



**EUROPEAN COMMISSION
SECRETARIAT-GENERAL**

The Secretary General

Brussels,
SG.B.5/MF/mbp - sg.dsg1.b.5(2013)3270449

Mr Arun DOHLE

By email only:
ask+request-589-7cea0b5b@asktheeu.org

**Decision of the Secretary General pursuant to Article 4 of the Implementing Rules to
Regulation (EC) N° 1049/2001¹**

Subject: Your confirmatory application for access to documents under Regulation
N° 1049/2001 - Gestdem 2013/3347

Dear Mr Dohle,

I refer to your electronic mail of 20 July 2013, registered on 24 July 2013, in which you submit a confirmatory application for access to documents on the basis of Regulation (EC) 1049/2001 regarding public access to European Parliament, Council and Commission documents² (Regulation 1049/2001).

In your initial application, you requested access to *all correspondence, documents, phone logs about contact between Care France and the European Commission concerning child protection/adoption in Romania (since 2004)*.

In its reply of 15 July 2013, the Directorate-General for Justice (DG JUST) sent you a copy of the invitation to CARE France of 7 October 2009 for the Conference "Challenges in Adoption Procedures in Europe: ensuring the best interests of the child", as well as the reminder sent on 27 October 2009.

It indicated that there have been no other contacts before and after the conference with that association, but that it was not in a position to confirm that there have been no contacts with other Directorates General.

¹ Official Journal L 345/94 of 29.12.2001.

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

Through your confirmatory application, you asked for a review of the initial reply of DG JUST, specifying that you *have reasons to believe that several Commissioners/services of the European Commission have received letters from CARE France concerning Romania* and that *such letters may have been sent by François de Combret, Marina de Brantes or Arielle Rotschild*.

Following a specification request under Article 6(3) of Regulation 1049/2001, you specified on 23 July 2013 that the following services might be concerned by your request: *President Barroso, DG TREN – VP Barrot, DG Enlargement/VP Rehn, DG Justice/VP Frattini/VP Barrot, Commissioner Barnier*.

Following consultation of the services concerned, the Commission has identified the following seven documents, consisting of correspondence between CARE France/SERA and the Commission, as falling under the scope of your confirmatory request:

1. E-mail of 25 April 2005 from CARE France to the Cabinet of Commissioner Barrot (Annex 1);
2. Fax of 16 May 2005 from CARE France to the Cabinet of Commissioner Barrot - "Les enfants abandonnés" (Annex 2);
3. Fax of 1 June 2005 from SERA to the Cabinet of Commissioner Barrot (Annex 3);
4. Letter of 6 June 2005 from CARE/SERA au Cabinet du Commissaire Barrot (Annex 4);
5. Letter of 13 December 2005 from CARE/SERA to the Cabinet of Commissioner Barrot - "Le scandale de l'interdiction de l'adoption internationale des enfants roumains abandonnés" (Annex 5);
6. Correspondence of June 2006 - "Compte rendu de voyage en Roumanie du 19 au 22 mai 2006" (Annex 6);
7. E-mail of 20 May 2005 from the Cabinet of Commissioner Barrot to Mr François de Combret – "Enfants roumains abandonnés – A(05) 5830 / D(05) 4864 (Annex 7).

Given that documents 1-6 originate from a third party, the Commission has consulted the third party concerned in accordance with Article 4(4) of Regulation No 1049/2001, which provides, as regards third-party documents, that the institution shall consult the third party with a view to assessing whether an exception of Article 4 paragraph 1 or 2 is applicable, unless it is clear that the document shall or shall not be disclosed.

On 1 September 2013, the third party confirmed that it does not oppose the disclosure of these documents.

Nor has the Commission, based on a detailed examination of the seven documents requested, identified any grounds for withholding these documents pursuant to Regulation 1049/2001.

Therefore, I am pleased to inform you that access can be granted to all seven documents.
Please find copies enclosed.

Hoping to have herewith fulfilled your request, I remain,

Yours sincerely,

A handwritten signature in cursive script, appearing to read "C Day", with a long, sweeping flourish extending from the end.

Catherine Day

Enclosures (7)