



C/2025/1951

31.3.2025

**DECISION OF THE HIGH REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND
SECURITY POLICY**

of 6 March 2025

**on the rules regarding the handling of requests for public access to documents held by EU Special
Representatives**

(C/2025/1951)

THE HIGH REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY,

Having regard to Article 33 of the Treaty on European Union,

Whereas:

- (1) In accordance with Article 33 of the Treaty on European Union, each EU Special Representative (hereinafter 'EUSR') carries out his or her mandate under the authority of the High Representative.
- (2) EUSRs are functional entities separate from the Council and the EEAS.
- (3) For the purpose of handling an application for public access to documents held by an EUSR, he or she should apply the rules laid down in Regulation (EC) No 1049/2001 of the European Parliament and of the Council ⁽¹⁾.
- (4) It is appropriate to adopt implementing rules applicable to all EUSRs,

HAS ADOPTED THIS DECISION:

Article 1

Scope

Any citizen of the European Union, and any natural or legal person residing or having its registered office in a Member State, shall have a right of access to documents drawn up or received by an EUSR according to the principles, conditions and limits defined in Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (hereafter 'the Regulation') and the implementing rules laid down in this Decision.

Article 2

Submitting an application

1. An application for access to documents addressed to an EUSR shall be submitted in written form, including electronic form by e-mail sent to the functional mailbox EUSR-ACCESS-TO-DOCUMENTS@eeas.europa.eu.
2. The application shall be made in a sufficiently precise manner, in order to enable the EUSR to identify the document(s) requested and to process the application within the time limits of the Regulation.

⁽¹⁾ 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 (OJ L 145, 31.5.2001, p. 43).

3. As soon as the application is registered, an acknowledgement of receipt shall be sent to the applicant.
4. Personal data of applicants shall be processed in line with applicable personal data protection rules ⁽²⁾.

Article 3

Time limits

1. The EUSR shall answer initial and confirmatory applications within fifteen (15) working days of the date of registration of the application.
2. If an application is imprecise or too broad in its scope, the EUSR shall promptly contact the applicant with a view to clarifying the request or limiting its scope in line with Article 6(2) and 6(3) of the Regulation. In the absence of any reply from the applicant within 10 working days, the EUSR shall contact again the applicant granting other 5 additional working days to clarify or limit the scope of the request so as to allow the EUSR to identify the documents requested and handle the application in an efficient manner. If the applicant fails to provide a clarification or a limitation of the scope, the application shall be deemed rejected. The deadline for reply shall run only from the time when the EUSR receives relevant information from the applicant.
3. In exceptional cases, as set out in Articles 7(3) or 8(2) of the Regulation, the deadlines may be extended by fifteen working days, in particular:
 - (a) in the case of applications which are complex or involve a large volume of data or documents;
 - (b) if a request requires consultation of a Union institution, body or office, Common Security and Defence Policy mission or operation or a Member State; or
 - (c) if consultation of a third party is required.

The applicant must be informed of any such extension and of the reasons for it.

Article 4

Handling of replies

1. Answers to initial applications shall be signed by the Head of Office of the EUSR, who shall act as Access to Documents Correspondent within the relevant EUSR Office. In the absence of a Head of Office, the EUSR shall appoint an Access to Documents Correspondent from among staff members.
2. Answers to confirmatory applications shall be signed by the relevant EUSR.
3. Without prejudice to the above paragraphs, for the purpose of the handling of access to documents requests, both at the initial and at the confirmatory stage, the Transparency Team of the EEAS supports and advises the EUSRs and their offices. The High Representative of the Union for Foreign Affairs and Security Policy is consulted, when appropriate, on the decision to be taken in complex cases.

⁽²⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

*Article 5***Negative response**

If the answer to an application is negative in full or in part, it shall state the reasons for the refusal based on one of the exceptions set out in Article 4 of the Regulation. Answers to an initial application shall inform the applicant of the right to submit a confirmatory application. In any negative answer to a confirmatory application, the EUSR shall inform the applicant of the available remedies, namely instituting court proceedings against the relevant EUSR under the conditions laid down in Article 263 TFEU and / or making a complaint to the European Ombudsman under the conditions laid down in Article 228 TFEU.

*Article 6***Third party documents held by an EUSR**

1. When an EUSR receives an application for access to a document, which he or she holds, but which originates from a third party, the third party shall be consulted unless it is clear that the document shall or shall not be disclosed, in light of the exceptions set out in the Regulation.
2. Access to the document shall be granted without consultation of the third party if the document has already been made public by its author, has already been released to the public by other EU institutions and bodies, or if 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.
3. The third party must be consulted if the document is covered by Article 9 of the Regulation, or if the document originates from a Member State and the Member State has requested the EUSR not to disclose the document without its prior agreement under Article 4(5) of the Regulation. Such a request by a Member State must be made in writing.
4. The third party shall be consulted in writing and be given a reasonable time limit to reply, taking into account the time limits set out in Article 3 above. The third party shall give its opinion in writing.
5. In the absence of a reply from the third party within the prescribed time limit, or if the third party is unidentifiable or untraceable, the EUSR shall decide on the application in light of the exceptions set out in the Regulation, taking into account the legitimate interests of the third party on the basis of the information at the disposal of the EUSR.
6. If the EUSR intends to give access to a document against the explicit opinion of the third party, it shall inform the third party of their intention to disclose the document within the deadline applicable under the Regulation.

*Article 7***Consultation of an EUSR**

1. Requests for consultation of an EUSR by a Member State or another institution, body, office or agency of the Union which has received an application for a document within its possession but which originates from an EUSR shall be sent by email to EUSR-ACCESS-TO-DOCUMENTS@eeas.europa.eu.
2. The EUSR shall give his or her opinion promptly, taking into account any time limit applicable for providing a reply, and at the latest within five working days.

*Article 8***Classified documents**

1. Where an application for access to a document concerns a document covered by Article 9 of the Regulation or another document classified in accordance with the rules of the institution concerned, which protect essential interests of the European Union or of one or more of its Member States, it shall be handled by officials entitled to acquaint themselves with the document.

2. Reasons shall be given on the basis of the exceptions listed in Article 4 of the Regulation for any decision refusing access to all or part of a classified document. If the access to the requested document cannot be refused on the basis of those exceptions, the official handling the application shall ensure that the document is de-classified before it is sent to the applicant.

Article 9

Modalities of access

1. Documents to which access is to be granted shall be sent by post or email. If the documents requested are voluminous or difficult to handle, the applicant may be invited to consult them where they are held. Such consultation shall be free of charge.
2. If the document has been already released, an answer may consist in informing the applicant how to obtain the requested document, such as providing the publication references or indicating the web address where it is available.
3. If the volume of the copies of documents to be sent by post exceeds 20 pages, the applicant may be charged a fee of EUR 0,10 per page, plus shipping costs. The charges for other media shall be decided on a case by case basis, but shall not exceed a reasonable amount.

Article 10

Publication of documents

1. Documents made public by an EUSR following an access to document application are published with the support of the EEAS and hosted, to this effect, in the EEAS public register.
2. In line with Article 9 of the Regulation, documents covered by that provision shall be recorded in the EEAS public register only with the consent of the originator.

Article 11

Reporting

EUSRs shall report annually to the High Representative on the number of cases in which their office refused to grant access to documents, and in such cases shall provide the reasons for such refusals.

Article 12

Effect

1. This Decision shall apply to all EUSRs.
2. This Decision shall take effect on the day of its adoption.

Done at Brussels, 6 March 2025.

Kaja KALLAS
*High Representative of the Union
for Foreign Affairs and Security Policy*