



European Institute of Innovation and Technology

Governing Board

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Final 17/10/2008

**DECISION BY THE GOVERNING BOARD OF THE EUROPEAN INSTITUTE OF  
INNOVATION AND TECHNOLOGY**

**of 17<sup>th</sup> October 2008**

**concerning the transparency and access to documents  
at the European Institute of Innovation and Technology**

THE GOVERNING BOARD  
OF THE EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY,

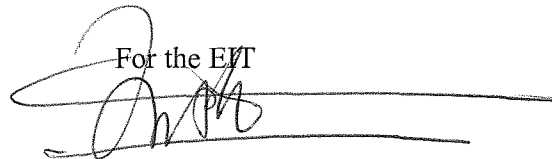
HAVING REGARD TO Regulation (EC) No 294/2008 of the European Parliament and of the Council of 11 March 2008<sup>1</sup> establishing the European institute of Innovation and Technology and in particular Article 13(6) thereof.

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<sup>2</sup>.

Whereas it is necessary to establish rules for implementing Regulation (EC) N° 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to the documents held by the European Institute of Innovation and Technology.

**Has adopted this Decision.**

Done in Budapest, 17<sup>th</sup> October 2008

For the EIT  


EIT Chairman

*M. H. Schuurman*

<sup>1</sup> OJ L 97/1, 9.4.2008.

<sup>2</sup> OJ L 145, 31.5.2001, p. 43–48

## **Article 1 - Objective and Scope**

This decision prescribes the arrangements under which the public, within the meaning of Article 2 (1) and 2 (2) of Regulation 1049/2001, shall be granted access to documents held by the European Institute of Innovation and Technology (hereinafter referred to as "the EIT"), in implementation of Regulation 1049/2001.

## **Article 2 - Applications for Access to Documents**

Applications for access to a document shall be sent to the EIT via its website by electronic mail, by post or by fax in the manner prescribed by Article 6 of Regulation 1049/2001. The relevant contact details are listed in Annex 1 to this Decision and may be updated periodically by a decision of the Director of the EIT and, until, such director takes up duty, the EIT Secretariat.

## **Article 3 - Processing of Initial Applications**

1. The EIT shall respond to initial applications within fifteen working days from the date of registration of the application.
2. In the case of complex or bulky applications, the deadline may be extended by the fifteen working days.  
Reasons must be given for any extension of the deadline and any such extension must be notified to the applicant prior to expiry of the original deadline.  
If the complexity of the request, in view of the length of the documents or the number of documents involved makes a timely response difficult, a fair solution shall be sought with the applicant.
3. If an application is imprecise, as defined in Article 6(2) of Regulation 1049/2001, the EIT shall invite the applicant to provide additional information to clarify the application.  
The deadline for the EIT to respond to the application shall be fifteen working days from receiving the information necessary to identify the document in question.
4. Where the document requested is directly accessible as defined in article 12 of Regulation 1049/2001 and article 12 of this Decision, the applicant shall be notified as such together with details of how to retrieve the document in question.
5. Applications relating to documents which are not directly accessible shall be acknowledged by the EIT pending an answer unless this answer can be sent by return post.
6. Any decision to deny access to a document or part of a document shall state the reason for the refusal. The applicant shall be informed of the remedies available to him or her.
7. The document access co-ordinator shall inform the applicant of his/her decision with respect to the initial application.
8. Any wholly or partly negative decision shall inform the applicant of his right to submit, within fifteen working days from receipt of the answer, a confirmatory application to the EIT.

9. The acknowledgement of receipt and the answer shall be sent in writing and, where appropriate, by electronic means.
- ~~10. In the event of a total or partial refusal, the applicant may, within 15 working days of receiving the EIT's reply, make a confirmatory application asking the EIT to reconsider its position.~~
11. Failure by the EIT to reply within the prescribed time limit shall entitle the applicant to make a confirmatory application.

#### **Article 4 - Processing of Confirmatory Applications**

1. The EIT shall respond to confirmatory applications within fifteen working days from the date of registration of the application.
2. The director is authorised to take decisions regarding confirmatory applications. He/she shall be assisted in this tasks by the document access co-ordinator and, if necessary, the service which produced or received the document in question.
3. The decision shall be notified to the applicant in writing, where appropriate by electronic means, and shall inform him or her of the available remedies, if appropriate.

#### **Article 5 - Third Party Documents**

1. Where the EIT receives an application or access to a document which it holds but which originates from a third party, it shall check whether one of the exceptions provided for under Article 4 of Regulation 1049/2001 applies.
2. If, after that examination, the EIT considers that access to it must be refused under one of these exceptions, the negative answer shall be sent to the applicant without consultation of the third party author.
3. The EIT shall grant the application without consulting the third party author where the document requested has already been disclosed either by its author or under Regulation 1049/2001 or similar provisions.
4. In all other cases, the third party author shall be consulted. In particular, if an application for access concerns a document originating from a Member State, the EIT shall consult the originating authority.
5. The third party consulted shall be given a deadline for reply which shall allow the EIT to respect its own deadline to the reply to the applicant. In the absence of an answer within the prescribed period, or in those cases where the third party is untraceable or unidentifiable, the EIT shall reach a decision in accordance with the criteria set out in article 4 of Regulation 1049/2001, taking into account legitimate interests of the third party on the basis or the information at its disposal.
6. If the EIT intends to give access to a document against the explicit opinion of the author, it shall inform the author of its intention to disclose the document after a ten-working day period and shall draw his or her attention to the remedies available to him or her to oppose disclosure.

## **Article 6 - Exercise of the Right of Access**

1. ~~When access is granted, applicants shall have such access either by receiving a copy sent by mail, fax or, if available, by e-mail.~~

If the document has already been published, the answer shall consist of the publication references or, for documents available on the EIT's website or other websites, the appropriate Uniform Resource Locator (URL)

The applicant has the choice of consulting the specific documents at the location where they are kept.

2. If documents are voluminous or difficult to handle, the applicant may be invited to consult the documents at the EIT's premises. This consultation shall be free of charge.
3. Without prejudice to the Regulation in force relating to fees and charges payable to the EIT, if the volume of the documents requested exceeds twenty pages, the applicant may be charged a fee for making the necessary copies. This fee shall be set by the Director. Such charges are published in the annex to this Decision. They shall not exceed a reasonable amount.

Direct Access in electronic form shall be free of charge.

## **Article 7 - Measures Facilitating Access to Documents**

1. In order to make the right of access effective, the EIT shall provide access to a register of documents.

The register shall be accessible in electronic form.

2. The register of documents shall cover the categories of the EIT's documents listed in Annex 2 to this Decision and may be updated periodically by a decision of the Director of the EIT and, until, such director takes up duty, the EIT Secretariat.
3. A help page shall be provided to assist the public in finding specific documents.
4. The register shall contain the title of document (*in the languages in which it is available*), its reference number, a brief description of the contents, an indication of the author (EIT or third party), the date of its creation or adoption and the date of entry in the register.
5. For documents which are directly accessible, the register shall include a hyperlink to the document in question.
6. For documents which are not directly accessible, the register will provide details of how to request access.

## **Article 8 - Documents Directly Accessible to the Public**

1. The following documents shall be made directly accessible by electronic means:
  - (a) Brochures and other documents meant for the general public issued by the EIT
  - (b) All press releases issued by the EIT
  - (c) The annual budget of the EIT

- (d) The rolling triennial work program of the EIT
  - (e) The EIT annual activity report
  - (f) The list of contacts in the EIT publications made by the EIT
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- 2. As far as possible the following documents shall be made directly accessible by electronic means:
  - (a) Documents originating from third parties, which have already been disclosed by their author or with his or her consent.
  - (b) Documents already disclosed following a previous application.
- 3. The Director may add to the list of documents in paragraphs 1 and 2 as appropriate.

#### **Article 9 - Internal Organisation**

- 1. The Director shall ensure coordination and uniform implementation of these rules by the EIT staff. To this end, he or she shall provide all the necessary advice and guidelines.
- 2. The Director shall designate a suitably-qualified person responsible for assessing initial applications for documents ("documents access coordinator") and for preparing decisions by the Director with respect to confirmatory applications.

#### **Article 10 - Reports**

Pursuant to article 17(1) of Regulation 1049/2001, a report shall be annexed to the EIT'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 11 - entry into force**

This Decision shall enter into force on 18 October 2008.

Done in Budapest

For the EIT  
The Chairman

## Annex 1

Contact details for receipt of applications for access to a document, referred to in Article 2:

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Contact via the Internet:

URL: <http://ec.europa.eu/eit/>

Contact by Mail:

The European Institute of Innovation and Technology's Acting Secretariat  
c/o The European Commission, Directorate-General *Education and Culture*  
Task Force EIT  
[EAC-EIT-INFO@ec.europa.eu](mailto:EAC-EIT-INFO@ec.europa.eu)  
B-1049 Brussels  
Belgium

Contact by Fax:

+32-2-295.56.90

## Annex 2

### Categories of Documents used by the register of documents referred to in Article 8:

- ~~(a) Legal framework and Organisational Chart of the EIT~~
- (b) Work program/plan and budgets of the EIT (including list of contracts)
- (c) Rolling Triennial Work Program and Annual activity or Annual Special reports of the EIT
- (d) Activities of the Governing Board (agenda, documents submitted to the Governing Board, final version of the minutes from the Governing Board's meetings )
- (e) Rules of procedures of the EIT (code of conduct, data protection) and Financial Rules of the EIT
- (f) Rules for access to documents including statistics on requests
- (g) Details criteria for the selection of the Knowledge and Innovation Communities (hereinafter referred to as KICs)
- (h) Reports and other documents on the activities of the KICs
- (i) Recruitment and vacancy notices within the EIT
- (j) Press releases and articles issued by the EIT
- (k) Photos, videos and newsletters issued by the EIT
- (l) Other background information