

2022 Annual report
on public requests to access EMCDDA documents

Lisbon, 14 December, 2022

1- Background:

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 defines the principles, conditions and limits on grounds of public or private interest governing the right of access to European Parliament, Council and Commission (hereinafter referred to as "the institutions") documents provided for in Article 255 of the EC Treaty in such a way as to ensure the widest possible access to documents, establishes rules ensuring the easiest possible exercise of this right, and promotes good administrative practice on access to documents. This Regulation is also applicable to other European Union Institutions and Agencies, including the EMCDDA. As such, the Management Board on 24 April, 2006, adopted Decision DEC/MB/06/05 on its implementing rules, and the Director appointed an internal Coordinator on 26 January, 2018 (DEC/DIR/2018/001).

2- Report of coordination activities:

Article 17 of the Regulation states that each institution shall publish annually a report for the preceding year 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. The previous year report was produced on 06 January, 2021, and it is published on the EMCDDA webpage.

In 2022, the EMCDDA received 4 public requests to access documents. None was refused, but one request was finally withdrawn by the requester. In addition, following a verification exercise from personal data protection perspective, a number of third parties data included in the requested documents were erased prior to proceed to the disclosure.

The first request was submitted by a citizen who asked the EMCDDA to provide the information relating with religious believe of staff members, and more concretely on the belonging to a concrete believe. The requester was informed that the EMCDDA do not have this kind of information and no documents exists in this regard.

The second request was submitted by the European Commission DG Santé, who asked for the previous green light of the EMCDDA t release a number of documents concerning the Early Warning System. The EMCDDA confirmed its agreement to the disclosure.

The third request was also submitted by the European Commission, through DG Justice, which asked for the positive agreement of the EMCDDA to disclose a number of documents relating with the number of Data Protection Impact Assessments produced by the Agency during the period 2019-2021. Once again, the Agency confirmed its favourable agreement to release the information.

Finally, the fourth request was submitted by a citizen in relation with a number of documents provided by a third party to the EMCDDA. The requester, however, withdraw this request and the EMCDDA closed this case without further follow up.

3- Other activities:

During 2021, the Coordinator attended a number of on-line meetings on public access to documents, organized by DG home of the European Commission, specially intended to Coordinators within Justice and Home Affairs Agencies. The Coordinator also kept different meetings with Coordinators of other Institutions and Agencies.

The Coordinator also maintained a number of contacts and interviews, both internally and with external partners, aiming to clarify a number of issues and possible procedures, and to better ensure a positive outcome of those activities.

Finally, the EMCDDA received the initiative of the European Ombudsman relating with the consideration of written phone messages as documents in the sense of Regulation (EC) No 1049/2001. Following a number of contacts with several stake holders, and very specially, from the European Commission, it was agreed to wait, before the future implementation of this initiative, for the guidelines to be produced by this European Institution in a near future.

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