



The Hague, <sup>28</sup> May 2019

Mr Chris Jones

Project Director, Statewatch

*Via email: [chris@statewatch.org](mailto:chris@statewatch.org)*

**Public Access to Europol Documents - Your letter of 20 March 2019**

Dear Mr Jones,

Thank you for your letter of 20 March 2019, with which you have put forward three topics in relation to Europol's implementation of Regulation (EC) No 1049/2001 concerning public access to documents.

Europol holds the view that it complies with its legal framework and obligations in relation to public access to documents. Nonetheless, Europol would like to respond to your concerns as follows.

With regards to your first remark, i.e. the public register of documents, as you may be aware, Europol has a dedicated page on its website, where documentation is published on a regular basis and made available to the public. However, in accordance with Article 9(1) of the Management Board Decision laying down the rules for applying Regulation (EC) No 1049/2001 with regard to Europol documents, reference to the documents in the public register shall be made in manner, which does not undermine the protection of the interests set out in Article 4 of the said decision. The implementation approach in relation to the register of documents varies across the Union bodies and institutions. Europol continuously aims at doing more in relation to increasing transparency and assisting interested citizens, and to this effect, the vast amount of information available on the Europol website regarding the support provided to law enforcement authorities in Member States and beyond, as well as to the security interests of EU citizens (e.g. crime prevention material), represents a concrete example.

EDOC#1045291

Eisenhowerlaan 73  
2517 KK The Hague  
The Netherlands

P.O. Box 908 50  
2509 LW The Hague  
The Netherlands

Phone: +31(0)70 302 50 00  
Fax: +31(0)70 345 58 96  
[www.europol.europa.eu](http://www.europol.europa.eu)

## Europol Unclassified – Basic Protection Level

Additionally, as you are aware from your own experience, the Agency is determined to assist the public and to confer with the applicants, in order to find a fair solution that would serve their interests. Such an approach, for instance, was agreed upon with yourself in relation to your request for access of 3 May 2018.

Regarding the second point of your letter, i.e. the annual report as per Article 17 of Regulation (EC) No 1049/2001, please note that with the entry into application of the Europol Regulation, the "*Europol Review*" is no longer produced and the Agency is in the process of publishing, directly on its website, a dedicated overview of the public access requests processed for the calendar years 2017,2018 and for each calendar year on the way forward.

In relation to your last point on the wording of Article 4(3) of the abovementioned Management Board rules, please be informed that in any event, Regulation (EC) No 1049/2001 is directly applicable to the Agency in accordance with Article 65 of the Europol Regulation. This means that the criterion of "seriously undermine" is applied to both scenarios, i.e. concerning a document, for which decision-making is ongoing, and also after the related decision-making process has been completed.

We thank you for your consistent interest in Europol and its activities, and hope to have been of assistance.

Yours sincerely,



Dietrich Neumann

Head of Department

Corporate Services

EDOC#1045291

Eisenhowerlaan 73  
2517 KK The Hague  
The Netherlands

P.O. Box 908 50  
2509 LW The Hague  
The Netherlands

Phone: +31(0)70 302 50 00  
Fax: +31(0)70 345 58 96  
[www.europol.europa.eu](http://www.europol.europa.eu)