



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

Brussels,
SG.B.5/MF/psi – sg.dsg1.b.5(2013)1912174

Mr Kim BIZZARRI

By e-mail only:
ask+request-377-803a9c96@asktheeu.org

**Decision by the Secretary General within the meaning of Article 4 of the Detailed rules
for the application of Regulation (EC) No 1049/2001¹**

**Subject: Your confirmatory requests for access to documents – GESTDEM
2013/913 and 2013/1030**

Dear Mr Bizzarri,

I refer to your e-mail dated 2 May 2013, registered on the same day, in which you lodge 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 (hereafter: Regulation 1049/2001).

1. SCOPE AND ASSESSMENT OF YOUR CONFIRMATORY APPLICATION

In your initial applications of 15 and 22 February 2013, addressed to the Directorates General for Enterprise (DG ENTR) and Internal Market and Services (DG MARKT), you requested access to "all evidence documenting the communication (emails, faxes, letters, reports, briefings), as well as meetings (including minutes)" between DG ENTR/DG MARKT and EuroCommerce, BusinessEurope, UEAPME, The Federation of German Employers (BDA), Global Reporting Initiative and Royal Dutch Shell from September 2009 until 22 February, regarding a legislative proposal on disclosure of non-financial information (commonly referred to as "non-financial reporting").

In your e-mail of 27 February 2013 to DGs MARKT and ENTR, you specified that you "wished to ensure that [...] the Commission understands this as being in relation to the current discussions concerning the Commission's proposal for a directive on non-financial reporting, that is, the disclosure of non-financial data (social and environmental)".

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

² OJ L145, 31.05.2001, p. 43.

As DG MARKT is the lead DG responsible for the preparation of this proposal, it replied to both your initial requests by letter of 12 April 2013. In its reply, it refused access to the said documents on the basis of Article 4(3), first and second sub-paragraphs of Regulation 1049/2001.

In your confirmatory application, you ask for a review of DG MARKT's position.

The Commission has identified 14 documents as falling within the scope of your confirmatory application. The requested documents consist of correspondence of the European Commission with external organisations and a Member State. Please find annexed the complete list.

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

As part of this review, we considered it necessary to consult the German authorities pursuant to Article 4(5) of Regulation 1049/2001 about the release of the three documents originating from these authorities. By reply of 23 May 2013, the German authorities indicated that they could not identify any obstacles to the release of these documents.

Having carefully examined your request and the documents concerned in light of Regulation 1049/2001, taking into account the position expressed by the German authorities, I am pleased to inform you that access will be granted to all 14 documents.

Please find a copy of the documents annexed.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Catherine Day', with a large, stylized flourish at the end.

Catherine Day