




Brussels, 31 March 2009

Transparency and access to documents

Article 255 of the Treaty establishing the European Community states that ‘Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have a right of access to European Parliament, Council and Commission documents’ in accordance with Regulation (EC) No 1049/2001 of 30 May 2001 (‘the Regulation’) . It was on this basis that the Agency’s management committee adopted implementing provisions for the Regulation at the Education, Audiovisual and Culture Executive Agency at a meeting on 13 June 2005.

All applications for information or documents must be made in writing and sent:

by post to: EACEA, Human Resources, ICT, Administration and Communication Unit,
1, Avenue de Bourget, BE-1140 Brussels, or

by email to: eacea-info@ec.europa.eu

An acknowledgement of receipt will be sent to you. Within 15 working days from registration of your application the Agency will either provide you with the document requested or state the reasons for the total or partial refusal.

The Agency may refuse you access to certain documents to safeguard public or private interests or to safeguard the confidentiality of internal consultations. Such refusal of access will be based on one of the exceptions provided for in Article 4 of the Regulation.

Education, Audiovisual and Culture Executive Agency
1, Avenue du Bourget
BE-1140 Brussels
Belgium
Office: BOUR 4/60 Tel.: direct line (32-2) 2994012 Fax: (32-2) 292.13.25.

<http://eacea.ec.europa.eu>

Email: gilbert.gascard@ec.europa.eu

The exceptions to the right of access are grouped as follows:

1) refusal is justified if disclosure of the document would undermine the protection of:

- the public interest as regards public security, defence and military matters, international relations, or the financial, monetary or economic policy of the Community or a Member State;

- privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data;

2) unless there is an overriding public interest in disclosure of the document requested, refusal is justified if disclosure would undermine the protection of:

- commercial interests of a specific natural or legal person, including intellectual property;

- court proceedings and legal advice;

- the purpose of inspections, investigations and audits;

3) unless there is an overriding public interest in disclosure of the document requested, refusal is justified if such disclosure would seriously undermine the decision-making process of the EACEA in respect of any document:

- drawn up by the Agency for internal use or received by it, which relates to a matter where the decision has not yet been taken;

- containing opinions for internal use as part of deliberations and preliminary consultations within the Agency, even after the decision has been taken.

If only parts of the document are covered by any of these exceptions, the remaining parts of the document may be released.

If the document requested originated with a third party, the EACEA may consult the third party before deciding whether to release the document.

A Member State may request the Agency not to disclose a document originating from that Member State without its prior agreement (*Article 4 of the Regulation*).

You will receive the document in an existing format (paper copy or in electronic form) and in an existing language version.

If the document is no longer than 20 pages (A4 sheets) it will be provided free of charge. There is also no charge for consulting documents on the spot and in the case of direct access in electronic form.

You may be charged for voluminous documents but you will never have to pay more than the real cost of producing and sending the copies.

If your request for documents is turned down or if the Agency had not replied within the time allowed, you may ask the Agency to reconsider its decision, by sending a written request (confirmatory application) to the Director of the Agency within 15 working days following receipt of the Agency's reply or expiry of the time limit if the Agency fails to reply.

Monsieur Gilbert Gascard, Director

Education, Audiovisual and Culture Executive Agency

1, Avenue du Bourget

BE-1140 Brussels

Email address: gilbert.gascard@ec.europa.eu

The Agency then has 15 working days within which to change or confirm its decision. If the refusal is confirmed you will be given details of how to pursue the appeal further - that is, by submitting a complaint to the European Ombudsman or bringing an appeal before the Court of First Instance (*Articles 7 and 8 of the Regulation*)