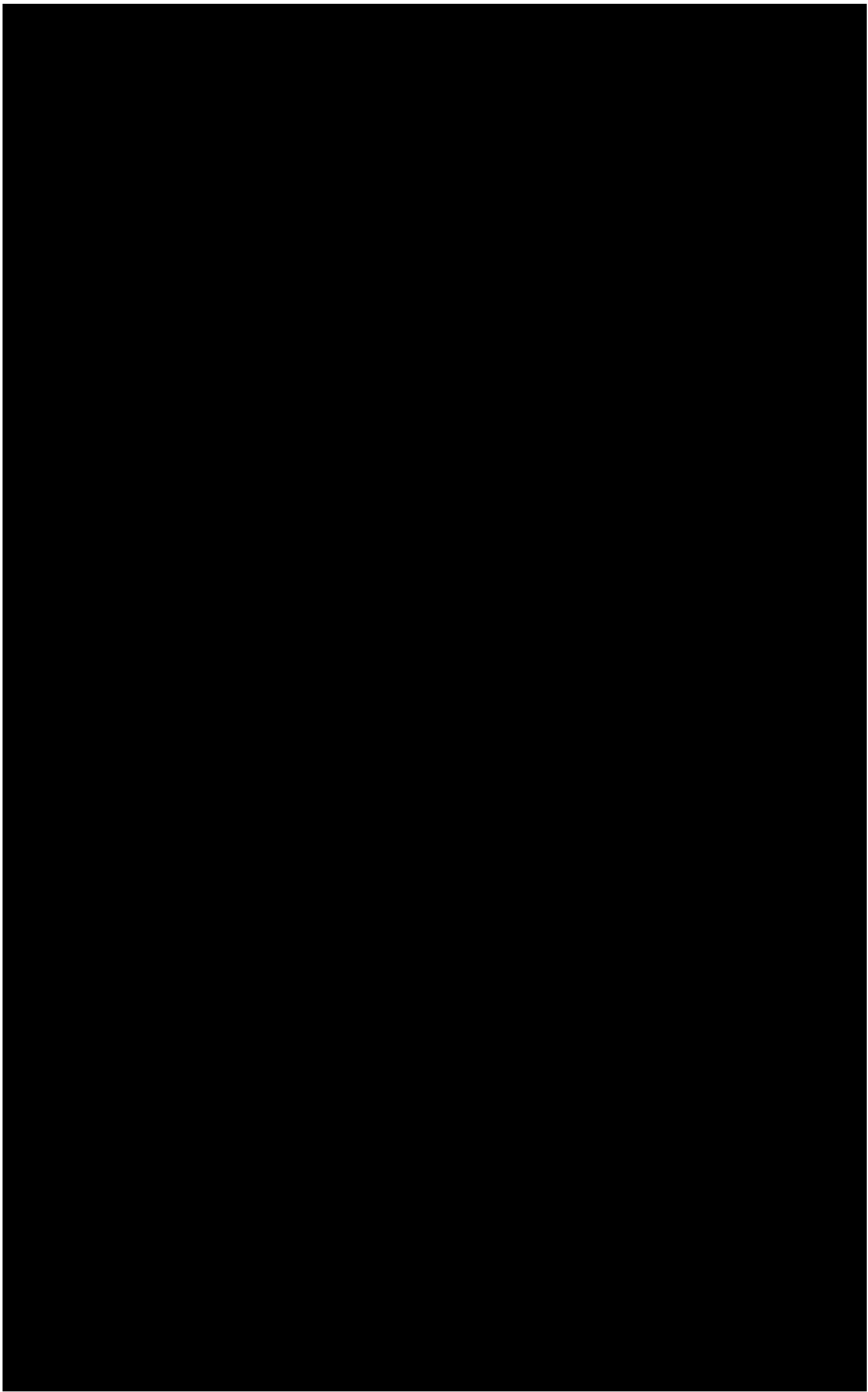


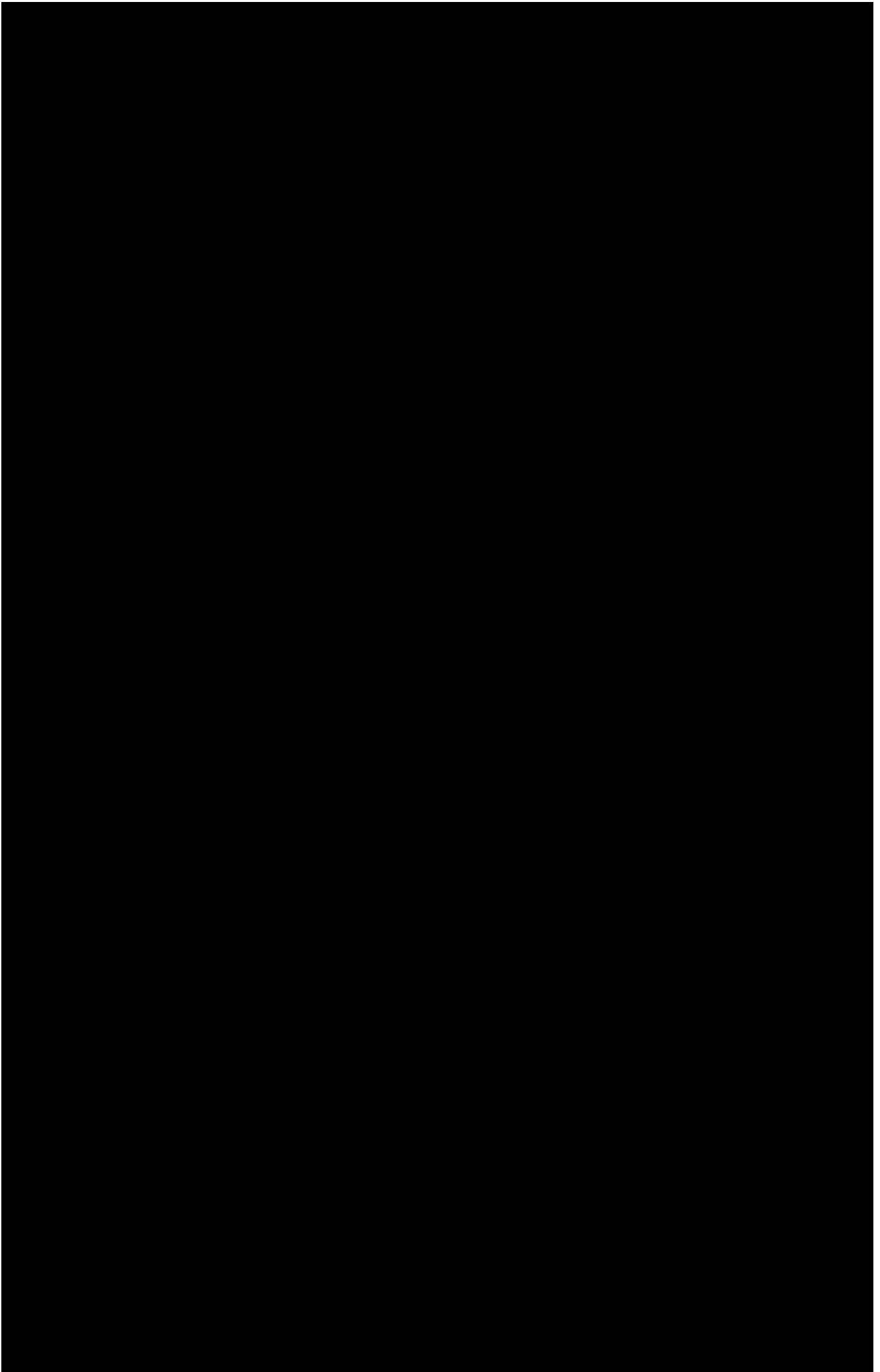




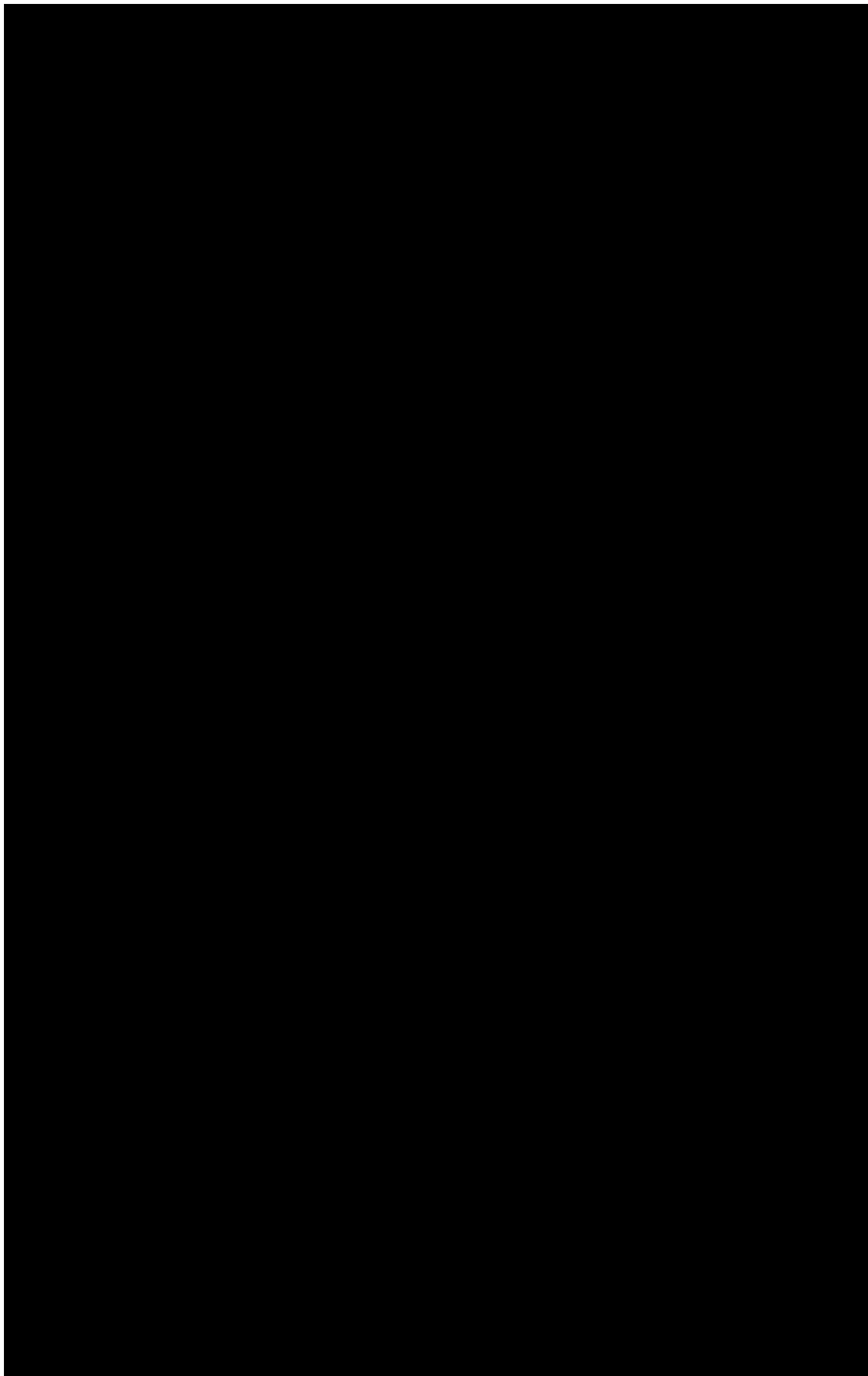


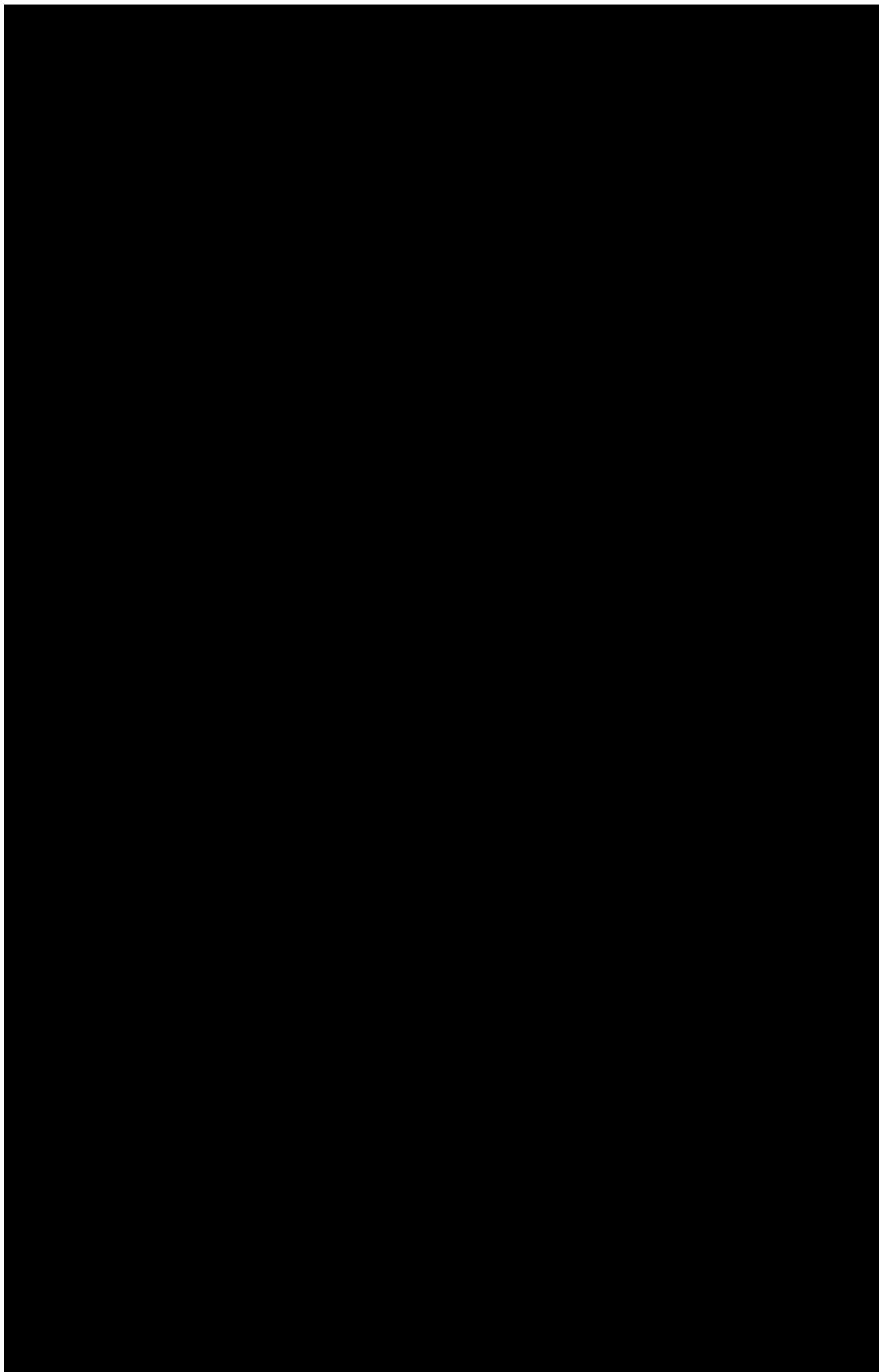


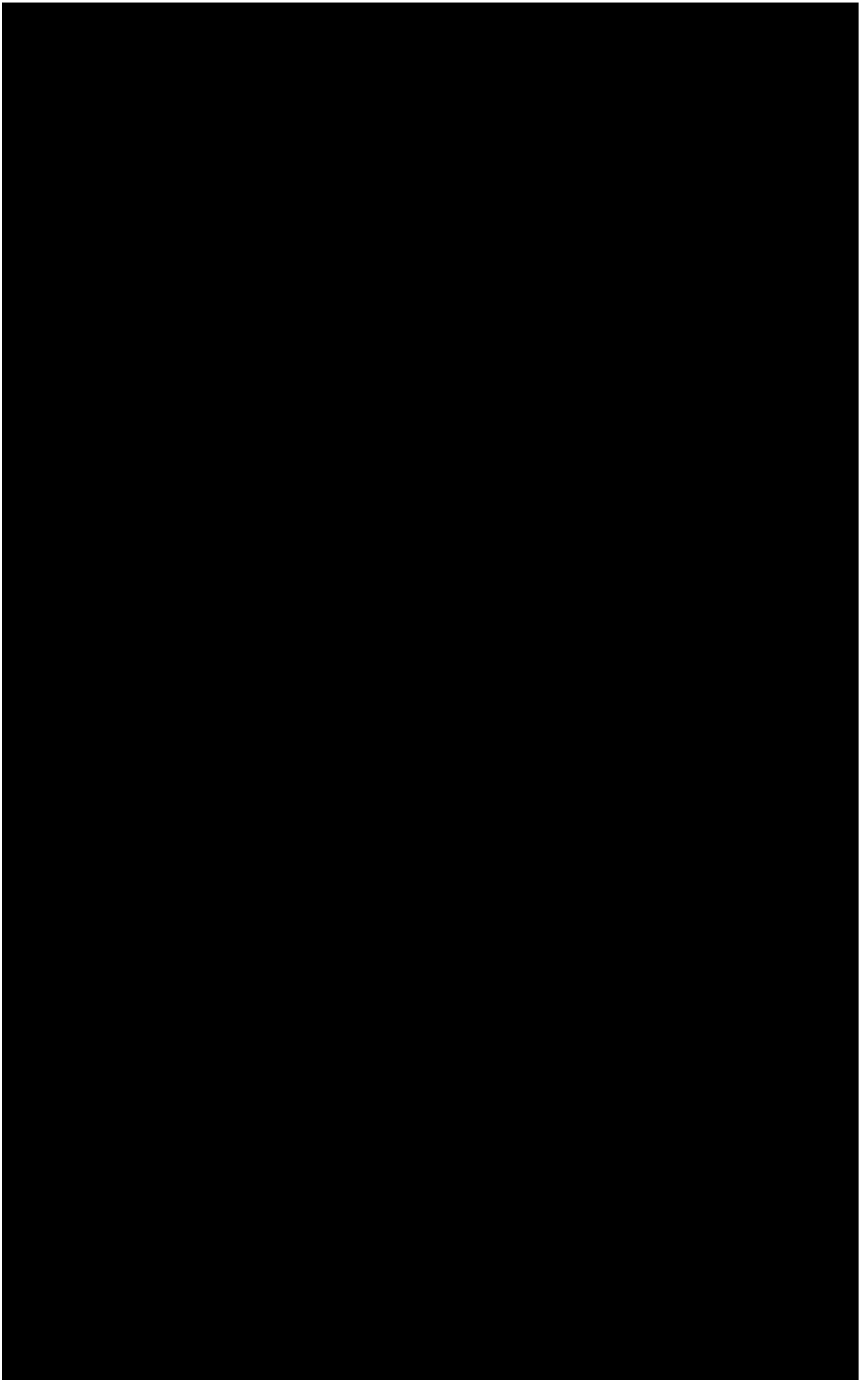












B. HOW DO AGENCIES DEAL WITH REQUESTS FOR DOCUMENT ACCESS?

The principle of transparency and the right of individuals to access documents of EU bodies are laid down in Article 15 TFEU and Article 42 of the Charter of Fundamental Rights of the EU. Regulation (EC) No 1049/2001 delineates the rules on access to documents.

Rules on document access at Europol

The Rules on how to implement EU rules on access implementing rules for access to Europol documents have been adopted in accordance with Art. 65 of the Europol Regulation by the Management Board on 13 December 2016 and they became applicable as of 1 May 2017.

A public register of documents is available on the Europol website and is regularly updated. If a Europol document has not been published or cannot be downloaded from the public register, an individual can ask for access to the document without providing any justification. Applications for access to documents can be submitted via a web form¹⁸.

The application will be acknowledged and processed by Europol within **15 working days** from its registration. In exceptional cases, this time limit may be extended by a further 15 working days. Europol will reply to the applicant in writing and, in the event of a full or partial refusal, will provide the reasons for its decision. Within 15 working days of receiving Europol's reply refusing access, the applicant can make a confirmatory application asking Europol to reconsider its decision. Applicants can contest Europol's final decision on their application by bringing an action before the Court of Justice of the European Union or by lodging a complaint with the European Ombudsman.

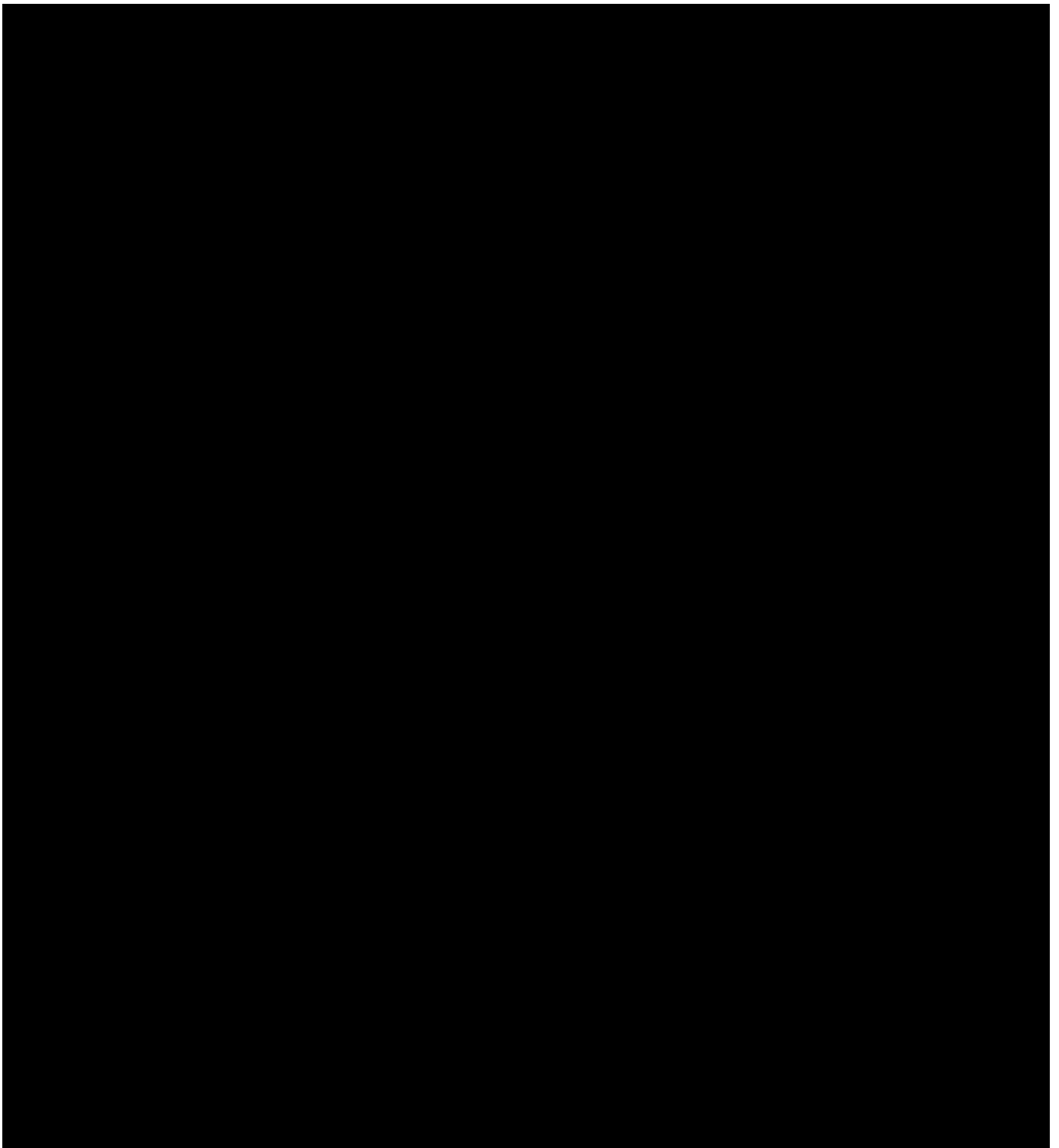
Access to a document will be refused, totally or partially, when its disclosure would undermine the protection of public interests, the privacy and integrity of individuals or other interests explicitly protected under Article 4 of the Management Board Rules.

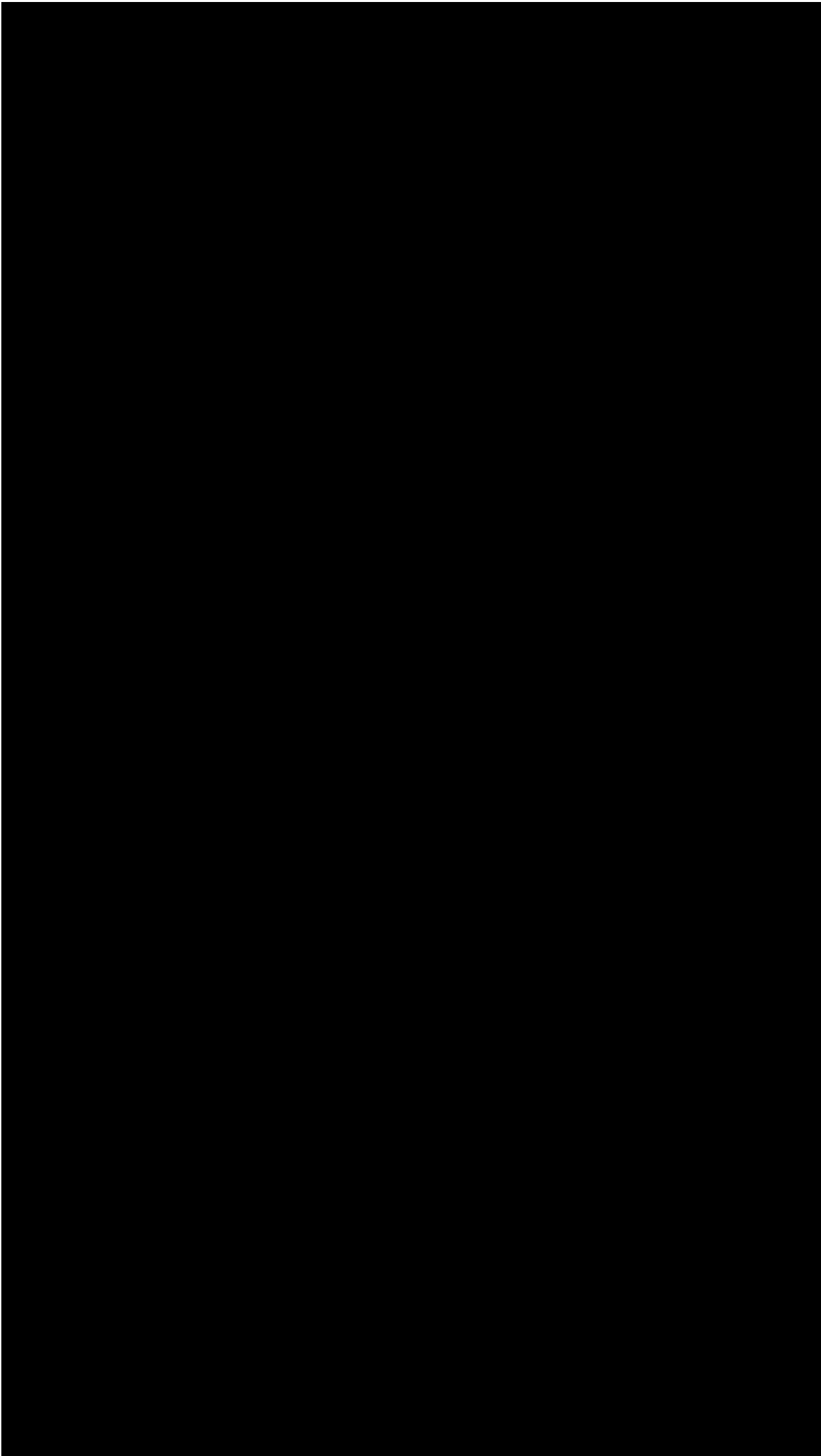
The EU and International law team (G24) is the team responsible at Europol for public access. To this end, G24 is coordinating a cross-departmental taskforce covering all areas of Europol activities.

¹⁸ Europol has received 330 requests for public access to documents in 2018 (mostly from students and journalists).

Guiding Questions

- 1) What is the workload your agency has in terms of public access requests (e.g. how many request for access to documents do you receive per year, which are the main categories of people requesting the access)?
- 2) In there a central point for handling the public access requests within your agency and to what extent is your legal department involved?
- 3) What are the main challenges encountered with regard to requests for access to documents, and what would be the suggested solutions?





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