EUROPEAN COMMISSION

Brussels, 18.3.2024
C(2024) 1925 final

Ms Nina Holland

DECISION OF THE EUROPEAN COMMISSION PURSUANT TO ARTICLE 4 OF THE IMPLEMENTING RULES TO REGULATION (EC) NO 1049/2001

Subject: Your confirmatory application for access to documents under Regulation (EC) No 1049/2001 – 2023/1112

Dear Ms Holland,

I am writing in reference to your confirmatory application registered on 28 March 2023, submitted in accordance with Article 7(2) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (hereafter ‘Regulation (EC) No 1049/2001’).

Please accept our apologies for the delay in replying to your request.

1. SCOPE OF YOUR REQUEST

In your initial application of 17 February 2023, handled by the Regulatory Scrutiny Board, you requested access to:

   ‘1. any (draft) impact assessment by the European Commission on legislative initiatives regarding New Genomic Techniques (NGTs) (also called New GMOs)

   2. any correspondence between the European Commission (any DG or Commissioner) and (members of) the Regulatory Scrutiny Board on such impact assessment referred to under 1.

   3. any (draft) RSB opinions on such impact assessment referred to under 1’.

In its reply of 8 March 2023, the Regulatory Scrutiny Board (‘RSB’ hereafter) identified the following documents under the scope of your request:

---

---
Submission to the Regulatory Scrutiny Board of the draft impact assessment report on the legislation for plants produced by certain new genomic techniques, reference Ares(2023)1114475, which includes the following documents:

- Cover note (hereafter ‘document 1.1’);
- Executive summary of the draft impact assessment (hereafter ‘document 1.2’);
- The draft impact assessment with its annexes transmitted to the Regulatory Scrutiny Board (hereafter ‘document 1.3’);
- Email of 13 February 2023 from DG SANTE to DG Environment (hereafter ‘document 1.4’);
- Minutes of the inter-service Steering Group (ISSG) of 1 February 2023 (hereafter ‘document 1.5’);

Documents exchanged between the Regulatory Scrutiny Board and DG SANTE related to the upstream meeting on 20 May 2022, reference Ares(2023)1356107, which includes the following documents:

- Email transmitting documents (hereafter ‘document 2.1’);
- Annex to the presentation for the RSB upstream meeting on Impact assessment in legislation for plants produced by certain new genomic techniques (hereafter ‘document 2.2’);
- List of DG SANTE participants (hereafter ‘document 2.3’);
- Inception Impact Assessment - Legislation for plants produced by certain new genomic techniques (hereafter ‘document 2.4’);
- Presentation for the RSB upstream meeting on Impact assessment in legislation for plants produced by certain new genomic techniques (hereafter ‘document 2.5’);

Minutes upstream meeting between RSB and SANTE on Impact Assessment on legislation for plants obtained by certain new genomic techniques, reference Ares(2022)7620290, which includes the following documents:

- Minutes of the upstream meeting (hereafter ‘document 3.1’).

In its initial reply of 8 March 2023, the Regulatory Scrutiny Board:

- granted full access to document 2.4;
- granted wide partial access to documents 1.1, 2.1 and 2.3, based on the exception in Article 4(1)(b) (protection of privacy and integrity) of Regulation (EC) No 1049/2001, and
refused access to documents 1.2, 1.3, 1.4, 1.5, 2.2, 2.5, 3.1, based on the exceptions of Article 4(1)(b) (protection of privacy and integrity) and the first subparagraph of Article 4(3) (protection of the decision-making process) of Regulation (EC) No 1049/2001.

In your confirmatory application, you request a review of this position. You underpin your request with detailed arguments, which I will address in the corresponding sections below.

The Proposal for Regulation of the European Parliament and of the Council on plants obtained by certain new genomic techniques and their food and feed, was adopted on 5 July 2023 and published on the Commission website, accompanied by the relevant supporting documents.

2. ASSESSMENT AND CONCLUSIONS UNDER REGULATION (EC) NO 1049/2001

When assessing a confirmatory application for access to documents submitted pursuant to Regulation (EC) No 1049/2001, the Secretariat-General conducts a review of the reply given by the Directorate-General concerned at the initial stage.

Following this review, the following documents have been identified at confirmatory stage as falling within the scope of your request:

– transmission email accompanying the minutes of the upstream meeting between RSB and SANTE on Impact Assessment on legislation for plants obtained by certain new genomic techniques, reference Ares(2022)7620290 (hereafter ‘document 3.2’).

The Secretariat-General informs you that:

– full access is granted to documents 1.2, 1.3, 2.2 and 2.5;

– wide partial access is granted to documents 3.1, 3.2 based on the exceptions of Article 4(1)(b) (protection of privacy and integrity) of Regulation (EC) No 1049/2001;

– partial access is granted to documents 1.4 and 1.5, based on the exceptions in Article 4(1)(b) (protection of privacy and integrity) and the second subparagraph of Article 4(3) (protection of the decision-making process) of Regulation (EC) No 1049/2001.

As regards the redacted parts of documents, 1.1, 2.1 and 2.3, the Secretariat-General regrets to inform you that it has to confirm the initial decision of Regulatory Scrutiny Board to refuse access, based on the exceptions of Article 4(1)(b) (protection of privacy and integrity) of Regulation (EC) No 1049/2001, for the reasons set out below.

2.1. Protection of privacy and the integrity of the individual

Article 4(1)(b) of Regulation (EC) No 1049/2001 provides that ‘[i] the institutions shall refuse access to a document where disclosure would undermine the protection of [...] privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data’.

In its judgment in Case C-28/08 P (Bavarian Lager)⁴, the Court of Justice ruled that when a request is made for access to documents containing personal data, Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data⁵ (hereafter ‘Regulation (EC) No 45/2001’) becomes fully applicable.


However, the case-law issued with regard to Regulation (EC) No 45/2001 remains relevant for the interpretation of Regulation (EU) 2018/1725.

In the above-mentioned judgment, the Court stated that Article 4(1)(b) of Regulation (EC) No 1049/2001 ‘requires that any undermining of privacy and the integrity of the individual must always be examined and assessed in conformity with the legislation of the Union concerning the protection of personal data, and in particular with […] [the Data Protection] Regulation’⁷.

Article 3(1) of Regulation (EU) 2018/1725 provides that personal data ‘means any information relating to an identified or identifiable natural person […]’.

As the Court of Justice confirmed in Case C-465/00 (Rechnungshof), ‘there is no reason of principle to justify excluding activities of a professional […] nature from the notion of private life’⁸.

---

⁷ European Commission v The Bavarian Lager judgment, cited above, paragraph 59.
⁸ Judgment of the Court of Justice of 20 May 2003, Rechnungshof and Others v Österreichischer Rundfunk, Joined Cases C-465/00, C-138/01 and C-139/01, EU:C:2003:294, paragraph 73.
Documents 1.1, 1.4, 1.5, 2.1, 2.3, 3.1, 3.2 contain personal data such as the names and initials of persons who do not form part of the senior management of the European Commission.

The names\(^9\) of the persons concerned as well as other data from which their identity can be deduced undoubtedly constitute personal data in the meaning of Article 3(1) of Regulation (EU) 2018/1725.

Pursuant to Article 9(1)(b) of Regulation (EU) 2018/1725, ‘personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if “[t]he recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject’s legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests’.

Only if these conditions are fulfilled and the processing constitutes lawful processing in accordance with the requirements of Article 5 of Regulation (EU) 2018/1725, can the transmission of personal data occur.

In Case C-615/13 P (ClientEarth), the Court of Justice ruled that the institution does not have to examine by itself the existence of a need for transferring personal data\(^10\). This is also clear from Article 9(1)(b) of Regulation (EU) 2018/1725, which requires that the necessity to have the personal data transmitted must be established by the recipient.

According to Article 9(1)(b) of Regulation (EU) 2018/1725, the European Commission has to examine the further conditions for the lawful processing of personal data only if the first condition is fulfilled, namely if the recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest. It is only in this case that the European Commission has to examine whether there is a reason to assume that the data subject’s legitimate interests might be prejudiced and, in the affirmative, establish the proportionality of the transmission of the personal data for that specific purpose after having demonstrably weighed the various competing interests.

In your confirmatory application, you do not put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest. Therefore, the European Commission does not have to examine whether there is a reason to assume that the data subjects’ legitimate interests might be prejudiced.

Notwithstanding the above, there are reasons to assume that the legitimate interests of the data subjects concerned would be prejudiced by the disclosure of the personal data reflected in the documents, as there is a real and non-hypothetical risk that such public disclosure would harm their privacy and subject them to unsolicited external contacts.

\(^9\) European Commission v The Bavarian Lager judgment, cited above, paragraph 68.

Consequently, the Secretariat-General concludes that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by the disclosure of the personal data concerned.

2.2. Protection of the decision-making process

The second subparagraph of Article 4(3) of Regulation (EC) No 1049/2001 provides that 'access to a document containing opinions for internal use as part of deliberations and preliminary consultations within the institution concerned shall be refused even after the decision has been taken if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure'.

Documents 1.4 and 1.5 are internal exchanges between the various services of the Commission and contain opinions for internal use of the institution expressed by staff of various Directorates-General of the Commission as part of considerations and preliminary consultations within the Commission itself, for which, under the second subparagraph of Article 4(3), access may be refused even after the decision has been taken, where their disclosure would seriously undermine the decision-making process of that institution.11

Document 1.5 represents the minutes of the Interservice Steering Group a proposal for a Regulation on the deliberate release, including placing on the market, of plants obtained by targeted mutagenesis or cisgenesis, and their food and feed products. The document presents the summary of the discussions between various Commission services regarding the comments made on the draft Staff Working Document.

Document 1.4 is an internal email drafted in response to the above-mentioned minutes, which clarifies and provides further detail regarding some of the comments made during the Interservice Steering Group.

New Genomic Techniques are a particularly sensitive policy area, which called for the consideration, in the preparation of the Impact Assessment and the proposal, of various interests at stake and divergent views among stakeholders.

The new proposal on NGTs will have significant impacts on a wide range of stakeholders, including significant costs for the agricultural industry and its downstream users, potential gains for certain industry groups, impact on the environment and public health. In this context, industry, environmental and agricultural NGOs, or agricultural producers may try to influence the decision-making process. Such external pressure in the context of the NGTs has already been documented in the press.12


Furthermore, it is sufficient to read the feedback received by the Commission following the public consultation on the proposal to identify strong opposition or support for the current proposal. Therefore, the risk is very serious and real. As Commission services are still working on the file in the interinstitutional setting, they must be free to explore all possible options without constraint.

The General Court has confirmed that access to documents can be refused if it would seriously undermine the free exchange of views and carry a risk of self-censorship.

Documents 1.4 and 1.5 contain views of different Commission services, expressed within an internal discussion and during early stages of the work on the Commission Proposal for Regulation on plants obtained by certain new genomic techniques and their food and feed, where the services required space to think free from external intervention and risk of self-censorship. The exchanges were made independently and without being unduly influenced by the fear of consequences of a disclosure that would possibly expose the institution of which they are part.

The comments were made in the context of a preliminary version of the draft Staff Working Document, which is not the final one agreed by the Commission services. In this context, Commission services’ views expressed in such a preparatory discussion, which may not entirely coincide with the solutions retained in the adopted legislative proposal, cannot be disclosed as it would reasonably and non-hypothetically affect the Commission’s decision-making process.

Close cooperation and effective coordination between all Commission services concerned is essential to the quality and consistency of the Commission’s work. If any and all such preliminary opinions of the Commission’s services were to be disclosed, it would make staff more hesitant to express their opinions free from fear of external pressure in the future. This would have a negative effect on staff, who would not freely discuss sensitive questions, and, as a result, the institution would be deprived of relevant information concerning possible policy options. Indeed, as the General Court has held, ‘the possibility of expressing views independently within an institution helps to encourage internal discussions with a view to improving the functioning of that institution and contributing to the smooth running of the decision-making process’.

Public disclosure of the redactions in these documents would thus harm the Commission’s ability to receive frank information on particularly sensitive files, such as the one at stake.


Should such a possibility disappear, the different Commission services might turn to exchanging information only on an oral or on an informal basis, with serious consequences for righteous and independent decision-making processes within the EU institutions, taking also into account that generally these matters attract high attention, due to various conflicting interests at stake. Therefore, it is all the more important that the internal deliberations on these matters within the Commission be conducted independently, in an atmosphere of total serenity and free from external pressure.

In your confirmatory application, you argue that ‘in Case C-57/16 P already ruled that documents drawn up in the context of an impact assessment for a possible legislative proposal, including draft and final impact assessment reports and the opinions of the RSB, represent legislative documents which the Commission is obliged to make directly accessible to the public pursuant to Article 12(2) of Regulation No 1049/2001 and that access should not be denied on request. Denying access to the requested documents stands in clear conflict with this judgment, to which I specifically referred in my request. The Decision makes no reference to why this jurisprudence is not being followed. In case C-57/16 P the Court of Justice found that draft and final impact assessment documents and RSB reports represent legislative documents: "[i]t follows that, as was noted by the Advocate General in points 67 and 68 of his Opinion, such documents, in view of their purpose, are among those covered by Article 12(2) of Regulation No 1049/2001". The fact that, at the stage of the impact assessment, the adoption of a legislative proposal is uncertain, as well as the potential amendments it may undergo, had no bearing on the Court’s conclusion on this point.’

However, the Court of Justice in ClientEarth did not hold that documents such as impact assessments are subject to a direct and unconditional right to public access, even if drawn up with a view to the potential adoption of legislative initiatives by the Commission, but rather that wider access should be granted to documents in cases where the EU institutions are acting in their legislative capacity. To that end, the Court of Justice held that, while the Commission is not entitled to presume that disclosure of documents drawn up in the context of an impact assessment could, in principle, seriously undermine its ongoing decision-making process, it does not preclude the Commission from performing an individual assessment of the request for access for each document drawn up in the context of an impact assessment, and refusing access to those documents in duly justified cases as explained above.

The Court of Justice held that if the Commission is of the view that full access cannot be granted to a document drawn up in the context of an impact assessment, it will have to establish that disclosure would create a serious risk undermining its decision-making process.

---

Such a risk depends on factors such as the state of completion of the document in question and the precise stage of the decision-making process in question at the time when access to that document is refused, the specific context in which that process takes place, and the issues still to be discussed internally by the institution concerned. To that end, the redacted parts in documents 1.4 and 1.5 reflect sensitive considerations that could seriously undermine the decision-making process of the Commission, even in a wider sense, as they were made in a specific context and concerning a particularly sensitive file, as detailed above.

In addition, in the recent judgment in T-163/21, the General Court confirmed that EU primary law does not provide for an unconditional right of access to legislative documents, which is exercised instead in accordance with the general principles, limits and terms determined by means of regulations.

As a result of this specific and individual assessment, considering that the Commission has now adopted a Proposal for a Regulation and that the Impact Assessment and its executive summary, among other documents, have been finalised and published, the Secretariat-General considers that access can be given to the draft Impact Assessment and executive summary (documents 1.2 and 1.3), as well as to preparatory documents 2.2, 2.5, 3.1 and 3.2.

Moreover, in your confirmatory request, you consider that the request documents ‘also contain environmental information within the meaning of Article 2(1)(d) of Regulation 1367/2006.’

The Aarhus Regulation sets out the basic terms and conditions for the exercise of the right of public access to environmental information (Article 1). It expressly provides that Regulation (EC) No 1049/2001 shall apply to any request by an applicant for access to environmental information held by the EU institutions and bodies (Article 3).

Pursuant to this Article 2(1)(d) ‘environmental information’ means any information in written, visual, aural, electronic or any other material form on: […] (iii) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in points (i) and (ii) as well as measures or activities designed to protect those elements; […]

Therefore, it does not establish a separate system of public access to documents that would derogate from the general system put in place by Regulation (EC) No 1049/2001, but merely provides for specific rules, which supplement Regulation (EC) No 1049/2001 in cases where certain specific types of information are concerned.

---


The provisions regarding the application of exceptions to the requests for access to environmental information are governed by Article 6 of the Aarhus Regulation. As Regulation (EC) No 1049/2001 and the Aarhus Regulation belong to the same hierarchical level in the European Union legislative order, no provision expressly gives one regulation priority over the other. In such cases, as confirmed on many occasions by the case-law of the EU Courts, both pieces of legislation should be applied in the way ensuring conformity with each other.\(^{19}\)

The specific information contained in the requested documents does not qualify as such as ‘information relating to emissions into the environment’ within the meaning of Article 6(1) of the Aarhus Regulation, where an overriding public interest is deemed to exist \textit{ex officio} and which provides as follows: ‘[a]s regards Article 4(2), first and third indents, of Regulation (EC) No. 1049/2001, with the exception of investigations, in particular those concerning possible infringements of Community law, an overriding public interest in disclosure shall be deemed to exist where the information requested relates to emission into the environment’.\(^{19}\)

Taking this into account, please note that there is nothing in the internal documents 1.4 and 1.5 that can be considered as information relating to emissions into the environment within the meaning of the case-law of the Courts, as specified below.

The information in the above-mentioned documents does not constitute information on the release into the environment of products or substances to the extent that that release is actual or foreseeable under normal or realistic conditions of use of the product or substance. It does also not constitute information enabling the public to check whether the assessment of actual or foreseeable emissions is correct, as well as the data relating to the medium or long-term effects of those emissions on the environment. Rather, the information in documents 1.4 and 1.5 is related strictly to the internal opinions for internal use as part of deliberations and preliminary consultations within the Commission.

In this regard, according to the case-law of the European Courts, the concept of information relating to emissions into the environment ‘[…] must be understood to include, inter alia, data that will allow the public to know what is actually released into the environment or what, it may be foreseen, will be released into the environment under normal or realistic conditions of use of the product or substance in question, namely those under which the authorisation to place that product or substance on the market was granted and which prevail in the area where that product or substance is intended to be used. Consequently, that concept must be interpreted as covering, inter alia, information concerning the nature, composition, quantity, date and place of the actual or foreseeable emissions, under such conditions, from that product or substance.’\(^{20}\)

\(^{19}\)In this regard, see judgment of the Court of Justice of 29 June 2010, European Commission v The Bavarian Lager Co. Ltd, C-28/08 P, EU:C:2010:378, paragraph 56.

The Court further held that that concept ‘may not, in any event, include information containing any kind of link, even direct, to emissions into the environment’\(^{21}\), nor hypothetical emissions\(^{22}\). If that concept were interpreted as covering such information, it would largely exhaust the concept of ‘environmental information’ within the meaning of the Aarhus Regulation, depriving the institution of any possibility to refuse the disclosure of environmental information\(^{23}\). In its Judgment in Case T-498/14, the General Court ruled that in order to qualify as an environmental information on emissions, the information must contain data that enable understanding to what extent and for which period of time the released substances would contribute to increasing the percentage of emissions risks in the environment\(^{24}\). In the same case, the General Court concluded that, as such, evaluations and proposals do not enable the public to appreciate what is effectively released into the environment\(^{25}\).

As regards the limited information that could be considered as ‘environmental information’ present in document 1.4, the Commission conducted an assessment of its possible disclosure, according to case-law.

This information in two paragraphs of the document 1.4 refers to i) EFSA opinions as regards the hazards relating to human health and the environment from NGT plants obtained by targeted mutagenesis and cisgenesis as compared with those from conventional plants and the justification for an adapted risk assessment for these plants\(^{26}\) and ii) the preferred option in the impact assessment, on how to regulate certain NGT plants.

\(^{21}\) Ibid, paragraph 58.


\(^{25}\) Ibid, paragraph 112.

However, for the reasons mentioned above and following an individual and concrete assessment of the documents at issue, the Secretariat-General considers that there is a reasonably foreseeable and not purely hypothetical risk that public disclosure of the redacted parts of documents 1.4 and 1.5 would bring a serious harm to the decision-making process concerned.

In light of the above, the Secretariat-General concludes that the redacted parts of documents 1.4 and 1.5 need to be protected on the basis of the exception laid down in the second subparagraph of Article 4(3) of Regulation (EC) No 1049/2001 and that further access thereto must be refused.

3. **Overriding Public Interest in Disclosure**

The exception laid down in Article 4(3) of Regulation (EC) No 1049/2001 must be waived if there is an overriding public interest in disclosure. Such an interest must, firstly, be public and, secondly, outweigh the harm caused by disclosure.

In your confirmatory application, you consider that there is an overriding public interest in disclosing the documents requested. You claim that ‘[t]he specific circumstances of this case are such that the need for the public to have full access to the requested documents at the current moment is so pressing as to justify their disclosure. Indeed, there is no doubt that this initiative is of strong public interest. ‘New genomic techniques’ are GM techniques, the products of which have biosafety risks that can have big impacts on the environment and/or public health. The policy scenarios used by DG SANTE (only disclosed to a targeted audience) show that the Commission plans to deregulate these new GMOs. Discarding or weakening the EU GMO rules for products of these techniques means doing away with any safety test for environment or health, or severely weaken them, also abolish consumer and farmer choice and pose an economic threat to the non-GM and organic sectors. The benefits of these techniques as claimed by industry so far go undemonstrated. […]’. You further quote several NGO and agencies opinions that consider the Commission’s study biased and conclude that these are all reasons why it is ‘extremely urgent and important for civil society to assess the full content of the draft impact assessment, in order to be able assess whether all the appropriate options and their consequences are taken into account in the Commission’s approach, and to inform the wider public accordingly’.

Your request has been assessed on the basis of both Regulation (EC) No 1049/2001 and the Aarhus Regulation. Taking into account the results of this assessment, full or partial access has been granted to the documents, in particular the Impact Assessment and documents that would help you to verify your concerns, reproduced above. However due to the reasons explained above, no further access to documents 1.4, and 1.5 would be possible without undermining the interests in protecting the decision-making process of the Commission.
In its *Turco v Council* judgment, the Court held explicitly that the overriding public interest capable of justifying the disclosure of a document covered by this exception must, as a rule, be distinct from the principles of transparency, openness, and democracy or of participation in the decision-making process\(^\text{27}\). The reason is that those principles are effectively implemented by the provisions of Regulation (EC) No 1049/2001 as a whole. In its judgment in *Strack*\(^\text{28}\), the Court of Justice ruled that in order to establish the existence of an overriding public interest in transparency, it is not sufficient to merely rely on that principle and its importance, but that an applicant has to show why in the specific situation at hand, the principle of transparency is in some sense especially pressing and capable, therefore, of prevailing over the reasons justifying non-disclosure\(^\text{29}\).

General references to the protection of human health are also insufficient to demonstrate the existence of an overriding public interest\(^\text{30}\), nor is the citizens' right to be informed about the compatibility of national law with EU law or to participate in decision-making\(^\text{31}\).

Consequently, the considerations such as those indicated in your confirmatory application cannot provide an appropriate basis for establishing that the principle of transparency was in this case especially pressing and capable, therefore, of prevailing over the reasons justifying the refusal to disclose the documents in question\(^\text{32}\).

Nor has the Secretariat-General been able to identify any public interest capable of overriding the public and private interests protected by Article 4(3) of Regulation (EC) No 1049/2001.

It is also worth noting that other documents regarding the same subject matter have also been made publicly available\(^\text{33}\).

---


4. **Partial Access**

In accordance with Article 4(6) of Regulation (EC) No 1049/2001, the Secretariat-General has considered the possibility of granting (further) partial access to the documents requested.

Partial access is granted to documents 1.4, 1.5, 3.1 and 3.2.

Please note that the Impact assessment, the executive summary, and the Regulatory Scrutiny Board opinion are preliminary drafts which do not reflect the final position of the Commission and cannot be quoted as such.

5. **Means of Redress**

Finally, I draw your attention to the means of redress available against this decision. You may either bring proceedings before the General Court or file a complaint with the European Ombudsman under the conditions specified respectively in Articles 263 and 228 of the Treaty on the Functioning of the European Union.

Yours sincerely,

---

For the Commission  
Ilze JUHANSONE  
Secretary-General

Enclosures: (8)