



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL JUSTICE and CONSUMERS

Acting Director-General

Ref. Ares(2016)538882 - 01/02/2016

Brussels, **01 FEB. 2016**  
JUST/D(2016)482303

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**By registered letter with acknowledgment of receipt**

Dear Sir,

**Subject: Your application for access to documents – Ref GestDem No 2015/6510**

We refer to your e-mail dated 10/12/2015 in which you make a request for access to documents, registered on 10/12/2015 under the above-mentioned reference number. Please excuse the delay in replying to you.

**I. Scope of the request:**

Your application concerns the documents which contain information regarding the study on the evaluation of the Brussels IIa Regulation. In particular, you have asked for:

*(1) all documents showing what Commission department was responsible for the Enforcements and EU Citizens complaints about this EU law (EC2201/2003) up to now (there must have been a change when DG JUST A.1 was established in 2009).*

*(2) All written clarifications/decisions why A.1 Civil Justice Policy seems/was decided to be responsible for this EU law (e.g. for infringement proceedings).*

*(3) the written decision - as there have never been infringement proceedings - why the commission started in 2013 a review/change process of EC2201/2003? When the Commission always denied that there are problems with EC2201/2003 there is no need to change the law.*

*(4) All expenses + contracts (what has been paid up to now and has to be paid in the future as there is a contract) for the review and change process of EC2201/2003.*

**II. Examination and conclusions**

On your request under point (1) we have identified two documents. The first one is the decision of the College, PV(2010)1920 of 2 June 2010, to split the Directorate-General Justice, Freedom and Security and to establish Directorate-General for Justice. The second document concerns the modification of the organigram of the Directorate-General Justice, Freedom and Security following the decision of the 2 June 2010 (ARES (2010)9357). You will find them attached to this letter.

On your request under point (2): there is no document matching your request. The mandate for the unit which has been charged of Civil Justice since 2009 includes the monitoring of the application of the relevant EU acquis.

Concerning your request under point (3): there is no document matching your request as the Commission's decision to review the operation of the Regulation finds its justification in Article 65 of the Regulation (available at <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32003R2201&qid=1453197153531&from=EN>) according to which the Commission shall present a report on the application of the Regulation. The report shall be accompanied if need be by proposals for adaptations.

On the documents requested under (4) we have identified the following relevant document which were registered in ARES(2014)5103: Specific contract implementing the Framework Service Contract.

Following an examination of the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents I have come to the conclusion that only two documents under point (1) can be disclosed. The disclosure of a specific contract signed with the external contractor for the evaluation study which contains information with regard to the methodology of their work is prevented by exception to the right of access laid down in Article 4 of this Regulation. The document which you seek to obtain contains commercially sensitive business information of the company that submitted the offer to carry out the study. Disclosure of that document would undermine the protection of the commercial interests of the company that submitted it, as putting this information in the public domain would affect its competitive position on the market. Therefore the exception laid down in Article 4(2) first indent of Regulation (EC) No 1049/2001 applies to this document.

In addition, as regards point (4) of your request, please be informed that the contractor, the Evaluation Partnership, was remunerated an amount of EUR 355,400 from budget line 33 03 05 of the Commission Implementing Decision concerning the adoption of a financing decision for 2012 in the framework of the Programme "Civil Justice" C(2011) 9468. This decision is available at: [http://ec.europa.eu/justice/newsroom/files/jciv\\_awp\\_2012\\_en.pdf](http://ec.europa.eu/justice/newsroom/files/jciv_awp_2012_en.pdf).

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position. Such a confirmatory application should be addressed 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 Bruxelles  
or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,



Francisco FONSECA MORILLO

Annexes:

- Decision of the College, PV(2010)1920 final of 2 June 2010,
- Note concerning the modification of the organigram of the Directorate-General Justice, Freedom and Security