



EUROPEAN COMMISSION

LEGAL SERVICE
The Director General

Brussels,

By e-mail

Mr Vinzenz Zinser

ask+request-2061-
3b1e76bd@asktheeu.org

Subject: Request for access to documents GestDem 2016/0899

Ref.: Your email of 22 February registered on 24 February under GestDem 2016/0899

Dear Mr Zinser,

I refer to your request mentioned above which we registered according to the fair solution we agreed upon¹. As announced in our acknowledgement of receipt of 25 February we assessed the following documents of the Legal Service which correspond to the first four documents on the list annexed to our fair solution (identified hereafter by their subject line and JUR number):

1. Ratification par les Etats membres et/ou par la communauté de la Convention de la Haye de 1996 concernant la compétence, la loi applicable, la reconnaissance, l'exécution et la coopération en matière de responsabilité parentale et de mesure (JUR(2000)006537)
2. Consultation interservices. Document de travail de la Commission sur la reconnaissance mutuelle des décisions en matière de responsabilité parentale. JUR(2001)006578
3. CIS Projet de règlement sur la compétence, la reconnaissance et l'exécution des jugements en matière de responsabilité parentale JUR(2001)006785
4. Proposal for a Council Regulation on jurisdiction and the recognition and enforcement of judgments in matters of parental responsibility JUR(2001)035287

¹ Ares(2015)3146432 - 27/07/2015

1. ASSESSMENT

After a concrete assessment of the documents, I am pleased to inform you that, in accordance with Regulation 1049/2001, full access can be granted to the four documents with the exception of the handwritten signature and the names of officials other than Commissioners and their cabinet members and staff in senior management positions, since this information is covered by the exception provided for in Article 4(1)(b) ("protection of personal data")² of Regulation 1049/2001.

Therefore you find enclosed copies of the four documents. You may reuse this document free of charge for non-commercial and commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the document. Please note that the Commission does not assume liability stemming from the reuse.

2. PROTECTION OF PERSONAL DATA

The requested documents contain personal data. In accordance with the exception provided for in Article 4(1)(b) ("protection of personal data") of Regulation 1049/2001 the names, initials of the names, work address, telephone number and e-mail address of the staff members not having the function of senior management staff at the Commission as well as the handwritten signature have been blanked out.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable³.

According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced. Those two conditions are cumulative.

I consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Accordingly, the requested documents are disclosed expunged from this personal data.

If you wish to receive the expunged personal data, I invite you to provide us with arguments showing the need to have the personal data transferred to you and the absence of adverse effects to the legitimate rights of the persons whose personal data would be disclosed.

² *"The institutions shall refuse access to a document where disclosure would undermine the protection of: [...] (b) privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data".*

³ Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.

Please note that the exception of Article 4(1)(b) of Regulation 1049/2001 has an absolute character and does not envisage the possibility of demonstrating the existence of an overriding public interest.

Should you disagree with the assessment that the expunged data is personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled to make a confirmatory application requesting that the Commission review this position in accordance with the provisions and rules set out below.

3. MEANS OF REDRESS

In case you disagree with this assessment you can make a confirmatory application within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency unit SG-B-4
BERL 5/327
B-1049 Brussels
or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Luis Romero Requena', with a stylized, flowing script.

Luis ROMERO REQUENA

Enclosures: 4 documents