

**EUROPEAN COMMISSION**  
**DIRECTORATE-GENERAL JUSTICE**

 Ref. Ares(2013)1006429 - 03/05/2013

Directorate C : Fundamental Rights and Union Citizenship  
**Unit C1 : Fundamental Rights and Rights of the Child**  
Head of Unit

Brussels  
JUST/C1/JD/vf/1109542s

Mr Kurt Weiss  
[ask+request-453\\_72cda9cc@asktheeu.org](mailto:ask+request-453_72cda9cc@asktheeu.org)

**Subject: Your application for access to documents – Ref GestDem  
N° 2013/1954**

Dear Mr Weiss,

Thank you for your request to access information, introduced on 11 April 2013.

Please find below our reply to your requests:

1. Documents and minutes related to the evaluation and hearing undertaken by European Commission in the frame of article 15 par. 3 third indent of the Council Regulation 168/2007 establishing a European Union Agency for Fundamental Rights:

The legal basis for the Commission's evaluation report is to be found in Article 15 par. 3 second indent of the Regulation n° 168/2007 establishing the EU Agency for Fundamental Rights (hereinafter referred to as "FRA Regulation"). In accordance with this provision, the decision of the Management Board to extend the term of office of the Director once for not more than three years, should be based on a proposal from the Commission, taking into account the Commission's evaluation report and only in those cases where it can be justified by the duties and the requirements of the Agency. The procedure for the extension of the mandate of the Director is currently on-going, and could be completed during the next meeting of the Management Board, on 22-24 May 2013. The Commission's evaluation report could be made available to you after this date, at your request.

Your request for documents and minutes in relation to the hearing of the Director in the frame of article 15 par. 3 third indent of the FRA Regulation should be addressed to the European Parliament, as it is specified in the Regulation that this hearing takes place in the competent committee of the European Parliament. Please be informed that the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament scheduled this hearing for 6 May 2013 at 15:00.

2. The statement given by the Director of European Union Agency for Fundamental Rights before the competent committee of the European Commission, under the same legal framework as above.

Your request for the statement given by the Director of the European Union Agency for Fundamental Rights should be addressed to the European Parliament, as it is specified in the Regulation (15 par. 3 third indent) that this hearing takes place in the competent committee of the European Parliament. Please be informed that the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament scheduled this hearing for 6 May 2013 at 15:00.

3. The relevant documents related to the decision taken by European Commission vis-à-vis alleged cases of conflict of interest and misbehaviour at European Union Agency for Fundamental Rights.

Your application is currently being handled. An extended time limit is needed as your application requires consulting different services. Therefore, we have to extend the time limit with 15 working days in accordance with Article 7(3) of Regulation (EC) No 1049/2001 regarding public access to documents. The new time limit expires on 29/05/2013.

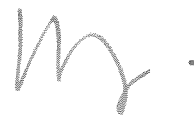
We apologise for this delay and for any inconvenience this may cause.


4. The Recommendation given by European Commission to hear the director of FRA in the frame of 15 par. 3 third indent of the Council Regulation 168/2007.

The FRA Regulation (Article 15 par. 3 second indent) foresees the decision of the Management Board to extend the term of office of the Director once for not more than three years, should be based on a proposal from the Commission.

Please note that the Commission decision to propose the extension of the mandate of the Director was taken on Wednesday 10 April 2013, at the 2041st meeting of the Commission held in Brussels. Minutes of this meeting are available on the following website: <http://ec.europa.eu/transparency/regdoc/pvOverview.cfm?year=2013&cl=en>

Yours faithfully,



 Salla Saastamoinen