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Mr Goffrey Livolsi

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Cologne, **28. SEP. 2015**

**Subject: Your request on access to standardisation inspection reports of Germany**

Reference: Your email of 7 September 2015

Dear Mr Livolsi,

Thank you for your abovementioned email, in which you request access to "*standardisation inspection reports of Germany from July 2014 and 2013*" in accordance with Regulation (EC) No 1049/2001.<sup>1</sup> The scope of Regulation (EC) 1049/2001 was extended to documents held by the European Aviation Safety Agency (EASA) by Art. 58 (1) of Regulation (EC) No 216/2008<sup>2</sup>.

I regret to have to inform you that the documents that you are requesting fall under the exception provided for in Art. 4 (3) of Regulation (EC) No 1049/2001, that has to be read in conjunction with Art. 21 (4) of Regulation (EU) 628/2013<sup>3</sup>. Consequently, we cannot provide them to you.

Under the provision of Art. 4 (3) of Regulation (EC) No 1049/2001 access shall be refused to a document, which relates to a matter where the decision has not been taken yet by the institution, if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure.

As it is set out in Art. 21 (4) of Regulation (EU) 628/2013, for the purpose of Regulation (EC) No 1049/2001, the decision-making process related to an inspection report shall not be deemed to be concluded before the related findings of non-conformity are closed.

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<sup>1</sup> Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145 of 31 May 2001, p. 43).

<sup>2</sup> Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79 of 19.3.2008. p.1)

<sup>3</sup> Commission Implementing Regulation (EU) No 628/2013 of 28 June 2013 on working methods of the European Aviation Safety Agency for conducting standardisation inspections and for monitoring the application of the rules of Regulation (EC) No 216/2008 of the European Parliament and of the Council and repealing Commission Regulation (EC) No 736/2006

Please kindly note, that all of the inspection reports covered by your request still contain open findings, which means that the related decision making processes are still ongoing. Thus, these reports fall under the abovementioned exception. Therefore, we are not in the position to disclose them to you.

In case you do not agree with the above you have the right to request the Agency to reconsider its decision by making a confirmatory application. In such case, you should send your reasoned confirmatory application in writing to the Executive Director of the Agency (Postfach 10 12 53, 50452 Cologne, Germany). The deadline for submitting the confirmatory application is set at 15 working days from receipt of this letter. Any confirmatory application received beyond this deadline cannot be accepted.

Yours sincerely,



Frank Manuhutu

