



The Hague, 18 December 2020

Ms Emily O'Reilly  
European Ombudsman

*Via email:*  
*Registry@ombudsman.europa.eu*

**Subject: Proposal of the European Ombudsman for a solution in case no. 2272/2019/MIG**

Dear Ms O'Reilly,

I would like to thank you for your letter of 7 October 2020 and the proposal for a solution on Europol's public register of documents.

Europol has carefully studied your proposal, which we consider as a very valuable guidance to improve Europol's public register. As you have pointed out, since the Ombudsman's own-initiative inquiry into this matter in 2012, Europol has made significant progress in developing the public register. Guided by the principles of good administrative practice, we have reviewed the public register of documents and will further improve certain aspects of its implementation, as detailed below.

Please find below our planning of the specific steps that Europol intends to take in order to update our register of documents, upon your recommendations. Some of the planned measures will be implemented on a short-term basis (Q1 2021), while others will be part of a larger project related to the introduction of the new Europol website, which should be completed in Q3 2021.

As part of the measures we have already implemented with the aim to increase the user-friendliness of the Europol's website pages related with the public register and public access to documents, we have now refined the navigation buttons under the section 'Publications & Documents' of the main menu of the website. This section now lists three separate and clearly identifiable webpages with individual links – 'Public access to Europol Documents', 'Request access to Europol documents' and 'Public Register of Documents'.

The first webpage, accessible through the button 'Public access to Europol Documents', provides in a clear and understandable manner the legal framework of public access to documents applicable to Europol, outlines the methods in which

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public access requests can be submitted as well as their handling. The second added navigation button ('Request access to Europol documents') now provides a direct link to the form that individuals can use in order to request access to documents held by Europol. The third new navigation button, 'Public Register of Documents', helps individuals to directly access the public register, also accessible through the 'Publications & Documents' section. We believe that this refinement will increase the user-friendliness of Europol's website as regards public access to documents and will also help individuals to easily find and access the public register.

In line with your proposal, we have reviewed the current public register and I am pleased to confirm that this register can now be found on a dedicated webpage on Europol's website. The above-listed webpages on the general framework of public access to documents and the request form are linked to each other and provide references to the other sections of the website. The public register, as part of the features that were already in place, now includes a search tool and a refinement menu. Those features allow the public to easily browse through all documents available on the public register and to search documents by keywords, including by using filters like 'year' and 'category of document'. Those features will be preserved as part of the new Europol website project and possibilities for their improvement will be further evaluated in this context.

In order to improve the completeness of the public register, we have identified the following topics. One of them concerns short-term measures that will be taken, i.e. the creation of a list of basic legal documents and documents concerning Europol's strategy. The public register already contains some categories of documents on the core activities of Europol, i.e. legal framework, Executive Director's decisions and Management Board documents. However, an additional section with the basic documents governing Europol's activities will contribute towards providing the public with the respective documents in an easily accessible manner. In line with the user-friendly approach taken regarding the public register, the newly created list will be linked to it accordingly. Our aim is to have this list and compilation implemented by the end of Q1 2021.

Having reviewed the list of documents on the public register and in line with your proposal, Europol has identified the need to also revise the categories of documents listed on the public register. We will carry out this revision as part of the deployment of the new Europol website. As a first step, we will differentiate between type and content of documents, resulting in two different lists based on those two attributes.

Due to Europol's business - processing sensitive law enforcement information - it is difficult to include all the specific categories of documents in the public register. Europol assesses the nature and content of documents on a case-by-case basis when access is requested by a member of the public. While Europol is striving to make as many documents as possible available to the public proactively, we will assess internally whether certain categories of documents can be systematically uploaded on the public register.

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Related to this effort, Europol will carry out an assessment of the possibility to list some categories of documents in the public register even if the documents themselves are not recorded individually (i.e. staff-related documents). We will therefore look into the possibility whether the register could be extended with other categories of documents, based on the documents already released to the public based on individual requests. This long-term goal is linked to the implementation of the new Europol website.

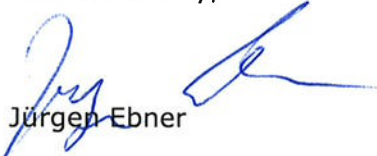
In the meantime, to increase transparency as regards the different areas of work of Europol, we will launch an initiative asking the different Departments to identify and assess documents related to their functions that can be made public proactively. The aim of this measure is also to raise greater awareness among colleagues that documents that are not likely to risk undermining any protected public interest should be made public. Our goal is to launch this initiative by the end of Q1 2021, expecting to receive the input from the respective areas by the end of Q2 2021.

Following the review of the public register, as described above, we also have identified as an area for further improvement the topic of documents disclosed to individuals following public access to documents requests but not listed yet in the public register. In the past, due to technical difficulties, some of the documents were not immediately uploaded on the register of documents. Europol aims to remedy this as soon as possible.

The respective documents have been identified and the process for their publication has been initiated with the aim to have the majority of the documents that were disclosed to the public during 2020 uploaded to the public register by the end of Q1 2021. Additionally, subject to available resources, such a check will be carried out gradually in a chronological manner as regards documents released to the public during previous years. In line with the principle of maintaining and updating the public register of documents in a timely manner, documents disclosed to the public will be systematically uploaded on the public register as appropriate. This measure has already been implemented.

I trust having informed you adequately. My colleagues and I remain of course available should you need any further clarification on the matter.

Yours sincerely,



Jürgen Ebner

Deputy Executive Director Governance

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