

From: HOME ACCESS DOCUMENTS
To: Luisa Izuzquiza
Cc: HOME ACCESS DOCUMENTS
Subject: your access to documents request - ref gestdem 2018/1826

Dear Sir / Madam,

Thank you for your e-mail dated 20/03/2018. We hereby acknowledge receipt of your application for access to documents, which was registered under reference number GestDem 2018/1826.

In accordance with Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents, your application will be handled within 15 working days. The time limit will expire on 23/04/2018. In case this time limit needs to be extended, you will be informed in due course.

You have lodged your application via the AsktheEU.org website. Please note that this is a private website which has no link with any institution of the European Union. Therefore the European Commission cannot be held accountable for any technical issues or problems linked to the use of this system.

In your e-mail of 27/03/2018 you have mentioned: "I'd also like to recall that there are no valid procedural requirements that allow an institution to refuse registration of an access to documents request pending the provision of a postal address."

With respect to your concerns regarding the provision of a postal address (copied above), please find our explanations below.

On 1 April 2014, the postal address became a mandatory feature for the purpose of introducing a request for access to documents.

The decision to ask for a postal address from applicants for access to documents was triggered by the following considerations:

- The need to obtain legal certainty as regards the date of receipt of the reply by the applicant under Regulation 1049/2001. Indeed, as foreseen by Article 297 of the Treaty on the Functioning of the European Union (TFEU), [...] decisions which specify to whom they are addressed, shall be notified to those to whom they are addressed and shall take effect upon such notification. Replies triggering the

possibility for administrative or judicial redress are therefore transmitted via registered mail with acknowledgement of receipt. This requires an indication of a valid postal address by the applicant;

- The need to direct the Commission's scarce resources first of all to those requests which have been filed by "real" applicants. With only a compulsory indication of an e-mail address, applicants can easily introduce requests under an invented identity or under the identity of a third person. Asking for a postal address helps the Commission to protect the administration, as well as other citizens and legal persons, from abuse;
- For similar reasons, asking for a compulsory indication of a postal address enables the Commission services to verify whether Article 6(3) of the Regulation, on voluminous requests, is being evaded by introducing several requests under different identities. Indeed, in its Ryanair judgment, the General Court confirmed that Article 6(3) cannot be evaded by splitting the application into a number of applications. The Commission would like to point out that, in 2012/2013, it received some 57 confirmatory requests from what it suspects to be one single applicant operating under 13 different identities;

All of these considerations show that the request for and the consequent processing of a postal address is not only appropriate but also strictly necessary for the performance of a task carried out in the public interest within the meaning of Article 5 (a) of Data Protection Regulation 45/2001, namely providing a smooth and effective access to documents.

Yours faithfully,

European Commission
DG Migration and Home Affairs
Access to Documents Team

-----Original Message-----

From: Luisa Izuzquiza [mailto:xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx@xxxxxxxx.xxx]

Sent: Tuesday, March 20, 2018 7:26 PM

To: HOME ACCESS DOCUMENTS

Subject: access to documents request - Correspondence regarding Proactiva Open Arms

Dear Migration and Home Affairs,

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting:

For the period from Wednesday 14 March 2018 to date:

All correspondence - including, but not limited to, letters, e-mails, and any attachments - in regards, related to, or mentioning

- NGO Proactiva Open Arms;
- the seizure of the vessel "Open Arms"; and/or
- the criminal investigation opened by the Catania Public Prosecutor's Office

exchanged between DG HOME and representatives of any of the following authorities:

- the Catania Public Prosecutor's Office;
- the Italian Ministry of Interior;
- the Spanish Ministry of Foreign Affairs;
- the Barcelona City Hall;
- the European External Action Service;
- the European Border and Coast Guard Agency.

I would also like to request a phone log of all telephone conversations between DG HOME and representatives of any of the above-mentioned authorities to discuss any of the three above-mentioned issues.

Finally, I would like to request all internal correspondence (i.e.: between DG HOME representatives) regarding, related to, or mentioning any of the three above-mentioned issues.

Please do not hesitate to contact me if you need any clarification in regards to any aspect of my request.

Thank you in advance.

Yours faithfully,

Luisa Izuzquiza

This is a request for access to information under Article 15 of the TFEU and, where applicable, Regulation 1049/2001 which has been sent via the AsktheEU.org website.

Please kindly use this email address for all replies to this request:
ask+request-5273-
xxxxxxxx@xxxxxxxx.xxx

If xxxxxxxxxxxxxxxxxxxxxxxx@xx.xxxxxx.xx is the wrong address for information requests to Migration and Home Affairs, please tell the AsktheEU.org team on email xxxx@xxxxxxxx.xxx

This message and all replies from Migration and Home Affairs will be published on the AsktheEU.org website. For more information see our dedicated page for EU public officials at <https://www.asktheeu.org/en/help/officers>
