



EUROPEAN COMMISSION

Brussels, 7.7.2016
C(2016) 4434 final

Mr Arun Dohle
Viktoriastr. 46
D-52066 Aachen
Germany

Copy by email:
ask+request-2924-
eabee86e@ asktheeu.org

DECISION OF THE SECRETARY GENERAL ON BEHALF OF THE COMMISSION PURSUANT TO ARTICLE 4 OF THE IMPLEMENTING RULES TO REGULATION (EC) N° 1049/2001¹

**Subject: Your confirmatory application for access to documents under
Regulation (EC) No 1049/2001 - GESTDEM 2016/2664**

Dear Mr Dohle,

I refer to your e-mail of 7 June 2016, registered on the same day, in which you submit a confirmatory application in accordance with Article 7(2) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents² ('Regulation 1049/2001').

1. SCOPE OF YOUR REQUEST

In your initial application of 11 May 2016, addressed to the Directorate-General for Justice and Consumers (DG JUST), you requested access to *all documents, including impact assessment, internal and external correspondence, related to the Juncker Commission's decision to no longer prioritise children's rights, in light of the better regulation principles and no longer to have an overall programme or framework.*

¹ Official Journal L 345 of 29.12.2001, p. 94.

² Official Journal L 145 of 31.5.2001, p. 43.

The Commission has identified the following documents as falling under the scope of your request:

1. Links to the minutes of the 7th and the 9th informal expert group meetings on rights of the child referring to the EU Agenda;
2. Parliamentary question E-005691-15;
3. Parliamentary question E-012135-15;
4. Parliamentary question E-008383-15

In its initial reply of 3 June 2016, DG JUST provided the public links to the meetings indicated under point 1 and copies of the parliamentary questions and answers.

Through your confirmatory application you request a review of this position. You indicate that you do not find the reply you received satisfactory. You further indicate that the minutes, which are publicly available, were known to you and that *it was on the basis of those documents that you requested public access to all documents, including impact assessment, internal and external correspondence, related to the Juncker Commission's decision to no longer prioritise children's rights, in light of the better regulation principles and no longer to have an overall programme or framework.*

2. ASSESSMENT AND CONCLUSIONS UNDER REGULATION 1049/2001

When assessing a confirmatory application for access to documents submitted pursuant to Regulation 1049/2001, the Secretariat-General conducts a fresh review of the reply given by the Directorate-General concerned at the initial stage.

Following your confirmatory application, the Commission has carried out a renewed, thorough search of the documents in its possession. Based on this renewed search, I confirm that the Commission has not identified any other document held by it that falls within the scope of your request, as there is no decision of the Juncker Commission to no longer prioritise children's' rights.

As specified in Article 2(3) of Regulation 1049/2001, the right of access as defined in that Regulation applies only to existing documents held by the institution. Given that no such document has been identified, the Commission is not in a position to handle your request.

3. MEANS OF REDRESS

Finally, I would like to draw your attention to the means of redress that are available against this decision, that is, judicial proceedings and complaints to the 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
Alexander ITALIANER
Secretary-General