

TRANSLATION CENTRE FOR THE BODIES OF THE EUROPEAN UNION

RULES FOR ACCESS TO TRANSLATION CENTRE DOCUMENTS

(98/C 46/07)

The Management Board of the Translation Centre for the Bodies of the European Union adopted the following rules for access to Translation Centre documents at its seventh meeting on 17 November 1997.

1. Introduction

The Translation Centre for the Bodies of the European Union was established by Council Regulation (EC) No 2965/94 (OJ L 314, 7.12.1994), as amended by Regulation (EC) No 2610/95 (OJ L 268, 10.11.1995) to provide the necessary translation services for the operation of the following bodies:

- the European Environment Agency,
- the European Training Foundation,
- the European Monitoring Centre for Drugs and Drug Addiction,
- the European Agency for the Evaluation of Medicinal Products,
- the European Agency for Health and Safety at Work,
- the Office for Harmonisation in the Internal Market (trade marks and designs),
- the European Police Office (Europol) and the Europol Drugs Unit,
- the Community Plant Variety Office.

Agencies and offices set up by the Council other than those referred to above, and the institutions and bodies of the European Union which already have their own translation service may have access to the services of the Translation Centre.

2. Types of document

The task of the Translation Centre being thus defined, it is clear that the Centre's role is not to take political initiatives but merely to translate the documents

produced by other institutions and bodies of the Union. Consequently two types of document are identified:

- (a) documents not originating at the Translation Centre but rather received from another body or institution. For access to this type of document, the person seeking information must always be referred to its author, for the original as well as for the translated versions;
- (b) documents originating within the Translation Centre: for this type of document, the following rules shall apply.

3. Translation Centre documents

These are documents originating within the Translation Centre, of which the Centre can be considered to be the owner and not merely a depository.

The general rule for these documents is that access should be granted to applicants unless they contain information falling within one or more of the categories listed under point 4.

To obtain access to a document or information of the Translation Centre, the applicant must submit a request in writing in any language of the European Union to the Director of the Centre, who is responsible for handling such requests. The Director shall give a written reply within one month of registering receipt of the request; this reply shall always be in the working language used by the applicant.

The documents requested shall either be sent by post to the applicant, or made available on appointment for consultation on the premises of the Centre.

4. Exceptions

Access shall not be granted to documents if their disclosure could undermine:

- protection of the public interest (public security, international relations, monetary stability, court proceedings, inspections or investigations),

- protection of the individual and privacy (personal files; information, opinions or appraisals given confidentially with regard to recruitment or appointments; personal information on any individual, including a deceased person, or a document the disclosure of which might undermine or contribute to the undermining of privacy),
- protection of commercial and industrial secrecy (information, including confidential or secret matter relating to trade or intellectual property, the unauthorised disclosure of which could harm the competitiveness of a third party; industrial, financial and trade information, including information on business relations, information on costs and tenders submitted in response to invitations to tender),
- protection of the Community's financial interests,
- protection of confidentiality as requested by the natural or legal person that supplied the information or as required by the legislation of the Member State that supplied the information,
- protection of the confidential nature of the Translation Centre's internal discussions (agendas for and minutes of Management Board meetings and internal meetings, mission reports, progress reports, study

notes, memos, briefing notes; and internal documents bearing the opinions of the Translation Centre's services).

5. Review procedure

If an applicant has not received a reply from the Translation Centre within a month from registration of receipt of the request for access, or if the applicant is not satisfied with a reply denying access, he or she shall have one month from the date the reply is received to write to the Chairperson of the Translation Centre's Management Board, confirming the original request and asking for a review. If a review is not requested within this period, the initial request shall be considered to be withdrawn.

If the denial of access is confirmed after the review of the application, the applicant shall be informed in writing and within one month. The Translation Centre shall give reasons for its decision and indicate the means of redress available, in particular the possibility of referral to the European Ombudsman.

6. Miscellaneous

For any other question concerning access to Translation Centre documents not explicitly covered by these rules, the standards in force at the European Commission shall apply by analogy to the Translation Centre for the Bodies of the European Union.

