

European GNSS Agency

53rd Meeting of the Administrative Board

Prague, 18 June 2018

**Decision of the Administrative Board of the European
GNSS Agency approving the Policy on Public Access to
Documents at the European GNSS Agency**

**DECISION OF THE ADMINISTRATIVE BOARD OF THE EUROPEAN GNSS AGENCY
of 18 June 2018
approving the Policy on Public Access to Documents at the European GNSS Agency**

THE ADMINISTRATIVE BOARD OF THE EUROPEAN GNSS AGENCY,

HAVING REGARD to Regulation (EU) No 912/2010 of the European Parliament and of the Council of 22 September 2010 setting up the European GNSS Agency as amended by the Regulation (EU) No 512/2014 of 16 April 2016, and notably Article 21 thereof,

HAVING REGARD to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents,

WHEREAS it is necessary to establish rules for implementing Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents,

HAS ADOPTED THIS DECISION:

Article 1

Policy on public access to documents at the European GNSS agency, attached in annex, is hereby approved.


Article 2

This decision enters into force on the day following of its adoption.

This decision shall be published on the Agency's website.

Done in Prague on 18 June 2018

For the GSA Administrative Board



Mr Jean-Yves Le Gall

Chair of the GSA Administrative Board

POLICY ON PUBLIC ACCESS TO DOCUMENTS AT THE EUROPEAN GNSS AGENCY

Article 1

Scope and beneficiaries

1. This Decision prescribes the arrangements under which the public shall be granted access to documents held by the European GNSS Agency (hereinafter 'the Agency').
2. 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 Agency, subject to the principles, conditions and limits laid down in Regulation (EC) No 1049/2001 (hereinafter 'the Regulation').

Article 2

Applications for access

1. Applications for access to documents which are not directly accessible via the Agency's website shall be sent to the Agency via a dedicated form on the Agency's website or by electronic mail or post, in a sufficiently precise manner, in order to enable the Agency to identify the document(s) requested.
2. The relevant contact details to which applications are to be sent are listed in Annex 1 to this Decision. The Executive Director may update that Annex.
3. All applications shall be processed under the conditions and within the deadlines set by the Regulation.
4. Personal data of applicants shall be treated in line with applicable data privacy legislation.

Article 3

Treatment of initial applications

1. The Executive Director shall designate the Document Access Coordinator who will be responsible for assessing initial applications for documents and for preparing the decisions of the Executive Director with respect to confirmatory applications.
2. Where the document requested is directly accessible as defined in Article 12 of the Regulation and Article 7 of this policy, the applicant shall be notified as such together with details of how to retrieve the document in question.
3. Applications relating to documents which are not directly accessible shall be registered and, unless the answer can be sent by immediate reply, acknowledged by the Document Access Coordinator pending an answer.



4. The acknowledgement of receipt and the answer shall be sent in writing, where appropriate, by electronic means.
5. Within 15 working days from registration of the application, the Document Access Coordinator shall either grant access to the document requested and provide access in accordance with Article 3(2) within that period or, in a written reply, state the reasons for the total or partial refusal and inform the applicant of his or her right to make a confirmatory application in accordance with Article 7(2) of the Regulation.
6. 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 or when more time is needed in order to assess the applicability of exceptions/limitations set out by the Regulation, the time-limit provided for in paragraph 4 may be extended by 15 working days, provided that the applicant is notified in advance and detailed reasons are given.

Article 4

Treatment of confirmatory applications

1. The Executive Director shall take the decisions on confirmatory applications.
2. A confirmatory application shall be handled promptly. Within 15 working days from registration of such an application, the Executive Director shall either grant access to the document requested and provide access in accordance with Article 10 within that period or, in a written reply, state the reasons for the total or partial refusal. In the event of a total or partial refusal, the Executive Director shall inform the applicant of the remedies open to him or her, namely instituting court proceedings against the institution and/or making a complaint to the European Ombudsman.
3. 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 or when more time is needed in order to assess the applicability of exceptions/limitations set out by the Regulation, the time limit provided for in paragraph 2 may be extended by 15 working days, provided that the applicant is notified in advance and detailed reasons are given.

Article 5

Third-party documents

1. Where the Agency receives an application for access to a document which it holds but which originates from a third party, the Agency shall assess whether any of the exceptions provided for under Article 4 of the Regulation applies.
2. If, after that examination, the Agency considers that access to it must be refused in accordance with any of the exceptions provided for in Article 4 of the Regulation, the Document Access Coordinator shall send the decision to refuse access to the applicant without consultation of the third-party.

3. Without prejudice to paragraph 6, the Agency shall grant the access without consulting the third-party where:
 - (a) the document requested has already been disclosed either by its author or under the Regulation or similar provisions;
 - (b) it is clear that the disclosure, or partial disclosure, of its contents would obviously not affect any of the interests referred to in Article 4 of the Regulation.
4. In all other cases, the third-party shall be consulted.
5. The third-party consulted shall have a deadline for reply which shall be no shorter than five working days. In the absence of an answer within the prescribed period, or if the third party is untraceable or not identifiable, the Agency shall decide in accordance with the rules on exceptions laid down in Article 4 of the Regulation, taking into account the legitimate interests of the third party on the basis of the information at its disposal.
6. If the Agency intends to give access to a document against the explicit opinion of the third party, it shall inform the third party of its intention to disclose the document after a five working day period and shall draw his or her attention to the remedies available to him or her to oppose disclosure.
7. If an application for access concerns a document originating from a Member State, the Agency shall consult the originating authority of the Member State, in accordance with Article 4(5) of the Regulation.

Article 6

Exercise of the right of access

1. Documents shall be sent by mail or, if available, by electronic means. If documents are voluminous or difficult to handle, the applicant may be invited to consult the documents at the Agency's premises. This document consultation shall be free of charge.
2. If the document has been published the answer may consist of the publication references and/or the place where the document is available and/or its web address on the Agency's website.
3. If the volume of the copies to be sent by mail exceeds twenty (20) pages, the applicant may be levied a reasonable charge set out in the Annex 1 to this Decision. The Executive Director may decide to update that Annex.

Article 7

Measures facilitating access to the documents

1. In order to make the right of access deriving from the Regulation effective, the Agency shall provide access to a register of documents. This register shall be accessible in electronic form.



2. The register shall contain the title of the document, its reference number, subject matter and/or a short description of the content of the document and the date on which it was received or drawn up and recorded in the register.
3. A help page shall inform the public how the document can be obtained. If the document is published, the register shall contain a link to the original text.
4. The types of documents that shall be included in the register are listed in Annex 2 of this Decision.

Article 8

Report

Pursuant to Article 17(1) of the Regulation a report shall be annexed to the Agency's annual report including the number of cases in which the institution refused to grant access to documents, the reasons for such refusals and the number of sensitive documents not recorded in the register.

Article 9

Internal organisation

1. The Executive Director shall ensure coordination and uniform implementation of the present policy.
2. The Agency will adapt its current practices to meet the policy's provisions at the latest nine months after its signature.



ANNEX 1 – Contact details

This Annex provides the contact details for applications for access to documents together with details of charges for the processing and dispatch of any large documents.

1. Addresses for submissions of applications for access to documents held by the Agency

Applications shall be sent for the attention of the Document Access Coordinator by one of the methods below:

1.1. Via the Agency's website:

www.gsa.europa.eu/contact-us

1.2. By electronic mail:

registry@gsa.europa.eu

1.3. By post:

European GNSS Agency
Document Access Coordinator
Janovského 438/2
170 00 Prague 7 – Holesovice
Czech Republic

2. Charges to be levied at the discretion of the Executive Director for large documents

10 cents (0.1 EUR) per page plus any carriage costs

ANNEX 2 – Register of documents

At least the following documents shall be included in the register of documents:

- Rules of procedure
- Annual activity reports
- Budget and financial documents
- Strategic planning documents (at least single programming document)
- Decisions of the budget discharge (either a document or a link to the Official Journal of the European Union)
- Public procurement (list of awarded contracts)
- Vacancy notices
- Announcements to public consultations

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