



EUROPEAN COMMISSION
DIRECTORATE-GENERAL HOME AFFAIRS

Director General

Brussels, **21 DEC. 2011**

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Access Info Europe
Ms Kersti Wissenbach

e-mail:
[ask+request-21-](mailto:ask+request-21-a383ceee@asktheeu.org)
a383ceee@asktheeu.org

Dear Ms Wissenbach,

Thank you for your e-mail dated 18 November 2011, requesting access to documents under Regulation No 1049/2001¹ regarding public access to European Parliament, Council and Commission documents.

I regret to inform you that the documents requested are covered by one of the exceptions provided for by the policy relating to access to documents and that they cannot be made available to you.

You have requested access to documents related to current infringement proceedings against the Czech Republic, Germany, Romania and Sweden in the context of the enforcement of Directive 2006/24/EC (Data Retention Directive). The exception that applies to the documents you requested is laid down in Article 4(2) of Regulation No 1049/2001, which stipulates that the institutions shall refuse access to documents where disclosure would undermine the protection of court proceedings.

I have also examined the possibility of granting partial access to the requested documents, in accordance with Article 4(6) of Regulation 1049/2001. Partial access is not possible to provide considering the fact that all parts of the requested documents are related to the infringement proceedings and thus covered by the exception.

The exception laid down in Article 4(2) must be waived if there is an overriding public interest in disclosure. Such an interest must, firstly, be a public interest and, secondly, outweigh the harm caused by disclosure. However, I consider that in this particular case the public interest is better served by the protection of court proceedings.

However, if you want this position to be reviewed you should write to the Commission's Secretary-General at the address below, confirming your initial request. You have fifteen

¹ OJ L145, 31.05.2001, page 43.

working days in which to do so from receipt of this letter, after which your initial request will be deemed to have been withdrawn.

The Secretary-General will inform you of the result of this review within 15 working days from the registration of your request, either granting you access to the documents or confirming the refusal. In the latter case, you will be informed of how you can take further action.

All correspondence should be sent to the following address:

The Secretary-General
Transparency unit
BERL 5/388
European Commission
B-1049 BRUSSELS

or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Stefano Manservigi', with a stylized, cursive script.

Stefano Manservigi